

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
NOVEMBER 20, 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 Section 4.15 (Permitted Modifications of Height Restrictions) of the Zoning Ordinance to regulate flag pole height.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

Proposed amendments to Sections 2.07 (Definitions: F) and 4.15 (Permitted Modifications of Height Restrictions) of the Zoning Ordinance were previously on the September 18, 2018 City Council agenda. Based on direction provided, staff removed the definition of “flag” in its entirety because the intent of the definition was only to allow public flags. Due to the extent of the changes proposed, the amendments were resubmitted to the Planning Commission for a new public hearing and recommendation.

Originally, upon staff review of Section 4.15 of the Zoning Ordinance (Permitted Modifications of Height Restrictions), it was concluded an update to the regulations was warranted. The proposed change to Section 4.15 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.

The Planning Commission held a public hearing on October 18, 2018 and voted unanimously to recommend approval of the amendment to the Zoning Ordinance.

A redline copy of the proposed amendments is attached.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 4.15 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 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 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 | 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 |
| 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 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 2. Repeal of Section 4.15 as Previously Enacted. Section 4.15 of Ordinance No. 848 as previously enacted is hereby repealed.

SECTION 3. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

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

PASSED AND APPROVED THIS 20th DAY OF NOVEMBER 2018.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

Section 4.15 Permitted Modifications of Height Regulations.

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 ~~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.~~