

# MINUTE RECORD

A-2

No. 729 — REESED & COMPANY, INC. OMAHA E1107788LD

## LA VISTA CITY COUNCIL MEETING June 2, 2015

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on June 2, 2015. Present were Councilmembers: Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Police Chief Lausten, Director of Administrative Services Pokorny, Community Development Director Birch, Recreation Director Stopak, Library Director Barcal, Human Resources Manager Garrod, and City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on May 20, 2015. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

### SERVICE AWARDS – MIKE CZARNICK – 20 YEARS; BRAD BABER – 5 YEARS

Mayor Kindig presented Brad Baber with a five year service award. Mike Czarnick was not present, Mayor Kindig recognized him for 20 years of service to the City.

### APPOINTMENT – NANCY THOMPSON – CITIZEN ADVISORY REVIEW COMMITTEE – FILL VACANCY – 5 YEAR TERM

Councilmember Sell made a motion to approve the Mayor's appointment of Nancy Thompson to fill a vacancy of a 5 year term on the Citizen Advisory Review Committee.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE MAY 19, 2015 CITY COUNCIL  
MEETING
3. APPROVAL OF THE MINUTES OF THE APRIL 8, 2015 – PARK &  
RECREATION ADVISORY COMMITTEE MEETING
4. PAY REQUEST – THOMPSON, DREESSEN & DORNER INC. –  
PROFESSIONAL SERVICES – 124<sup>TH</sup> CIRCLE AND HARRISON STREET  
TRAFFIC SIGNAL - \$909.23
5. PAY REQUEST – LOGAN SIMPSON - PROFESSIONAL SERVICES –  
COMPREHENSIVE PLAN UPDATE - \$5,750.49
6. PAY REQUEST – LOGAN SIMPSON - PROFESSIONAL SERVICES –  
COMPREHENSIVE PLAN UPDATE - \$3,577.86
7. PAY REQUEST – UPSTREAM WEEDS – PROFESSIONAL SERVICES –  
THOMPSON CREEK RESTORATION PROJECT - \$2,904.06
8. PAY REQUEST – OPPD – RELOCATION SERVICES – THOMPSON CREEK  
PROJECT - \$205,595.36
9. PAY REQUEST – PAPILLION CREEK WATERSHED PARTNERSHIP -  
\$5,000.00
10. PAY REQUEST – FELSBURG HOLT & ULLEVIG – PROFESSIONAL  
SERVICES – HELL CREEK CHANNEL IMPROVEMENTS PHASE II - \$1,350.00
11. PAY REQUEST – FELSBURG HOLT & ULLEVIG – PROFESSIONAL  
SERVICES – HELL CREEK CHANNEL IMPROVEMENTS PHASE II - \$468.80
12. APPROVE MANAGER APPLICATION – CLASS D LIQUOR LICENSE –  
BUCK'S INC DBA BUCKY'S EXPRESS #73 – ROBERT J. DIESING
13. APPROVE MANAGER APPLICATION – CLASS IK LIQUOR LICENSE – LA  
VISTA EX CATERING CO., INC. DBA EMBASSY SUITES LA VISTA – KYLE  
STEENSON
14. APPROVE MANAGER APPLICATION – CLASS CK LIQUOR LICENSE – LA  
VISTA CY CATERING CO., INC. DBA COURTYARD BY MARRIOTT LA  
VISTA – KYLE STEENSON

# MINUTE RECORD

June 2, 2015

No. 729 — REDFIELD & COMPANY, INC. OMAHA E110778BLD

**15. RESOLUTION 15-069 – APPROVE SPECIAL DESIGNATED LICENSE –  
QUAFF LLC DBA LUCKY BUCKET BREWING COMPANY – BEER GARDEN  
– JULY 24, 2015**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF ALCOHOL AT AN EVENT AT 11941 CENTENNIAL ROAD, LA VISTA NEBRASKA ON JULY 24, 2015.

WHEREAS, 11941 Centennial Road is located within the City of La Vista; and

WHEREAS, Lucky Bucket Brewing Company has requested approval of a Special Designated License to serve alcohol at a Beer-BQ at 11941 Centennial Road on July 24, 2015 from 4:00 p.m. to 11:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize Lucky Bucket Brewing Company to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to serve alcohol at 11941 Centennial Road on July 24, 2015.

**16. RESOLUTION 15-070 – APPROVE SPECIAL DESIGNATED LICENSE –  
QUAFF LLC DBA LUCKY BUCKET BREWING COMPANY – BEER GARDEN  
– SEPTEMBER 11, 2015**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF ALCOHOL AT AN EVENT AT 11941 CENTENNIAL ROAD, LA VISTA NEBRASKA ON SEPTEMBER 11, 2015.

WHEREAS, 11941 Centennial Road is located within the City of La Vista; and

WHEREAS, Lucky Bucket Brewing Company has requested approval of a Special Designated License to serve alcohol at Oktoberfest at 11941 Centennial Road on September 11, 2015 from 4:00 p.m. to 11:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize Lucky Bucket Brewing Company to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to serve alcohol at 11941 Centennial Road on September 11, 2015.

**17. RESOLUTION 15-071 – APPROVE SPECIAL DESIGNATED LICENSE – CITY  
OF LA VISTA – LOOK OUT LA VISTA VISIONING EVENT – JUNE 27, 2015**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF BEER AT AN EVENT IN CENTRAL PARK ON JUNE 27, 2015, IN CONJUNCTION WITH THE LA VISTA VISIONING EVENT.

WHEREAS, Central Park is located within the City of La Vista; and

WHEREAS, the City of La Vista has requested approval of a Special Designated Permit to serve beer at a sampling/tasting event in Central Park on June 27, 2015, in conjunction with the La Vista Visioning Event, and

WHEREAS, the alternate location for this event will be the La Vista Community Center gymnasium at 8116 Park View Boulevard

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the City of La Vista to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to serve beer at a sampling/tasting event in Central Park on June 27, 2015, in conjunction with the La Vista Visioning Event.

**18. APPROVE CHANGE IN DATE AND START TIME OF CITY COUNCIL  
MEETING FROM AUGUST 4, 2015 AT 7:00 P.M. TO AUGUST 3, 2015 AT 5:30  
P.M.**

# MINUTE RECORD

June 2, 2015

No. 729 — REFIELD & COMPANY, INC. OMAHA E1107788LD

## 19. APPROVAL OF CLAIMS

ABANTE MARKETING, apparel	\$1,785.92
ABDO PUBLISHING CO., books	\$1,191.80
ABE'S PORTABLES INC, servcies	\$326.94
ACTION BATTERIES, maint.	\$59.67
AED ZONE, services	\$1,698.00
AMERICAN LIBRARY ASSOC., supplies	\$198.50
ANDERSON EXCAVATING CO., services	\$28,260.00
ANN TROE, services	\$960.00
ASPHALT & CONCRETE MATERIALS, maint.	\$584.94
BAKER & TAYLOR, books	\$1,141.61
BARCAL, R., travel	\$101.32
BARONE SECURITY SYSTEMS, services	\$660.00
BEACON BUILDING, services	\$5,812.00
BERNAN, books	\$42.00
BISHOP BUSINESS EQUIPMENT, supplies	\$85.20
BLACK HILLS ENERGY, utilities	\$22.54
BOBCAT OF OMAHA, services	\$2,700.00
BUILDERS SUPPLY CO INC., supplies	\$195.01
CALENTINE, J., travel	\$893.68
CARNAHAN EVANS CANTWELL & BROWN, services	\$110.00
CATHERINE DEMES MAYDEW, services	\$2,843.75
CENTER POINT PUBLISHING, books	\$340.32
CENTURY LINK ASSET ACCTG, services	\$45,053.41
CENTURY LINK BUSN SVCS, phones	\$79.67
CENTURY LINK, phones	\$715.07
CHRIS MADDEN, services	\$2,517.38
CITY OF OMAHA, utilities	\$428,160.74
COLIBRI SYSTEMS N.A. INC., supplies	\$1,145.00
COMP CHOICE INC, services	\$150.00
CONSOLIDATED MANAGEMENT, travel	\$60.25
CONTINENTAL RESEARCH CORP., maint.	\$568.35
COX COMMUNICATIONS, servcies	\$160.00
CUMMINS CENTRAL POWER LLC, maint.	\$102.07
D & K PRODUCTS, supplies	\$4,224.60
DANKO EMERGENCY EQUIPMENT CO., maint.	\$166.78
DATASHIELD CORP., services	\$15.25
DAVE WESTERHOLT, services	\$600.00
DAVID FAIRCHILD, books	\$77.00
DEARBORN NATIONAL LIFE INS CO, services	\$1,085.00
DELL MARKETING L.P., services	\$107.79
DEMCO INC., supplies	\$119.40
DIAMOND VOGEL PAINTS, bld&grnds	\$884.93
DOUGLAS COUNTY SHERIFF'S OFC., services	\$50.00
EDGEWEAR SCREEN PRINTING, apparel	\$2,018.00
ENTERPRISE LOCKSMITHS INC., bld&grnds	\$89.96
FEDEX, servcies	\$595.39
FIREGUARD INC., maint.	\$158.00
FITZGERALD SCHORR BARMETTLER, services	\$25,618.80
FREDERICK, J., travel	\$187.00
GALE, books	\$146.94
GCR TIRES & SERVICE, maint.	\$571.53
GENERAL SERVICE BUREAU INC, services	\$116.00
GRAYBAR ELECTRIC CO. INC., bld&grnds	\$222.74
GUNN, B., travel	\$187.00
HEARTLAND PAPER, supplies	\$506.00
HOBBY LOBBY STORES, supplies	\$141.35
HOST COFFEE SERVICE INC., supplies	\$26.85

# MINUTE RECORD

June 2, 2015

No. 729 — REDFIELD & COMPANY, INC., OMAHA E110778BLD

HY-VEE INC., supplies	\$151.07
HY-VEE, supplies	\$119.81
INGRAM LIBRARY SERVICES, books	\$213.61
KELLY'S CARPET OMAHA, services	\$159.00
KINDIG, D., travel	\$187.00
KLINKER, MARK A, services	\$200.00
KUSTOM SIGNALS INC., supplies	\$1,793.00
L MARIES FOOD & SNACK, supplies	\$29.01
LARSEN SUPPLY CO., supplies	\$833.70
LIBRARY IDEAS LLC, media	\$4.00
LOVELAND GRASS PAD, bld&grnds	\$4,036.16
LV COMM. FOUNDATION, services	\$50.00
MARTIN MARIETTA AGGREGATES, maint.	\$81.63
MATHESON TRI-GAS INC., supplies	\$345.63
MENARDS-BELLEVUE, supplies	\$32.63
MENARDS-RALSTON, supplies	\$966.53
METAL DOORS AND HARDWARE CO, bld&grnds	\$2,496.00
METROPOLITAN COMM. COLLEGE, services	\$16,444.40
MICHAEL TODD AND CO. INC., maint.	\$8,602.03
MID AMERICA PAY PHONES, services	\$50.00
MID CON SYSTEMS INC., maint.	\$197.46
MIDWEST TAPE, media	\$446.33
MONARCH OIL INC., maint.	\$262.50
MUD, utilities	\$137.92
NE LIBRARY COMMISSION, media	\$2,565.80
NEUMAN EQUIPMENT CO., bld&grnds	\$85.39
NIGHT FLYER GOLF INC., supplies	\$523.80
NUTS AND BOLTS INC., maint.	\$20.14
OCLC INC., media	\$117.99
OFFICE DEPOT INC., supplies	\$618.82
OMAHA COMPOUND CO., supplies	\$78.45
OMAHA WORLD-HERALD, services	\$744.67
OMNI, maint.	\$492.75
ONE CALL CONCEPTS INC, services	\$459.35
ORIENTAL TRADING CO., supplies	\$104.89
OVERHEAD DOOR CO., bld&grnds	\$27.20
PARAMOUNT LINEN & UNIFORM, services	\$328.06
PENWORTHY CO., books	\$496.38
PERFORMANCE CHRYSLER JEEP, maint.	\$384.00
PERFORMANCE FORD, maint.	\$28.86
PETTY CASH, supplies	\$140.50
PITNEY BOWES INC., supplies	\$204.00
PLAINS EQUIPMENT GROUP, maint.	\$766.38
PREMIER-MIDWEST BEVERAGE CO, supplies	\$215.80
QUALITY BRANDS OF OMAHA, supplies	\$470.35
RALSTON ADVERTISING, supplies	\$636.40
RAMIREZ, R., travel	\$187.00
REPUBLIC NATIONAL DISTR CO LLC ,supplies	\$99.00
SAFETY GUARD INC., bld&grnds	\$1,832.00
SAPP BROS PETROLEUM INC., supplies	\$220.00
SARPY COUNTY CHAMBER, travel	\$280.00
SARPY COUNTY COURTHOUSE, services	\$4,083.17
SCHOLASTIC BOOK FAIRS, books	\$885.50
SCHOLASTIC LIBRARY PUBLISHING, media	\$585.00
SIGN IT, services	\$717.00
SOUCIE, J., travel	\$187.00
SPRINT,phones	\$982.45
SRN INC., supplies	\$2,450.00
SUN VALLEY NATURAL STONE, supplies	\$19.60
SUPERIOR SPA & POOL, supplies	\$48.96



# MINUTE RECORD

June 2, 2015

No. 728 — REID & COMPANY, INC. OMAHA E1107788LD

SUTPHEN CORP., maint.	\$169.70
TASER INTERNATIONAL INC., services	\$200.00
TED'S MOWER SALES, maint.	\$38.03
TEXAS CHRISTIAN UNIVERSITY, travel	\$1,925.00
THEATRICAL MEDIA SERVICES INC, services	\$38,747.00
THOMPSON DREESSEN & DORNER, services	\$1,714.18
TIELKE'S SANDWICHES, supplies	\$40.17
TOTAL MARKETING INC., bid&grnds	\$40.00
TROUT, DONNA L., services	\$300.00
TRUCK CENTER CO., maint.	\$255.83
TURF CARS LTD., services	\$69.00
UPS STORE, services	\$358.70
VAN RU CREDIT CORP., services	\$45.99
VERACITY AUDIO, services	\$2,000.00
VERIZON WIRELESS, phones	\$271.41
VERNON CO., supplies	\$902.01
VIERREGGER ELECTRIC CO., maint.	\$522.50
WAL-MART, supplies	\$628.17
WAUGH, B., travel	\$153.00
WHITE CAP CONSTR SUPPLY, services	\$205.31
ZIMCO SUPPLY CO., supplies	\$1,490.00

Councilmember Sell made a motion to approve the consent agenda. Seconded by Councilmember Quick. Councilmember Ronan reviewed the claims for this period and stated everything was in order. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

## **REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS**

City Administrator Gunn thanked all of the staff who helped make the Salute to Summer Festival a success.

Assistant City Administrator Ramirez gave an update on the Comprehensive Plan Project.

Community Relations Coordinator Beaumont gave an update on the Salute to Summer Festival and other upcoming events.

Mayor Kindig stated that he has heard good comments on the Salute to Summer Festival activities.

Police Chief Lausten stated that the La Vista Police Department helped with the funeral of the police officer killed in Omaha. Lausten reported that the Civil Service Commission has met and requested an eligibility list to replace officer Boon.

Director of Public Works Soucie reminded Council of the Open House at the Public Works facility on Saturday June 6.

Library Director Barcal reported on the Sarpy County Library Expo.

Assistant to the City Administrator Calentine gave an update on the Banner program.

## **B. RESOLUTION – APPROVE ADDENDUM TO AGREEMENT REGARDING COMPRESSED NATURAL GAS GRANT FUNDING**

Councilmember Quick introduced and moved for the adoption of Resolution No.15-072; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN ADDENDUM TO THE INTERLOCAL COOPERATION AGREEMENT WITH SARPY COUNTY AND THE CITY OF PAVILLION TO ESTABLISH THE OBLIGATIONS OF THE PARTIES WITH REGARD TO GRANT FUNDING RECEIVED BY SARPY COUNTY FROM THE NEBRASKA ENVIRONMENTAL TRUST FOR RETROFITTING AND/OR PURCHASING VEHICLES CAPABLE OF USING COMPRESSED NATURAL GAS (CNG).

# MINUTE RECORD

June 2, 2015

No. 729 — REDFIELD & COMPANY, INC. OMAHA E110778BLD

- WHEREAS, the provisions of Nebraska State Statutes Sections 13-801, et. seq., provide authority for the City of La Vista to join with other governmental agencies on a basis of mutual advantage and in a manner that will accord best with geographic, economic, population and other factors by signing an Interlocal Cooperation Agreement; and,
- WHEREAS, Sarpy County has received \$200,000 in grant funding which will be divided equally between Sarpy County, the City of Papillion and the City of La Vista, and;
- WHEREAS, the funding will be used for converting existing vehicles to CNG or purchasing new vehicles that have already been converted to CNG, and;
- WHEREAS, the participants agree that this Interlocal Cooperation Agreement in no manner expands or restricts the authority otherwise granted to them by law; and
- WHEREAS, due to delays in new trucks being delivered and business relocation, the original agreement requires an addendum to change the duration/termination date for the original agreement from June 30, 2014 to June 30, 2016.
- WHEREAS, such an amended agreement is in the best interests of the citizens of the City of La Vista.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the execution of an addendum to the Interlocal Cooperation Agreement with Sarpy County and the City of Papillion to establish obligations of the parties with regard to grant funding received by Sarpy County from the Nebraska Environmental Trust for retrofitting and/or purchasing vehicles capable of using compressed natural gas (CNG) in form and content approved by the City Attorney.

Seconded by Councilmember Sell. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

## **C. RESOLUTION – APPROVE INTERLOCAL AGREEMENT REGARDING COMPRESSED NATURAL GAS GRANT FUNDING**

Councilmember Sell made a motion to table item C Resolution – Approve Interlocal Agreement Regarding Compressed Natural Gas Grant Funding Seconded by Councilmember Sell. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

Councilmember Crawford made a motion to move Comments from the floor ahead of Item D Executive Session. Seconded by Councilmember Hale. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

## **COMMENTS FROM THE FLOOR**

There were no comments from the floor.

## **D. EXECUTIVE SESSION – NEGOTIATING GUIDANCE AND POTENTIAL REAL ESTATE PURCHASE**

At 7:28 p.m. Councilmember Crawford made a motion to go into executive for protection of the public interest for negotiating guidance and potential real estate purchase. Seconded by Councilmember Quick. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: Frederick. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

# MINUTE RECORD

June 2, 2015

No. 729 — REDFIELD & COMPANY, INC. OMAHA E1107788LD

At 7:44 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Thomas. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reported on the meeting with the United Cities of Sarpy County.

At 7:46 p.m. Councilmember Hale made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

PASSED AND APPROVED THIS 16TH DAY OF JUNE, 2015

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Bueth, CMC  
City Clerk



CITY OF LA VISTA  
8116 PARK VIEW BOULEVARD  
LA VISTA, NE 68128  
P: (402) 331-4343

A-3  
COPY

PLANNING COMMISSION MINUTES  
MAY 28, 2015-7:00 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, May 28th, in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman John Gahan called the meeting to order at 7:00 p.m. with the following members present: Mike Krzywicki, Gayle Malmquist, John Gahan, Kevin Wetuski, Tom Miller, Jason Dale, Harold Sargus and Jackie Hill. Members absent were: Mike Circo and Kathleen Alexander. Also in attendance were Christopher Solberg, City Planner; Meghan Engberg, Permit Technician; Court Barber, Intern; and John Kottmann, City Engineer.

Legal notice of the public meeting and hearing were posted, distributed and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission. All proceedings shown were taken while the convened meeting was open to the attendance of the public.

1. Call to Order

The meeting was called to order by Chairman Gahan at 7:00 p.m. Copies of the agenda and staff reports were made available to the public. Gahan mentioned that due to the absence of a regular member, the alternate will be a voting member for the meeting.

2. Chamber Updates Training

Solberg explained that there have been updates to the Council Chambers. He explained that that there are no more voice votes and that there cannot be more than 4 microphones on at a time.

Solberg mentioned at this time the commission has a new alternate member, Jason Dale, and that Jackie Hill is now a full time member of the Planning Commission.

3. Approval of Meeting Minutes – March 19, 2015

Malmquist moved, seconded by Wetuski to approve the March 19th minutes as submitted.

**Ayes:** Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. **Nays:** None.

**Abstain:** None. **Absent:** Circo and Alexander. **Motion Carried.** (8-0)

4. Old Business

A. Public Hearing for Amendment to Section 7.11 of the Zoning Ordinance-Wireless Communication Towers

- i. **Staff Report:** Solberg explains that this needs to be held over because changes have not been completed. Stated that due to the size of the change of the ordinance more work needs to be done, staff recommends a continuation of the public hearing.

- ii. **Public Hearing:** Continued from March 18th meeting.
- iii. **Recommendation:** Krzywicki moved, seconded by Hill to recommend continue the public hearing to the next meeting. **Ayes:** Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. **Nays:** None. **Abstain:** None. **Absent:** Circo and Alexander. **Motion Carried. (8-0)**

**B. Public Hearing for Amendments to Sections 2.02, 5.05, 5.10, and 5.11 of the Zoning Ordinance – Animal Specialty Services and Kennels**

- i. **Staff Report:** Solberg states that City Council has requested additional changes and sent it back to the Planning Commission for further review. The current changes as proposed changes the use of *animal specialty services*, whether with or without runs as a conditional use in the C-1 and C-2 districts. It also moves pet shops as a conditional use in the C-1 and C-2 districts. There are also definition changes and removing kennels from the TA district. Staff recommends approval.
- ii. **Public Hearing Opened:** Krzywicki moved, seconded by Malmquist to open the public hearing. **Ayes:** Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. **Nays:** None. **Abstain:** None. **Absent:** Circo and Alexander. **Motion Carried. (8-0)**
- iii. **Public Hearing Closed:** Krzywicki moved, seconded by Miller to close the public hearing. **Ayes:** Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. **Nays:** None. **Abstain:** None. **Absent:** Circo and Alexander. **Motion Carried. (8-0)**
- iv. **Recommendation:** Hill moved, seconded by Miller, to recommend changes to the definition of animal specialty services to add cats, dogs, and household pets and to remove exotic animals, and to change the definition of kennel. Also to make changes to the text changes as recommended. **Ayes:** Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. **Nays:** None. **Abstain:** None. **Absent:** Circo and Alexander. **Motion Carried. (8-0)**

Hill mentioned that in the March meeting they were looking defining what animal specialty services were and what kind of animals were going to be allowed. The amended definition does not say whether this is to be kept to domesticated animals.

Solberg said that was not a change that came into staff's discussion, but if the commission thinks that it's warranted, then it needs to be made part of the recommendation.

Hill said that the definition of kennel in the TA is nonfarm and nondomestic. Recommended possibly deleting it.

Solberg said that that item can be a part of the motion if the commission wants it removed.

## 5. New Business

### A. Public Hearing for Zoning Map Amendment – Mobility Motoring

- i. **Staff Report:** Solberg stated that Mobility Motoring has requested a zoning map change in Lot 1 Stonybrook South replat 2 to change zoning from C-1 to C-2. The change is requested to allow for the use of the facility to do minor auto repair. Staff recommended approval of zoning map amendment request.
- ii. **Public Hearing Opened:** Malmquist moved, seconded by Krzywicki to open the public hearing. **Ayes:** *Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Circo and Alexander.* **Motion Carried. (8-0)**

Kent Sullivan from Mobility Motoring LLC spoke about his company, stating that it provides motor vehicles to people with disabilities and physical handicaps. They are looking for a facility that will allow them to have people come inside to have their vehicles looked at to see if they can have adaptive devices installed and to have the installation done as well.

Sargus asked if they would be in the space where the old flooring company used to be and to verify if they would be fueling vehicles as well.

Sullivan confirmed the location and stated there would not be any fueling done there.

Malmquist asked if there were any other mobility motoring locations in the Omaha area.

Sullivan said that they are the only one.

- iii. **Public Hearing Closed:** Hill moved, seconded by Krzywicki to close the public hearing. **Ayes:** *Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Circo and Alexander.* **Motion Carried. (8-0)**
- iv. **Recommendation:** Malmquist moved, seconded by Miller to recommend approving zoning map amendment as presented. **Ayes:** *Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Circo and Alexander.* **Motion Carried. (8-0)**
- v. Krzywicki asked if there was any thought given to adding conditional use for this location to C-1 instead of changing the zoning due to the proximity of residential.

Solberg said that the C-1 district is labeled shopping center district and that corner doesn't exude a shopping center style of development. They feel that general commercial is more appreciate for this location.

Krzywicki asked if the residents were notified of the zoning change recommendation.

Solberg said that they were notified by mailing, posting at the property and it was posted in the newspaper.

### B. Public Hearing for Zoning Map Amendment – Good Neighbor Senior Living

- i. **Staff Report:** Solberg stated that Nelson Construction Development is requesting a zoning map amendment for the property owner, L & B Properties LLC, to rezone Lot 2, Mayfair Addition Replat Five from C-1 to R-3 PUD High Density Residential Planned Unit Development with the Gateway Corridor District. The developer requested an amendment to construct a senior living facility. Staff recommended approval of amendment to the Future Land Use Map of the Comprehensive Plan from Commercial to High Density Residential and Zoning Map Amendment from C-1 to R-3 PUD High Density Residential Planned Unit Development with the Gateway Corridor District.
- ii. **Public Hearing Opened:** Hill moved, seconded by Miller, to open the public hearing. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. Nays: None. Abstain: None. Absent: Circo and Alexander. Motion Carried. (8-0)**

Ryan Young from Nelson Development introduced himself as well as Eric Galley from Olsson Associates, and Larry Jobeun, land use attorney to answer any questions the commission may have.

Hill asked how many beds were in the facility.

Young said that there are 99 total beds.

Gahan asked how the rooms were broken down.

Young said that there are 25 memory care units, 49 assisted living units and 25 independent units.

Gahan asked if the memory care patients would require the most care.

Young said yes and that those units are access controlled.

Gahan asked if the unit numbers can be adjusted or if the layout will always stay the same.

Young said that the management that will be taking over has had a lot of say as to how the layout is going to be, but that remodeling can always happen in the future if need be.

Solberg reminded everyone that this is just a recommendation to change the zoning and that more details will come once the Conditional Use Permit has been applied for.

- iii. **Public Hearing Closed:** Malmquist moved, seconded by Krzywicki to close public hearing. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. Nays: None. Abstain: None. Absent: Circo and Alexander. Motion Carried. (8-0)**
- iv. **Recommendation:** Malmquist moved, seconded by Miller to recommend amendment to the Future Land Use Map of the Comprehensive Plan from Commercial for High Density Residential. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. Nays: None. Abstain: None. Absent: Circo and Alexander. Motion Carried. (8-0)**
- v. **Recommendation:** Krzywicki moved, seconded by Hill to recommend the zoning map amendment from C-1 to R-3 PUD High Density Residential Planned Unit Development with the Gateway Corridor District. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. Nays: None. Abstain: None. Absent: Circo and Alexander. Motion Carried. (8-0)**

**C. Public Hearing for Conditional Use Permit – Omaha Motoring Club**

- i. **Staff Report:** Solberg stated the applicant, Omaha Motoring Club, is requesting a Conditional Use Permit that would allow for an Industrial Condominium consisting of 6 buildings with 88 units on 7.37 acres on Lots 8 and 16, Harrison Hills, which would be consolidated to a single lot for this development. Staff is recommending approval of the Conditional Use Permit, contingent on legal review and approval of proposed changes to the CUP prior to City Council review and on the approval and recording of the Administrative Plat prior to the signing of the conditional use permit.

- ii. **Open Public Hearing:** Miller moved, seconded by Krzywicki to open the public hearing. . **Ayes:** *Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Circo and Alexander.* **Motion Carried. (8-0)**

Matt Dinsdale from Omaha Motoring Club talked about how this will be a condominium storage complex for enthusiasts of cars. It is a perimeter gated complex that will have a secure entrance and each unit will be sold as a condominium with agreements and covenants that will need to be followed.

Gahan asked if there would be a 24 hour access to the facility.

Dinsdale said yes.

Gahan asked if there will be security.

Dinsdale said yes.

Hill mentioned that the condos are being sold to a third party and asked who is responsible if they default on that.

Larry Jobeun spoke and said that the condominium association will have the power and authority to enforce the covenants and assess that unit owner for any costs. They also have the power to foreclose the property and resell it if the owner refuses to pay.

Krzywicki asked what would happen if an owner wanted to use their unit for something that does not require a conditional use permit.

Dinsdale said that would not be allowed, that there would be restricted uses on what can and cannot be done.

- iii. **Close Public Hearing:** Hill moved, seconded by Malmquist to close public hearing. . **Ayes:** *Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Circo and Alexander.* **Motion Carried. (8-0)**

- iv. **Recommendation:** Malmquist moved, seconded by Sargus to recommend approval of the Conditional Use Permit, contingent on legal review and approval of proposed changes to the CUP prior to City Council review and on the approval and recording of the administrative plat prior to the signing of the approved conditional use permit. . **Ayes:** *Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Circo and Alexander.* **Motion Carried. (8-0)**



**6. Comments from the Floor**

None.

**7. Comments from Planning Commission**

None.

**8. Comments from Staff**

Solberg mentioned that Jason Dale is the new alternate.

Solberg mentioned that long time planning commissioner Marv Carcich has passed away and offered condolences to the family.

Solberg talked about the Comprehensive Plan and all of the events that have taken place so far. Mentioned that the next item is a visioning event that will be taking place in late June. It is a pizza and beer event that will highlight those places that are in La Vista. No new meeting dates have been set for the advisory committee, but everyone will be updated when that does get scheduled.

**9. Adjournment**

***Sargus** moved, seconded by **Wetuski** to adjourn. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. Nays: None. Abstain: None. Absent: Circo and Alexander. Motion Carried. (8-0)***

Reviewed by Planning Commission:

---

Planning Commission Secretary

---

Planning Commission Chairperson

---

Approval Date

\\Lvdcp01\Users\Community Development\Planning Department\Planning Commission\Minutes\2015\5-28-2015PC Minutes - Draft.Docx

A-4

## WORK PROGRAM

### ADDITIONAL SERVICE REQUEST #1

#### 1.4A PUBLIC KICK-OFF EVENT #2

As a follow up to the Peter Kageyama Vision Event held in March, and as part of the overall goal to enhance public participation throughout the City as part of all community events, Logan Simpson has been requested to assist in the preparation for and attendance at the Salute to Summer festival, one of the City's most highly-attended events.

Logan Simpson's involvement prior to the event, includes coordination and discussion with city staff on logistics, activities and exercises; and the provision of content booth materials including:

- Banner design and print coordination
- Visioning boards content, layout, and print coordination
- Large-scale map compilation, production, format, and print coordination
- "What Do You Love About La Vista" boards design, layout, and print coordination

Logan Simpson will also be in attendance at the Salute to Summer event, and serve as the primary facilitator within the Look Out La Vista booth for the following timeframes:

- Friday, May 22<sup>nd</sup> from 2:00 PM to 8:00 PM
- Saturday, May 23<sup>rd</sup> from 10:00 AM to 8:00 PM
- Sunday, May 24<sup>th</sup> from 12:00 PM to 3:00 PM

Following the event, Logan Simpson will document results of the Vision boards, mapping exercise and "What you Love", into a cohesive summary acceptable for website upload, and will incorporate results in the subsequent Phases and Tasks of the Comprehensive Plan update.

