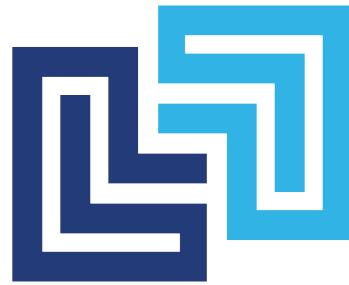


## **AGENDA ITEM 4A**

**Zoning Ordinance Amendments – Body Art  
Services – Sections 2.03 and 5.10**



# MEMO

**TO:** Planning Commission

**FROM:** Christopher Solberg, AICP, Deputy Community Development Director

**DATE:** 10/8/2025

**RE:** Zoning Ordinance Amendments – Body Art Services - Sections 2.03 and 5.10.

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Jennifer Simmons with Moon Water Tattoo has applied for a series of zoning text amendments to allow for the use of body art services as an allowed use within La Vista's C-1 Shopping Center Commercial zoning district, so that she may move her tattoo parlor to La Vista where she resides. Body Art Services is defined as any facility licensed by the State of Nebraska to provide body piercing, branding, permanent color technology, and/or tattooing. Establishments that receive less than 50% of their gross income from body art services shall be classified based on the primary source of gross income.

The proposed changes to the Zoning Ordinance provide for a definition for "Body Art Services" and allow for it as a permitted use in the C-1 Shopping Center Commercial District.

**STAFF RECOMMENDATION:**

Staff recommends approval of the zoning text amendments to Sections 2.03 and 5.10 of the La Vista Zoning Ordinance.

## **Section 2.03 - Definitions: B**

**BAKERY SHOP** shall mean an establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site. A bakery shall be considered a general retail use. **(Ordinance No. 1083, 2-17-09)**

**BANK** shall mean a freestanding building or secondary use within a building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds. **(Ordinance No. 1083, 2-17-09)**

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

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

**BEAUTY SHOP** shall mean any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation. **(Ordinance No. 1083, 2-17-09)**

**BED and BREAKFAST** shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator shall live on the premises. **(Ordinance No. 1083, 2-17-09)**

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

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

**BILLBOARD** (see Sign, Billboard)

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

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

**BOARDING HOUSE** shall mean a building containing a single dwelling unit and provisions for not more than five (5) guests, where lodging is provided with or without meals for compensation. *(Also, see Bed and Breakfast)* **(Ordinance No. 1083, 2-17-09)**

**BODY ART SERVICES**: any facility licensed by the State of Nebraska to provide body piercing, branding, permanent color technology, and/or tattooing. Establishments that receive less than 50% of their gross income from body art services shall be classified based on the primary source of gross income.

**BOOK STORE** shall mean a retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any uses defined as "adult entertainment establishments." **(Ordinance No. 1083, 2-17-09)**

**BOWLING CENTER** shall mean an establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area. Accessory uses such as the retail sale of snacks, the retail sale of beverages, and a video game arcade are customary. **(Ordinance No. 1083, 2-17-09)**

**BREW-ON PREMISES STORE** shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

**BREW PUB** shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed twenty-five (25) percent of the total floor area of the commercial space.

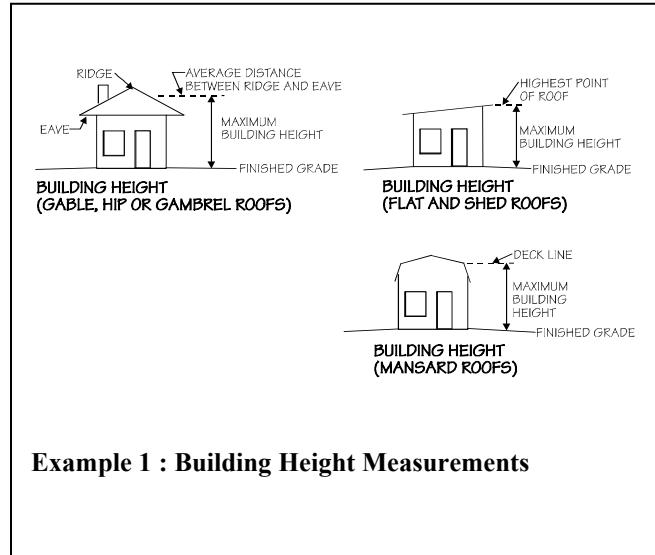
**BUFFER** shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (Also, see Screening)

**BUILDING** shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure, Temporary". Trailers, with or without wheels, shall not be considered as buildings.

