

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 18, 2018 AGENDA**

Subject:	Type:	Submitted By:
ZONING TEXT AMENDMENTS — FLAGS	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and an ordinance prepared to amend Sections 2.07 (Definitions-F) and 4.15 (Permitted Modifications of Height Restrictions) of the Zoning Ordinance to define and regulate flags.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and an ordinance prepared to amend Sections 2.07 (Definitions-F) and 4.15 (Permitted Modifications of Height Restrictions) of the Zoning Ordinance to define and regulate flags.

The proposed changes to the Zoning Ordinance adds a definition for “flag” that prohibits the use of flags for commercial purposes, removes flag poles from the list of structures exempt from height regulations, and creates a section that sets the maximum height of flag poles at 50’ or 25% above the accompanying building’s height, whichever value is lesser. After input from the Planning Commission, language has been added to the zoning text amendment to specify that the height of a flag pole is measured from the ground.

Redline copies of the proposed amendments are attached.

The Planning Commission held a public hearing on August 16, 2018, and unanimously recommended to the City Council approval of the text amendments.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 2.07 AND 4.15 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTIONS 2.07 AND 4.15 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Amendment of Section 2.07. Section 2.07 of the Ordinance No. 848 is hereby amended to read as follows:

Section 2.07 - Definitions: F

FACADE shall mean the exterior wall of a building exposed to public view from the building's exterior.

FACTORY shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

FAMILY shall mean a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities: (1) any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship; (2) up to four unrelated people and any related children; and (3) a group care home. Family does not include any society, club, fraternity, sorority, association, lodge, organization, group of students, or other individuals where the common living arrangement is temporary or seasonal. Also, the term does not include any group of individuals who are in a group living arrangement as a result of criminal offenses. (Ordinance No. 1083, 2-17-09)

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

FEEDLOT shall mean a lot, yard, corral or other area in which livestock are confined, primarily for the purpose of feeding and growth prior to slaughter. The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze.

FENCE, OPEN shall mean a fence, including gates, which has fifty percent (50%) or more of the surface area in open spaces which affords direct views through the fence. (Ordinance No. 1083, 2-17-09)

FENCE, SEASONAL shall mean a temporary fence constructed of plastic or wood lathe erected and maintained from October through April to prevent snow drifting. (Ordinance No. 871, 10-15-02)

FENCE, SOLID shall mean any fence which does not qualify as an open fence.

FESTIVAL shall mean the sale of ethnic specialty, regional, and gourmet foods, art and crafts, live musical entertainment, in an outdoor setting. (Ordinance No. 1083, 2-17-09)

FLAG shall mean any fabric containing distinctive colors, patterns, or symbols, used as a symbol of a national, state, or local governmental entity that is attached to a pole structure on one vertical side only; a flag shall not bear any non-governmental logo or represent any commercial interest or use.

FLOOD (see Section 5.18.25 of this Ordinance)

FLOOD PLAIN (see Section 5.18.25 of this Ordinance)

FLOODWAY (see Section 5.18.25 of this Ordinance)

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

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

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

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

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

SECTION 2. Amendment of Section 4.15. Section 4.15 of the Ordinance No. 848 is hereby amended to read as follows:

Section 4.15 Permitted Modifications of Height Regulations.

- 4.15.01

The height limitations of this Ordinance shall not apply to:

Belfries

Chimneys

Church Spires

Conveyors

Cooling Towers

Elevator Bulkheads

Fire Towers

Water Towers and Standpipes

Air-Pollution Prevention Devices

Public Monuments

Ornamental Towers and Spires

Radio and Television

Towers less than 125 feet in height

Silos

Smoke Stacks

Stage Towers or Scenery Lots

Tanks
- 4.15.02

When permitted in a district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding seventy-five (75) feet when each required yard line is increased by at least one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located.
- 4.15.03

Flag pole height shall not exceed the height of its accompanying building by more than 25% of the building’s height as constructed. The maximum height allowed for a flag pole shall be 50’ or 25% above the accompanying building’s height, whichever is the lesser value.

SECTION 3. Repeal of Sections 2.07 and 4.15 as Previously Enacted. Sections 2.07 and 4.15 of Ordinance No. 848 as previously enacted is hereby repealed.

SECTION 4. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

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

SECTION 6. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 18TH DAY OF SEPTEMBER 2018.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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Section 4.15 Permitted Modifications of Height Regulations.

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| 4.15.01 | The height limitations of this Ordinance shall not apply to: | |
| | Belfries | Public Monuments |
| | Chimneys | Ornamental Towers and Spires |
| | Church Spires | Radio and Television |
| | Conveyors | Towers less than 125 feet in height |
| | Cooling Towers | Silos |
| | Elevator Bulkheads | Smoke Stacks |
| | Fire Towers | Stage Towers or Scenery Lots |
| | Water Towers and Standpipes | Tanks |
| | Flag Poles | <u> </u> Air-Pollution Prevention Devices |
| 4.15.02 | When permitted in a district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding seventy-five (75) feet when each required yard line is increased by at least one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located. | |
| 4.15.03 | <u>Flag pole height, as measured from the ground, shall not exceed the height of its accompanying building by more than 25% of the building's height as constructed. The maximum height allowed for a flag pole shall be 50' or 25% above the accompanying building's height, whichever is the lesser value.</u> | |