#### *Task 1.4A Deliverables:*

- Public Kick-off Event #2 Preparation, Materials, Attendance, Booth Facilitation and Summary

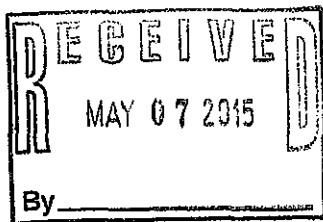
**APPROVED**

*Consent agenda*  
*AB 5-21-15*  
*05-71-0874.01*

La Vista Comprehensive Plan Update  
Logan Simpson Additional Services Request #1, v1 May 14, 2015

This additional service request would increase the existing contract amounts as follows:

	Labor	Exp.	Total
Existing Comprehensive Plan Contract	\$92,454	\$10,000	\$102,454
Additional Services Request #1	\$4,400	\$1,575	\$5,975
<b>Revised Total</b>	<b>\$96,854</b>	<b>\$11,575</b>	<b>\$108,429</b>



Focus Printing & Mailing  
11830 Nicholas St  
Omaha, Ne 68154  
402-619-5570  
www.FocusPrintingOmaha.com

# INVOICE

A-5

No. ~~22791~~  
62952

Date 5/6/15

Customer P.O. No.

City of LaVista  
8116 Park View Blvd  
La Vista Ne 68128  
City of LaVista



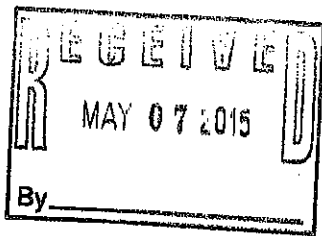
QUANTITY	DESCRIPTION	AMOUNT
200	Thompson Creek Rain Barrell Brochures - Tri Fold, 8.5 x 11 32# Bond, copied on 2 sides	125.00
Sales Rep: Jim Account Type: Charge Account  Ship Via: Wanted: Thompson Creek Rain Barrell Brochures - Tri Fold		<b>SUB</b> 125.00
		<b>TAX</b>
		<b>SHIPPING</b>
		<b>TOTAL</b> 125.00

O.K. to pay

02.43.0505

BMK 5-28-2015

Consent Agenda 6/1/16



Focus Printing & Mailing  
11830 Nicholas St  
Omaha, Ne 68154  
402-619-5570  
www.FocusPrintingOmaha.com

# INVOICE

No.

**A-6**  
**22790**

Date

**62953**  
5/6/15

Customer P.O. No.

City of LaVista  
8116 Park View Blvd  
La Vista Ne 68128  
City of LaVista



QUANTITY	DESCRIPTION	AMOUNT
200	LaVista Watershed Brochures - Tri Fold, 8.5 x 11 32# Bond, copied on 2 sides	125.00
Sales Rep: Jim Account Type: Charge Account  Ship Via: Wanted: each of 4 Thompson Creek Outreach Brochures - Tri Fold		<b>SUB</b> 125.00
		<b>TAX</b>
		<b>SHIPPING</b>
		<b>TOTAL</b> 125.00

O. K. to pay

02.43.0505

BMK 5-28-2015

Consent Agenda 6/16  
pb



L O G A N S I M P S O N

**APPROVED**

AB 6-4-15

05-71-0874.01

City of La Vista  
Attn: Accounts Payable  
8116 Park View Boulevard  
La Vista, NE 68128

Project Number: 145281 City of La Vista Comprehensive Plan Update  
Principal: Bruce Melghen

Invoice Number: 17294  
Date: May 29, 2015

Professional Services for the period of 04/11/2015 through 05/22/2015:

Task Description	Contract Amount	% Complete	Complete to Date	Previous Billed	Current Amount
<b>1 PLAN FOR A PLAN</b>					
1.1 Ongoing Project Management	\$ 3,412.00	50%	\$ 1,706.00	\$ 1,364.80	\$ 341.20
1.2 Staff Kickoff Workshop	\$ 3,492.00	100%	\$ 3,492.00	\$ 3,492.00	\$ -
1.3 Public Involvement Plan	\$ 658.00	100%	\$ 658.00	\$ 658.00	\$ -
1.4 Public Kickoff Event	\$ 7,584.00	100%	\$ 7,584.00	\$ 7,584.00	\$ -
1.5 Existing Conditions Snapshots	\$ 4,562.00	90%	\$ 4,105.80	\$ 3,421.50	\$ 684.30
1.6 Stakeholder / Focus Group Interviews	\$ 4,792.00	100%	\$ 4,792.00	\$ 1,198.00	\$ 3,594.00
1.7 Advisory Committee Establishment	\$ 310.00	100%	\$ 310.00	\$ 310.00	\$ -
1.8 Comprehensive Plan Audit & Issues Summary	\$ 2,770.00	95%	\$ 2,631.50	\$ 2,354.50	\$ 277.00
<b>2 VISIONING, OPPORTUNITIES &amp; FRAMEWORKS</b>					
2.1 Visioning Survey	\$ 910.00	100%	\$ 910.00	\$ 910.00	\$ -
2.2 Public Visioning Event	\$ 8,784.00	25%	\$ 2,196.00	\$ 1,756.80	\$ 439.20
2.3 Vision Document	\$ 5,632.00	5%	\$ 281.60	\$ -	\$ 281.60
2.4 Opportunities	\$ 4,532.00	5%	\$ 226.60	\$ -	\$ 226.60
2.5 Character Districts, Opportunity Areas & Policy Choices	\$ 4,564.00	0%	\$ -	\$ -	\$ -
2.6 Community Opportunities & Choices Workshops	\$ 8,784.00	0%	\$ -	\$ -	\$ -
2.7 Refinement of Community Choices	\$ 870.00	0%	\$ -	\$ -	\$ -
<b>3 THE PLAN</b>					
3.1 Strategies & Plan Development	\$ 2,990.00	0%	\$ -	\$ -	\$ -
3.2 Preliminary Land Use Plan	\$ 4,510.00	0%	\$ -	\$ -	\$ -
3.3 Preliminary Implementation Strategies	\$ 1,550.00	0%	\$ -	\$ -	\$ -
3.4 Sustainability Optimization	\$ 670.00	0%	\$ -	\$ -	\$ -
3.5 Transportation Optimization	\$ 1,110.00	0%	\$ -	\$ -	\$ -
3.6 Health Optimization	\$ 670.00	0%	\$ -	\$ -	\$ -
3.7 Preliminary Draft Plan	\$ 5,784.00	0%	\$ -	\$ -	\$ -
3.7a Recreational Component Inclusions	\$ 2,552.00	0%	\$ -	\$ -	\$ -
3.8 Public Review/ Open House	\$ 5,712.00	0%	\$ -	\$ -	\$ -
3.9 Final Comprehensive Plan	\$ 2,970.00	0%	\$ -	\$ -	\$ -
3.10 Adoption	\$ 2,280.00	0%	\$ -	\$ -	\$ -
	\$ 92,454.00		\$ 28,893.50	\$ 23,049.60	\$ 5,843.90
Direct Expenses Total	\$ 10,000.00		\$ 6,748.41	\$ 1,639.32	\$ 5,109.09
Current Amount Due:					\$ 10,952.99

Consent Agenda 6/16/15

Direct questions regarding this invoice to the accounting department (480) 967-1343

51 West Third Street Suite 450 Tempe, AZ 85281 phone: (480) 967-1343 fax: (480) 966-9232 www.logansimpson.com

A-8

TD2 File No. 171-408.90  
June 3, 2015

**PAYMENT RECOMMENDATION NO. 2 ON CONTRACT FOR THOMPSON CREEK CHANNEL  
REHABILITATION GROUP B – CHANNEL RECONSTRUCTION**

Owner: The City of La Vista, Nebraska  
8116 Park View Blvd.  
La Vista, Nebraska 68128

Contractor: Anderson Excavating Co.  
1920 Dorcas Street  
Omaha, NE 68108

ORIGINAL CONTRACT AMOUNT: \$1,332,728.50

AMOUNT OF PREVIOUS PAYMENT RECOMMENDATIONS: \$28,260.00

Item	Description	Approx. Quantities		Unit Price		Amount
<b>Demolition and Grading:</b>						
1	Clearing and Grubbing	0.8	L.S.	\$42,000.00 /	L.S.	\$ 33,600.00
2	Stockpile and Redistribute Topsoil (6,500 C.Y. Moved Twice), Established Quantity	2000	C.Y.	\$ 10.00 /	C.Y.	\$ 20,000.00
3	Common Earthwork, In Place, Established Quantity	0	C.Y.	\$ 6.00 /	C.Y.	\$ 0.00
4	Haul Excess Soil to NRD Levee Site	0	C.Y.	\$ 8.00 /	C.Y.	\$ 0.00
5	Haul Excess Soil Off Site and Dispose	0	C.Y.	\$ 9.00 /	C.Y.	\$ 0.00
6	Remove and Dispose Existing Headwall Structure and Railing	0	EA.	\$ 3,000.00 /	EA.	\$ 0.00
7	Remove Existing Gabion Baskets and Salvage Stone On Site	0	C.Y.	\$ 15.00 /	C.Y.	\$ 0.00
8	Remove and Dispose 24" - 30" Storm Sewer	0	L.F.	\$ 30.00	L.F.	\$ 0.00
9	Remove and Dispose 48" Storm Sewer	0	L.F.	\$ 45.00 /	L.F.	\$ 0.00
10	Remove and Dispose P.C.C. Pavement	0	S.Y.	\$ 4.50 /	S.Y.	\$ 0.00
11	Remove and Dispose 4' Tall Chain Link Fence	0	L.F.	\$ 5.00 /	L.F.	\$ 0.00
12	Remove, Salvage and Relocate 4' Tall Chain Link Fence	0	L.F.	\$ 12.00 /	L.F.	\$ 0.00
13	Remove and Salvage Playground Equipment	1	EA.	\$ 8,000.00 /	EA.	\$ 8,000.00
14	Remove and Dispose Sand Volleyball Court and Equipment	0	EA.	\$ 2,000.00 /	EA.	\$ 0.00
<b>Infrastructure Installation:</b>						
15	30" Storm Sewer Plug, In Place	0	EA.	\$ 800.00 /	EA.	\$ 0.00
16	Flowable Fill In Abandoned Storm Sewer, In Place	0	C.Y.	\$ 240.00 /	C.Y.	\$ 0.00
17	Construct 5' x 5' Junction Box w/ Weir, In Place	0	EA.	\$11,000.00 /	EA.	\$ 0.00

18	Construct 54" I.D. Storm Sewer Manhole, In Place	0	V.F.	\$ 750.00 /	V.F.	\$ 0.00
19	Construct 54" I.D. Flat Top Storm Sewer Manhole, In Place	0	V.F.	\$ 800.00 /	V.F.	\$ 0.00
20	Construct 60" I.D. Flat Top Storm Sewer Manhole, In Place	0	V.F.	\$ 850.00 /	V.F.	\$ 0.00
21	Standard Manhole Ring and Cover, In Place	0	EA.	\$ 500.00 /	EA.	\$ 0.00
22	Construct 24" - 30" Concrete Collar, In Place	0	EA.	\$ 1,600.00 /	EA.	\$ 0.00
23	Construct 24" HDPE Storm Sewer w/ Bedding, In Place	0	L.F.	\$ 175.00 /	L.F.	\$ 0.00
24	Construct 30" HDPE Storm Sewer w/ Bedding, In Place	0	L.F.	\$ 125.00 /	L.F.	\$ 0.00
25	Construct 30" RCP Storm Sewer, Class III, W/ Bedding, In Place	0	L.F.	\$ 200.00 /	L.F.	\$ 0.00
26	Construct 42" HDPE Storm Sewer w/ Bedding, In Place	0	L.F.	\$ 225.00 /	L.F.	\$ 0.00
27	Construct Type II Curb Inlet, In Place	0	EA.	\$ 7,500.00 /	EA.	\$ 0.00
28	Construct Type III Curb Inlet, In Place	0	EA.	\$ 7,500.00 /	EA.	\$ 0.00
29	Construct Edgewood Boulevard Culvert Dissipation Structure	0	EA.	\$20,000.00 /	EA.	\$ 0.00
30	Storm Sewer Anchor System, In Place	0	EA.	\$ 1,000.00 /	EA.	\$ 0.00
31	Construct SAFL Baffle System, In Place	0	EA.	\$ 1,800.00 /	EA.	\$ 0.00
32	Type "B" Riprap w/ Geotextile Fabric, In Place	56	TONS	\$ 36.00 /	TONS	\$ 2,016.00
33	Construct 4" P.C.C. Sidewalk Pavement, In Place	0	S.Y.	\$ 5.00 /	S.Y.	\$ 0.00
34	Construct 6" P.C.C. Driveway Pavement, In Place	0	S.Y.	\$ 6.00 /	S.Y.	\$ 0.00
35	Construct 7" P.C.C. Pavement, In Place	0	S.Y.	\$ 12.00 /	S.Y.	\$ 0.00
<b>Special Treatments:</b>						
36	Geo-Wrapped Soil Lifts, In Place	0	S.F.	\$ 25.00 /	S.F.	\$ 0.00
37	Creek Toe Stone Revetment and Bedding, In Place	0	L.F.	\$ 35.00 /	L.F.	\$ 0.00
38	Wetland Soil Amendment, In Place	0	C.Y.	\$ 10.00 /	C.Y.	\$ 0.00
39	Cross-Vane Grade Control Structure, In Place	0	EA.	\$ 5,000.00 /	EA.	\$ 0.00
40	Gabion Baskets W/ Recycled Stone, In Place	0	C.Y.	\$ 105.00 /	C.Y.	\$ 0.00
41	Tensor Bionet C125BN (Or Approved Equal, In Place	0	S.Y.	\$ 2.75 /	S.Y.	\$ 0.00
42	Tensor Bionet SC150BN (Or Approved Equal), In Place	0	S.Y.	\$ 2.00 /	S.Y.	\$ 0.00
<b>Erosion Control:</b>						
43	Maintain and Remove Stabilized Construction Entrance	0	EA.	\$ 1,500.00 /	EA.	\$ 0.00
44	Maintain and Remove Inlet Filters	0	EA.	\$ 125.00 /	EA.	\$ 0.00
45	Maintain Fabric Silt Fence, In Place	0	L.F.	\$ 2.50 /	L.F.	\$ 0.00
46	Remove and Dispose Fabric Silt Fence	0	L.F.	\$ 1.00 /	L.F.	\$ 0.00
47	Water Management, Complete	0	L.S.	\$98,400.00 /	L.S.	\$ 0.00



48	United Seed Super Turf 2 Permanent Seed w/ Straw Mulch	0	AC.	\$ 3,000.00	/	AC.	\$	0.00
49	Maintain and Remove Orange Safety Fence	0	L.F.	\$ 1.00	/	L.F.	\$	0.00
<b>Planting:</b>								
50	Stream Bank Seeding, In Place	0	AC.	\$ 3,500.00	/	AC.	\$	0.00
51	Low Prairie Seeding, In Place	0	AC.	\$ 2,800.00	/	AC.	\$	0.00
52	Upland Prairie Seeding, In Place	0	AC.	\$ 2,000.00	/	AC.	\$	0.00
53	Wet Meadow Seeding, In Place	0	AC.	\$ 3,000.00	/	AC.	\$	0.00
54	Access Path Seeding, In Place	0	AC.	\$20,000.00	/	AC.	\$	0.00
55	Willow Live Stakes, In Place	0	EA.	\$ 20.00	/	EA.	\$	0.00
56	Install 1-1/2" Caliper trees, In Place	0	EA.	\$ 450.00	/	EA.	\$	0.00
57	Install Six Feet Tall Conifer Trees, In Place	0	EA.	\$ 450.00	/	EA.	\$	0.00
58	Deep Cell Plugs, In Place	0	EA.	\$ 10.00	/	EA.	\$	0.00
59	Year One Maintenance For Project Area	0	L.S.	\$15,000.00	/	L.S.	\$	0.00
60	Year Two Maintenance For Project Area	0	L.S.	\$10,000.00	/	L.S.	\$	0.00
61	Year Three Maintenance For Project Area	0	L.S.	\$ 8,000.00	/	L.S.	\$	0.00
<b>Parkland Amenities:</b>								
62	Reinstall Salvaged Playground Equipment at Triangle Park	0.6	EA.	\$72,500.00	/	EA.	\$	\$43,500.00
63	Construct Volleyball Court, In Place	0	EA.	\$14,000.00	/	EA.	\$	0.00
64	Install New 42" Tall Galvanized Chain Link Fence, In Place	0	L.F.	\$ 12.00	/	L.F.	\$	0.00
65	Install Six Feet Tall, White PVC Privacy Fence, In Place	0	L.F.	\$ 20.00	/	L.F.	\$	0.00
<b>Hourly Rates:</b>								
66	Labor	0	HRS	\$ 40.00	/	HRS	\$	0.00
67	CAT 257B (Or Equivalent) W/ Operator	0	HRS	\$ 95.00	/	HRS	\$	0.00
68	CAT 225 (Or Equivalent) W/ Operator	16	HRS	\$ 150.00	/	HRS	\$	2,400.00
69	CAT D7 (Or Equivalent) W/ Operator	16	HRS	\$ 140.00	/	HRS	\$	2,240.00
70	CAT 977 (Or Equivalent) W/ Operator	16	HRS	\$ 140.00	/	HRS	\$	2,240.00
71	Side Dump Truck (Or Equivalent) W/ Operator	0	HRS	\$ 110.00	/	HRS	\$	0.00
<b>TOTAL</b>								<b>\$113,996.00</b>
<b>LESS 10% RETAINED</b>								<b>\$ 11,399.60</b>
<b>LESS PREVIOUS PAYMENT</b>								<b>\$ 28,260.00</b>
<b>RECOMMENDATION</b>								
<b>AMOUNT DUE CONTRACTOR</b>								<b>\$ 74,336.40</b>

We recommend that payment in the amount of \$74,336.40 be made to Anderson Excavating Co.

Respectfully submitted,

  
Charles E. Riggs, P.E.  
Contract Engineer  
THOMPSON, DREESSEN & DORNER, INC.

CER/tat

cc: Anderson Excavating Co.

O.K. to pay  
JMK 6-4-2015  
Splits to:  
05.71.0870.03 (NRD) \$66,541.12  
05.71.0871.03 (NET) \$7,795.28

Consent Agenda 6/16/15 #2

# Douglas County

Page 1 of 1

**Remit To :**

Douglas County Treasurer  
RM H03 Acct Division  
1819 Farnam St  
Omaha NE 68183

A-9

**Bill To :**

CITY OF LAVISTA  
8116 PARK VIEW BLVD

**Ship To :**

LAVISTA NE 68128

Customer # 28660

Sales Order #

Invoice # 30721

Invoice Date: 29-MAY-15

Terms: 30 NET

Transaction Type: ENGINEERS

Total due (\$): 61,981.59

TEAR AT THE DOTTED LINE

**PLEASE RETURN TOP PORTION WITH REMITTANCE**

(Not including your Douglas County invoice with payment could delay processing)

Item No	Description	Qty Ordered	Qty Invoiced	Unit Price	Extended Price
1	LAVISTA 50% SHARE OF HELL CREEK EMERGENCY MAINTENANCE - DOUGLAS COUNTY PROJECT SP-2014(07)	61981.59	61981.59	1.00	61981.59
SPECIAL INSTRUCTIONS			DUE DATE		TOTAL DUE
			28-JUN-15		\$61,981.59

O.K. to pay  
JMK 6-5-2015  
05.71.0891.03

Attn: Accounts Payable  
CITY OF LAVISTA  
8116 PARK VIEW BLVD  
LAVISTA NE 68128

Consent Agenda 6/16/15

# Douglas County

Page 1 of 1

**Remit To :**

Douglas County Treasurer  
RM H03 Acct Division  
1819 Farnam St  
Omaha NE 68183

A-9

**Bill To :**

CITY OF LAVISTA  
8116 PARK VIEW BLVD

**Ship To :**

LAVISTA NE 68128

Customer # 28660

Sales Order #

Invoice # 30721

Invoice Date: 29-MAY-15

Terms: 30 NET

Transaction Type: ENGINEERS

Total due (\$): 61,981.59

TEAR AT THE DOTTED LINE

**PLEASE RETURN TOP PORTION WITH REMITTANCE**

(Not including your Douglas County invoice with payment could delay processing)

Item No	Description	Qty Ordered	Qty Invoiced	Unit Price	Extended Price
1	LAVISTA 50% SHARE OF HELL CREEK EMERGENCY MAINTENANCE - DOUGLAS COUNTY PROJECT SP-2014(07)	61981.59	61981.59	1.00	61981.59
SPECIAL INSTRUCTIONS			DUE DATE		TOTAL DUE
			28-JUN-15		\$61,981.59

O.K. to pay  
JMK 6-5-2015  
05.71.0891.03

Attn: Accounts Payable  
CITY OF LAVISTA  
8116 PARK VIEW BLVD  
LAVISTA NE 68128

Consent Agenda 6/16/15

**Douglas County**

Page 1 of 1

**Remit To :**

Douglas County Treasurer  
RM H03 Acct Division  
1819 Farnam St  
Omaha NE 68183

**A-10****Bill To :**

CITY OF LAVISTA  
8116 PARK VIEW BLVD

**Ship To :**

LAVISTA NE 68128

**Customer #**

28660

**Sales Order #****Invoice #**

30717

**Invoice Date :**

29-MAY-15

**Terms :**

30 NET

**Transaction Type :**

ENGINEERS

**Total due (\$) :**

3,050.00

**TEAR AT THE DOTTED LINE****PLEASE RETURN TOP PORTION WITH REMITTANCE**

(Not including your Douglas County invoice with payment could delay processing)

Item No	Description	Qty Ordered	Qty Invoiced	Unit Price	Extended Price
1	LAVISTA 50% SHARE OF HELL CREEK MITIGATION MONITORING JULY 2014 THRU MAY 2015 FOR DOUGLAS COUNTY PROJECT C-28(498)	3050	3050	1.00	3050.00
	<b>SPECIAL INSTRUCTIONS</b>		<b>DUE DATE</b>		<b>TOTAL DUE</b>
			28-JUN-15		\$3,050.00

O.K. to pay

JMK 6-5-2015

05,71,0891.03

Attn: Accounts Payable  
CITY OF LAVISTA  
8116 PARK VIEW BLVD  
LAVISTA NE 68128

*Consent Agada 6/16/15 (jmk)*

A-11

Storm Water Management Fee Tracking  
January 1, 2014 to present:  
Based on City Engineer Bldg Permit Review Letters

29-May-15

Location.....	Project Name.....	Permit Date	Acres	Fee per Ac.	Collected
7824 South 123rd Plaza	My Place Hotel	8/6/2014	1.522	\$4,387.00	6,677.00
7302 Giles Road	Giles Corner Phase 2	11/14/2014	0.93	\$4,387.00	4,079.91
8802 South 121st	Bell Ave Properties(Waldinger)	10/8/2014	9.76	\$4,387.00	42,817.12
12740 Westport Parkway	Shoppes at SPW-Ph 1 Parking	11/12/2014	7.825	\$4,387.00	34,328.28
6949 South 108th	Rotella's Expansion	11/25/2014	5.795	\$4,387.00	25,422.66
12750 Westport Parkway	Alamo Drafthouse	2/5/2015	2.078	\$4,387.00	9,116.19
11627 Virginia Plaza	Olsson Sarpy Office	4/30/2015	2.09	\$4,387.00	9,168.83
8832 South 117th	Nebraska Atlantic Transp.	5/7/2015	13.27	\$4,387.00	58,215.49
Total for June 30, 2015 Payment to the PMRNRD					\$189,825.48

May 11, 2015



Mr. Joe Soucie  
City of LaVista Public Works  
9900 Portal Rd.  
La Vista, Nebraska 68128

Re: Papillion Creek Watershed Partnership Watershed Fees

Dear Mr. Soucie:

The District is invoicing all Partnership members for the Watershed Fees collected as agreed to in the 5-year Inter-Local Agreement for the Papillion Creek Watershed Partnership. According to the agreement, all fees collected by each community should be forwarded to the Papio-Missouri River Natural Resources District no later than July 1 of each year of the agreement.

Please make a check payable to the Papio-Missouri River Natural Resources District for the amount of all fees collected and send to my attention. If you have any questions or concerns, please contact me at (402) 444-6222 or [llaster@papionrd.org](mailto:llaster@papionrd.org).

Sincerely,

Lori Ann Laster, CFM  
Stormwater Management Engineer

CC: Marlin Petermann, Amanda Grint, Carey Fry, P-MRNRD





June 1, 2015

Ms. Cindy Miserez  
Finance Director  
City of La Vista

Via: Interoffice Mail

Cindy:

We have received the attached letter from the Papillion Creek Watershed Partnership requesting payment of the Watershed Fees (aka Storm Water Management Fees ) by July 1. This is in accordance with the Inter-Local Agreement for the Papillion Creek Watershed Partnership. It appears that the last payment of such fees was made by the City to the PMRNRD on January 21, 2014.

I have obtained a list of the applicable building permits issued since January 1, 2014 and prepared the attached spreadsheet listing the projects and associated fees. Since the building permits were issued I have assumed that the fees were collected. You may wish to verify receipt with Jeff Sinnett.

I recommend that payment be made to the Papio-Missouri River Natural Resources District as specified in the letter in the amount of \$189,825.48 and be sent to the attention of Lori Laster. This would need to go on the June 16 City Council meeting for authorization of payment.

Prepared by:

John M. Kottmann, City Engineer

Encl

Cc file

Pam Bueth, w/encl ✓

**City Hall**

8116 Park View Blvd.  
La Vista, NE 68128-2198  
p: 402-331-4343  
f: 402-331-4375

**Community Development**

8116 Park View Blvd.  
p: 402-331-4343  
f: 402-331-4375

**Fire**

8110 Park View Blvd.  
p: 402-331-4748  
f: 402-331-0410

**Golf Course**

8305 Park View Blvd.  
p: 402-339-9147

**Library**

9110 Giles Rd.  
p: 402-537-3900  
f: 402-537-3902

**Police**

7701 South 96th St.  
p: 402-331-1582  
f: 402-331-7210

**Public Works**

9900 Portal Rd.  
p: 402-331-8927  
f: 402-331-1051

**Recreation**

8116 Park View Blvd.  
p: 402-331-3455  
f: 402-331-0299

## ACCOUNTS PAYABLE CHECK REGISTER

A-13

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
-----									
1 Bank of Nebraska (600-873)									
46374		Payroll Checks							
Thru	46387								
46388		Gap in Checks							
Thru	118003								
118004	6/03/2015	1270	PREMIER-MIDWEST BEVERAGE CO	203.10		**MANUAL			
118005	6/03/2015	1194	QUALITY BRANDS OF OMAHA	288.35		**MANUAL			
118006	6/03/2015	372	NE LIQUOR CONTROL COMMISSION	40.00		**MANUAL			
118007	6/03/2015	3132	DEARBORN NATIONAL LIFE INS CO	20,266.03		**MANUAL			
118008	6/03/2015	143	THOMPSON DREESSEN & DORNER	909.23		**MANUAL			
118009	6/03/2015	190	LOGAN SIMPSON DESIGN INC	9,328.35		**MANUAL			
118010	6/03/2015	147	CHRIS MADDEN	2,904.06		**MANUAL			
118011	6/03/2015	195	OMAHA PUBLIC POWER DISTRICT	205,595.36		**MANUAL			
118012	6/03/2015	4616	PAPIO-MO RIVER NRD STORM WATER	5,000.00		**MANUAL			
118013	6/03/2015	3739	FELSBURG HOLT & ULLEVIG	1,818.80		**MANUAL			
118014	6/03/2015	3702	LAUGHLIN, KATHLEEN A, TRUSTEE	116.00		**MANUAL			
118015	6/03/2015	4867	VAN RU CREDIT CORPORATION	23.15		**MANUAL			
118016	6/16/2015	4545	4 SEASONS AWARDS	56.00					
118017	6/16/2015	4354	A-RELIEF SERVICES INC	1,632.00					
118018	6/16/2015	2892	AA WHEEL & TRUCK SUPPLY INC	17.03					
118019	6/16/2015	459	ABANTE MARKETING	68.00					
118020	6/16/2015	4332	ACCO UNLIMITED CORP	1,877.20					
118021	6/16/2015	762	ACTION BATTERIES UNLTD INC	122.95					
118022	6/16/2015	2723	AKSARBEN GARAGE DOOR SVCS INC	85.00					
118023	6/16/2015	571	ALAMAR UNIFORMS	.00	**CLEARED**	**VOIDED**			
118024	6/16/2015	571	ALAMAR UNIFORMS	.00	**CLEARED**	**VOIDED**			
118025	6/16/2015	571	ALAMAR UNIFORMS	2,107.21					
118026	6/16/2015	87	AMERICA'S FENCE STORE INC	84.72					
118027	6/16/2015	536	ARAMARK UNIFORM SERVICES INC	32.88					
118028	6/16/2015	636	ART FAC GRAPHICS LLC	884.00					
118029	6/16/2015	188	ASPHALT & CONCRETE MATERIALS	629.20					
118030	6/16/2015	201	BAKER & TAYLOR BOOKS	146.92					
118031	6/16/2015	2554	BARCAL, ROSE	129.09					
118032	6/16/2015	1839	BCDM-BERINGER CIACCIO DENNELL	1,291.25					
118033	6/16/2015	929	BEACON BUILDING SERVICES	1,200.00					
118034	6/16/2015	283	BEST BOOKS INC	348.34					
118035	6/16/2015	4781	BISHOP BUSINESS EQUIPMENT	1,604.46					
118036	6/16/2015	196	BLACK HILLS ENERGY	2,723.81					
118037	6/16/2015	56	BOB'S RADIATOR REPAIR CO INC	145.00					
118038	6/16/2015	1242	BRENTWOOD AUTO WASH	56.00					
118039	6/16/2015	3128	BRYAN ROCK PRODUCTS	6,459.85					
118040	6/16/2015	76	BUILDERS SUPPLY CO INC	10.24					
118041	6/16/2015	276	BURTON PROSTHETICS INC	1,050.75					
118042	6/16/2015	2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**			
118043	6/16/2015	2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**			
118044	6/16/2015	2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**			
118045	6/16/2015	2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**			
118046	6/16/2015	2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**			