**BUILDING, ACCESSORY** shall mean any detached subordinate building which serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.

**BUILDING CODE** shall mean the various codes of the City that regulate construction and requires building permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work regulated by the Uniform Building Code, and other codes adopted by the City that pertain to building construction.

**BUILDING HEIGHT** shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof, measured from the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance at the exterior wall of the building. (Also, see Height) (*Ordinance No. 1083, 2-17-09*)



**Example 1 : Building Height Measurements**

**BUILDING INSPECTOR** shall mean the *Chief Building Official* of the City of La Vista, Nebraska. (*Ordinance No. 1083, 2-17-09*)

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEM** shall mean a solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems. (*Ordinance No. 1389, 3-3-2020*)

**BUILDING-MOUNTED SECS** shall mean a solar photovoltaic system attached to any part or type of roof on a building or structure that has a permit on file with the City of La Vista and that is either the principal structure or an accessory structure on a recorded lot. This system also includes any solar-based architectural elements. (*Ordinance No. 1389, 3-3-2020*)

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

**BUSINESS OR TRADE SCHOOL** (see Special or Vocational Training Facilities) (**Ordinance No. 1083, 2-17-09**)

**BUSINESS SERVICES** shall mean establishments primarily engaged in rendering services to business establishments on a contract or fee basis, such as advertising, credit reporting, collection of claims, mailing, reproduction, stenographic, news syndicates, computer programming, photocopying, duplicating, data processing, services to buildings, and help supply services. (See also Standard Industrial Classification (SIC) Major Group 73, published by the U.S. Department of Labor.) (**Ordinance No. 1053, 1-15-08**)

## **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 in conformance with Section 5.10.07.
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: Sit-Down, Fast Casual, and Fast Food.
- 38. Second hand stores.
- 39. Shoe store.
- 40. Smoke shop, tobacco store, and CBD store in conformance with Section 5.10.07. (*Ordinance No. 1433, 12-7-21*)
- 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. Public overhead and underground local distribution utilities.
- 51. *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*
- 52. *Adult Day Care Services (Ordinance No. 1328, 9-18-18)*
- 53. *Tutoring and Exam Preparation Services (Ordinance No. 1341, 2-5-19)*
- 54. *Personal Services, not including uses defined in Adult Entertainment Establishment. (Ordinance No. 1369, 10-1-19)*
- 54.55. *Body Art Services (Ordinance No. \_\_\_\_\_)*

#### 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 Microbreweries 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.
- 5.10.04.05 Solar Energy Conversion Systems as provided for in Section 7.15. **(Ordinance No. 1389, 3-3-2020)**

#### **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:

<i>Uses</i>	<i>Lot Area (SF)</i>	<i>Lot Width</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Max. Height</i>	<i>Max. Lot Coverage</i>
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.
- 5.10.07.04      Zoning and land use standards for smoke shops, tobacco stores, CBD stores, and liquor stores shall be as follows:
  - 5.10.07.04.01      Except as provided in subsection 5.10.07.04.04 below, the grouping of age sensitive uses (such as smoke shops, tobacco stores, CBD stores, and liquor stores) shall be discouraged, and such uses shall be compatible with surrounding uses.
  - 5.10.07.04.02      Except as provided in subsection 5.10.07.04.04 below, smoke shops, tobacco stores, CBD stores, and liquor stores shall not be located within three hundred (300) feet, measured property line to property line, from a school (public or private), family day care home, child care facility, youth center, community center, recreational facility or any other facility where children regularly gather or are present, or any park, church, religious institution, hospital, or other similar facility or uses.
  - 5.10.07.04.03      Except as provided in subsection 5.10.07.04.04 below, smoke shops, tobacco stores, CBD stores, and liquor stores shall not be located within one thousand (1,000) feet, measured from property line to property line, from another smoke shop, tobacco store, CBD store, or liquor store in the same zoning district.
  - 5.10.07.04.04      Wellness-oriented CBD stores engaged in the retail sale of cannabidiol (“CBD”) and hemp oil products such as oils, skin care products, and other nutritional or therapeutic CBD based products, and that do not sell products to be smoked or vaped, or accessories

or paraphernalia connected with smoking or vaping (such as bongs, glass or water pipes, vaporizers or dab rigs), shall not be subject to the requirements of Sections 5.10.07.04.01 through 5.10.07.04.03.