BANK NO CHECK NO	BANK NAME DATE	VENDOR NO VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
118047	6/16/2015	2625 CARDMEMBER SERVICE-ELAN	11,811.96			
118048	6/16/2015	1370 CDW GOVERNMENT INC	4,302.18			
118049	6/16/2015	219 CENTURY LINK	154.68			
118050	6/16/2015	2540 CENTURY LINK BUSN SVCS	56.64			
118051	6/16/2015	152 CITY OF OMAHA	36.87			
118052	6/16/2015	4705 COMSEARCH	400.00			
118053	6/16/2015	4615 CONSOLIDATED MANAGEMENT	23.25			
118054	6/16/2015	1346 COSGRAVE COMPANY	94.50			
118055	6/16/2015	2158 COX COMMUNICATIONS	143.00			
118056	6/16/2015	3486 DANKO EMERGENCY EQUIPMENT CO	1,155.50			
118057	6/16/2015	619 DELL MARKETING L.P.	7,462.27			
118058	6/16/2015	77 DIAMOND VOGEL PAINTS	217.85			
118059	6/16/2015	3334 EDGEWEAR SCREEN PRINTING	.00	**CLEARED**	**VOIDED**	
118060	6/16/2015	3334 EDGEWEAR SCREEN PRINTING	1,375.75			
118061	6/16/2015	1219 ENTERPRISE LOCKSMITHS INC	20.00			
118062	6/16/2015	2388 EXCHANGE BANK	1,035.79			
118063	6/16/2015	247 EXMARK MANUFACTURING CO INC	28,668.00			
118064	6/16/2015	246 EXPRESS DISTRIBUTION LLC	198.38			
118065	6/16/2015	1235 FEDEX KINKO'S	8.18			
118066	6/16/2015	1245 FILTER CARE	49.50			
118067	6/16/2015	3415 FOCUS PRINTING	75.00			
118068	6/16/2015	1344 GALE	163.43			
118069	6/16/2015	53 GCR TIRES & SERVICE	155.08			
118070	6/16/2015	966 GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
118071	6/16/2015	966 GENUINE PARTS COMPANY-OMAHA	700.77			
118072	6/16/2015	252 JENNIFER GOSS	6.70			
118073	6/16/2015	285 GRAYBAR ELECTRIC COMPANY INC	621.36			
118074	6/16/2015	3470 HAMILTON COLOR LAB INC	634.38			
118075	6/16/2015	426 HANEY SHOE STORE	150.00			
118076	6/16/2015	3657 HEARTLAND PAPER	84.00			
118077	6/16/2015	2108 HERTZ EQUIPMENT RENTAL CORP	650.00			
118078	6/16/2015	2888 HOME DEPOT CREDIT SERVICES	82.60			
118079	6/16/2015	136 HUNTEL COMMUNICATIONS, INC	140.00			
118080	6/16/2015	1612 HY-VEE INC	119.81			
118081	6/16/2015	2307 INFOGROUP	1,250.00			
118082	6/16/2015	2323 INGRAM LIBRARY SERVICES	1,840.83			
118083	6/16/2015	275 KORNEY BOARD AIDS INC	58.90			
118084	6/16/2015	2394 KRIHA FLUID POWER CO INC	140.86			
118085	6/16/2015	80 KRIZ-DAVIS COMPANY	36.49			
118086	6/16/2015	4425 LANDPORT SYSTEMS INC	125.00			
118087	6/16/2015	3909 LEO A DALY COMPANY	2,812.95			
118088	6/16/2015	2380 LEXIS NEXIS MATTHEW BENDER	51.44			
118089	6/16/2015	3370 LIFEGUARD STORE INC	225.05			
118090	6/16/2015	2664 LOU'S SPORTING GOODS	148.80			
118091	6/16/2015	4560 LOWE'S CREDIT SERVICES	75.08			
118092	6/16/2015	193 CATHERINE DEMES MAYDEW	2,518.75			
118093	6/16/2015	4943 MENARDS-RALSTON	292.44			
118094	6/16/2015	153 METRO AREA TRANSIT	519.00			
118095	6/16/2015	3884 METRO LANDSCAPE MATERIALS &	1,890.00			
118096	6/16/2015	872 METROPOLITAN COMMUNITY COLLEGE	11,636.20			
118097	6/16/2015	553 METROPOLITAN UTILITIES DIST.	.00	**CLEARED**	**VOIDED**	
118098	6/16/2015	553 METROPOLITAN UTILITIES DIST.	1,972.90			
118099	6/16/2015	98 MICHAEL TODD AND COMPANY INC	69.00			

## ACCOUNTS PAYABLE CHECK REGISTER

BANK NO CHECK NO	BANK NAME DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
118100	6/16/2015	2299	MIDWEST TAPE	26.24			
118101	6/16/2015	1046	MIDWEST TURF & IRRIGATION	31.47			
118102	6/16/2015	2550	MSC INDUSTRIAL SUPPLY CO	64.28			
118103	6/16/2015	2331	NATIONAL LEAGUE OF CITIES	1,489.00			
118104	6/16/2015	590	NE DEPT OF ROADS	2,618.17			
118105	6/16/2015	3350	NEBRASKA IOWA SUPPLY	6,778.69			
118106	6/16/2015	370	NEBRASKA LAW ENFORCEMENT	200.00			
118107	6/16/2015	1290	NEBRASKA NOTARY ASSOCIATION	100.00			
118108	6/16/2015	808	NEWMAN TRAFFIC SIGNS INC	196.15			
118109	6/16/2015	1468	NWEA-NE WATER ENVIRONMENT ASSN	400.00			
118110	6/16/2015	1968	O'KEEFE ELEVATOR COMPANY INC	88.00			
118111	6/16/2015	1831	O'REILLY AUTOMOTIVE STORES INC	184.62			
118112	6/16/2015	3978	ODB COMPANY	160.41			
118113	6/16/2015	1014	OFFICE DEPOT INC	.00	**CLEARED**	**VOIDED**	
118114	6/16/2015	1014	OFFICE DEPOT INC	.00	**CLEARED**	**VOIDED**	
118115	6/16/2015	1014	OFFICE DEPOT INC	699.65			
118116	6/16/2015	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
118117	6/16/2015	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
118118	6/16/2015	195	OMAHA PUBLIC POWER DISTRICT	51,758.70			
118119	6/16/2015	319	OMAHA WINNELSON	218.20			
118120	6/16/2015	167	OMNI	627.42			
118121	6/16/2015	3935	ORIENTAL TRADING COMPANY	98.22			
118122	6/16/2015	3172	OXMOOR HOUSE	36.91			
118123	6/16/2015	3039	PAPILLION SANITATION	958.48			
118124	6/16/2015	976	PAPILLION TIRE INCORPORATED	83.59			
118125	6/16/2015	2686	PARAMOUNT LINEN & UNIFORM	328.06			
118126	6/16/2015	4654	PAYFLEX SYSTEMS USA INC	514.85			
118127	6/16/2015	1769	PAYLESS OFFICE PRODUCTS INC	149.95			
118128	6/16/2015	709	PEPSI COLA COMPANY	677.22			
118129	6/16/2015	3058	PERFORMANCE CHRYSLER JEEP	216.00			
118130	6/16/2015	1784	PLAINS EQUIPMENT GROUP	720.53			
118131	6/16/2015	172	Q P ACE HARDWARE	.00	**CLEARED**	**VOIDED**	
118132	6/16/2015	172	Q P ACE HARDWARE	.00	**CLEARED**	**VOIDED**	
118133	6/16/2015	172	Q P ACE HARDWARE	.00	**CLEARED**	**VOIDED**	
118134	6/16/2015	172	Q P ACE HARDWARE	.00	**CLEARED**	**VOIDED**	
118135	6/16/2015	172	Q P ACE HARDWARE	.00	**CLEARED**	**VOIDED**	
118136	6/16/2015	172	Q P ACE HARDWARE	2,199.88			
118137	6/16/2015	1713	QUALITY AUTO REPAIR & TOWING	75.00			
118138	6/16/2015	4653	RDG PLANNING & DESIGN	2,279.04			
118139	6/16/2015	3090	REGAL AWARDS OF DISTINCTION	456.95			
118140	6/16/2015	2930	REPUBLIC NATIONAL DISTR CO LLC	117.74			
118141	6/16/2015	3774	RETRIEVEX	117.10			
118142	6/16/2015	4133	ROTELLA'S ITALIAN BAKERY	111.74			
118143	6/16/2015	292	SAM'S CLUB	.00	**CLEARED**	**VOIDED**	
118144	6/16/2015	292	SAM'S CLUB	3,587.82			
118145	6/16/2015	168	SARPY COUNTY LANDFILL	62.44			
118146	6/16/2015	1652	SCHOLASTIC BOOK FAIRS	135.95			
118147	6/16/2015	395	SHAMROCK CONCRETE COMPANY	16.00			
118148	6/16/2015	4490	SIEBELS, JEFF	238.00			
118149	6/16/2015	115	SIRCHIE FINGER PRINT LABS	152.72			
118150	6/16/2015	4272	SOLBERG, CHRISTOPHER	520.80			
118151	6/16/2015	3838	SPRINT	642.20			
118152	6/16/2015	4131	STERLING DISTRIBUTING COMPANY	42.26			

COUNCIL MEMBER

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPLICATION FOR AMENDMENT OF THE FUTURE LAND USE MAP & REZONING LOT 2, MAYFAIR 2 <sup>ND</sup> ADDITION REPLAT 5 (SW OF BRENTWOOD DR. & 97 <sup>TH</sup> PLAZA)	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and a resolution and ordinance prepared for an amendment of the Future Land Use Map of the Comprehensive Plan and a rezoning of approximately 6.29 acres located southwest of Brentwood Drive and South 97<sup>th</sup> Plaza.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled to consider an application to amend the Future Land Use Map of the Comprehensive Plan and a rezoning by Nelson Construction & Development, on behalf of the property owner, L & B Properties, LLC, for approximately 6.29 acres platted as Lot 2, Mayfair 2<sup>nd</sup> Addition Replat Five. The rezoning request is to change the property from C-1, Shopping Center Commercial District, with the Gateway Corridor Overlay District, to R-3 PUD, High Density Residential Planned Unit Development, with the Gateway Corridor Overlay District. The property is located southwest of Brentwood Drive and South 97<sup>th</sup> Plaza.

The property is currently zoned for commercial uses. The applicant has applied for the map amendment and rezoning to R-3 PUD in order to apply for a Preliminary PUD Plan and a Conditional Use Permit to construct and operate a senior living facility. The proposed use would be classified as a nursing care and assisted living facility which is a permitted conditional use in the R-3 District.

A detailed staff report is attached.

The Planning Commission held a public hearing on May 28, 2015, and unanimously recommended approval of the amendment to the Future Land Use Map of the Comprehensive Plan and the Zoning Map Amendment.

**RESOLUTION NO. 15-\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, IN SUPPORT OF AMENDING THE FUTURE LAND USE MAP PORTION OF THE COMPREHENSIVE PLAN.**

**WHEREAS,** after conducting a public hearing on June 16, 2016, regarding a proposal to amend the official Future Land Use Map from a commercial land use to a high density residential land use for Lot 2, Mayfair 2<sup>nd</sup> Addition Replat Five; and

**WHEREAS,** the Planning Commission held a public hearing on May 28, 2015, and has recommended approval of the amendment to the Future Land Use Map of the Comprehensive Plan; and

**WHEREAS,** an amendment to the Future Land Use Map is appropriate and consistent with the land use policies of the Comprehensive Plan; and

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City of La Vista, Nebraska, hereby directs the City Administrator to prepare the necessary amendment to the Future Land Use Map of the Comprehensive Plan that includes an amendment from a "Commercial" to a "High Density Residential" land use category with the "Special Corridor" overlay designation for Lot 2, Mayfair 2<sup>nd</sup> Addition Replat Five.

**PASSED AND APPROVED THIS 16TH DAY OF JUNE, 2015.**

**CITY OF LA VISTA**

\_\_\_\_\_  
**Douglas Kindig, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Pamela A. Buethe, CMC**  
**City Clerk**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; 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. Approval of Rezoning. On May 28, 2015, the La Vista Planning Commission conducted a public hearing on the matter of rezoning the tract of land set forth in Section 2 of this ordinance and reported to the City Council that it recommended approval of the zoning of said tract be changed from "C-1" Shopping Center Commercial District, Gateway Corridor District (Overlay District) to "R-3 PUD" High Density Residential, Planned Unit Development, Gateway Corridor District (Overlay District). On June 16, 2015, the City Council held a public hearing on said proposed change in zoning and found and determined that said proposed changes in zoning are advisable and in the best interests of the City. The City Council further found and determined that public hearings were duly held and notices, including published notice, written notice to adjacent property owners and notice posted at the properties, were duly given pursuant to Section 9.01 of the Zoning Ordinance. The City Council hereby approves said proposed changes in zoning as set forth in Section 2 of this ordinance.

Section 2. Amendment of the Official Zoning Map. Pursuant to Article 3 of the Zoning Ordinance, the following described tract of land is hereby rezoned from "C-1" Shopping Center Commercial District, Gateway Corridor District (Overlay District) to "R-3 PUD" High Density Residential, Planned Unit Development, Gateway Corridor District (Overlay District), and the Official Zoning Map of the City of La Vista is hereby amended to reflect the changes in zoning of the following described tracts of land from "C-1" Shopping Center Commercial District, Gateway Corridor District (Overlay District) to "R-3 PUD" High Density Residential, Planned Unit Development, Gateway Corridor District (Overlay District):

Lot 2, Mayfair 2<sup>nd</sup> Addition Replat Five, located in the SE ¼ of Section 16, T14N, R12E, of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

The amended version of the official zoning map of the City of La Vista is hereby adopted and shall be signed by the Mayor, attested to by the City Clerk and shall bear the seal of the City under the following words:

"This is to certify that this is the official zoning map referred to in Article 3 Section 3.02 of Ordinance No. 848 of the City of La Vista, Nebraska"

and shall show the date of the adoption of that ordinance and this amendment.

Section 3. Effective Date. This ordinance shall be in full force and effect upon the date passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 16TH DAY OF JUNE, 2015.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Bueth, CMC  
City Clerk



**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

CASE NUMBER: 2015-ZMA-03  
2015-CPA-01

FOR HEARING OF: June 16, 2015  
Report Prepared on June 3, 2015

**I. GENERAL INFORMATION**

- A. APPLICANT:** Nelson Construction & Development
- B. PROPERTY OWNER:** L & B Properties, LLC
- C. LOCATION:** Southwest corner of Brentwood Drive and South 97<sup>th</sup> Plaza
- D. LEGAL DESCRIPTION:** Lot 2, Mayfair 2<sup>nd</sup> Addition Replat Five
- E. REQUESTED ACTION(S):** Amendment to the Future Land Use Map of the Comprehensive Plan from Commercial to High Density Residential; and Zoning Map Amendment from C-1, Shopping Center Commercial, with the Gateway Corridor District (Overlay District) to R-3 PUD, High Density Residential Planned Unit Development, with the Gateway Corridor District (Overlay District)
- F. EXISTING ZONING AND LAND USE:**  
C-1 Shopping Center Commercial and Gateway Corridor District (Overlay District); vacant.
- G. PROPOSED USES:** The amendment to the Future Land Use Map and rezoning would allow for Nelson Construction & Development to apply for a Planned Unit Development (PUD) and a Conditional Use Permit (CUP) to operate a nursing care and assisted living facility.
- H. SIZE OF SITE:** 6.29 acres

**II. BACKGROUND INFORMATION**

- A. EXISTING CONDITION OF SITE:** Lot is currently vacant. The property has a drastic slope away from the adjoining streets down to a relatively flat area with a gradual slope to the south that covers the majority of the lot.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
  - 1. **North:** Single family residential subdivision; R-1 Single Family Residential District

2. **East:** Commercial strip centers; C-1 Shopping Center Commercial District and Gateway Corridor District (Overlay District)
3. **South:** Primrose School of La Vista; C-1 Shopping Center Commercial District and Gateway Corridor District (Overlay District)
4. **West:** Lot 11A, Mayfair 2<sup>nd</sup> Addition Replat One (Vacant); C-1 Shopping Center Commercial District and Gateway Corridor District (Overlay District)

**C. RELEVANT CASE HISTORY:**

1. N/A

**D. APPLICABLE REGULATIONS:**

1. Section 5.08 of the Zoning Regulations – R-3 High Density Residential District
2. Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District)
3. Section 5.15 of the Zoning Regulations – Planned Unit Development District
4. Sections 9.01 and 9.02 of the Zoning Regulations – Amendments
5. Chapter 4 of the Comprehensive Plan – Land Use and Development

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

1. The Future Land Use Map of the Comprehensive Plan currently designates this property for commercial uses, requiring the amendment of the Future Land Use Map to allow for the rezoning of the property.
2. The proposed amendment will meet Action Strategy #12 of the Housing and Residential Areas category of the Community Goals, Policies and Action Strategies Chapter of the Comprehensive Plan, which states:

*“Encourage the development of additional owner and renter occupied housing types, including ... the elderly, to meet existing and future needs of all La Vista residents.”*

La Vista has only one nursing care and assisted living facility. The proposal would provide an additional option for residents.

**B. OTHER PLANS: N/A**



**C. TRAFFIC AND ACCESS:**

1. Access will be from proposed egress / ingress to Brentwood Street and South 97<sup>th</sup> Plaza. The traffic impacts from a high-density residential use are expected to be less intensive than most commercial uses.

**E. UTILITIES:** All utilities are available to the site.

**F. PARKING REQUIREMENTS:** N/A. To be reviewed at the time of a development proposal.

**G. LANDSCAPING:** N/A. To be reviewed at the time of a development proposal.

**IV. REVIEW COMMENTS:**

1. Upon approval of the amendment to the Future Land Use Map of the Comprehensive Plan and the Zoning Map amendment, the applicant will need to apply for a Preliminary Planned Unit Development (PUD) Plan and a Conditional Use Permit (CUP) in order to construct and operate a nursing care and assisted living facility.
2. As the subject property is within the Gateway Corridor District, any development on the property will need to go through the City's building and site design approval process.

**V. STAFF RECOMMENDATION – AMENDMENT TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN:**

Staff recommends approval of the amendment to the Future Land Use Plan map of the Comprehensive Plan from a commercial land use to a high density residential land use as the proposed amendment will meet Action Strategy #12 of the Housing and Residential Areas category of the Community Goals, Policies and Action Strategies of the Comprehensive Plan.

**VI. PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission held a public hearing on May 28, 2015 and unanimously recommended approval of the Comprehensive Plan Amendment to City Council.

**VII. STAFF RECOMMENDATION – ZONING MAP AMENDMENT:**

Staff recommends approval of the amendment of the Zoning Map from C-1 with the Gateway Corridor District to R-3 PUD with the Gateway Corridor District as the proposed amendment will meet Action Strategy #12 of the Housing and Residential Areas category of the Community Goals, Policies and Action Strategies of the Comprehensive Plan.

**VIII. PLANNING COMMISSION RECOMMENDATION:**

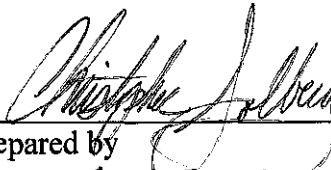

The Planning Commission held a public hearing on May 28, 2015 and unanimously recommended approval of the Zoning Map Amendment to City Council.

**IX. ATTACHMENTS TO REPORT:**

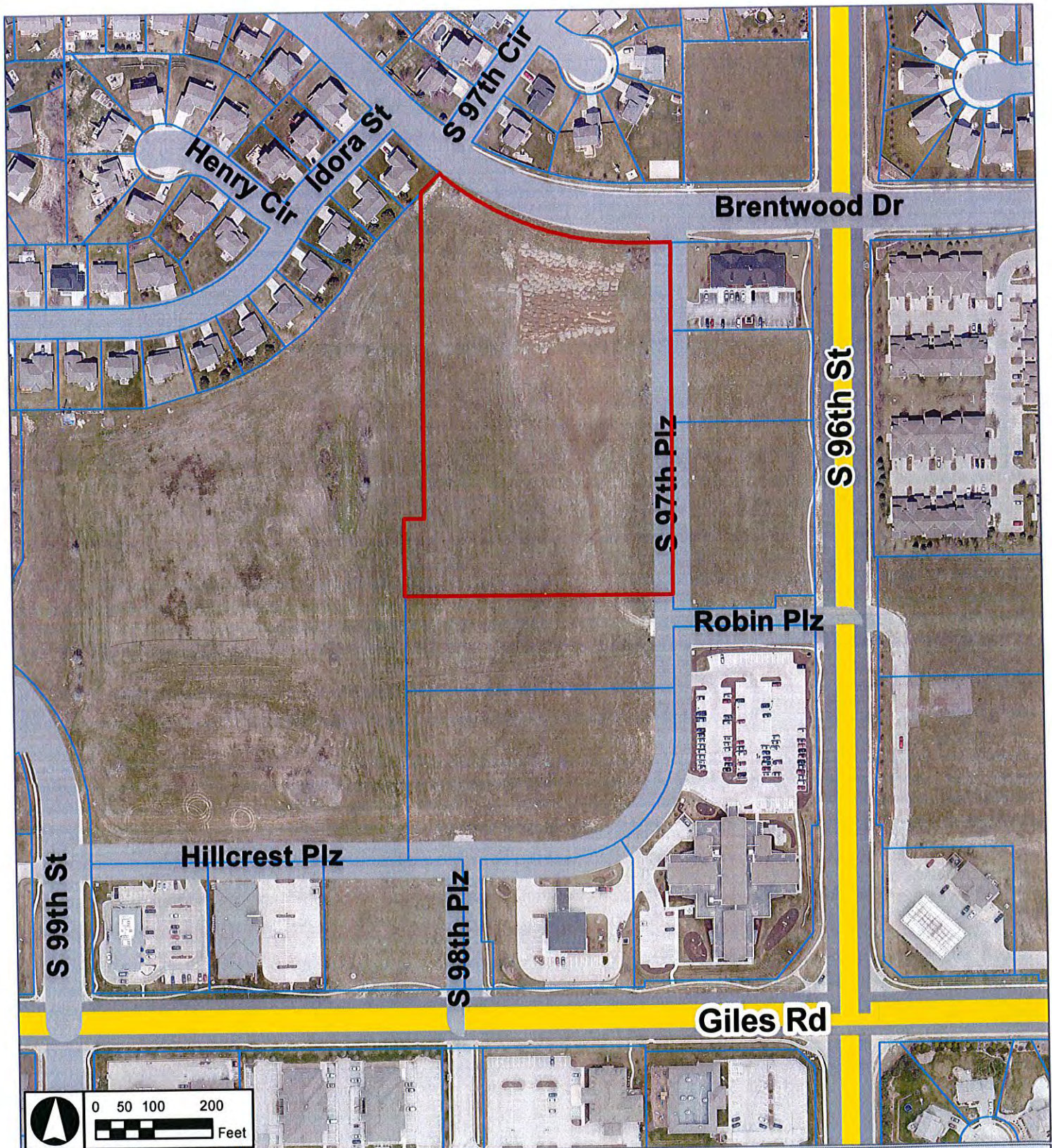
1. Vicinity Map
2. Draft Future Land Use Map
3. Draft Zoning Map

**X. COPIES OF REPORT TO:**

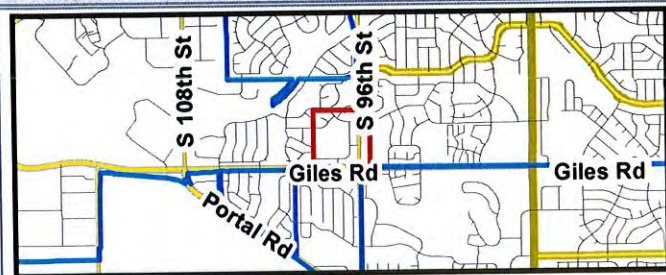
1. Ryan Young, Nelson Construction & Development
2. Douglas L. Lash, L & B Properties, LLC
3. Scott Hunt, Olsson Associates
4. Public Upon Request

  
Prepared by \_\_\_\_\_  
 6-5-15  
Community Development Director Date





**Project Vicinity Map**



**Good Neighbor Senior Living**

5-8-2015  
CSB

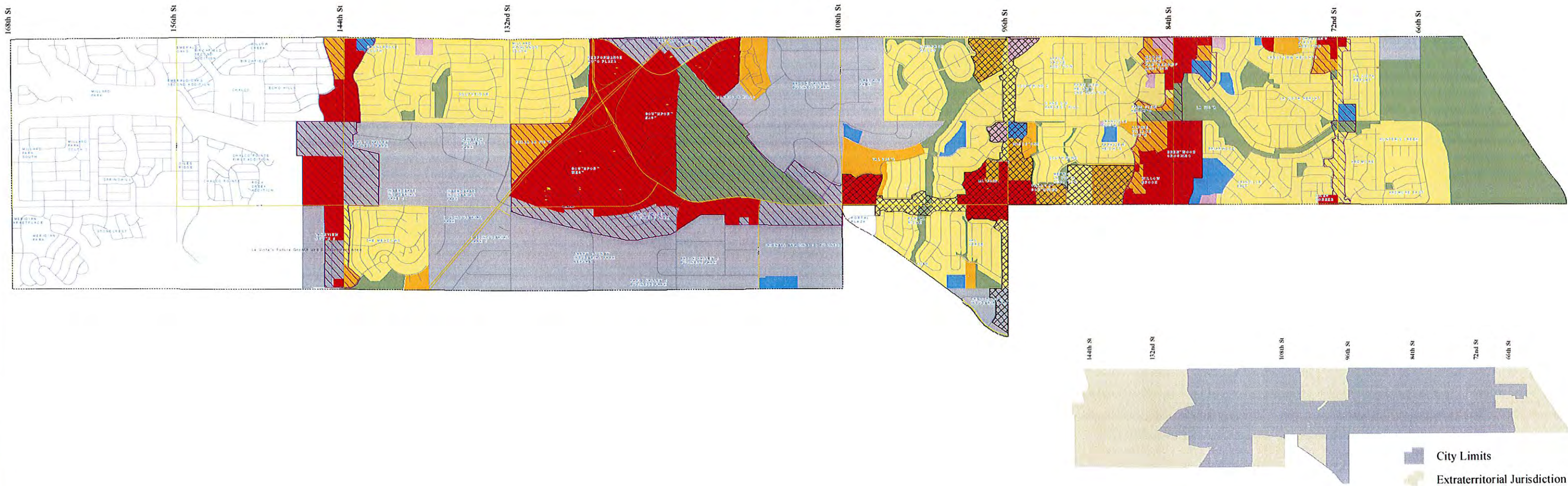




# City of La Vista, NE - Future Land Use Map

## Adopted 6-16-2015

### Resolution # \_\_\_\_\_



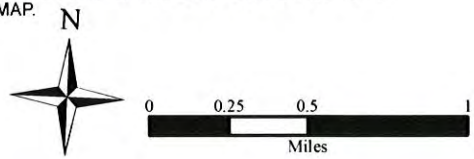
#### Future Land Use

- Medium Density Residential
- High Density Residential
- Commercial
- Industrial
- Public
- Quasi - Public
- Parks and Recreation
- Gateway Corridor
- Special Corridor

#### Floodplain / Floodway Overlays

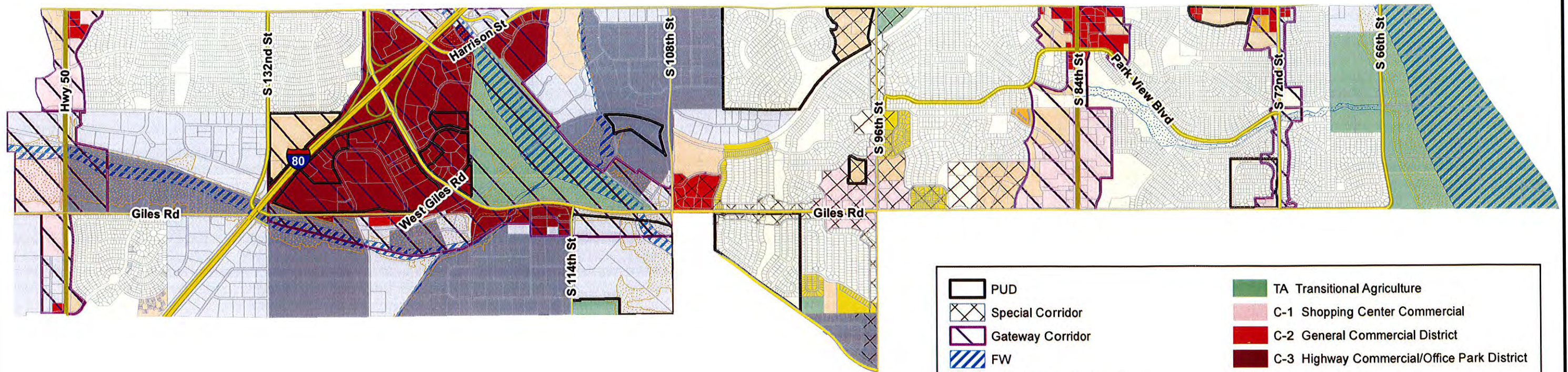
- 500-Year Flood Zone
- 100-Year Flood Zone
- 100-Year, Detailed Study

\* THE FLOODPLAIN DEPICTED ON THIS MAP IS APPROXIMATE. FOR EXACT FLOODWAY AND FLOODPLAIN LOCATIONS, PLEASE REFER TO THE APPROPRIATE FLOOD INSURANCE RATE MAP.

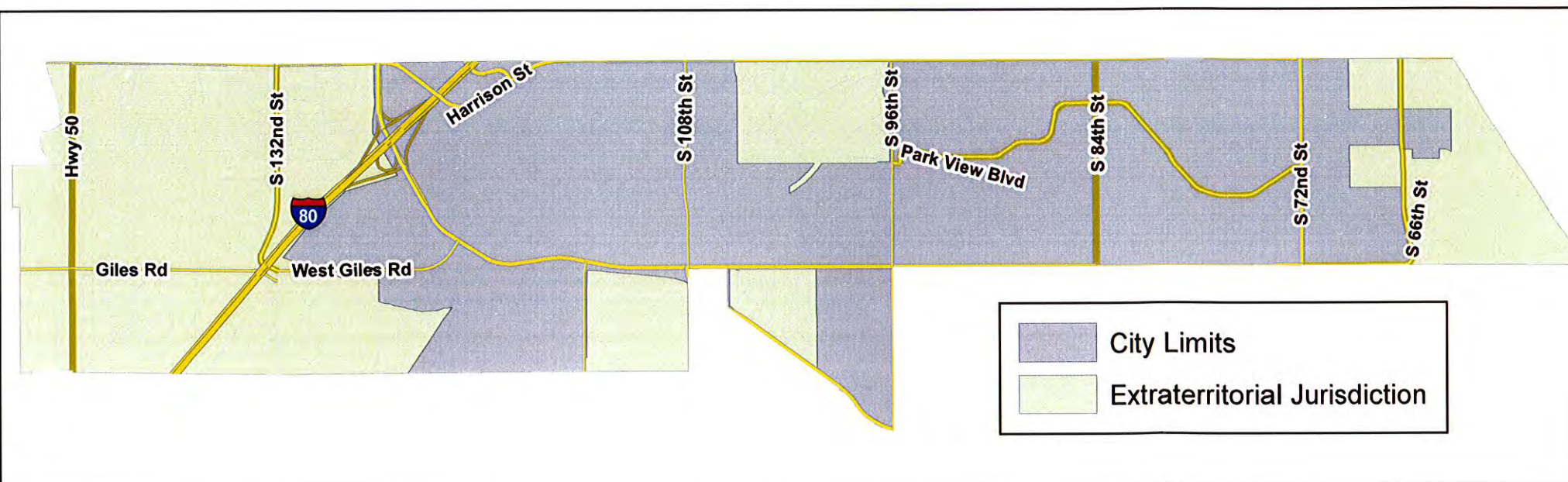


THIS MAP WAS PREPARED USING INFORMATION FROM RECORD DRAWINGS SUPPLIED BY APPLICABLE CITY, COUNTY, STATE, FEDERAL, OR PUBLIC OR PRIVATE ENDITIES. THE ACCURACY OF THIS MAP CAN NOT BE GUARANTEED. THIS IS NOT A SCALED PLAT.





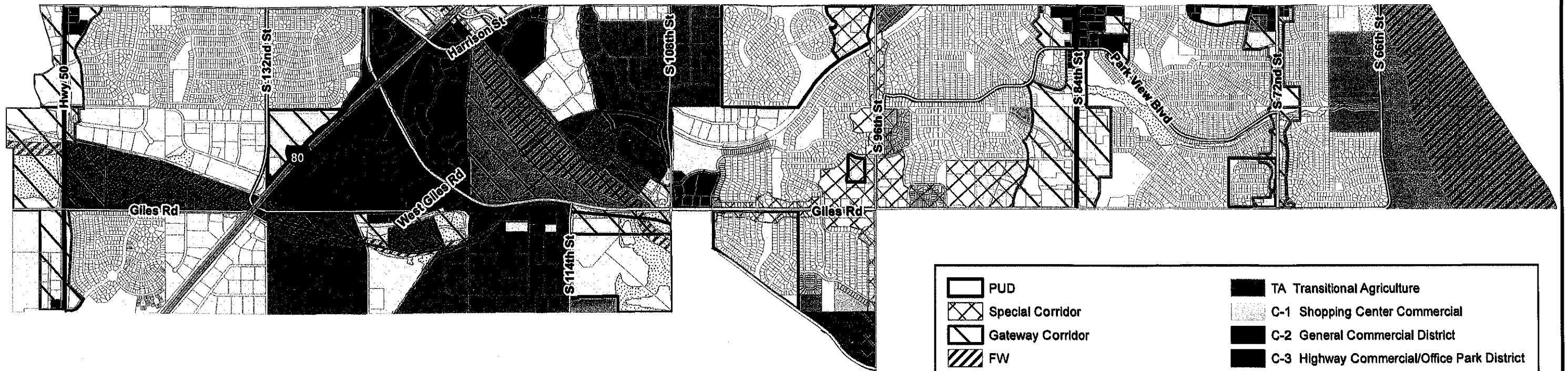
- |  |   |
|--|---|
| PUD                                      | TA Transitional Agriculture                 |
| Special Corridor                         | C-1 Shopping Center Commercial              |
| Gateway Corridor                         | C-2 General Commercial District             |
| FW                                       | C-3 Highway Commercial/Office Park District |
| A - 100-Year Flood Zone                  | I-1 Light Industrial                        |
| AE - 100-Year Flood Zone, Detailed Study | I-2 Heavy Industrial                        |
| 500-Year Flood Zone                      | R-1 Single-Family – Residential             |
|  | R-2 Two-Family – Residential                |
|  | R-3 High Density Residential                |
|  | R-4 Condominium Residential                 |



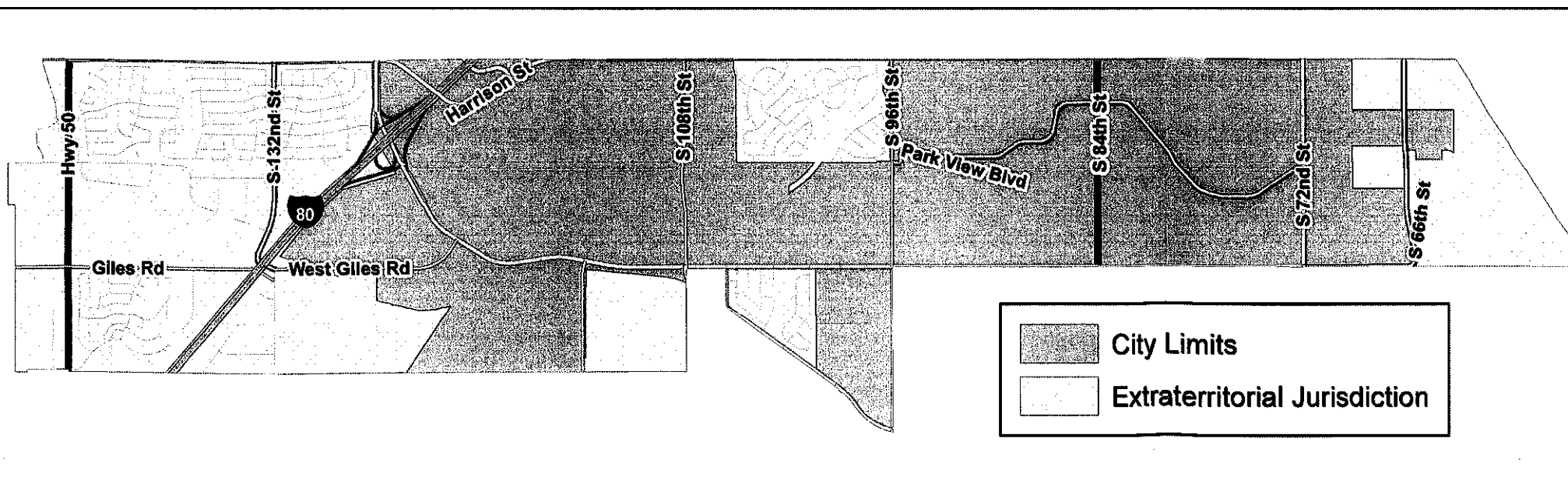
- |                               |
|-------------------------------|
| City Limits                   |
| Extraterritorial Jurisdiction |

<p align="center"><b>City of La Vista</b>  <b>Official Zoning Map</b>            Adopted <u>  </u>/<u>  </u>/<u>  </u>            Ordinance Number <u>          </u></p>	
<p>5-14-2015            Drawn By: CSB</p>	





- |  |   |
|--|---|
| PUD                                      | TA Transitional Agriculture                 |
| Special Corridor                         | C-1 Shopping Center Commercial              |
| Gateway Corridor                         | C-2 General Commercial District             |
| FW                                       | C-3 Highway Commercial/Office Park District |
| A - 100-Year Flood Zone                  | I-1 Light Industrial                        |
| AE - 100-Year Flood Zone, Detailed Study | I-2 Heavy Industrial                        |
| 500-Year Flood Zone                      | R-1 Single-Family – Residential             |
|  | R-2 Two-Family – Residential                |
|  | R-3 High Density Residential                |
|  | R-4 Condominium Residential                 |



- |                               |
|-------------------------------|
| City Limits                   |
| Extraterritorial Jurisdiction |

<p align="center"><b>City of La Vista</b>  <b>Official Zoning Map</b>            Adopted <u>  </u>/<u>  </u>/<u>  </u>            Ordinance Number <u>          </u></p>	
<p>5-14-2015            Drawn By: CSB</p>	

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPLICATION FOR REZONING LOT 1, STONYBROOK SOUTH REPLAT II (W OF 142 <sup>ND</sup> & EDNA CIRCLE)	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and an ordinance prepared for a rezoning of approximately 3.47 acres located west of 142<sup>nd</sup> Street and Edna Circle.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled to consider a rezoning application by Mobility Motoring, LLC, for approximately 3.47 acres platted as Lot 1, Stonybrook South Replat II. The rezoning request is to change Lot 1, Stonybrook South Replat II, from C-1, Shopping Center Commercial District, with the Gateway Corridor Overlay District, to C-2, General Commercial District, with the Gateway Corridor Overlay District. The property is located west of 142nd Street and Edna Circle.

The property is currently zoned C-1. The applicant has applied for the rezoning to C-2 in order to apply for a Conditional Use Permit and operate a business which makes mobility modifications to vehicles. The business would be located within an existing multi-tenant commercial building. The proposed use would be classified as a service station with minor automotive repair which is a permitted conditional use in the C-2 District.

A detailed staff report is attached.

The Planning Commission held a public hearing on May 28, 2015, and unanimously recommended approval of the Zoning Map Amendment.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; 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. Approval of Rezoning. On May 28, 2015, the La Vista Planning Commission conducted a public hearing on the matter of rezoning the tract of land set forth in Section 2 of this ordinance and reported to the City Council that it recommended approval of the zoning of said tract be changed from "C-1" Shopping Center Commercial District, Gateway Corridor District (Overlay District) to "C-2" General Commercial District, Gateway Corridor District (Overlay District). On June 16, 2015, the City Council held a public hearing on said proposed change in zoning and found and determined that said proposed changes in zoning are advisable and in the best interests of the City. The City Council further found and determined that public hearings were duly held and notices, including published notice, written notice to adjacent property owners and notice posted at the properties, were duly given pursuant to Section 9.01 of the Zoning Ordinance. The City Council hereby approves said proposed changes in zoning as set forth in Section 2 of this ordinance.

Section 2. Amendment of the Official Zoning Map. Pursuant to Article 3 of the Zoning Ordinance, the following described tract of land is hereby rezoned from "C-1" Shopping Center Commercial District, Gateway Corridor District (Overlay District) to "C-2" General Commercial District, Gateway Corridor District (Overlay District), and the Official Zoning Map of the City of La Vista is hereby amended to reflect the changes in zoning of the following described tracts of land from "C-1" Shopping Center Commercial District, Gateway Corridor District (Overlay District) to "C-2" General Commercial District, Gateway Corridor District (Overlay District):

Lot 1, Stonybrook South Replat II, located in the NW ¼ of Section 13, T14N, R11E, of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

The amended version of the official zoning map of the City of La Vista is hereby adopted and shall be signed by the Mayor, attested to by the City Clerk and shall bear the seal of the City under the following words:

"This is to certify that this is the official zoning map referred to in Article 3 Section 3.02 of Ordinance No. 848 of the City of La Vista, Nebraska"

and shall show the date of the adoption of that ordinance and this amendment.

Section 3. Effective Date. This ordinance shall be in full force and effect upon the date passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 16TH DAY OF JUNE, 2015.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk





**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

CASE NUMBER: 2015-ZMA-02

FOR HEARING OF: June 16, 2015

Report Prepared on June 3, 2015

**I. GENERAL INFORMATION**

- A. APPLICANT:** Mobility Motoring LLC
- B. PROPERTY OWNER:** Balance Point Properties LLC
- C. LOCATION:** 7222 S 142<sup>nd</sup> Street, West of South 142nd Street and Edna Circle
- D. LEGAL DESCRIPTION:** Lot 1, Stonybrook South Replat II
- E. REQUESTED ACTION(S):** Zoning Map Amendment from C-1, Shopping Center Commercial, with the Gateway Corridor District (Overlay District) to C-2 General Commercial, with the Gateway Corridor District (Overlay District)
- F. EXISTING ZONING AND LAND USE:**  
C-1 Shopping Center Commercial and Gateway Corridor District (Overlay District); multi-tenant commercial building.
- G. PROPOSED USES:** The rezoning would allow for Mobility Motoring LLC to apply for a Conditional Use Permit to operate a service station with minor automobile repair services.
- H. SIZE OF SITE:** 3.47 acres

**II. BACKGROUND INFORMATION**

- A. EXISTING CONDITION OF SITE:** Lot contains an existing multi-tenant commercial building. The property is mostly flat with a gradual downgrade to the south.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
  - 1. **North:** Walker Tire; C-2 General Commercial District and Gateway Corridor District (Overlay District)
  - 2. **East:** Single family residential subdivision; R-1 Medium Density Residential District

3. **South:** Heartland Center for Reproductive Medicine; C-1 Shopping Center Commercial District and Gateway Corridor District (Overlay District)
4. **West:** Willow Creek Apartments; R-3 High Density Residential and Gateway Corridor District (Overlay District)

**C. RELEVANT CASE HISTORY:**

1. N/A

**D. APPLICABLE REGULATIONS:**

1. Section 5.11 of the Zoning Regulations – C-2 General Commercial District
2. Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District)
3. Sections 9.01 and 9.02 of the Zoning Regulations – Amendments

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:** The Future Land Use Map of the Comprehensive Plan designates this property for commercial uses.

**B. OTHER PLANS:** N/A

**C. TRAFFIC AND ACCESS:**

1. Access will be from proposed egress / ingress to South 142<sup>nd</sup> Street. Traffic impacts from this development are expected to be minor.

**E. UTILITIES:** All utilities are available to the site.

**F. PARKING REQUIREMENTS:** N/A. Reviewed at time of building permit application.

**G. LANDSCAPING:** N/A

**IV. REVIEW COMMENTS:**

1. Upon approval of the Zoning Map Amendment, the applicant will need to apply for a Conditional Use Permit to operate a service station with minor automobile repair services.
2. Other tenants in the building include; Mechanical Sales Inc. (business services) and Pittsburgh Paints (paint store). Both uses are permitted outright in the C-2 General Commercial District.

**V. STAFF RECOMMENDATION:**

Staff recommends approval of the Zoning Map Amendment request as it is consistent with the Comprehensive Plan and Zoning Ordinance.

**VI. PLANNING COMMISSION RECOMMENDATION:**

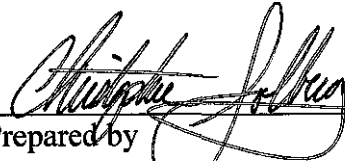

The Planning Commission held a public hearing on May 28, 2015 and unanimously recommended approval of the Zoning Map Amendment to City Council.

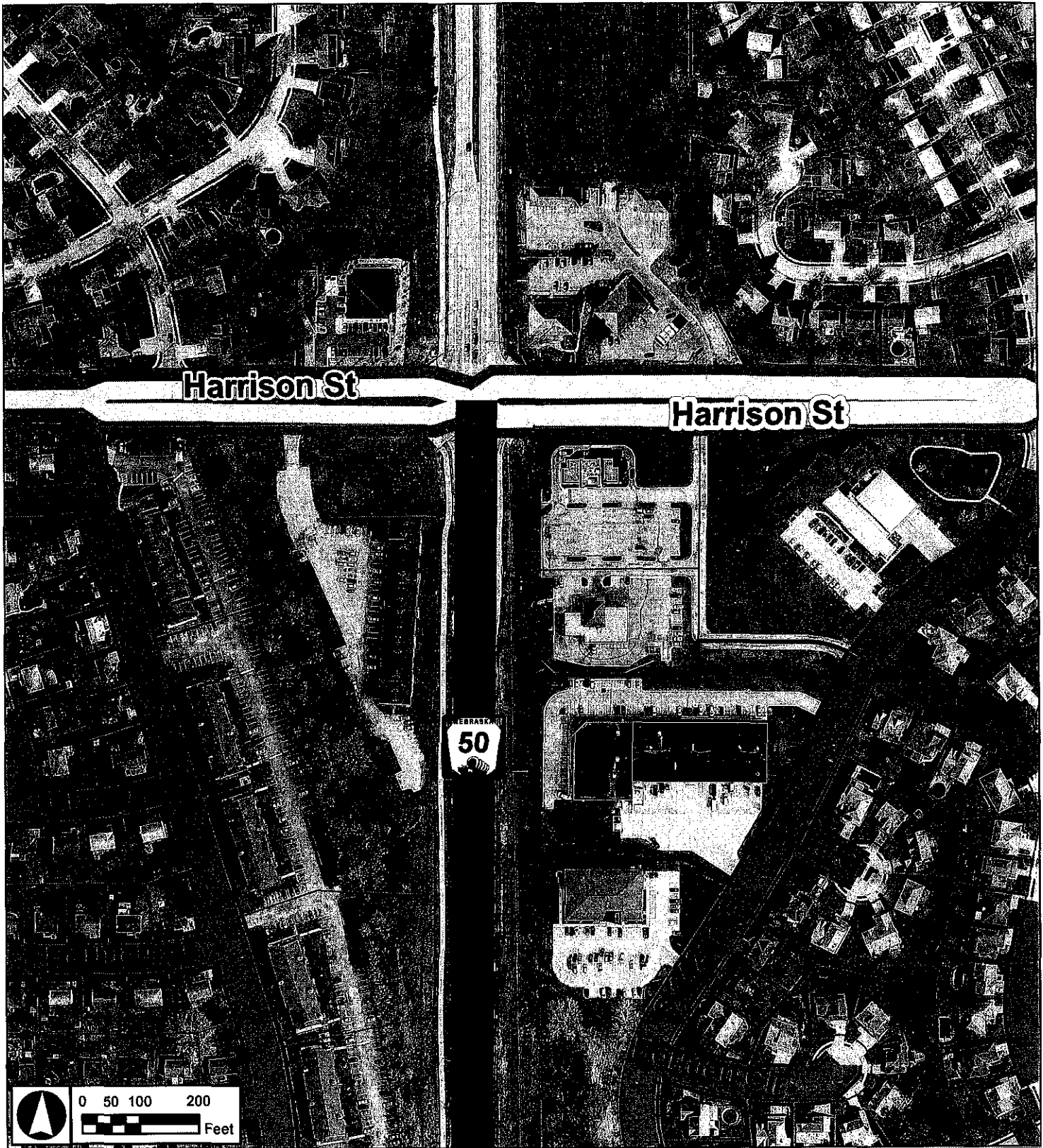
**VII. ATTACHMENTS TO REPORT:**

1. Vicinity Map
2. Letter from Applicant
3. Draft Zoning Map

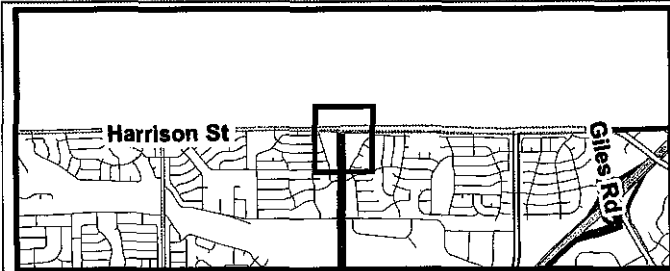
**VIII. COPIES OF REPORT TO:**

1. Kent Sullivan, Mobility Motoring, LLC
2. Mark Morris, Balance Point Properties, LLC
3. Public Upon Request

  
Prepared by \_\_\_\_\_  
 6-5-15  
Community Development Director Date



## Project Vicinity Map

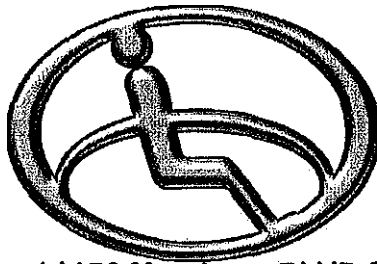


**Mobility Motoring**

5-8-2015

C/SB





# MOBILITY MOTORING

14450 Meadows BLVD Suite 2, Omaha, NE 68138

(402)884-3333

4/3/2015

Christopher Solberg  
Lavista City Planner  
8116 Park View Blvd  
La Vista, NE 68128

RE: Request for Rezoning of 7222 South 142nd Street

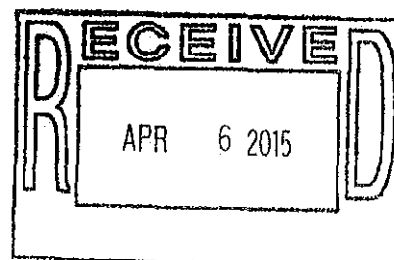
Dear Chris,

Mobility Motoring primarily serves the Eastern Nebraska population by providing automotive adaptive equipment for those with physical disabilities. Our products include items such as hand controls, wheelchair/scooter lifts, seating adaptations, lowered floor van conversions, and other modifications that make vehicles handicap accessible. We would like to be able to display, sell, and install these products all under one roof. Our current location forces us to display our lowered floor van conversions outdoors. Since we work with such a fragile consumer(some of whom are unable to properly maintain their own core body temperature), we strongly wish to change this by displaying our inventory indoors and out of the elements. Although our total retail mobility vehicle sales are less than 100/year, it is enough to require us to be licensed in the State of Nebraska as a used car dealer. We have no interest in offering non-adapted vehicles for sale and expect to keep our inventory(normally 10-15) indoors. We do not plan to change the exterior appearance of the proposed location other than the existing sign faces to reflect our business and the complete removal of the sawdust collection system utilized by a previous tenant. We consider ourselves good neighbors and take great pride in maintaining a clean and attractive environment. I invite you to stop by our current location any time to take a look at our operation and learn more about what we do.

I appreciate you taking the time to read through this and look forward to any comments or questions you may have.

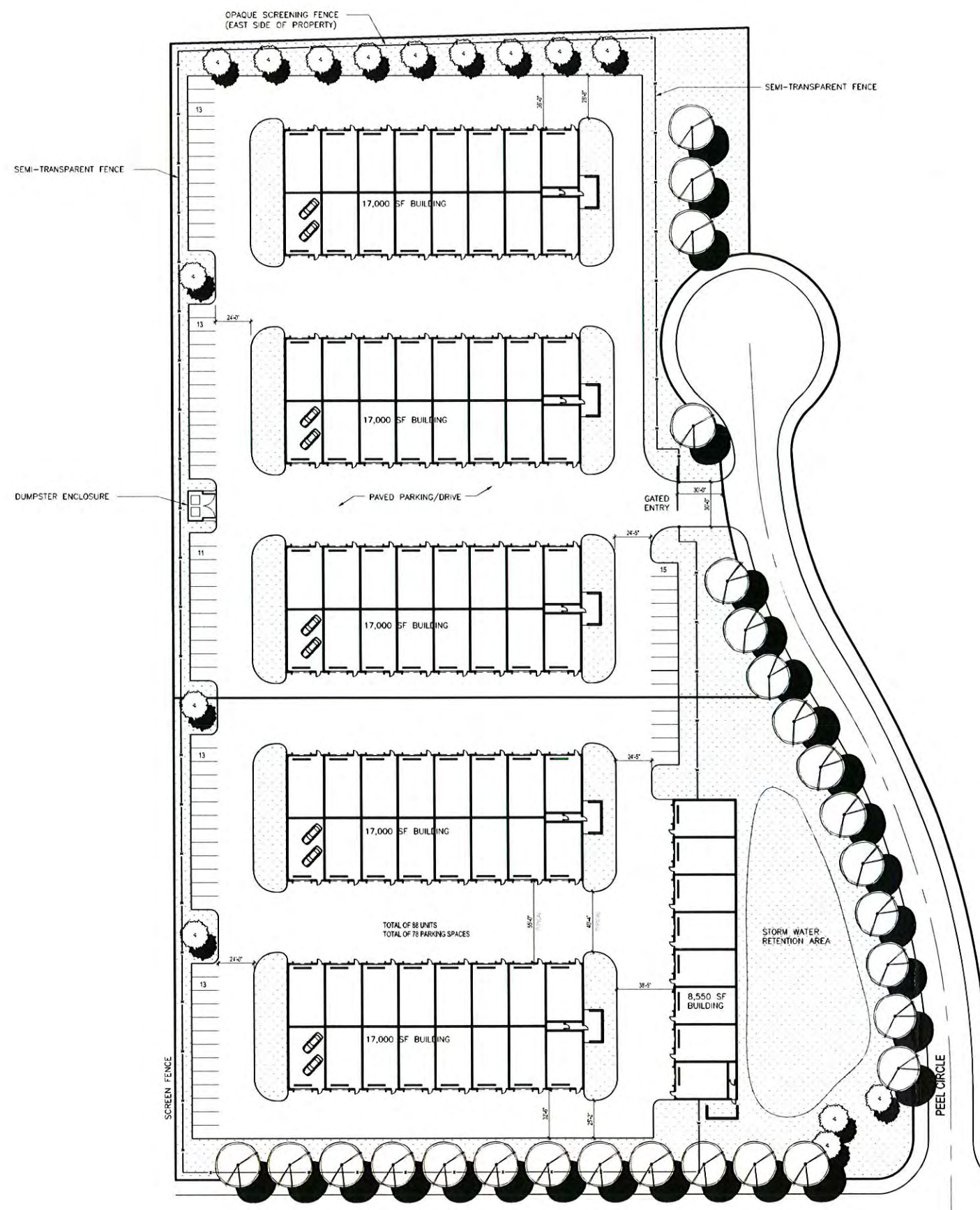
Sincerely,

Kent Sullivan  
Mobility Motoring LLC





# EXHIBIT A



LANDSCAPE LEGEND							
SYMBOL	CODE	BOTANICAL NAME	COMMON NAME	PLANTING SIZE	PLANTING METHOD	HEIGHT	WIDTH
TREES - CLASS 1							
	AG1	Acer glabrum	Amur Maple	1.25" Cal.	B&B	15-20	15-20
	KP	Koeleruteria paniculata	Goldenrain tree	1.25" Cal.	B&B	30-40	30-40
	MS	Malus spp.	Red Flowering Crabapple	1.25" Cal.	B&B	15-25	15-25
TREES - CLASS 3							
	GD	Gymnocladus dioica	Kentucky Coffeetree 'Espresso'	2" Cal.	B&B	50-75	40-50
	GB	Quercus bicolor	Swamp White Oak	2" Cal.	B&B	50-70	50-70
LANDSCAPE AREAS							
				LANDSCAPE BEDS/TURF			



OPAQUE SCREENING FENCE

 1  
A1.0 Site Concept Plan  
SCALE: 1" = 40'-0"

REVISED: 05/14/2015  
**Omaha Motoring Club**  
Omaha, Nebraska

Copyright 2015  
This document is an instrument of service, and as such remains the property of the Architect. Permission for use of this document is limited, and can be extended only by written agreement with Avant Architects.

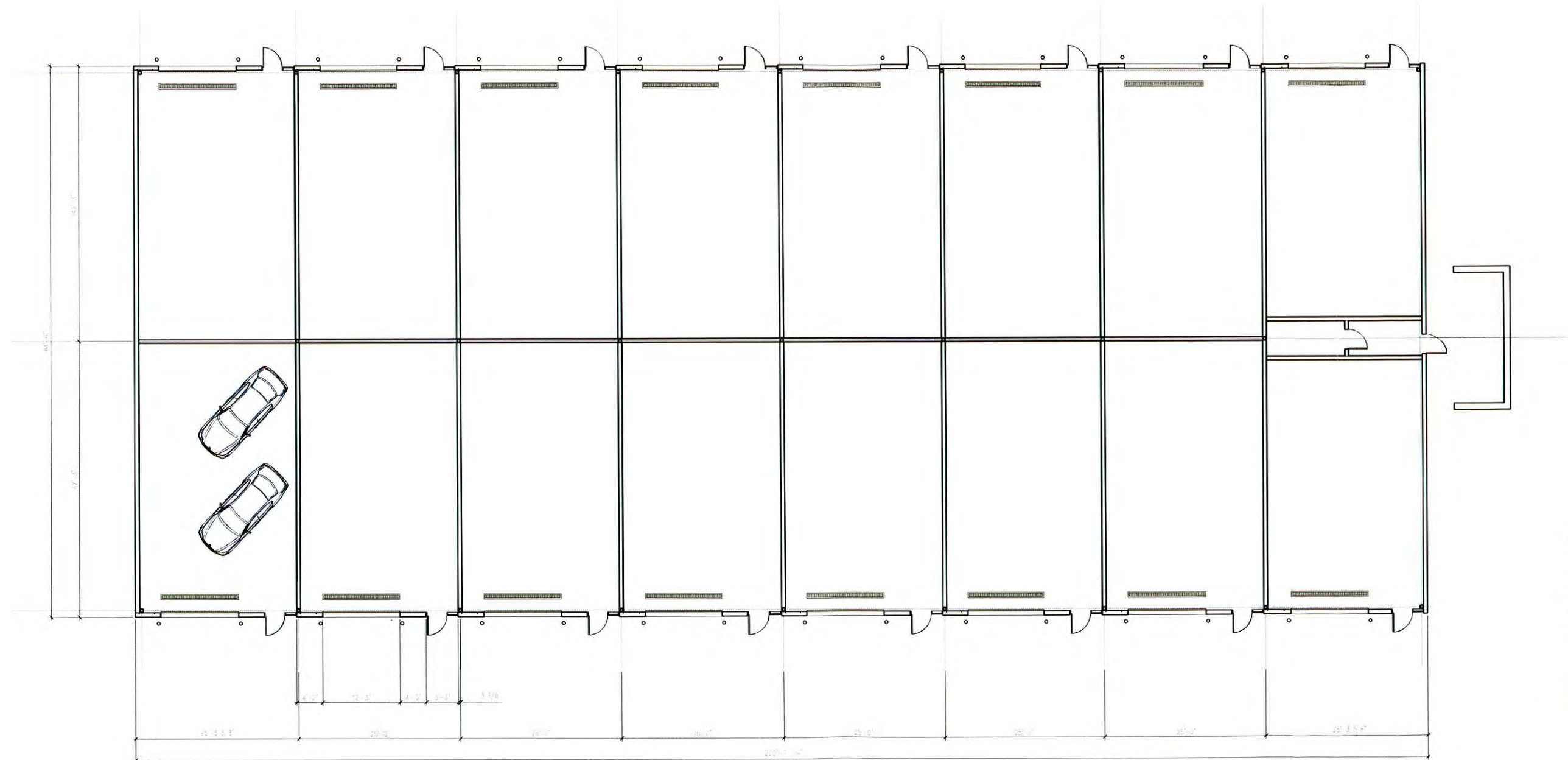
Date: April 2, 2015  
Project No: 14-025

**avant**  
architects  
planning architecture interiors

3337 North 107th Street  
Omaha, Nebraska 68134  
P 402.493.9611  
F 402.493.9629



# EXHIBIT B



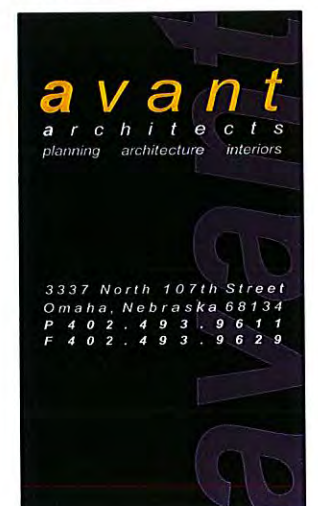
1 Floor Plan  
A1.1 SCALE: 1/8" = 1'-0"



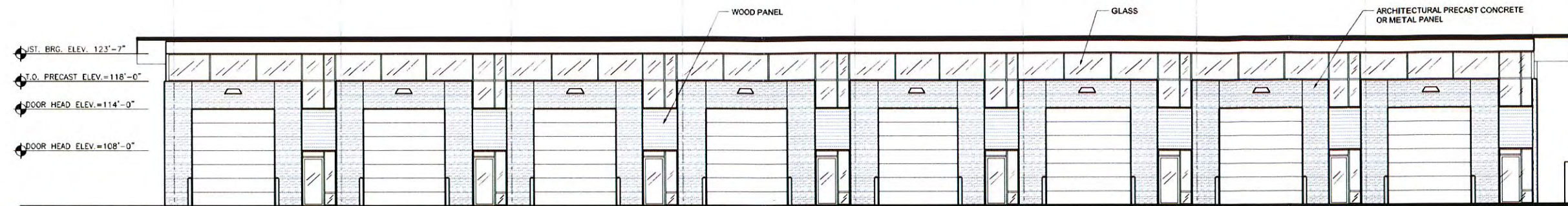
Omaha Motoring Club  
Omaha, Nebraska

Copyright 2015  
This document is an instrument of service, and as such remains the property of the Architect. Permission for use of this document is limited, and can be extended only by written agreement with Avant Architects.

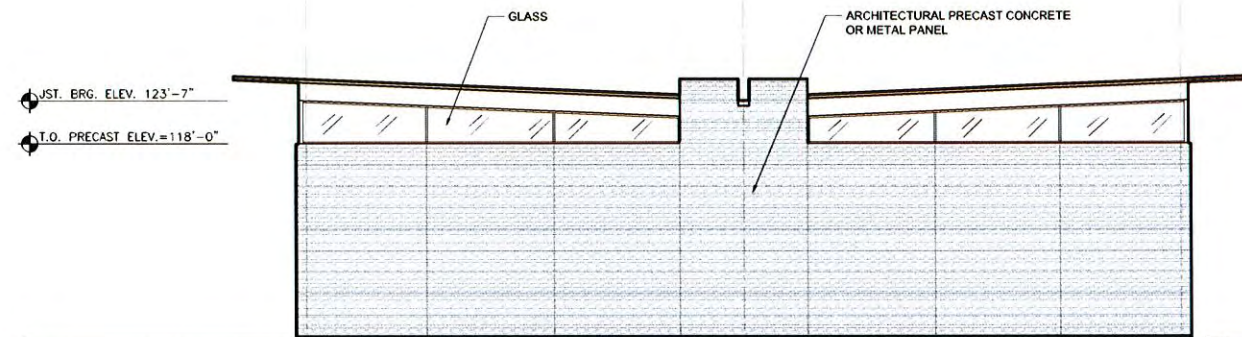
Date: April 2, 2015  
Project No: 14-025



# EXHIBIT C



1 Front Elevation  
A1.2 SCALE: 1/8" = 1'-0"

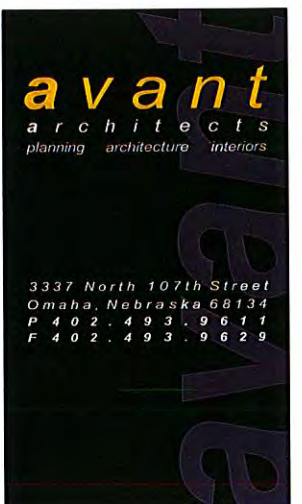


2 Side Elevation  
A1.2 SCALE: 1/8" = 1'-0"

Omaha Moting Club  
Omaha, Nebraska

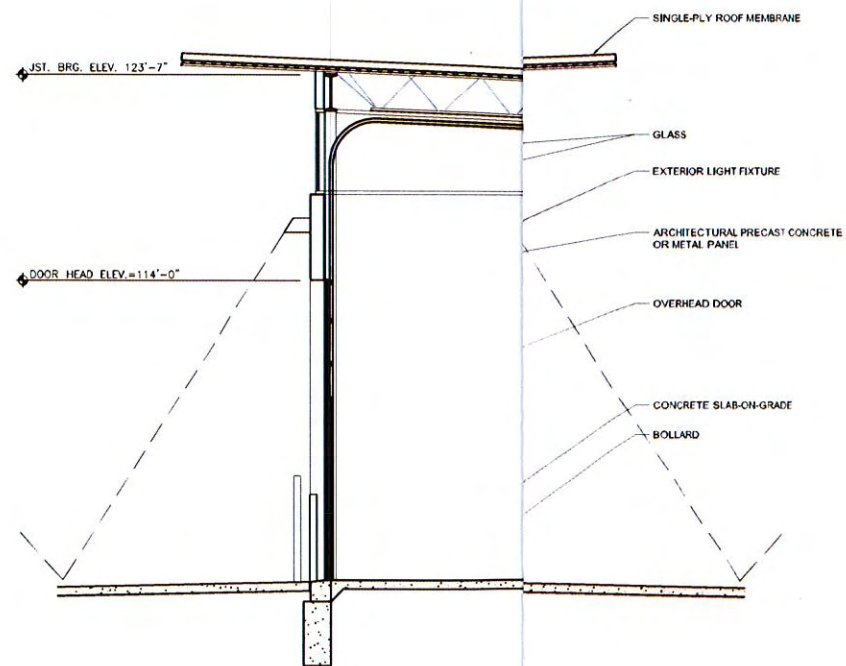
Copyright 2015  
This document is an instrument of service, and as such remains the property of the Architect. Permission for use of this document is limited, and can be extended only by written agreement with Avant Architects.

Date: April 24, 2015  
Project No: 14-025





IT D

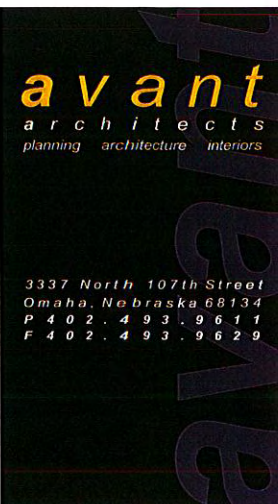


Omaha Motoring Club  
Omaha, Nebraska

Copyright 2015.  
This document is an instrument of service, and as such remains the property of the Architect. Permission for use of this document is limited, and can be extended only by written agreement with Avant Architects.

Date: April 24, 2015

Project No: 14-025



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CONDITIONAL USE PERMIT – INDUSTRIAL CONDOMINIUMS LOTS 8 & 16, HARRISON HILLS (118 <sup>TH</sup> & PEEL CIRCLE)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled for Council to consider an application for a Conditional Use Permit for industrial condominiums on Lots 8 and 16, Harrison Hills, generally located northeast of 118<sup>th</sup> Street and Peel Circle.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled to consider an application submitted by Omaha Motoring Club for a Conditional Use Permit to allow industrial condominiums on Lots 8 and 16, Harrison Hills (to be replatted as Lot 1, Harrison Hills Replat 5). The property is zoned I-1 Light Industrial. The applicant proposes to construct 6 buildings with 88 condo units.

A detailed staff report is attached.

The Planning Commission held a public hearing on May 28, 2015 and unanimously recommended approval of the Conditional Use Permit to City Council, conditional on legal review and approval of proposed changes to the CUP prior to City Council review and the approval and recording of the Administrative Plat prior to signing the approved Conditional Use Permit.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR OMAHA MOTORING CLUB TO ALLOW FOR INDUSTRIAL CONDOMINIUMS ON LOTS 8 AND 16, HARRISON HILLS (TO BE REPLATTED AS LOT 1, HARRISON HILLS REPLAT 5).

WHEREAS, Omaha Motoring Club has applied for a conditional use permit to allow industrial condominiums on Lots 8 and 16, Harrison Hills (to be replatted as Lot 1, Harrison Hills Replat 5), located northeast of 118<sup>th</sup> Street and Peel Circle; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Omaha Motoring Club to allow industrial condominiums on Lots 8 and 16, Harrison Hills (to be replatted as Lot 1, Harrison Hills Replat 5), located in the NW ¼ of Section 17, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located northeast of 118<sup>th</sup> Street and Peel Circle be, and hereby is, approved subject to the resolution of the following items:

1. Legal review and approval of the proposed changes to the Conditional Use Permit; and
2. Approval and recording of the Administrative Plat prior to signing the Conditional Use Permit.

PASSED AND APPROVED THIS 16TH DAY OF JUNE 2015.

CITY OF LA VISTA

ATTEST:

\_\_\_\_\_  
Douglas Kindig, Mayor

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk



**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

CASE NUMBER: 2015-CUP-02

FOR HEARING OF: June 16, 2015

Report Prepared on June 3, 2015

**I. GENERAL INFORMATION**

- A. APPLICANT:** Omaha Motoring Club
- B. PROPERTY OWNER:** Harrison I-80 LLC
- C. LOCATION:** South 118th Street and Peel Circle
- D. LEGAL DESCRIPTION:** Lots 8 and 16, Harrison Hills (to be replatted as Lot 1, Harrison Hills Replat 5) in the NW¼ of Section 17, Township 14 North, Range 12 East of the 6th P.M.
- E. REQUESTED ACTION(S):** Conditional Use Permit
- F. EXISTING ZONING AND LAND USE:**  
I-1 Light Industrial; the property is currently vacant.
- G. PROPOSED USES:** The Conditional Use Permit would allow for a Industrial Condominium consisting of 6 buildings with 88 units.
- H. SIZE OF SITE:** 7.37 acres

**II. BACKGROUND INFORMATION**

- A. EXISTING CONDITION OF SITE:** Vacant, mostly flat with a gradual downgrade to the southwest.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
  - 1. **North:** Lot 1 Harrison Hills; C-3 Highway Commercial/Office Park District and Gateway Corridor District (Overlay District)
  - 2. **East:** Harrison Hills Apartment Complex; R-3 High Density Residential District and Gateway Corridor District (Overlay District)
  - 3. **South:** Salon Centric; I-1 Light Industrial District
  - 4. **West:** Tax Lots 11 & 15, 17-14-12; TA Transitional Agriculture District
- C. RELEVANT CASE HISTORY:**
  - 1. N/A



**D. APPLICABLE REGULATIONS:**

1. Section 5.13 of the Zoning Regulations – I-1 Light Industrial
2. Article 6 of the Zoning Regulations – Conditional Use Permits

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:** The Future Land Use Map of the Comprehensive Plan designates this property for industrial uses.

**B. OTHER PLANS:** N/A

**C. TRAFFIC AND ACCESS:**

1. Access will be from proposed egress / ingress to Peel Circle.  
Traffic impacts from this development are expected to be minor.

**E. UTILITIES:** All utilities are available to the site.

**F. PARKING REQUIREMENTS:** The zoning ordinance requires 31 spaces for the 92,230 square feet of Industrial Use/Flex Space. The site plan provides for 78 spaces, exceeding the amount of parking spaces required.

**G. LANDSCAPING:** Development of this lot will need to be landscaped according to Section 7.17 of the La Vista Zoning Ordinance. Landscaping is detailed in condition “2e” of the Conditional Use Permit and represented in Exhibit “A”.

**IV. REVIEW COMMENTS:**

1. Prior to the signing of the approved Conditional Use Permit, an Administrative Plat needs to be approved by City staff and recorded at the Sarpy County Register of Deeds. The plat would consolidate lots 8 and 16 of Harrison Hills to a single lot for this development.
2. Prior to the issuance of a building permit, the project will need to receive FAA approval due to its proximity to the Millard Airport.

**V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT (CUP):**

Staff recommends approval of the Conditional Use Permit as it is consistent with the Comprehensive Plan and Zoning Ordinance, conditional on legal review and approval of proposed changes to the CUP prior to City Council review and the approval and recording of the Administrative Plat prior to signing of the approved Conditional Use Permit.

**VI. PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission held a public hearing on May 28, 2015 and unanimously recommended approval of the Conditional Use Permit to City Council, conditional on legal review and approval of proposed changes to the


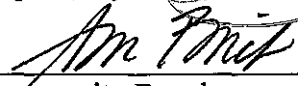
CUP prior to City Council review and the approval and recording of the Administrative Plat prior to signing of the approved Conditional Use Permit.

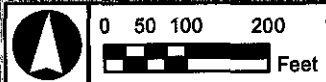
**VII. ATTACHMENTS TO REPORT:**

1. Vicinity Map
2. Review comments from the City Planner and response letter from developer.
3. Draft Conditional Use Permit

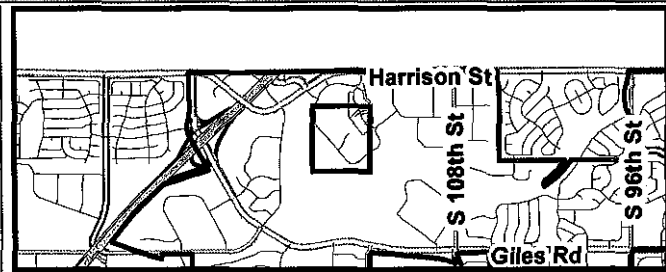
**VIII. COPIES OF REPORT TO:**

1. Matt Dinsdale, Omaha Motoring Club
2. Public Upon Request

  
Prepared by \_\_\_\_\_  
  
Community Development Director  
6-5-15  
Date



## Project Vicinity Map



**Omaha Motoring Club**

5-8-2015  
C85





April 15, 2015

Matt Dinsdale  
3316 S. 186<sup>th</sup> Street  
Omaha, NE 68130

RE: Conditional Use Permit Application – Initial Review  
Omaha Motoring Club  
Lots 8 & 16 Harrison Hills

Mr. Dinsdale:

Thank you for your submittal of the Omaha Motoring Club – Industrial Condominium Conditional Use Permit (CUP) request. Staff has reviewed the initial submittal and have provided the following initial comments:

1. The applicant needs to provide information about what kind of activities will be permitted in the project. For example, will owners be working on their vehicles outside in front of their units?
2. Details on the type of fencing proposed around the perimeter of the project should be provided. Additional screening along the north side of the project may be needed.
3. The on-site roads and parking should be paved. It is assumed that these areas are paved, however, it does not call this out on the plans.
4. Storm water management is not identified on the plans. A conceptual proposal should be set forth to address Article 6.05.04 of the Zoning Ordinance.
5. Since the plan identify trench drains in each unit, it would appear that each building will have a sanitary sewer connection. Also, these trench drains need to have grit traps which can be addressed at building permit reviews. However, there should be information provided as to whether each building is going to have a sanitary and water service and how many connections to the public mains in the street are proposed.
6. What provisions will be made for dumpsters and screening of dumpsters?
7. The spacing from the gate to the curb line in Peel Circle should be reviewed to have adequate room for vehicles to pull off the street while waiting for the gate to open.
8. Site lighting appears to be in the form of building sconces. Are any other lighting sources proposed?
9. The site currently consists of two lots. These lots will need to be consolidated through an Administrative Plat, prior to the signing of the approved Conditional Use Permit.
10. Please provide the square footage of each building. The total square footage of the buildings will aid in the determination of minimum parking requirements.
11. Fire lanes are not dimensioned. City Code requires a 24' minimum width.
12. Prior to the issuance of a building permit, the project will need to receive FAA approval due to its proximity to the Millard Airport.

**City Hall**

8116 Park View Blvd.  
La Vista, NE 68128-2198  
p: 402-331-4343  
f: 402-331-4375

**Community Development**

8116 Park View Blvd.  
p: 402-331-4343  
f: 402-331-4375

**Fire**

8110 Park View Blvd.  
p: 402-331-4748  
f: 402-331-0410

**Golf Course**

8305 Park View Blvd.  
p: 402-339-9147

**Library**

9110 Giles Rd.  
p: 402-537-3900  
f: 402-537-3902

**Police**

7701 South 96th St.  
p: 402-331-1582  
f: 402-331-7210

**Public Buildings & Grounds**

8112 Park View Blvd.  
p: 402-331-4343  
f: 402-331-4375

**Public Works**

9900 Portal Rd.  
p: 402-331-8927  
f: 402-331-1051

**Recreation**

8116 Park View Blvd.  
p: 402-331-3455  
f: 402-331-0299

[www.cityoflavista.org](http://www.cityoflavista.org)  
[info@cityoflavista.org](mailto:info@cityoflavista.org)

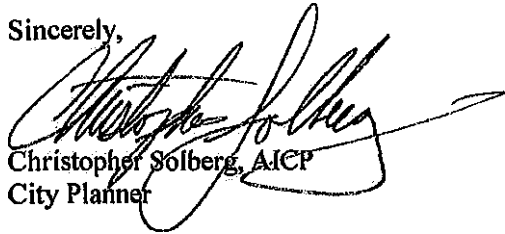


A draft Conditional Use Permit will be forwarded to you in the coming days for your review.

Please provide revisions prior to April 27<sup>th</sup> to remain under consideration for the May 28<sup>th</sup> Planning Commission meeting.

Should you have any questions please contact me at 402-331-4343 or [csolberg@cityoflavista.org](mailto:csolberg@cityoflavista.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'Christopher Solberg', with a long horizontal flourish extending to the right.

Christopher Solberg, AICP  
City Planner

Cc: Ann Birch, Community Development Director  
John Kottmann, City Engineer  
Jeff Sinnett, Chief Building Official

Omaha Motoring Club

April 28, 2015

City of LaVista

Community Development

8116 Park View Blvd.

ATTN: Mr. Chris Solberg

Mr. Solberg:

We have received your letter of initial review, and offer up the following explanations for your questions on our project:

- 1) The applicant needs to provide information about what kind of activities will be permitted in the project. For example, will owners be working on their vehicles outside in front of their units?  
*We will have a set of covenants as part of the HOA which will address these concerns. As far as working on your vehicle outside of your unit: no, we do not foresee this being 'allowed'.*
- 2) Details on the type of fencing proposed around the perimeter of the project should be provided. Additional screening along the north side of the project may be needed.  
*Please see attached.*
- 3) The on-site roads and parking should be paved. It is assumed that these areas are paved; however, it does not call this out on the plans.  
*That is correct, the roads 'on-site' WILL indeed be paved. It has not yet been determined whether they will be asphalt or concrete, but they will be paved.*
- 4) Storm water management is not identified on the plans. A conceptual proposal should be set forth to address Article 6.05.04 of the Zoning Ordinance.  
*The project civil engineer, Lamp Rynearson and Associates, will coordinate with La Vista Public Works to develop a mutually acceptable Post Construction Storm Water Management Plan (PCSMP). The PCSMP plan will meet City of La Vista requirements for storm water quality and quantity. We anticipate that the City of La Vista will apply "no net increase" requirements for storm runoff between pre- and post-development conditions; therefore, on-site storm water runoff detention and/or retention will be required to control excess flows. A PCSMP will also be required to capture the first 1/2-inch of runoff from the site. Preliminary design includes a storm water quality pond(s) sized to meet the City requirements. After completion of construction, installed PCSMP measures will be certified and the appropriate documents forwarded to the City*

*of La Vista. The site slopes down from east to west. The accompanying site plan shows areas reserved for storm water detention on-site. See attached.*

- 5) Since the plans identify trench drains in each unit, it would appear that each building will have a sanitary sewer connection. Also, these trench drains need to have grit traps which can be addressed at building permit reviews. However, there should be information provided as to whether each building is going to have a sanitary and water service and how many connections to the public mains in the street are proposed.

*Each building will have a utility infrastructure – water, gas, electrical, sanitary sewer. The buildings will be equipped with a fire sprinkler system. It anticipated that each bay will have a trench drain or floor drain – owner's option. Each building will have a grease and sand trap. We anticipate that there will be one (no more than two depending on phasing) tap for water and sewer off the city mains.*

- 6) What provisions will be made for dumpster's and screening of dumpsters?

*The accompanying site plan shows areas reserved for a trash enclosure. It is anticipated the enclosure will be constructed of a burnished masonry unit with opaque access doors. See attached.*

- 7) The spacing from the gate to the curb line in Peel Circle should be reviewed to have adequate room for vehicles to pull off the street while waiting for the gate to open.

*The accompanying site plan shows the depth of the approach in front of the gate as shown. We are certainly open to discussing this depth. See attached.*

- 8) Site lighting appears to be in the form of building sconces. Are any other lighting sources proposed?

*Site lighting is anticipated to be wall sconces. It is the intent of the design to have no light drift beyond the property line.*

- 9) The site currently consists of two lots. These lots will need to be consolidated through an Administrative Plat, prior to the signing of the approved Conditional Use Permit.

*Chris did mention this to me, and I understand this to be a requirement.*

- 10) Please provide the square footage of each building. The total square footage of the buildings will aid in the determination of minimum parking requirements.

*There are five building footprints of 16,951 GSF each, and one that is 8,475 GSF for a total of 93,230 GSF.*

- 11) Fire lanes are not dimensioned. City Code requires a 24' minimum width.

*The accompanying site plan shows the minimum drive lane at 24' – 0". See attached.*

- 12) Prior to the issuance of a building permit, the project will need to receive FAA approval due to its proximity to the Millard Airport.

*We will seek FAA approval.*

## **City of La Vista Conditional Use Permit**

### **Conditional Use Permit for Industrial Condominium**

This Conditional Use Permit issued this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Omaha Motoring Club ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate a new industrial condominium facility as permitted in the I-1 Zoning District upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lots 8 and 16, Harrison Hills (to be replatted as Lot 1, Harrison Hills Replat 5) a subdivision as surveyed, platted and recorded in the City of La Vista, Sarpy County, Nebraska ("Property").

WHEREAS, Owner has applied for a conditional use permit for the purpose of constructing and operating a new industrial condominium facility based upon the criteria prescribed in the La Vista Zoning Ordinance; and

WHEREAS, Owner by recording a declaration executed in the same manner as a deed shall subject the Property to the condominium form of ownership and create an industrial condominium to be known as the "Omaha Motoring Club Condominium Property Regime" in accordance with the Nebraska Condominium Act and City of La Vista Zoning Ordinance ("Condominium Property Regime").

WHEREAS, It is understood by and between the Owner and City, upon Owner's creating the Condominium Property Regime, that individual condominium units ("Units") may be sold and/or leased to third party purchasers or lessees, as the case may be, ("Unit Owner") and the Condominium Property Regime will be operated and managed by the "Omaha Motoring Club Association, Inc.," a Nebraska non-profit corporation which will be formed by Owner upon creation of the Condominium Property Regime and before the first unit is conveyed ("Association"), all of which shall be in accordance with and subject to the terms and conditions of this Permit.

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit to the owner for such purposes on the Property, subject to certain conditions and agreements as hereinafter provided and prescribed in the La Vista Zoning Ordinance.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area designated on Exhibit "A" hereto for the construction of a new motor vehicle storage facility, said use hereinafter being referred to as "Permitted Use" or "Use".

#### **Conditions of Permit**

The conditions to which the granting of this permit is subject are:

1. The rights and obligations of this permit shall apply to the Property and all Units and shall transfer with and bind any ownership interest in the Property or any Unit, and any variation or breach of any terms or conditions hereof without the prior written consent of the City (amendment to permit) shall cause permit to expire and terminate, unless exempted herein or cured by the Owner, any Unit Owner or the Association to the extent provided in Section 4e below.
2. In respect to the proposed Use:
  - a. Site plans showing the boundaries of the Property and easements, proposed structures, parking, limited access points, utilities, and drives is provided and attached to the permit as Exhibits "A," "B," "C" and "D".
  - b. There will not be a central management office on premises. A sign stating the name of the development and contact information for the management company shall be erected near the entrance of the facility.
  - c. The site is 7.37 acres. Buildings on the site are anticipated to be constructed in phases. The phasing schedule and timing of construction of buildings and other improvements serving the buildings and site will be subject to approval of the City Building Official. When all phases are completed the development will be comprised of 6 buildings containing a total of approximately 88 units. All uses, including secondary or incidental uses, shall conform to the I-1 Zoning District Regulations. The sale or leasing of motor vehicles, automobiles, motorcycles, trailers or the like ("Motor Vehicles") is not permitted. "Sale or leasing" means offering for sale or lease at any one time two or more Motor Vehicles, or sale or leasing during any calendar year of ten or more Motor Vehicles, which requirements and limitations shall be applied and determined with respect to the entire Property and not on a Unit by Unit basis. Any Unit Owner offering for sale or lease or selling or leasing Motor Vehicles shall register the same with the Association and the Association shall monitor the same in accordance with this permit and maintain a current list of all Motor Vehicles sold, leased or offered for sale or lease.
  - d. No vehicle repair (other than emergency maintenance such as changing a tire), inoperable or abandoned vehicles, or storage of vehicles shall be allowed in the parking areas on the Property shown on Exhibit "A". The Owner, Association or any Unit Owner shall have seventy-two (72) hours after receiving notice from the City to correct any violation or cause the removal of any such vehicle that is in violation.
  - e. The Property shall be developed and maintained in accordance with the site plans (Exhibits A, B, C and D collectively) as approved by the City and incorporated herein by this reference. Street trees shall be planted at a minimum distance of 40 feet on center along the entire perimeter of the project abutting South 118<sup>th</sup> Street and Peel Circle. Size of trees to be planted shall be as delineated in the Landscape Legend of Exhibit "A".
  - f. The Owner shall provide an engineered drainage plan to address site storm water disposal. This plan will be reviewed by the City prior to issuance of building permit for each phase of the Condominium Property Regime.
  - g. All access lanes shall remain clear and fully accessible for emergency vehicle access as per the current applicable fire code.
  - h. There shall be no outdoor storage or display of motor vehicles, or storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the facility's structures, except trash receptacles and those approved in writing by the City.
  - i. All trash receptacles shall be placed on property and securely fastened to building or concrete. All trash dumpsters shall be properly screened with a six-foot enclosure and gated with materials similar to the building construction. Such enclosure shall be subject to approval of the Chief Building Official.
  - j. There shall not be any storage, location, discharge, release, transporting, delivery, possession, management, production, processing, handling or sale of explosives or hazardous materials on or in the Property, Condominium Property Regime or any Unit, except for the ordinary and customary

storage and use of materials that are ordinarily and customarily required for operation, maintenance or repair of the Property, the Condominium Property Regime or any of the Units, provided said storage and use are in compliance with all applicable laws, rules and regulations.

- k. All permanent and temporary signs shall comply with the City's sign regulations. There shall be no signs on the individual units advertising anything other than the name of the overall facility.
  - l. The Owner, Association and all Unit Owners shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, and ADA.
  - m. All structures shall be constructed, maintained and operated in a safe and responsible manner, and in accordance with any applicable laws, rules or regulations, including, but not limited to, applicable environmental or safety laws, as amended or in effect from time to time, and shall not cause, or create risk of injury or damage to, or loss of life, property or the environment.
  - n. The Owner, Association and all Unit Owners shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the Property, Condominium Property Regime or any Units at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
  - o. This Permit shall be subject to a declaration establishing and creating the Condominium Property Regime that expressly incorporates and makes the terms and conditions of this permit jointly and severally binding on Owner and all subsequent owners and users of the Property or Condominium Property Regime, or any part thereof, in form and content satisfactory to the City Engineer ("Declaration").
  - p. The Owner, for itself and on behalf of the Association and all Unit Owners and other successors and assigns of Owner, agrees during the period of ownership of any interest in the Property, Association or any Units, the owner of said interest shall indemnify the City against, and hold the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the Owner, Association, any Unit Owner, or any agents, employees, successors, assigns, suppliers or invitees of the Owner, Association or any Unit Owner, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on or within the Property, Condominium Property Regime or any of the Units of any environmental or safety law, rule or regulation.
3. The right to maintain the Use as approved pursuant to these provisions shall be based on the following:
- a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval, subject to any applicable notice and right to cure described in Section 4e below.
  - b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
  - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.
4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:
- a. Abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment, excluding non-use required for substantial renovations or reconstruction of facilities damaged or destroyed by casualty loss, provided said work is promptly commenced and diligently continued to completion.
  - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.

- c. Construction or placement of a storage tank, structure or other improvement on the premises not specified in this permit.
  - d. Sale or leasing of Motor Vehicles in violation of Section 2c.
  - e. Breach of the Owner, Association or any Unit Owner of any other terms hereof and failure of the Owner, Association or any Unit Owner to promptly correct and cure such violation or breach to the satisfaction of the Building Official within thirty (30) days of City's giving written notice thereof.
5. If the permitted use is not commenced within one (1) year from \_\_\_\_\_, 2015, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.
  6. In the event of the Owner, Association or any Unit Owner fails to promptly remove any safety or environmental hazard from the Property or Condominium Property Regime, or the expiration or termination of this permit and the Owner, Association or any Unit Owner fails to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the Owner, Association or any Unit Owner or third party to exercise said option) cause the same to be removed at the cost and expense of the Owner, Association or any Unit Owner as the case may be (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the Owner, Association and Unit Owners shall reimburse the City the costs incurred to remove the same. The Owner, for itself and on behalf of the Association, all Unit Owners and any other successors or assigns, hereby irrevocably grants the City, its agents and employees the right to enter the Property, Condominium Property Regime or any Units and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the Property, Condominium Property Regime or any Units as necessary or appropriate to carry out any other provision of this permit.
  7. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.
  8. This permit shall be conditioned and become effective on Owner acquiring fee simple title to the Property and Owner recording the Declaration and this permit within 90 days thereafter ("Closing Deadline"). If Owner does not acquire fee simple title and record said Declaration and permit on or before the Closing Deadline, this permit shall not become effective and this permit and all rights hereunder automatically shall terminate without further action required of any party.
  9. Recitals at the beginning of this permit, and all exhibits, agreements or instruments referenced in this permit, shall be incorporated into this permit by reference.

### **Miscellaneous**

The conditions and terms of this permit shall be incorporated into the recorded Declaration, shall constitute covenants running with the land and shall be jointly and severally binding upon Owner and all successors and assigns of Owner.

1. Delay of City to terminate this permit on account of breach of the Owner, Association, any Unit Owner or of any of the terms hereof shall not constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach, and a waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.

2. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this permit.
3. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed to the owner as follows:

**Contact Name and Address:** Matt Dinsdale  
Omaha Motoring Club &  
Omaha Motoring Club Association, Inc.  
3316 S. 186<sup>th</sup> Street  
Omaha, NE 68138

**Effective Date:**

This permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

THE CITY OF LA VISTA

By \_\_\_\_\_  
Douglas Kindig, Mayor

Attest:

\_\_\_\_\_  
Pam Buethe  
City Clerk

**CONSENT AND AGREEMENT**

The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and timely perform and discharge all obligations and liabilities herein required by owner to be performed or discharged.

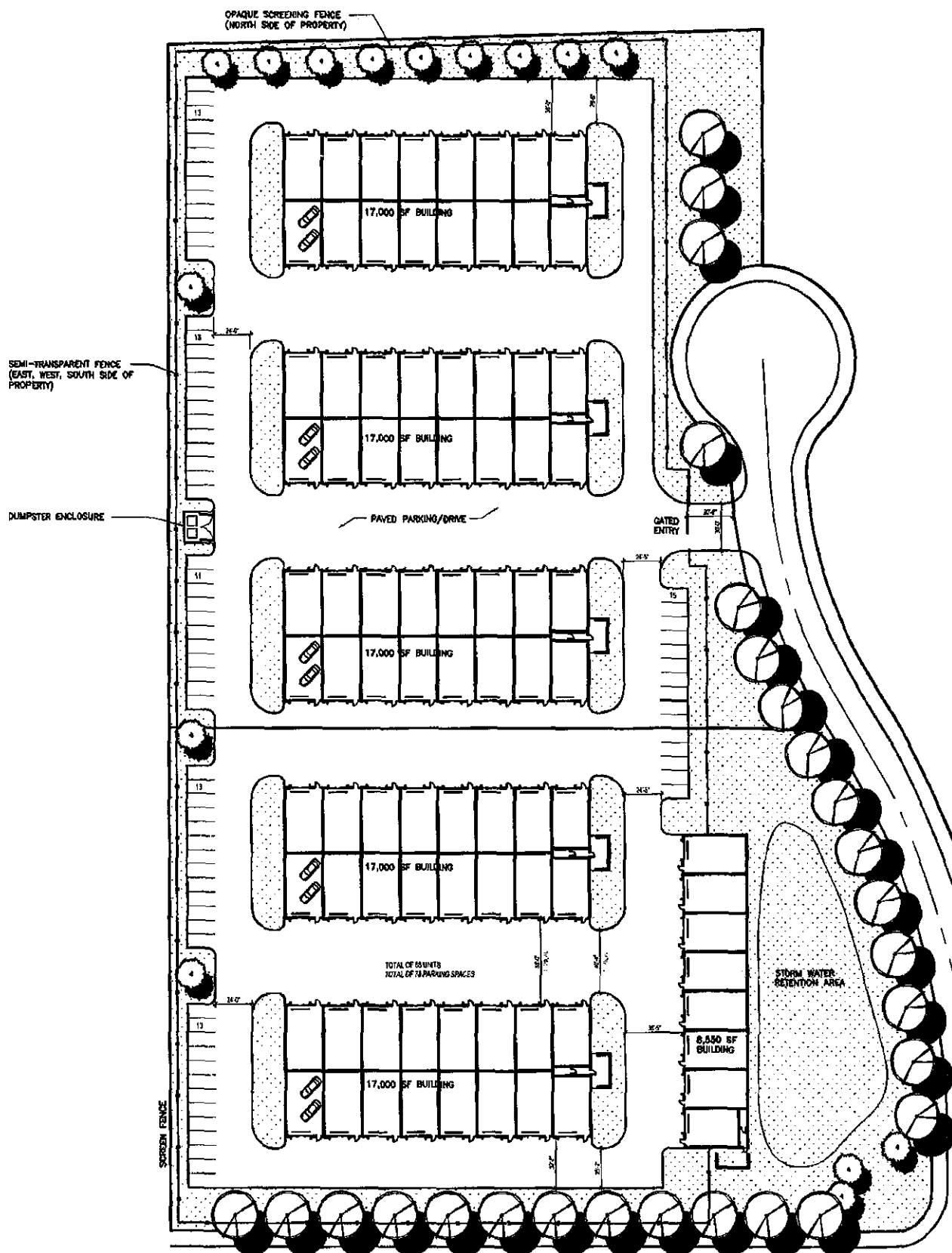
Owner:

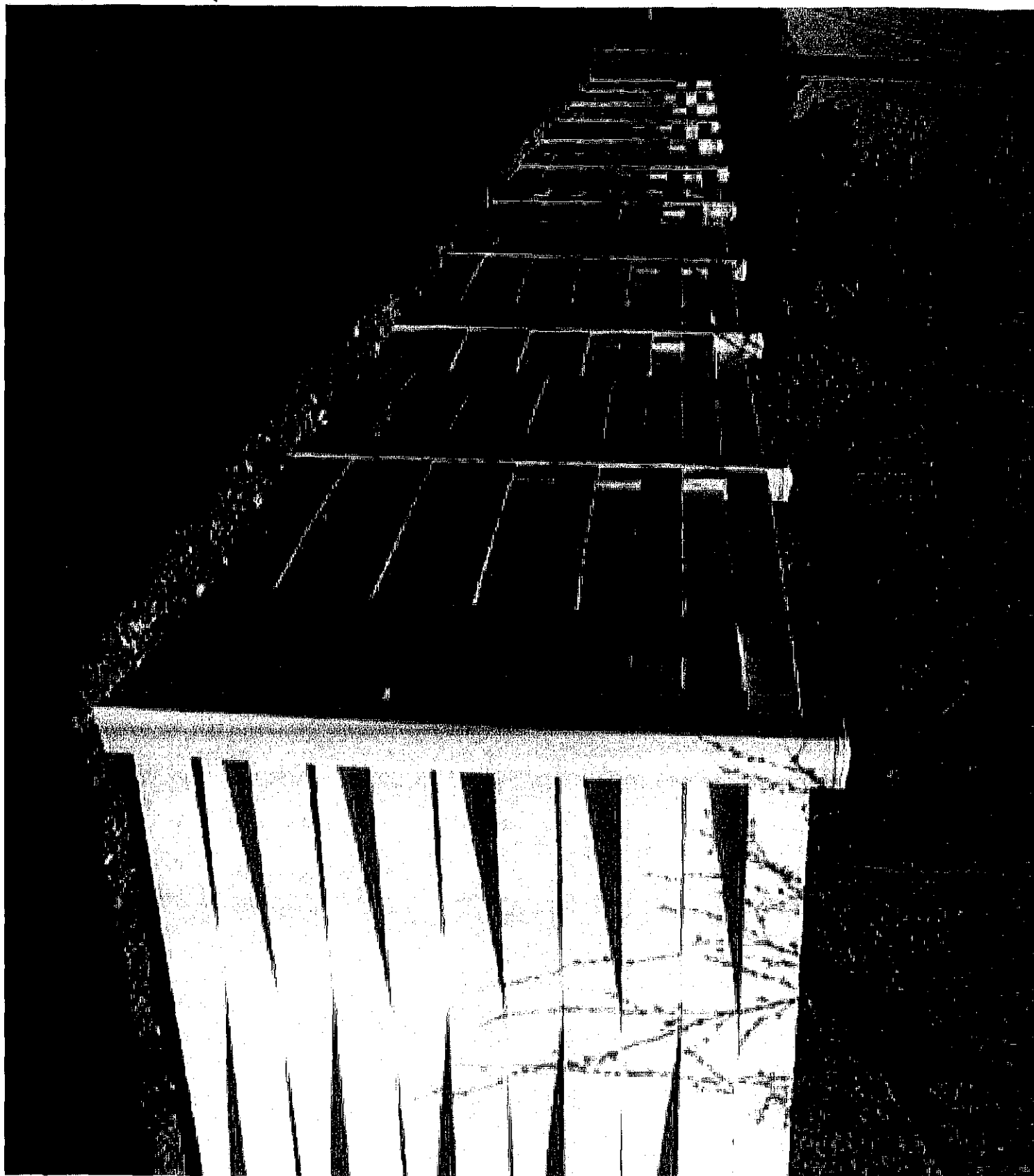
By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_







**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ZONING TEXT AMENDMENTS — ANIMAL SPECIALTY SERVICES, KENNELS & PET STORES	RESOLUTION ◆ ORDINANCES (4) RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and ordinances prepared to amend Sections 2.02, 5.05, 5.10 and 5.11 of the Zoning Ordinance regarding animal specialty services, kennels and pet stores.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approve.

**BACKGROUND**

A public hearing has been scheduled to consider amendments to Sections 2.02, 5.05, 5.10 and 5.11 of the Zoning Ordinance regarding animal specialty services, kennels and pet stores.

Currently within the Zoning Ordinance, “Animal Specialty Services” is a conditional use within the I-1 Light Industrial and I-2 Heavy Industrial Districts. This use is defined as “...establishments primarily engaged in pet grooming, clipping, bathing, daycare, training courses, obedience classes, and similar services. Does not include veterinary services or overnight boarding kennels.”

Staff received a request to consider allowing this use within the commercial districts. Research of neighboring jurisdictions’ zoning ordinances identified the following:

- a. Papillion – “Pet Services” are allowed outright in their LC, CC, CBD, and GC (all of their commercial areas). This includes “Pet Daycares and Hotels”. “Kennels” are allowed as a special use permit in their GC (General Commercial) area.
- b. Bellevue – “Animal Specialty Services” is allowed in BG (Business General), BGM (Metropolitan General Business), BGH (Heavy General Business) commercial districts.
- c. Ralston – “Pet Services” (includes boarding) is permitted outright in all commercial districts, except for Limited Office. “Kennels” are permitted with a Special Use Permit in GC (General Commercial).
- d. Sarpy County – Allows for animal daycare in BG (but outdoor runs and boarding require a CUP). Typical pet services (grooming, toy/food sales) seem to fall under “Retail Stores”.

Through staff's regular review of the zoning ordinance it was concluded that amendments to the regulations were warranted to allow animal specialty services in the C-1, Shopping Center Commercial, and C-2, General Commercial, districts. This use may include overnight boarding and/or outdoor exercise areas.

The amendments also remove "kennels" as a permitted use within the TA Transitional Agriculture District.

**Update:**

At the City Council meeting on April 21, 2015, Council members suggested additional changes to the Zoning Ordinance regarding pet-related uses. These changes included the following:

- a. Change "pet stores" from a permitted use in the C-1 and C-2 districts to a conditional use; and
- b. Change the proposed new use "animal specialty services" to be allowed only a conditional use in the C-1 and C-2 districts, whether or not the use includes overnight boarding or outdoor exercise areas.

While making the modifications proposed by Council, staff identified two additional code revisions which are included in the amendments. These are:

- a. Re-numbering the definitions section of the Zoning Ordinance into sub-categories by the alphabet (Section 2.02 = A, Section 2.03 = B, etc.). The purpose is to allow for future amendments to one section without having to amend the entire definitions section of the ordinance; and
- b. The "Intent" statement of the C-1, Shopping Center Commercial district, has been changed to reflect a more current description of this district.

Additionally, the Planning Commission suggested amending the definition of "animal specialty services" to exclude exotic animals and farm animals. This amendment has been incorporated into the definitions section.

See the attached red-line copy of the proposed amendments.

The Planning Commission held a public hearing on May 28, 2015 and voted unanimously to recommend approval of the amendments to City Council.

**Section 2.02 – Definitions:**

**Section 2.02 – Definitions: A**

**2.02.01 ABANDONMENT** shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

**2.02.02 ABUT, ABUTTING** shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley.

**2.02.03 ACCESS OR ACCESS WAY** shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Regulation.

**2.02.04 ACCESSORY BUILDING** (see Building, accessory)

**2.02.05 ACCESSORY STRUCTURE** shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.

**2.02.06 ACCESSORY USE** shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.

**2.02.07 ADJACENT** shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".

**2.02.08 ADULT BOOKSTORE** shall mean any premises from which minors are excluded and in which the retail sale of books, magazines, newspapers, movie films, devices, slides, or other photographic or written reproductions is conducted as a principal use of the premises, if such services are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas." (*Ordinance No. 1083, 2-17-09*)

**2.02.09 ADULT COMPANIONSHIP ESTABLISHMENT** shall mean an establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**2.02.10 ADULT ENTERTAINMENT ESTABLISHMENT** shall mean any business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, adult internet industries, and adult massage parlor / health club. (*Ordinance No. 1083, 2-17-09*)

**2.02.11 ADULT HOTEL OR MOTEL** shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

**2.02.12 ADULT INTERNET INDUSTRIES** shall mean any business within an enclosed building or outdoors that is producing materials for distribution on the Internet, including live video streaming, tape delayed video broadcasts, live

*simulcasting, still photographs, audio broadcasts, animated video or hard copy, wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." Said uses are intended for viewing by other parties while on-line and for a specified charge. (Ordinance No. 891, 2-04-03); (Ordinance No. 1083, 2-17-09)*

~~2.02.13~~ **ADULT MASSAGE PARLOR, HEALTH CLUB** shall mean a massage parlor or health club, which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

~~2.02.14~~ **ADULT MINI-MOTION PICTURE THEATER** shall mean a business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

~~2.02.15~~ **ADULT MOTION PICTURE ARCADE** shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

~~2.02.16~~ **ADULT MOTION PICTURE THEATERS** shall mean a business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

~~2.02.17~~ **ADULT NOVELTY BUSINESS** shall mean a business which has as a principal activity of the sale of devices which simulate human genitals or devices which are designed for sexual stimulation.

~~2.02.18~~ **ADULT SAUNA** shall mean a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

~~2.02.19~~ **ADVERTISING STRUCTURE** shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure.

~~2.02.20~~ **AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES** shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residence of hired men, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

~~2.02.21~~ **AGRICULTURE** shall mean the use of land for agricultural purposes, of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or

honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use. Agricultural use shall not be construed to include any parcel of land of less than twenty acres or any non-agricultural commercial or industrial development.

~~2.02.22~~ **AIRPORT** shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

~~2.02.23~~ **ALLEY** shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this regulation related to frontage on a dedicated street.

~~2.02.24~~ **ALTERATION** shall mean any change, addition or modification in construction or occupancy of an existing structure.

~~2.02.25~~ **AMENDMENT** shall mean a change in the wording, context, or substance of this Regulation, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.

~~2.02.26~~ **AMUSEMENT ARCADE** shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.

~~2.02.27~~ **ANIMAL HOSPITAL** (see Hospital, animal)

~~2.02.28~~ **ANIMAL SPECIALTY SERVICES** shall refer to establishments primarily engaged in pet grooming, clipping, bathing, daycare, training courses, obedience classes, and similar services. Does not include veterinary services, but may include ~~or~~ overnight boarding of animals, excluding exotic animals and farm animals such as horses, cattle, goats, sheep and poultry-kennels. (Ordinance No. 1053, 1-15-08)

~~2.02.29~~ **ANTENNA** shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (Also, see Satellite Dish Antenna.)

~~2.02.30~~ **ANTIQUE STORE** shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, belonging to the past, at least 30 years old. (Ordinance No. 1083, 2-17-09)

~~2.02.31~~ **APARTMENT** shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together. (Also, see Dwelling Unit)

~~2.02.32~~ **APPAREL SHOP** shall mean retail stores where clothing is sold, such as department stores, shoe stores, and dress, hosiery, and millinery shops. (Ordinance No. 1083, 2-17-09)

~~2.02.33~~ **APPLIANCE STORE** shall refer to retail shops selling equipment used for domestic functions. A store may include heavy appliances such as refrigerators, washers, dryers, ovens, dishwashers, or other similar domestic equipment. The store may also include smaller appliances such as televisions, computers, radios, microwaves, and other similar domestic equipment. (Ordinance No. 1083, 2-17-09)

~~2.02.34~~ **APPEARANCE** shall mean the outward aspect visible to the public.

~~2.02.35~~ **APPROPRIATE** shall mean the sympathetic, or fitting, to the context of the site and the whole community.

~~2.02.36~~ **APPURTENANCES** shall mean the visible, functional objects accessory to and part of buildings.

~~2.02.37~~ **ARCHITECTURAL CANOPY SIGN** (see Sign, architectural canopy)

~~2.02.38~~ **ARCHITECTURAL CHARACTER** (see Architectural Concept)

~~2.02.39~~ **ARCHITECTURAL CONCEPT** shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development. (*Ordinance No. 1083, 2-17-09*)

~~2.02.40~~ **ARCHITECTURAL FEATURE** shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.

——— ~~2.02.44.01-LINES~~ shall mean visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.

——— ~~2.02.44.02-MASS~~ shall pertain to the volume or bulk of a building or structure.

——— ~~2.02.44.03-TEXTURE~~ shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.

~~2.02.41~~ **ARCHITECTURAL STYLE** shall mean the characteristic form and detail, as of buildings of a particular historic period.

~~2.02.42~~ **ART GALLERY** shall mean an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries. (*Ordinance No. 1083, 2-17-09*)

~~2.02.43~~ **ASSISTED LIVING FACILITIES** shall mean a type of long-term care facility for elderly or disabled people needing assistance with daily activities such as eating, bathing, dressing, laundry, housekeeping, and medicating. These facilities typically have a central cafeteria and nursing staff on call.

~~2.02.44~~ **ATTACHED** shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from a permanent foundation or structural change in such structure in order to relocate it to another site. (*Ordinance No. 1083, 2-17-09*)

~~2.02.45~~ **AUCTION SALES** shall mean a building or structure or lands used for the storage of goods, materials or livestock which are to be sold on the premises by public auction and for the sale of the said goods, materials or livestock by public auction and on an occasional basis. Auction sales also includes motor vehicle wholesale sales, including trailers, trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (*Ordinance No. 891, 2-04-03*)

~~2.02.46~~ **AUTOMATED TELLER MACHINE (ATM)** shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution. (*Ordinance No. 1083, 2-17-09*)

~~2.02.47~~ **AUTOMOBILE SALES** shall mean the storage and display for sale or lease of more than two motor vehicles or any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten or more sold or leased during the



course of a calendar year, and where repair or body work is incidental to the operation of the new or used vehicle sales or leasing. Automobile sales includes all motor vehicle retail sales and leases including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (Also, see Auction Sales) (**Ordinance No. 891, 2-04-03**)

**2-02-48 AUTOMOTIVE REPAIR SERVICES** shall refer to any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work; oil change and lubrication; major painting services; collision services; and tire service and sales. (**Ordinance No. 1053, 1-15-08**)

**2-02-49 AUTOMOTIVE SERVICES** shall refer to any building, structure, improvements or land used for the general maintenance of automobiles, motorcycles, trucks, trailers or similar vehicles including but not limited to washing, cleaning, and/or detailing; installation of car stereos, accessories, or other light equipment; and minor painting. (**Ordinance No. 1053, 1-15-08**)

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

**2-02-50 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**)

**2-02-51 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**)

**2-02-52 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.

**2-02-53 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.

**2-02-54 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**)

**2-02-55 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**)

**2-02-56 BEDROOM** shall mean a room within a dwelling unit planned and intended for sleeping, separated from other rooms by a door.

**2-02-57 BERM** shall mean a raised form of earth to provide screening or to improve the aesthetic character.

**2-02-58 BILLBOARD** (see Sign, Billboard)

**2-02-59 BLOCK** shall mean a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, unplatted land, City-County boundaries, or adjoining property lines.

2.02.60 **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.

2.02.61 **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)

2.02.62 **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)

2.02.63 **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)

2.02.64 **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.

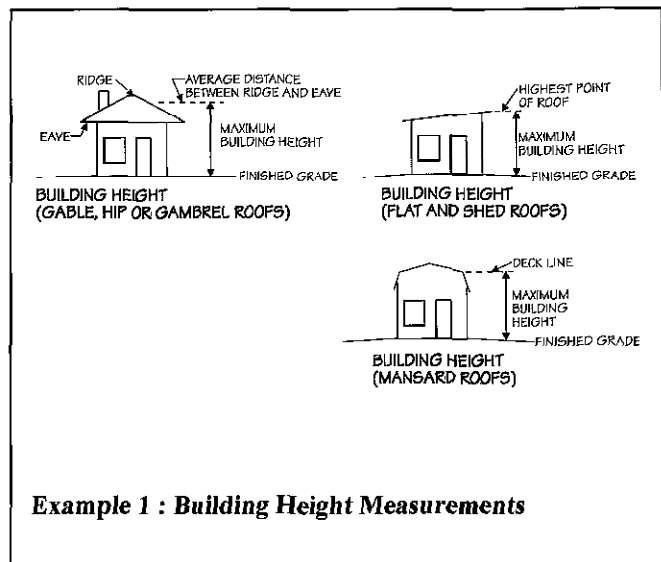
2.02.65 **BREW PUB** shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer 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.

2.02.66 **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)

2.02.67 **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.

2.02.68 **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.

2.02.69 **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.

**2.02.70 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**)

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

**2.02.72 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.

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

**2.02.74 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 2.04 - Definitions: C**

**2.02.75 CAMPGROUND** shall mean a parcel of land intended for the temporary occupancy of tents, campers, and recreational vehicles and which primary purpose is recreational, having open areas that are natural in character.

**2.02.76 CAR WASH** shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles, not including semi-trailer tractors, buses, and commercial fleets.

**2.02.77 CARPORT** shall mean a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.

**2.02.78 CELLAR** shall mean a building space having more than one-half (1/2) of its height below the average adjoining grade lines.

**2.02.79 CEMETERY** shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.

**2.02.80 CHANGEABLE COPY** shall refer to a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without, altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance. (**Ordinance No. 1083, 2-17-09**)

**2.02.81 CHANNEL** shall mean the geographical area within either the natural or artificial banks of a watercourse or drainway.

~~2-02-82~~ **CHARITABLE ORGANIZATION or CLUB** shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals. (*Ordinance No. 1083, 2-17-09*)

~~2-02-83~~ **CHILD CARE CENTER** shall mean an establishment other than a public or parochial school, which provides day care, play groups, nursery schools or education for thirteen (13) or more children under age 13, at any one time, from families other than that of the provider. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.

~~2-02-84~~ **CHILD CARE HOME** shall mean an operation in the provider's place of residence which serves at least four (4), but not more than eight (8) children at any one time, from families other than that of the provider. A Family Child Care Home I provider may be approved to serve no more than two (2) additional school-age children during non-school hours. A Family Child Care Home II operation may be either in the provider's own place of residence or a site other than the residence, serving twelve (12) or fewer children at any one time. In addition to these regulations, Child Care Homes shall meet all requirements of the State of Nebraska.

~~2-02-85~~ **CITY** shall mean the City of La Vista.

~~2-02-86~~ **CODE** shall mean the Municipal Code of the City of La Vista.

~~2-02-87~~ **COFFEE KIOSK** shall mean a retail food business in a freestanding building that sells coffee, or other beverages, and remade bakery goods from a drive-through window or walk-up window. (*Ordinance No. 1053, 1-15-08*).

~~2-02-88~~ **COLLEGE AND UNIVERSITY** shall mean an educational institution offering advanced instruction in any academic field beyond the secondary level, including trade schools or business colleges. (*Ordinance No. 1168, 3-6-12*)

~~2-02-89~~ **COMMISSION** shall mean the La Vista Planning Commission.

~~2-02-90~~ **COMMERCIAL MESSAGE** shall mean any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. (*Ordinance No. 1083, 2-17-09*)

~~2-02-91~~ **COMMON AREA OR PROPERTY** shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a Planned Development or condominium development.

~~2-02-92~~ **COMMUNICATION SERVICES** shall mean establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as major utility services or wireless communication towers. Typical uses include television studios, communication service centers, internet service offices, or film and sound recording facilities. (*Ordinance No. 1083, 2-17-09*)

~~2-02-93~~ **COMPATIBILITY** shall mean harmony in the appearance of two or more external design features in the same vicinity.

~~2-02-94~~ **COMPATIBLE USES** shall mean a land use which is congruous with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting,

debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.

~~2.02.95~~ **COMPREHENSIVE PLAN** shall mean the Comprehensive Plan of La Vista, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in Section 19-903, R.R.S. 1943, as the same may, from time-to-time, be amended.

~~2.02.96~~ **CONDITIONAL USE** shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.

~~2.02.97~~ **CONDITIONAL USE PERMIT** shall mean a permit issued by the Planning Commission and City Council that authorizes the recipient to make conditional use of property in accordance with the provisions of Article 6 and any additional conditions placed upon, or required by said permit.

~~2.02.98~~ **CONDOMINIUM** shall mean a structure or structures proposed for construction comprising a project in which an undivided interest in the land is coupled with the right to the exclusive occupancy of a designated residential space and/or spaces and accompanying facilities.

~~2.02.99~~ **CONGREGATE HOUSING** shall mean a residential facility for four or more persons fifty-five (55) years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. (Also see Housing for the elderly)

~~2.02.100~~ **CONSERVATION** shall mean the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.

~~2.02.101~~ **CONSERVATION AREA** shall mean environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.

~~2.02.102~~ **CONSERVATION EASEMENT** shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

~~2.02.103~~ **CONSTRUCTION** shall mean on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, blasting and landscaping. (*Ordinance No. 1083, 2-17-09*)

~~2.02.104~~ **CONTIGUOUS** shall mean the same as "Abut".

~~2.02.105~~ **CONTINUING CARE RETIREMENT COMMUNITY** shall offer services and housing packages that allow access to senior independent living, assisted living, and nursing care facilities. Seniors who are independent may live in a single-family home, apartment or condominium within the Continuing Care Retirement Community.

*When members of the community begin to need help with activities of daily living (e.g. bathing, dressing, eating, etc.), they may be transferred to an assisted living or nursing care facility on the same site.*

~~2.02.106~~ **CONVENIENCE STORE** shall mean a one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket.") It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic. *Fuel sales shall be limited to automobiles, pick-up trucks, boats, recreational vehicles, motorcycles, and small motorized equipment. (Ordinance No. 1083, 2-17-09)*

## **Section 2.05 - Definitions: D**

~~2.02.107~~ **DENSITY** shall mean the number of dwelling units per gross acre of land.

~~2.02.108~~ **DEVELOPER** shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.

~~2.02.109~~ **DEVELOPMENT** shall mean any manmade 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 for which necessary permits may be required. *Also, shall mean any material change in the use or appearance of any structure or in the land itself; the division of land into separate lots; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a river, stream, lake, pond, woodland, wetland, endangered species habitat, aquifer or other resource area. (Ordinance No. 1083, 2-17-09)*

~~2.02.110~~ **DOG KENNEL** (See Kennel)

~~2.02.111~~ **DOWNZONING** shall mean a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.

~~2.02.112~~ **DRAINAGE** shall mean the removal of surface water or groundwater from land by drains, grading, or other means that include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply, and the prevention or alleviation of flooding. *(Ordinance No. 1083, 2-17-09)*

~~2.02.113~~ **DRIVEWAY** shall mean any vehicular access to an off-street parking or loading facility.

~~2.02.114~~ **DUPLEX** shall mean the same as "Dwelling, Two (2) Family".

~~2.02.115~~ **DWELLING** Any building or portion thereof which is designed and used exclusively for single family residential purposes, excluding mobile homes.

~~2.02.116~~ **DWELLING, MOBILE HOME** Any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or rollers, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.

~~2.02.116.1~~ Permanently Attached: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such mobile home in order to relocate it on another site in accordance to manufacturers recommendations.

~~2.02.116.2~~ Permanent Foundation: Base on which building rests to be constructed from either poured concrete or laid masonry block or brick placed on a footing located below ground level to a point below the frost line. (*Ordinance No. 1083, 2-17-09*)

~~2.02.117~~ **DWELLING, MULTIPLE FAMILY** shall mean a building or buildings designed and used for occupancy by three (3) or more families, all living independently of each other and having separate kitchen and toilet facilities for each family. (*Ordinance No. 1083, 2-17-09*)

~~2.02.118~~ **DWELLING, SINGLE FAMILY** a building having accommodations for or occupied exclusively by one family which meet all the following standards:

~~2.02.118.1.1.~~ The home shall have no less than nine hundred (900) square feet of floor area, above grade, for single story construction;

~~2.02.118.2~~ The home shall have no less than an eighteen (18) foot exterior width;

~~2.02.118.32.~~ The roof shall be pitched with a minimum vertical rise of two and one-half (2 1/2) inches for each twelve (12) inches of horizontal run;

~~2.02.118.43.~~ The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction;

~~2.02.118.54.~~ The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock;

~~2.02.118.6~~ The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed;

~~2.02.118.75.~~ The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district; and

~~2.02.118.86.~~ Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick placed on a footing located below ground level to a point below the frost line. (*Ordinance No. 1083, 2-17-09*)

~~2.02.119~~ **DWELLING, TWO (2) FAMILY** shall mean a building designed or used exclusively for the occupancy of two (2) families living independently of each other and having separate kitchen and toilet facilities for each family.

~~2.02.120~~ **DWELLING UNIT** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet and sleeping facilities.

## **Section 2.06 - Definitions: E**

~~2.02.121~~ **EASEMENT** shall mean a space or a lot or parcel of land reserved for or used for public utilities or public or private uses.

~~2.02.122~~ **EDUCATIONAL FACILITY** shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities,

junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (1) Offer general academic instruction equivalent to the standards established by the State Board of Education; or (2) Confer degrees as a college or university or undergraduate or graduate standing; or (3) Conduct research; or (4) Give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition. (*Ordinance No. 1083, 2-17-09*)

~~2.02.123~~ **EFFECTIVE DATE** shall mean the date that this Ordinance shall have been adopted, amended, or the date land areas became subject to the regulations contained in this Ordinance as a result of such adoption or amendment.

~~2.02.124~~ **ENCROACHMENT** shall mean an advancement or intrusion beyond the lines or limits as designated and established by the Regulation, and to infringe or trespass into or upon the possession or right of others without permission.

~~2.02.125~~ **ENLARGEMENT** shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

~~2.02.126~~ **ENTERTAINMENT VENUE** shall mean any activity that includes, but is not limited to, a theatrical performance, live music performance, live or "virtual" disc jockey, or live or "virtual" master of ceremonies, held indoors or outdoors to which members of the public are invited with or without charge. (*Ordinance No. 1219, 7-15-14*)

~~2.02.127~~ **ERECTED** shall mean constructed upon or moved onto a site.

~~2.02.128~~ **EVENT CENTER** shall mean all buildings and associated parking facilities which are kept, used, maintained, advertised, held out, leased out, or otherwise made available to private groups and/or the general public for such purposes as meetings, civic, educational, political, religious or social purpose such as receptions, dances, entertainment, secondhand merchandise sales and the like, and may include a banquet hall, private club or fraternal organization, but not including uses defined in Adult Establishment. (*Ordinance No. 955, 7-19-05*)

~~2.02.129~~ **EXERCISE, FITNESS and TANNING SPA** shall mean an establishment that provides exercise facilities for the purposes of running, jogging, aerobics, weight lifting, court sports, and/or swimming, as well as locker rooms, showers, massage rooms, tanning beds, hot tubs, saunas or other related accessory uses; however, excluding any uses defined as "adult entertainment establishments". (*Ordinance No. 1083, 2-17-09*)

~~2.02.130~~ **EXTERNAL DESIGN FEATURE** shall mean the general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.

~~2.02.131~~ **EXTRATERRITORIAL JURISDICTION** shall mean the area beyond the corporate limits, in which the City has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers.

## **Section 2.07 - Definitions: F**

~~2.02.132~~ **FACADE** shall mean the exterior wall of a building exposed to public view from the building's exterior.



2-02-133 **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.

2-02-134 **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)*

2-02-135 **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)

2-02-136 **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.

2-02-137 **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)

2-02-138 **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)*

2-02-139 **FENCE, SOLID** shall mean any fence which does not qualify as an open fence.

2-02-140 **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)*

2-02-141 **FLOOD** (see Section 5.18.25 of this Ordinance)

2-02-142 **FLOOD PLAIN** (see Section 5.18.25 of this Ordinance)

2-02-143 **FLOODWAY** (see Section 5.18.25 of this Ordinance)

2-02-144 **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.

2-02-145 **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.

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

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

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

## **Section 2.08 - Definitions: G**

2.02.147 **GARAGE** shall mean a detached accessory building or *an attached* portion of a *dwelling* for the housing of vehicles, including carports. (*Ordinance No. 1083, 2-17-09*)

2.02.148 **GRADE** shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

2.02.149 **GREENHOUSE** shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

2.02.150 **GROUND COVER** shall mean plant material used in landscaping which remains less than twelve (12) inches in height at maturity. (Also, see Landscaping)

2.02.151 **GROUP CARE HOME** shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four (24) hour care for individuals in a residential setting. *This term does not include any society, club, fraternity, sorority, association, lodge, organization, or 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*)

2.02.152 **GUNSMITH** shall mean a shop that designs, makes or repairs small firearms. (*Ordinance No. 1083, 2-17-09*)

2.02.153 **GUEST ROOM** shall mean a room which is designed to be occupied by one (1) or more guest for sleeping purposes, having no kitchen facilities, not including dormitories.

## **Section 2.09 - Definitions: H**

2.02.154 **HARD SURFACED** shall mean any surface used for movement of vehicular and / or pedestrians which is properly designed with permeable pavement, bricks, interlocking concrete pavers, asphalt or concrete. (*Ordinance No. 1083, 2-17-09*)

2.02.155 **HARMONY** shall mean a quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

2.02.156 **HAZARDOUS WASTE / MATERIALS** shall mean waste products of industrial or chemical process including finished surplus, used, contaminated or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material. (*Ordinance No. 1083, 2-17-09*)

~~2.02.157~~ **HEALTH CLUB** shall mean privately owned for profit facilities such as gymnasiums, athletic clubs, recreational clubs, reducing salons, and weight control establishments. (Ordinance No. 1083, 2-17-09)

~~2.02.158~~ **HEDGE** shall mean a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.

~~2.02.159~~ **HOME OCCUPATION** shall mean an "in-home" or "home-based" business, industry, or service (not including uses defined as Adult Entertainment Establishment) operating from within a residential dwelling, or within an accessory structure in a residential zoning district. Home occupations shall be secondary and incidental in nature to the primary residential structure and/or property. Home Occupations shall satisfy the standards set forth in Section 7.10 of the City's Zoning Ordinance.

~~2.022.02.157.01~~ **Home Occupation I (Major):** shall mean Home Occupations that include on-site sales or services and/or one part-time or full-time employee that does not reside on the premises.

~~2.032.02.157.02~~ **Home Occupation II (Minor):** shall mean a Home Occupation that is not a Home Occupation I, including the following (a) a Home Occupation in which the sole activity is maintenance and use of an office in the home for telecommuting and/or deriving other income or sales; and (b) home-based craftmaking or cooking, which does not involve on-site sales.

(Ordinance No. 879, 11-19-02)

~~2.042.02.157.03~~ Occupations defined as Home Occupation II are exempt from a conditional use permit and Home Occupation License. All Home Occupation I uses are required to have a Home Occupation License. (Ordinance No. 879, 11-19-02)

~~2.02.160~~ **HOME OCCUPATION LICENSE** shall mean a license provided to the owner/operator of a home occupation. Such license shall include (but not limited to) the following:

~~2.051.~~ ~~2.02.158.01~~ Application fee in accordance with Master Fee Schedule.  
(Ordinance No. 879, 11-19-02)

~~2.062.~~ ~~2.02.158.02~~ For major Home Occupations requiring a Conditional Use Permit, a minimum of seventy-five percent (75%) of the households within two hundred feet (200') of the proposed home occupation shall indicate no objections, in writing, to the operation of such home occupation. A "no objections" signature form shall be provided by the City and said residents shall sign next to their respective address. (Ordinance No. 879, 11-19-02)

~~2.073.~~ ~~2.02.158.03~~ A Conditional Use Permit is required for Home Occupation I uses, except Child Care Homes. (Ordinance No. 879, 11-19-02)

~~2.02.161~~ **HOME OCCUPATION PERMIT** (see Home Occupation License)  
(Ordinance No. 879, 11-19-02)

~~2.02.162~~ **HOME OCCUPATION TAX** (see Home Occupation License) (Ordinance No. 879, 11-19-02)

~~2.02.163~~ **HOSPITAL, ANIMAL** shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use. (Ordinance No. 871, 10-15-02)

~~2.02.164~~ **HOTEL** shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. (Ordinance No. 1083, 2-17-09)

~~2.02.165~~ **HOUSE TRAILER** (see Dwelling, Mobile Home)

**2.02.166 HOUSEHOLD PET** shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.

#### **Section 2.10 - Definitions: I**

**2.02.167 INCIDENTAL** shall mean a use, which is subordinate to the main use of a premise.

**2.02.168 INDOOR RECREATIONAL FACILITY** shall refer to use of a facility for purposes of recreation. The use shall be completely enclosed within a building with the exception of retractable roofs. Examples include, but are not limited to sports courts, gymnastics, kart racing, batting cages, practice fields, and miniature golf. (Ordinance No. 1083, 2-17-09)

**2.02.169 INDUSTRIAL CONDOMINIUM** shall mean a structure or structures proposed for construction comprising a project in which an undivided interest in the land is coupled with the right to the exclusive occupancy of a designated industrial or manufacturing space and/or spaces and accompanying facilities.

**2.02.170 INDUSTRY** shall mean the manufacture, fabrication, processing reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

**2.02.171 INOPERABLE MOTOR VEHICLE** shall mean any motor vehicle which: (1) Does not have a current state license plate; or, (2) Which may or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle which is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

**2.02.172 INTENSITY** shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.

**2.02.173 INTENT AND PURPOSE** shall mean that the Commission and Council by the adoption of this Ordinance have made a finding that the health, safety, and welfare of the community will be served by the creation of the zoning districts and by the regulations prescribed therein.

#### **Section 2.11 - Definitions: J**

**2.02.174 JUICE BAR** (See Adult Establishment)

**2.02.175 JUNK** shall be any worn-out, cast-off, old, or discarded articles of scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.

**Section 2.12 - Definitions: K**

**2.02.176 KENNEL** shall mean an establishment where three (3) or more dogs, cats, or other household pets, or non-farm/non-domestic or any combination of five (5) or more thereof, at least four (4) months of age are boarded as a business. *(Ordinance No. 1083, 2-17-09)*

**Section 2.13 - Definitions: L**

**2.02.177 LABORATORY** shall mean a facility used for testing and analyzing medical and dental samples from off-site locations. Testing laboratories shall refer to soil and geotechnical research and analysis. Laboratories do not include human or animal research / testing facilities. *(Ordinance No. 1083, 2-17-09)*

**2.02.178 LANDSCAPE** shall mean plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

**2.02.179 LANDSCAPING** shall include the original planting of suitable vegetation in conformity with the requirements of this Regulation and the continued maintenance thereof.

**2.02.180 LAUNDRY SERVICE** shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises. *(Ordinance No. 1083, 2-17-09)*

**2.02.181 LOADING AREA** shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress. *(Ordinance No. 1083, 2-17-09)*

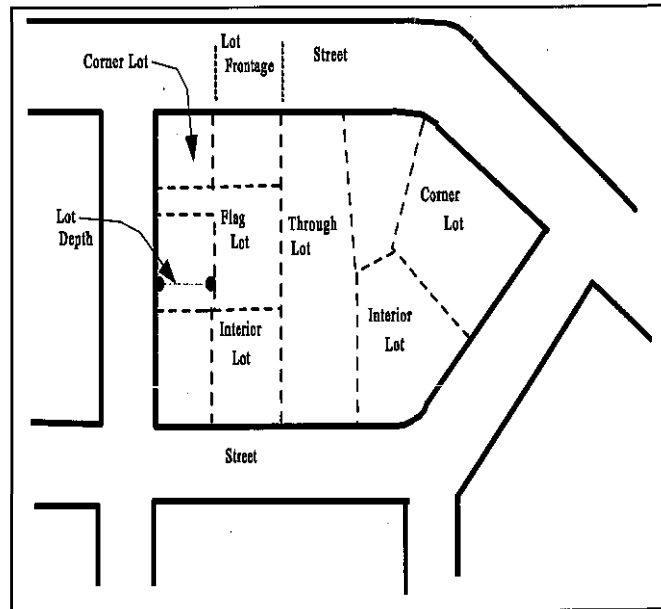
**2.02.182 LOGIC OF DESIGN** shall mean accepted principles and criteria of validity in the solution of the problem of design.

**2.02.183 LOT** shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Register of Deeds and abutting at least one (1) public street or right-of-way, two (2) easements with dedicated public access, or one (1) private road. *(Ordinance No. 1083, 2-17-09)*

**2.02.184 LOT AREA** shall mean the total area, on a horizontal plane, within the lot lines of a lot.

**2.02.185 LOT, CORNER** shall mean a lot located at the intersection of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.

**2.02.186 LOT COVERAGE** shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.



**2.02.187 LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

**2.02.188 LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

**2.02.189 LOT, FRONTAGE** shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

**2.02.190 LOT, INTERIOR** shall mean a lot other than a corner lot.

**2.02.191 LOT LINE** shall mean the property line bounding a lot.

**2.02.192 LOT LINE, FRONT** shall mean the property line abutting a street.

**2.02.193 LOT LINE, REAR** shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

**2.02.194 LOT LINE, SIDE** shall mean any lot line *that is* not a front lot line or rear lot line. (*Ordinance No. 1083, 2-17-09*)

**2.02.195 LOT, THROUGH** shall mean a lot having frontage on two (2) dedicated streets, not including a corner lot.

**2.02.196 LOT OF RECORD** shall mean a lot held in separate ownership as shown on the records of the County Register of Deeds at the time of the passage of a regulation or regulations establishing the zoning district in which the lot is located.

**2.02.197 LOT WIDTH** shall mean the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

~~2.02.198~~ **MAIL ORDER SERVICES** shall mean an establishment primarily engaged in the retail sale of products by television, telemarketing, internet, catalog, and mail order. Such a use may include warehousing, shipping, and receiving of merchandise intended for retail sale. (Ordinance No. 1083, 2-17-09)

~~2.02.199~~ **MANUFACTURED HOME** A factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with standards promulgated by the United States Department of Housing and Urban Development. (Ordinance No. 1083, 2-17-09)

~~2.02.200~~ **MANUFACTURED HOME PARK** shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or sold. The term "manufactured home park" does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection, or sale.

~~2.02.201~~ **MANUFACTURED HOME SUBDIVISION** shall mean any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.

~~2.02.202~~ **MANUFACTURING** shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

~~2.02.203~~ **MANUFACTURING, LIGHT** shall mean an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials. (Ordinance No. 1053, 1-15-08)

~~2.02.204~~ **MAP, OFFICIAL ZONING DISTRICT** shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the La Vista City Council.

~~2.02.205~~ **MASTER FEE SCHEDULE** shall mean a fee schedule maintained by the City of La Vista and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, Subdivision, and Building Inspection activities.

~~2.02.206~~ **MECHANICAL EQUIPMENT** shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

~~2.02.207~~ **MEDICAL / DENTAL OFFICES / CLINICS** shall mean a building or portion of a building containing offices and facilities for providing medical, dental, and psychiatric services for outpatients only. (Ordinance No. 1083, 2-17-09)

~~2.02.208~~ **MEETING HALL** shall mean a building designed for public assembly. (Ordinance No. 1083, 2-17-09)

~~2.02.209~~ **MICROBREWERY** (see Brew Pub) (Ordinance No. 1083, 2-17-09)

~~2.02.210~~ **MINI-STORAGE OR MINI-WAREHOUSE** (See Self-Service Storage Facility)

~~2.02.211~~ **MISCELLANEOUS REPAIR SERVICES** shall include electrical repair shops; watch, clock and jewelry repair shops; and re-upholstery and furniture repair. (See also Standard Industrial Classification (SIC) Major Group 76, published by the U.S. Department of Labor) (Ordinance No. 1053, 1-15-08)

~~2.02.212~~ **MISCELLANEOUS STRUCTURES** shall mean structures, other than buildings, visible from public ways. Examples are: memorials, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, transformers, drive-up facilities. (Ordinance No. 1083, 2-17-09)

~~2.02.213~~ **MIXED USE** shall mean properties where various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

~~2.02.214~~ **MOBILE HOME** (See Dwelling, Mobile Home)

~~2.02.215~~ **MOBILE HOME PARK** (See Manufactured Home Park)

~~2.02.216~~ **MOBILE HOME SUBDIVISION** (See Manufactured Home Subdivision)

~~2.02.217~~ **MORTUARY** shall mean an establishment in which the deceased are prepared for burial or cremation. The facility may include funeral services and spaces for informal gatherings or display of funeral equipment. This classification excludes cemeteries. (Ordinance No. 1083, 2-17-09)

~~2.02.218~~ **MOTEL** (See Hotel)

~~2.02.219~~ **MOTOR VEHICLE** shall mean every self-propelled vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs. (Ordinance No. 891, 2-04-03)

#### Section 2.15 - Definitions: N

~~2.02.220~~ **NEWSSTAND** shall mean a temporary structure manned by a vendor, whom sells newspapers, magazines and other periodicals. (Ordinance No. 1083, 2-17-09)

~~2.02.221~~ **NON-CONFORMING STRUCTURE** shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations. (Ordinance No. 1083, 2-17-09)

~~2.02.222~~ **NON-CONFORMING USE** shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulations.

~~2.02.223~~ **NUISANCE** shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.



**2.02.224 NURSERY** shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

**2.02.225 NURSING CARE AND REHABILITATION FACILITIES** shall mean a type of care facility for persons with chronic illness or disability, particularly older people who have mobility and eating problems. These facilities are licensed by the State of Nebraska and offer 24-hour room and board and health care services, including basic and skilled nursing care, rehabilitation, hospice, and a full range of other therapies, treatments, and programs.

#### **Section 2.16 - Definitions: O**

**2.02.226 OFFICE** shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.

**2.02.227 OFFICE PARK** shall mean a development which contains two or more separate office buildings, accessory and supporting uses, and open space all designed, planned, constructed, and maintained on a coordinated basis. (Ordinance No. 1083, 2-17-09)

**2.02.228 OPEN SPACE** shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

**2.02.229 OPEN SPACE, COMMON** shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

**2.02.230 OUTLOT** shall mean a lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued on any private structures.

**2.02.231 OUTDOOR STORAGE** shall mean the storage of any material for a period greater than 72 hours not in an enclosed building, including items for sale, lease, processing, and repair (including motor vehicles). (Ordinance No. 1083, 2-17-09)

**2.02.232 OVERLAY DISTRICT** shall mean a district in which additional requirements act in conjunction with the underlying zoning district. The underlying zoning district designation does not change. (Ordinance No. 1083, 2-17-09)

**2.02.233 OWNER** shall mean one (1) or more persons, including corporations, who have title to the property, building or structure in question.

#### **Section 2.17 - Definitions: P**

**2.02.234 PARCEL** shall mean a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

~~2.02.235~~ **PARK** shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

~~2.02.236~~ **PARKING AREA or VEHICULAR USE AREA** shall refer to all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas. (*Ordinance No. 1083, 2-17-09*)

~~2.02.237~~ **PARKING SPACE** shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine (9) feet *wide* by eighteen (18) feet *long*, plus such additional area as is necessary to afford adequate ingress and egress. (*Ordinance No. 1083, 2-17-09*)

~~2.02.238~~ **PERMANENT FOUNDATION** shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

~~2.02.239~~ **PERMANENTLY ATTACHED** shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.

~~2.02.240~~ **PERMITTED USE** shall mean any land use allowed without condition within a zoning district.

~~2.02.241~~ **PERSON** shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include La Vista, Nebraska.

~~2.02.242~~ **PET HEALTH SERVICE** (*see Hospital, Animal*) (*Ordinance No. 871, 10-15-02*)

~~2.02.243~~ **PET SHOP** shall mean a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, cattle, goats, sheep and poultry.

~~2.02.244~~ **PINBALL or VIDEO GAMES BUSINESS** (*See Amusement Arcade*) (*Ordinance No. 1083, 2-17-09*)

~~2.02.245~~ **PLANNED UNIT DEVELOPMENT** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan. (*Ordinance No. 891, 2-04-03*)

~~2.02.246~~ **PLANNING COMMISSION** shall mean the Planning Commission of La Vista, Nebraska.

~~2.02.247~~ **PLANT MATERIALS** shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

~~2.02.248~~ **PLAT** shall mean a map showing the location, boundaries, and legal description of individual properties.

~~2.02.249~~ **POSTAL STATION** shall mean a commercial business which conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease. (*Ordinance No. 1083, 2-17-09*)

~~2.02.250~~ **PREMISES** shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under

common ownership, contiguous, and used as a single tract (*See also, Parcel*)  
(Ordinance No. 1083, 2-17-09)

~~2.02.251~~ **PRESCHOOL** shall mean a school or center for children under school age, whether licensed as a day care center or not, shall be approved by the Nebraska State Fire Marshall as being in safety conformance with the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code and shall be approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards. (Ordinance No. 1083, 2-17-09)

~~2.02.252~~ **PRINCIPAL BUILDING** shall mean a building within which the main or primary use of the lot or premises is located. (*See also Use, Principal*) (Ordinance No. 1083, 2-17-09)

~~2.02.253~~ **PUBLIC FACILITIES** shall mean any building held, used, or controlled exclusively for public purposes by any department or branch of federal, state, county, or city government. A building belonging to or used by the public for the transaction of public or quasi-public business. Public services may be rendered from such facilities. (Ordinance No. 1083, 2-17-09)

~~2.02.254~~ **PUBLIC SERVICES** shall mean services provided by a public agency within a government facility for purposes of public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities. (Ordinance No. 1083, 2-17-09)

#### **Section 2.18 – Definitions: Q**

#### **Section 2.19 - Definitions: R**

~~2.02.255~~ **RECREATIONAL ESTABLISHMENT** (*see Recreational Facility*)  
(Ordinance No. 891, 2-04-03)

~~2.02.256~~ **RECREATIONAL FACILITY** shall mean public or private facilities for the use of passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks. (Ordinance No. 891, 2-04-03)

~~2.02.257~~ **RECREATIONAL VEHICLE (RV)** shall mean a vehicular unit less than forty (40) feet in overall length, eight (8) feet in width, or twelve (12) feet in overall height, primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

~~2.02.258~~ **RESIDENCE** shall mean a building used, designed, or intended to be used as a home or dwelling place for one (1) or more families.

~~2.02.259~~ **RESERVATION CENTER** shall mean a travel agency; or other such agency involved in selling and arranging transportation, tours, trips, and accommodations for tourists. (Ordinance No. 1083, 2-17-09)

~~2.02.260~~ **RESTAURANT** shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building.

~~2.02.261~~ **RESTAURANT, FAST FOOD** shall mean an establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carryout, *drive-thru*, or drive-in; and where food and/or beverages are usually served in paper, plastic, or other disposable containers. (*Ordinance No. 1083, 2-17-09*)

~~2.02.262~~ **RETAIL TRADE** shall mean uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.

~~2.02.263~~ **REZONING** shall mean an amendment to or change to the *Official Zoning District Map*. (*Ordinance No. 1083, 2-17-09*)

~~2.02.264~~ **RIGHT-OF-WAY** shall mean an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.

~~2.02.265~~ **ROAD, PRIVATE** shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties.

~~2.02.266~~ **ROAD, PUBLIC** shall mean all public right-of-way reserved or dedicated for *utilities and vehicular and pedestrian* traffic. (*Ordinance No. 1083, 2-17-09*)

#### **Section 2.20 - Definitions: S**

~~2.02.267~~ **SATELLITE DISH ANTENNA** shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.

~~2.02.268~~ **SCREENING** shall mean a structure *or* planting that conceals from view from public ways the area behind such structure or planting.

~~2.02.269~~ **SELF-SERVICE STORAGE FACILITY** shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

~~2.02.270~~ **SERVICE STATIONS** shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

~~2.02.271~~ **SETBACK, FRONT YARD** shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line *or other access way*. (*Ordinance No. 1083, 2-17-09*)

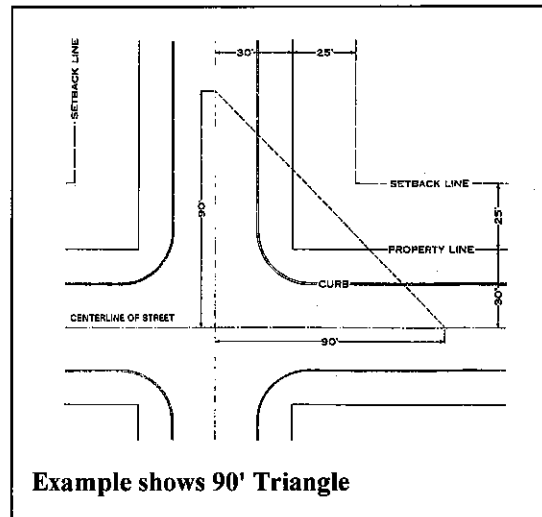
~~2.02.272~~ **SETBACK, REAR YARD OR SIDE YARD** shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, *offset* by the perpendicular distance prescribed for the yard in the district. (*Ordinance No. 1083, 2-17-09*)

~~2.02.273~~ **SHOPPING CENTER** shall mean a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the elements.

**2.02.274 SHOPPING CENTER, COMMERCIAL STRIP** shall mean a commercial development, usually one store deep, that fronts on a major street for a distance of one city block or more. Includes individual buildings on their own lots, with or without on-site parking and small linear shopping centers with shallow on-site parking in front of the stores.

**2.02.275 SHOPPING CENTER, OUTLET** shall mean a commercial development that consists mostly of manufacturers' outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and village clustered style centers.

**2.02.276 SIGHT TRIANGLE** is an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two-and-a-half (2 ½) feet and ten (10) feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, sixty (60) feet in each direction along the centerline of the streets. At the intersection of major or *other* arterial streets, the sixty (60) foot distance shall be increased to ninety (90) feet for each arterial leg of the intersection. (*Ordinance No. 891, 2-04-03*)



**2.07.277 SIGN** shall mean and include any outdoor display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, except the following:

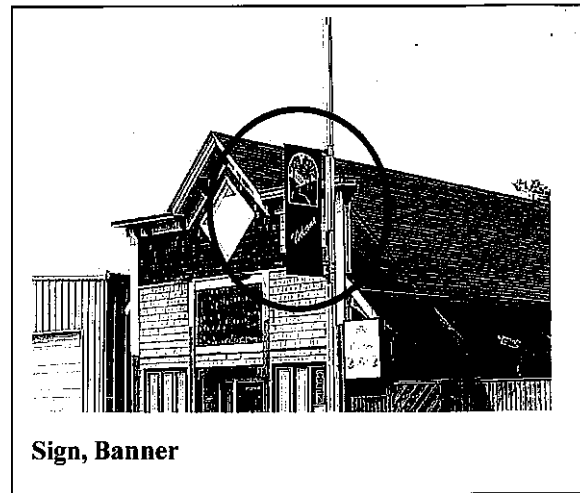
Signs less than fifty (50) square feet in area and less than twenty-five (25) feet in height of a public or quasi-public nature or other official notices that are authorized by the State of Nebraska, City of La Vista, or a Federal Government Agency, directional, informational, or other official signs or notices authorized by law.

**2.07.278 SIGN, ANIMATED** shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**2.07.279 SIGN AREA** shall refer to that portion of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated. (*Ordinance No. 1083, 2-17-09*)

**2.07.280 SIGN, AUDIBLE** shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and / or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and / or sounds to attract attention.

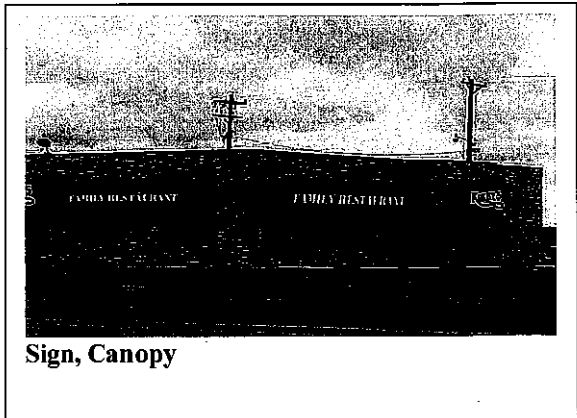
**2.07.281 SIGN, BANNER** shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flag of any institution or business shall not be considered banners. Banner signs shall not represent a commercial message.



**Sign, Banner**

**2.07.282 SIGN, BILLBOARD** shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

**2.07.283 SIGN, BUILDING MARKER** shall mean any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.



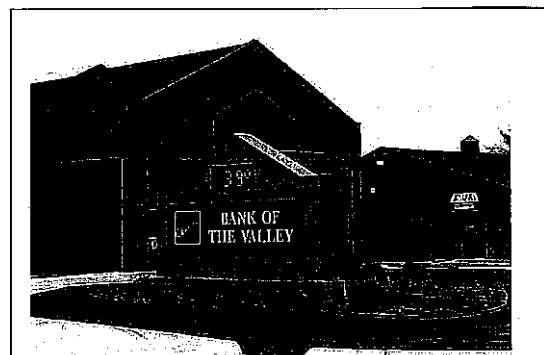
**Sign, Canopy**

**2.07.284 SIGN, CANOPY** shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. (Ordinance No. 1083, 2-17-09)

**2.07.285 SIGN, CENTER IDENTIFICATION** shall mean any sign erected to provide direction to a development including multiple uses and / or structures within the development. Center Identification signs shall include the name of said development and may include the names of major tenants of the development. Center Identification Signs shall typically be similar to Ground (Monument) signs. (Ordinance No. 1083, 2-17-09)

**2.07.286 SIGN, CONSTRUCTION** shall mean a temporary sign identifying an architect, engineer, contractor, subcontractor, and/or building material supplier who participates in construction on the property on which the sign is located. (Ordinance No. 871, 10-15-02); (Ordinance No. 1083, 2-17-09)

**2.07.287 SIGN, ELECTRONIC MESSAGE BOARD** shall mean any sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. (Ordinance No. 1144, 5-17-11)



**Sign, Monument  
Sign, Electronic Message  
Sign, Flashing**

2.07.288 **SIGN, FLASHING** shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.

2.07.289 **SIGN, FREESTANDING** shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

2.07.290 **SIGN, IDENTIFICATION** shall mean a sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

2.07.291 **SIGN, ILLUMINATED** shall mean a sign illuminated in any manner by an artificial light source.

2.07.292 **SIGN, INCIDENTAL** shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental. Incidental signs may be attached or painted on the wall, or they may be freestanding signs. (Ordinance No. 1083, 2-17-09)

2.07.293 **SIGN, MARQUEE** shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

2.07.294 **SIGN, MONUMENT** shall mean a sign mounted directly to the ground with a maximum height not to exceed ten (10) feet.

2.07.295 **SIGN, NAMEPLATE** shall mean a sign not exceeding two (2) square feet for each dwelling.

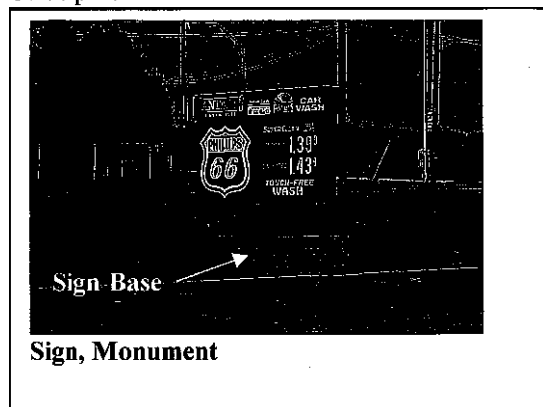
2.07.296 **SIGN, NONCONFORMING** shall mean any sign that does not conform to the requirements of this ordinance

2.07.297 **SIGN, OFF-PREMISES** shall mean a sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located.

2.07.298 **SIGN, ON-PREMISE** shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.

2.07.299 **SIGN, PENNANT** shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

2.07.300 **SIGN, POLE** shall mean a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.



**2.07.301 SIGN, PORTABLE** shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. Examples are: menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations (deliveries and transportation of personnel) of the business. This definition also includes any and all sandwich boards supported by human beings or animals.

**2.07.302 SIGN, PROJECT DIRECTORY** shall mean a sign fronting on a road containing only the name of the principal use and directional arrow to the principal use. Project directory signs are intended to direct attention to planned multi-tenant developments which are not easily accessible off of such roads and where on-premise signage for that development (or any tenants within the development) would not otherwise be visible by the motorists traveling on nearby arterial or collector roads at the closest point of access. (Ordinance No. 1144, 5-17-11)



Sign, Projecting

**2.07.303 SIGN, PROJECTING** shall mean a projecting sign attached to a building in such a manner that its leading edge extends more than eight (8) inches beyond the surface of such building or wall.

**2.07.304 SIGN, REAL ESTATE** shall mean a temporary sign that identifies property or properties that are for sale or lease.

**2.07.305 SIGN, ROOF** shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on or over the roof of a building. (Ordinance No. 1083, 2-17-09)

**2.07.306 SIGN SETBACK** shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

**2.07.307 SIGN, SUBDIVISION** shall mean a sign erected on a subdivision which identifies the platted subdivision where the sign is located.

**2.07.308 SIGN SURFACE** shall mean the entire area of a sign.

**2.07.309 SIGN, SUSPENDED** shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.



Sign, Subdivision

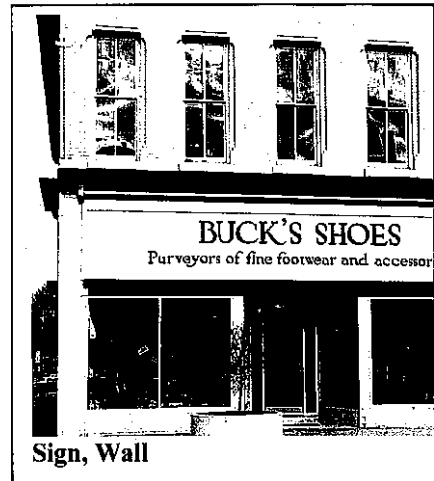
**2.07.310 SIGN, TEMPORARY** shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

**2.07.311 SIGN, VIDEO** shall mean any on-premises or off-premises sign that conveys either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen. This definition shall include electronic message board signs. (Ordinance No. 1083, 2-17-09)



2.07.312 **SIGN, WALL** shall mean any sign attached parallel to, but within eight inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

2.07.313 **SIGN, WINDOW** shall mean any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.



2.07.314 **SIGN BASE** shall mean any decorative, functional element extending upward from grade to the start of the sign.

2.07.315 **SIMILAR USE** shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

2.07.316 **SITE PLAN** shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.

2.07.317 **SOCIAL CLUB OR FRATERNAL ORGANIZATIONS** shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit. (Ordinance No. 1083, 2-17-09)

2.07.318 **SOLID WASTE** shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

2.07.319 **SPECIAL or VOCATIONAL TRAINING FACILITIES** shall mean a specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone. Incidental instructional services in conjunction with another primary use shall not be included in this definition. (Ordinance No. 1083, 2-17-09)

2.07.320 **SPECIFIED ANATOMICAL AREAS** shall mean anatomical areas consisting of:

Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,  
Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2.07.321 **SPECIFIED SEXUAL ACTIVITIES** shall mean activities consisting of the following:

2.07.321.01 Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery,

coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

~~2.07.321.02~~ Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or

~~2.07.321.03~~ Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

~~2.07.321.04~~ Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or

~~2.07.321.05~~ Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or

~~2.07.321.06~~ Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or

~~2.07.321.07~~ Human excretion, urination, menstruation, vaginal, or anal irrigation.

~~2.07.322~~ **STATE** shall mean the State of Nebraska.

~~2.07.323~~ **STORAGE** shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than thirty (30) days.

~~2.07.324~~ **STORY** shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.

~~2.07.325~~ **STREET** shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Regulation.

~~2.07.326~~ **STREET, ARTERIAL** shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a City, City, or county with controlled access to abutting property.

~~2.07.327~~ **STREET, COLLECTOR** shall mean a street or high way, which is intended to carry traffic from a minor street to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

~~2.07.328~~ **STREET FRONTAGE** shall mean the distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

~~2.07.329~~ **STREET, LOCAL** shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

~~2.07.330~~ **STREET, PRIVATE** shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. (*Ordinance No. 1083, 2-17-09*)

~~2.07.331~~ **STREETSCAPE** shall mean the scene as may be observed along a street *right-of-way* composed of natural and man-made components, including buildings, paving, plantings, *poles, signs, benches, and other miscellaneous amenities.* (*Ordinance No. 1083, 2-17-09*)

~~2.07.332~~ **STRUCTURE** shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

~~2.07.333~~ **STRUCTURE, TEMPORARY** shall mean a structure permitted as a temporary use. (Ordinance No. 1083, 2-17-09)

~~2.07.334~~ **STRUCTURAL ALTERATION** shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

~~2.07.335~~ **SUBDIVISION** shall mean the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. (Ordinance No. 1083, 2-17-09)

#### Section 2.21 - Definitions: T

~~2.07.336~~ **TANNING SPA or SALON** shall mean any business that uses artificial lighting or other systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment. (Ordinance No. 1083, 2-17-09)

~~2.07.337~~ **TAVERN AND COCKTAIL LOUNGE** shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Ordinance No. 1083, 2-17-09)

~~2.07.338~~ **TELECOMMUNICATIONS FACILITY** shall mean any facility that transmits and/or receives signals by electromagnetic or optical means, including antennas, microwave dishes, horns, or similar types of equipment, towers or similar structures supporting such equipment, and equipment buildings. (Ordinance No. 1083, 2-17-09)

~~2.07.339~~ **TELEPHONE EXCHANGE** shall mean a building used exclusively for the transmission and exchange of telephone messages, but the term shall not include wireless communication towers. (Ordinance No. 1083, 2-17-09)

~~2.07.340~~ **TEMPORARY USE** shall mean a use intended for limited duration, not to exceed six (6) months, to be located in a zoning district not permitting such use. (Ordinance No. 1083, 2-17-09)

~~2.07.341~~ **THEATER** shall mean a building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service.

2.07.342 **TOWER** shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna)

2.07.343 **TOWNHOUSE** shall mean a one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

2.07.344 **TRANSPORTATION SERVICES** shall mean establishments providing services incidental to transportation, such as forwarding, packing, crating, or other means of preparing goods for shipping. (See also Standard Industrial Classification (SIC) Industry Group 473 and description 4783, published by the U.S. Department of Labor.) (Ordinance No. 1053, 1-15-08)

#### **Section 2.22 - Definitions: U**

2.07.345 **USE, PRINCIPAL** shall mean the main use of land or structure, as distinguished from an accessory use. (Also, see Principal Building)

2.07.346 **UTILITARIAN STRUCTURE** shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.

2.07.347 **UTILITY HARDWARE** shall mean devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

2.07.348 **UTILITY SERVICE** shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.

#### **Section 2.23 - Definitions: V**

2.07.349 **VARIANCE** shall mean a relief granted by the Board of Adjustment from or variation of the provisions of this Ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning. (Ordinance No. 1083, 2-17-09)

2.07.350 **VETERINARY SERVICES** shall mean a building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such clinics may or may not also provide long-term lodging for ill or unwanted animals, or lodging for healthy animals on a fee basis. Such clinics may or may not also provide general grooming practices for such animals. (Ordinance No. 871, 10-15-02)

#### **Section 2.24 - Definitions: W**

2.07.351 **WAREHOUSE** shall mean a building used primarily for the storage of goods and materials.

2.07.352 **WHOLESALE TRADE** shall mean a use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity

brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.

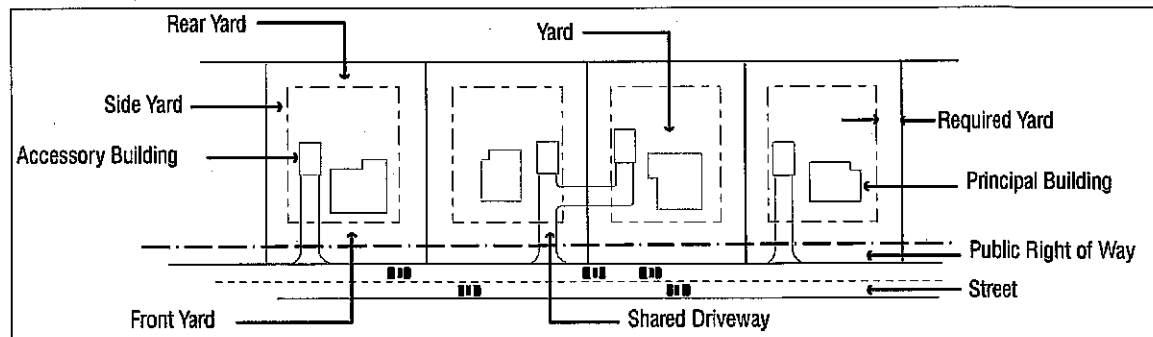
**2.07.353 WIND ENERGY SYSTEM or WIND ENERGY CONVERSION SYSTEM (WECS)** shall mean a wind-driven machine that converts wind energy into electrical power for the primary purpose of on-site use or resale for off-site use. (Ordinance No. 1083, 2-17-09)

**2.07.354 WIRELESS COMMUNICATIONS TOWER** shall mean a structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires), of either lattice or monopole construction. (Ordinance No. 1083, 2-17-09)

## Section 2.25 – Definitions: X

## Section 2.26 - Definitions: Y

**2.07.355 YARD** shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Regulation.



3

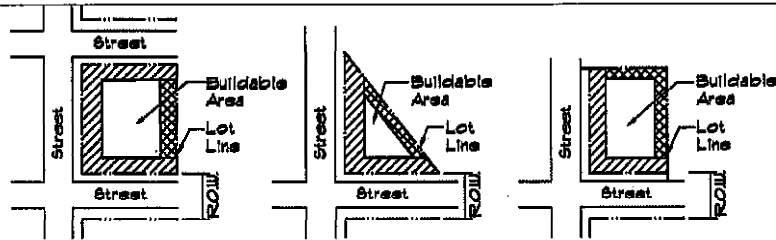
**2.07.356 YARD, FRONT** shall mean a space between the front yard setback line and the front lot line or *right-of-way line*, and extending the full width of the lot. (Ordinance No. 1083, 2-17-09)

**2.07.357 YARD, REAR** shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

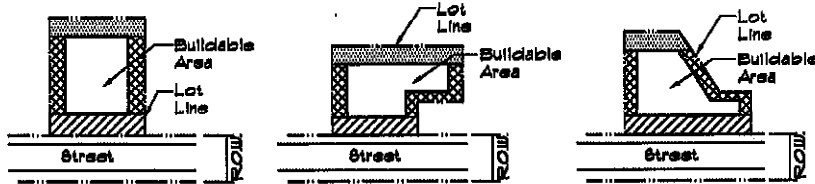
~~2.07.358~~ **YARD, SIDE** shall mean a space extending from the front yard or from the front lot line where no front yard is required by this Regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

**Section 2.27 - Definitions: Z**

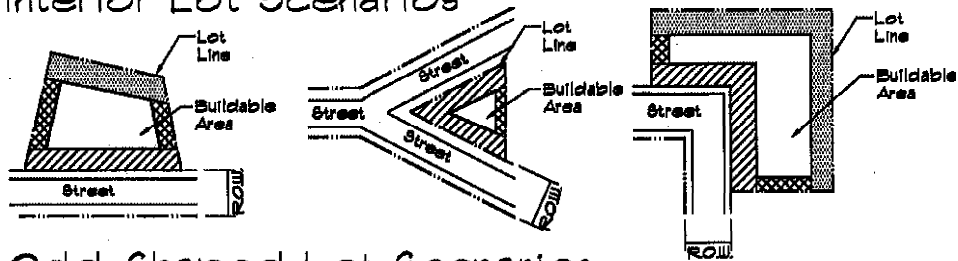
~~2.07.359~~ **ZONE LOT** shall mean a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.



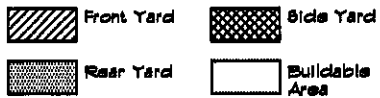
## Corner Lot Scenarios



## Interior Lot Scenarios



## Odd-Shaped Lot Scenarios







### **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), 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.
- 5.05.03.09 Airports.
- 5.05.03.10 Campgrounds.
- 5.05.03.12 ~~Kennels and stables.~~
- 5.05.03.13 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 swimming pool, tennis court 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
Residential Dwelling	20	660'	75'	25'	25'	35'	-
Other Permitted Uses	20	660'	75'	25'	25'	45'	-
Other Permitted Conditional Uses	20	660'	75'	25'	25'	45'	-
Accessory Buildings	-	-	100'	25'	10'	17'	-



### **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. This district adds certain design standards in comparison to zoning districts located along 84<sup>th</sup> Street and at the intersection of 96<sup>th</sup> and Giles Road. They are designed to promote:

- 5.10.01.01 — Safe traffic circulation on and off and across the highway.
- 5.10.01.02 — A high quality of design and site planning.
- 5.10.01.03 — Flexibility in development in order to provide an attractive, viable employment corridor.

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.~~ Pet shop.
- ~~35-34.~~ Photographer.
- ~~36-35.~~ Picture framing shop.
- ~~37-36.~~ Reservation center.
- ~~38-37.~~ Restaurants, cafes and fast food establishments.
- ~~39-38.~~ Second hand stores.
- ~~40-39.~~ Shoe store.
- ~~41-40.~~ Sporting goods.
- ~~42-41.~~ Stamp and coin stores.
- ~~43-42.~~ Tailors and dressmakers.
- ~~44-43.~~ Tanning salon.
- ~~45-44.~~ Travel agencies.
- ~~46-45.~~ Video store, not including uses defined in Adult Establishment.
- ~~47-46.~~ Social club and fraternal organizations, not including uses defined in Adult Establishment.
- ~~48-47.~~ Telephone exchange.
- ~~49-48.~~ Telephone answering service.
- ~~50-49.~~ Public overhead and underground local distribution utilities.
- ~~51-50.~~ Publicly owned and operated facilities. (*Ordinance No. 950, 3-1-05*)

#### **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.*

~~5.10.03.23~~ 5.10.03.24 *Pet shop.*

**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:

<i>Uses</i>	<b>Lot Area (SF)</b>	<b>Lot Width</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>	<b>Max. Height</b>	<b>Max. Lot Coverage</b>
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. ~~Pet shop.~~
  - 36-35. Photographer.
  - 37-36. Picture framing shop.
  - 38-37. Reservation center.

- ~~39-38.~~ Restaurants, cafes and fast food establishment.
- ~~40-39.~~ Second hand stores.
- ~~41-40.~~ Shoe store.
- ~~42-41.~~ Sporting goods.
- ~~43-42.~~ Stamp and coin stores.
- ~~44-43.~~ Tailors and dressmakers.
- ~~45-44.~~ Tanning salon.
- ~~46-45.~~ Travel agencies.
- ~~47-46.~~ Video store, not including uses defined in Adult Establishment.
- ~~48-47.~~ Social club and fraternal organizations, not including uses defined in Adult Establishment.
- ~~49-48.~~ Telephone exchange.
- ~~50-49.~~ Telephone answering service.
- ~~51-50.~~ Theater, indoor, not including uses defined in Adult Establishment.
- ~~52-51.~~ Public overhead and underground local distribution utilities.

*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.
- ~~5.11.03.22~~ ~~5.11.03.24~~ Pet shop.

**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.

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO AMEND SECTION 2.02 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 2.02 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 2.02. Section 2.02 of the Ordinance No. 848 is hereby amended to read as follows:

**Section 2.02 – Definitions: A**

**ABANDONMENT** shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

**ABUT, ABUTTING** shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley.

**ACCESS OR ACCESS WAY** shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Regulation.

**ACCESSORY BUILDING** (see Building, accessory)

**ACCESSORY STRUCTURE** shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.

**ACCESSORY USE** shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.

**ADJACENT** shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".

**ADULT BOOKSTORE** shall mean any premises from which minors are excluded and in which the retail sale of books, magazines, newspapers, movie films, devices, slides, or other photographic or written reproductions is conducted as a principal use of the premises, if such services are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas." (*Ordinance No. 1083, 2-17-09*)

**ADULT COMPANIONSHIP ESTABLISHMENT** shall mean an establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**ADULT ENTERTAINMENT ESTABLISHMENT** shall mean any business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, adult internet industries, and adult massage parlor / health club. (*Ordinance No. 1083, 2-17-09*)

**ADULT HOTEL OR MOTEL** shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

**ADULT INTERNET INDUSTRIES** shall mean any business within an enclosed building or outdoors that is producing materials for distribution on the Internet, including live video streaming, tape delayed video broadcasts, live simulcasting, still photographs, audio broadcasts, animated video or hard copy, wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." Said uses are intended for viewing by other parties while on-line and for a specified charge. (Ordinance No. 891, 2-04-03); (Ordinance No. 1083, 2-17-09)

**ADULT MASSAGE PARLOR, HEALTH CLUB** shall mean a massage parlor or health club, which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**ADULT MINI-MOTION PICTURE THEATER** shall mean a business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

**ADULT MOTION PICTURE ARCADE** shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

**ADULT MOTION PICTURE THEATERS** shall mean a business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

**ADULT NOVELTY BUSINESS** shall mean a business which has as a principal activity of the sale of devices which simulate human genitals or devices which are designed for sexual stimulation.

**ADULT SAUNA** shall mean a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**ADVERTISING STRUCTURE** shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure.

**AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES** shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residence of hired men, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

**AGRICULTURE** shall mean the use of land for agricultural purposes, of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use. Agricultural use shall not be construed to include any parcel of land of less than twenty acres or any non-agricultural commercial or industrial development.

**AIRPORT** shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

**ALLEY** shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this regulation related to frontage on a dedicated street.

**ALTERATION** shall mean any change, addition or modification in construction or occupancy of an existing structure.

**AMENDMENT** shall mean a change in the wording, context, or substance of this Regulation, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.

**AMUSEMENT ARCADE** shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.

**ANIMAL HOSPITAL** (see Hospital, animal)

**ANIMAL SPECIALTY SERVICES** shall refer to establishments primarily engaged in pet grooming, clipping, bathing, daycare, training courses, obedience classes, and similar services. Does not include veterinary services, but may include overnight boarding of animals, excluding exotic animals and farm animals such as horses, cattle, goats, sheep and poultry. (Ordinance No. \_\_\_\_\_, 6-16-15)

**ANTENNA** shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (Also, see Satellite Dish Antenna.)

**ANTIQUE STORE** shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, belonging to the past, at least 30 years old. (Ordinance No. 1083, 2-17-09)

**APARTMENT** shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together. (Also, see Dwelling Unit)

**APPAREL SHOP** shall mean retail stores where clothing is sold, such as department stores, shoe stores, and dress, hosiery, and millinery shops. (Ordinance No. 1083, 2-17-09)

**APPLIANCE STORE** shall refer to retail shops selling equipment used for domestic functions. A store may include heavy appliances such as refrigerators, washers, dryers, ovens, dishwashers, or other similar domestic equipment. The store may also include smaller appliances such as televisions, computers, radios, microwaves, and other similar domestic equipment. (Ordinance No. 1083, 2-17-09)

**APPEARANCE** shall mean the outward aspect visible to the public.

**APPROPRIATE** shall mean the sympathetic, or fitting, to the context of the site and the whole community.

**APPURTENANCES** shall mean the visible, functional objects accessory to and part of buildings.

**ARCHITECTURAL CANOPY SIGN** (see Sign, architectural canopy)

**ARCHITECTURAL CHARACTER** (see Architectural Concept)

**ARCHITECTURAL CONCEPT** shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development. (Ordinance No. 1083, 2-17-09)



**ARCHITECTURAL FEATURE** shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.

**LINES** shall mean visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.

**MASS** shall pertain to the volume or bulk of a building or structure.

**TEXTURE** shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.

**ARCHITECTURAL STYLE** shall mean the characteristic form and detail, as of buildings of a particular historic period.

**ART GALLERY** shall mean an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries. (Ordinance No. 1083, 2-17-09)

**ASSISTED LIVING FACILITIES** shall mean a type of long-term care facility for elderly or disabled people needing assistance with daily activities such as eating, bathing, dressing, laundry, housekeeping, and medicating. These facilities typically have a central cafeteria and nursing staff on call.

**ATTACHED** shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from a permanent foundation or structural change in such structure in order to relocate it to another site. (Ordinance No. 1083, 2-17-09)

**AUCTION SALES** shall mean a building or structure or lands used for the storage of goods, materials or livestock which are to be sold on the premises by public auction and for the sale of the said goods, materials or livestock by public auction and on an occasional basis. Auction sales also includes motor vehicle wholesale sales, including trailers, trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (Ordinance No. 891, 2-04-03)

**AUTOMATED TELLER MACHINE (ATM)** shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution. (Ordinance No. 1083, 2-17-09)

**AUTOMOBILE SALES** shall mean the storage and display for sale or lease of more than two motor vehicles or any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten or more sold or leased during the course of a calendar year, and where repair or body work is incidental to the operation of the new or used vehicle sales or leasing. Automobile sales includes all motor vehicle retail sales and leases including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (Also, see Auction Sales) (Ordinance No. 891, 2-04-03)

**AUTOMOTIVE REPAIR SERVICES** shall refer to any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work; oil change and lubrication; major painting services; collision services; and tire service and sales. (Ordinance No. 1053, 1-15-08)

**AUTOMOTIVE SERVICES** shall refer to any building, structure, improvements or land used for the general maintenance of automobiles, motorcycles, trucks, trailers or similar vehicles including but not limited to washing, cleaning, and/or detailing; installation of car stereos, accessories, or other light equipment; and minor painting. (Ordinance No. 1053, 1-15-08)

## **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, unplatted 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)

**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.

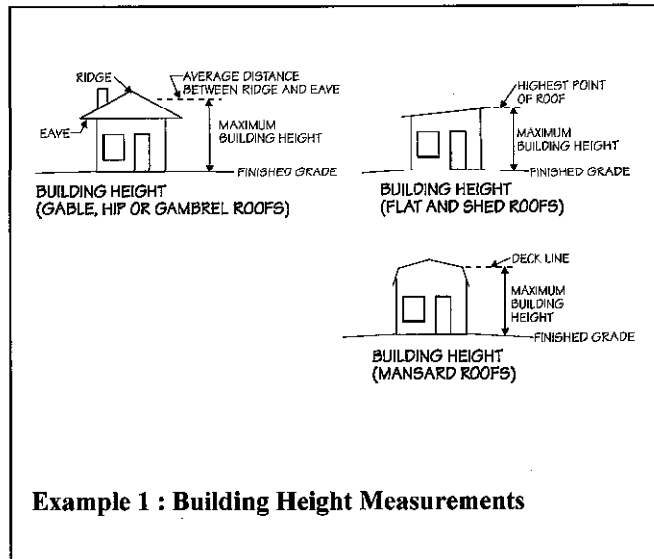
**BUFFER** shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (Also, see Screening)

**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*)



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

**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 2.04 - Definitions: C**

**CAMPGROUND** shall mean a parcel of land intended for the temporary occupancy of tents, campers, and recreational vehicles and which primary purpose is recreational, having open areas that are natural in character.

**CAR WASH** shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles, not including semi-trailer tractors, buses, and commercial fleets.

**CARPORT** shall mean a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.

**CELLAR** shall mean a building space having more than one-half (1/2) of its height below the average adjoining grade lines.

**CEMETERY** shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.

**CHANGEABLE COPY** shall refer to a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without, altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance. (Ordinance No. 1083, 2-17-09)

**CHANNEL** shall mean the geographical area within either the natural or artificial banks of a watercourse or drainway.

**CHARITABLE ORGANIZATION or CLUB** shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals. (Ordinance No. 1083, 2-17-09)

**CHILD CARE CENTER** shall mean an establishment other than a public or parochial school, which provides day care, play groups, nursery schools or education for thirteen (13) or more children under age 13, at any one time, from families other than that of the provider. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.

**CHILD CARE HOME** shall mean an operation in the provider's place of residence which serves at least four (4), but not more than eight (8) children at any one time, from families other than that of the provider. A Family Child Care Home I provider may be approved to serve no more than two (2) additional school-age children during non-school hours. A Family Child Care Home II operation may be either in the provider's own place of residence or a site other than the residence, serving twelve (12) or fewer children at any one time. In addition to these regulations, Child Care Homes shall meet all requirements of the State of Nebraska.

**CITY** shall mean the City of La Vista.

**CODE** shall mean the Municipal Code of the City of La Vista.

**COFFEE KIOSK** shall mean a retail food business in a freestanding building that sells coffee, or other beverages, and remade bakery goods from a drive-through window or walk-up window. (Ordinance No. 1053, 1-15-08).

**COLLEGE AND UNIVERSITY** shall mean an educational institution offering advanced instruction in any academic field beyond the secondary level, including trade schools or business colleges. (Ordinance No. 1168, 3-6-12)

**COMMISSION** shall mean the La Vista Planning Commission.

**COMMERCIAL MESSAGE** shall mean any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. (Ordinance No. 1083, 2-17-09)

**COMMON AREA OR PROPERTY** shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a Planned Development or condominium development.

**COMMUNICATION SERVICES** shall mean establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as major utility services or wireless communication towers. Typical uses include

*television studios, communication service centers, internet service offices, or film and sound recording facilities.*  
**(Ordinance No. 1083, 2-17-09)**

**COMPATIBILITY** shall mean harmony in the appearance of two or more external design features in the same vicinity.

**COMPATIBLE USES** shall mean a land use which is congruous with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.

**COMPREHENSIVE PLAN** shall mean the Comprehensive Plan of La Vista, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in Section 19-903, R.R.S. 1943, as the same may, from time-to-time, be amended.

**CONDITIONAL USE** shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.

**CONDITIONAL USE PERMIT** shall mean a permit issued by the Planning Commission and City Council that authorizes the recipient to make conditional use of property in accordance with the provisions of Article 6 and any additional conditions placed upon, or required by said permit.

**CONDOMINIUM** shall mean a structure or structures proposed for construction comprising a project in which an undivided interest in the land is coupled with the right to the exclusive occupancy of a designated residential space and/or spaces and accompanying facilities.

**CONGREGATE HOUSING** shall mean a residential facility for four or more persons fifty-five (55) years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. (Also see Housing for the elderly)

**CONSERVATION** shall mean the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.

**CONSERVATION AREA** shall mean environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.

**CONSERVATION EASEMENT** shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

**CONSTRUCTION** shall mean on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, blasting and landscaping. **(Ordinance No. 1083, 2-17-09)**

**CONTIGUOUS** shall mean the same as "Abut".

**CONTINUING CARE RETIREMENT COMMUNITY** shall offer services and housing packages that allow access to senior independent living, assisted living, and nursing care facilities. Seniors who are independent may live in a

*single-family home, apartment or condominium within the Continuing Care Retirement Community. When members of the community begin to need help with activities of daily living (e.g. bathing, dressing, eating, etc.), they may be transferred to an assisted living or nursing care facility on the same site.*

**CONVENIENCE STORE** shall mean a one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket.") It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic. *Fuel sales shall be limited to automobiles, pick-up trucks, boats, recreational vehicles, motorcycles, and small motorized equipment. (Ordinance No. 1083, 2-17-09)*

#### **Section 2.05 - Definitions: D**

**DENSITY** shall mean the number of dwelling units per gross acre of land.

**DEVELOPER** shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.

**DEVELOPMENT** shall mean any manmade 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 for which necessary permits may be required. *Also, shall mean any material change in the use or appearance of any structure or in the land itself; the division of land into separate lots; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a river, stream, lake, pond, woodland, wetland, endangered species habitat, aquifer or other resource area. (Ordinance No. 1083, 2-17-09)*

**DOG KENNEL** (See Kennel)

**DOWNZONING** shall mean a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.

**DRAINAGE** shall mean the removal of surface water or groundwater from land by drains, grading, or other means that include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply, and the prevention or alleviation of flooding. *(Ordinance No. 1083, 2-17-09)*

**DRIVEWAY** shall mean any vehicular access to an off-street parking or loading facility.

**DUPLEX** shall mean the same as "Dwelling, Two (2) Family".

**DWELLING** Any building or portion thereof which is designed and used exclusively for single family residential purposes, excluding mobile homes.

**DWELLING, MOBILE HOME** Any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or rollers, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.

Permanently Attached: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such mobile home in order to relocate it on another site in accordance to manufacturers recommendations.

Permanent Foundation: Base on which building rests to be constructed from either poured concrete or laid masonry block or brick placed on a footing located below ground level to a point below the frost line. **(Ordinance No. 1083, 2-17-09)**

**DWELLING, MULTIPLE FAMILY** shall mean a building or buildings designed and used for occupancy by three (3) or more families, all living independently of each other and having separate kitchen and toilet facilities for each family. **(Ordinance No. 1083, 2-17-09)**

**DWELLING, SINGLE FAMILY** a building having accommodations for or occupied exclusively by one family which meet all the following standards:

The home shall have no less than nine hundred (900) square feet of floor area, above grade, for single story construction;

The home shall have no less than an eighteen (18) foot exterior width;

The roof shall be pitched with a minimum vertical rise of two and one-half (2 1/2) inches for each twelve (12) inches of horizontal run;

The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction;

The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock;

The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed;

The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district; and

Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick *placed on a footing located below ground level to a point below the frost line.* **(Ordinance No. 1083, 2-17-09)**

**DWELLING, TWO (2) FAMILY** shall mean a building designed or used exclusively for the occupancy of two (2) families living independently of each other and having separate kitchen and toilet facilities for each family.

**DWELLING UNIT** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet and sleeping facilities.

#### **Section 2.06 - Definitions: E**

**EASEMENT** shall mean a space or a lot or parcel of land reserved for or used for public utilities or public or private uses.

**EDUCATIONAL FACILITY** shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (1) Offer general academic instruction equivalent to the standards established by the State Board of Education; or (2) Confer degrees as a college or university or undergraduate or graduate standing; or (3) Conduct research; or (4) Give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition. **(Ordinance No. 1083, 2-17-09)**

**EFFECTIVE DATE** shall mean the date that this Ordinance shall have been adopted, amended, or the date land areas became subject to the regulations contained in this Ordinance as a result of such adoption or amendment.

**ENCROACHMENT** shall mean an advancement or intrusion beyond the lines or limits as designated and established by the Regulation, and to infringe or trespass into or upon the possession or right of others without permission.

**ENLARGEMENT** shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

**ENTERTAINMENT VENUE** shall mean any activity that includes, but is not limited to, a theatrical performance, live music performance, live or "virtual" disc jockey, or live or "virtual" master of ceremonies, held indoors or outdoors to which members of the public are invited with or without charge. *(Ordinance No. 1219, 7-15-14)*

**ERECTED** shall mean constructed upon or moved onto a site.

**EVENT CENTER** shall mean all buildings and associated parking facilities which are kept, used, maintained, advertised, held out, leased out, or otherwise made available to private groups and/or the general public for such purposes as meetings, civic, educational, political, religious or social purpose such as receptions, dances, entertainment, secondhand merchandise sales and the like, and may include a banquet hall, private club or fraternal organization, but not including uses defined in Adult Establishment. *(Ordinance No. 955, 7-19-05)*

**EXERCISE, FITNESS and TANNING SPA** shall mean an establishment that provides exercise facilities for the purposes of running, jogging, aerobics, weight lifting, court sports, and/or swimming, as well as locker rooms, showers, massage rooms, tanning beds, hot tubs, saunas or other related accessory uses; however, excluding any uses defined as "adult entertainment establishments". *(Ordinance No. 1083, 2-17-09)*

**EXTERNAL DESIGN FEATURE** shall mean the general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.

**EXTRATERRITORIAL JURISDICTION** shall mean the area beyond the corporate limits, in which the City has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers.

## **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)*

**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 2.08 - Definitions: G**

**GARAGE** shall mean a detached accessory building or an attached portion of a dwelling for the housing of vehicles, including carports. *(Ordinance No. 1083, 2-17-09)*

**GRADE** shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

**GREENHOUSE** shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

**GROUND COVER** shall mean plant material used in landscaping which remains less than twelve (12) inches in height at maturity. (Also, see Landscaping)

**GROUP CARE HOME** shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four (24) hour care for individuals in a residential setting. *This term does not include any society, club, fraternity, sorority, association, lodge, organization, or 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)*

**GUNSMITH** shall mean a shop that designs, makes or repairs small firearms. (Ordinance No. 1083, 2-17-09)

**GUEST ROOM** shall mean a room which is designed to be occupied by one (1) or more guest for sleeping purposes, having no kitchen facilities, not including dormitories.

#### **Section 2.09 - Definitions: H**

**HARD SURFACED** shall mean any surface used for movement of vehicular and / or pedestrians which is properly designed with permeable pavement, bricks, interlocking concrete pavers, asphalt or concrete. (Ordinance No. 1083, 2-17-09)

**HARMONY** shall mean a quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

**HAZARDOUS WASTE / MATERIALS** shall mean waste products of industrial or chemical process including finished surplus, used, contaminated or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material. (Ordinance No. 1083, 2-17-09)

**HEALTH CLUB** shall mean privately owned for profit facilities such as gymnasiums, athletic clubs, recreational clubs, reducing salons, and weight control establishments. (Ordinance No. 1083, 2-17-09)

**HEDGE** shall mean a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.

**HOME OCCUPATION** shall mean an "in-home" or "home-based" business, industry, or service (not including uses defined as Adult Entertainment Establishment) operating from within a residential dwelling, or within an accessory structure in a residential zoning district. Home occupations shall be secondary and incidental in nature to the primary residential structure and/or property. Home Occupations shall satisfy the standards set forth in Section 7.10 of the City's Zoning Ordinance.

**Home Occupation I (Major):** shall mean Home Occupations that include on-site sales or services and/or one part-time or full-time employee that does not reside on the premises.

**Home Occupation II (Minor):** shall mean a Home Occupation that is not a Home Occupation I, including the following (a) a Home Occupation in which the sole activity is maintenance and use of an office in the home for telecommuting and/or deriving other income or sales; and (b) home-based craftmaking or cooking, which does not involve on-site sales. (Ordinance No. 879, 11-19-02)

Occupations defined as Home Occupation II are exempt from a conditional use permit and Home Occupation License. All Home Occupation I uses are required to have a Home Occupation License. (Ordinance No. 879, 11-19-02)

**HOME OCCUPATION LICENSE** shall mean a license provided to the owner/operator of a home occupation. Such license shall include (but not limited to) the following:

1. Application fee in accordance with Master Fee Schedule. (Ordinance No. 879, 11-19-02)
2. For major Home Occupations requiring a Conditional Use Permit, a minimum of seventy-five percent (75%) of the households within two hundred feet (200') of the proposed home occupation shall indicate no objections, in writing, to the operation of such home occupation. A "no objections" signature form shall be provided by the City and said residents shall sign next to their respective address. (Ordinance No. 879, 11-19-02)
3. A Conditional Use Permit is required for Home Occupation I uses, except Child Care Homes. (Ordinance No. 879, 11-19-02)

**HOME OCCUPATION PERMIT** (see Home Occupation License) (Ordinance No. 879, 11-19-02)

**HOME OCCUPATION TAX** (see Home Occupation License) (Ordinance No. 879, 11-19-02)

**HOSPITAL, ANIMAL** shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use. (Ordinance No. 871, 10-15-02)

**HOTEL** shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. (Ordinance No. 1083, 2-17-09)

**HOUSE TRAILER** (see Dwelling, Mobile Home)

**HOUSEHOLD PET** shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.

#### **Section 2.10 - Definitions: I**

**INCIDENTAL** shall mean a use, which is subordinate to the main use of a premise.

**INDOOR RECREATIONAL FACILITY** shall refer to use of a facility for purposes of recreation. The use shall be completely enclosed within a building with the exception of retractable roofs. Examples include, but are not limited to sports courts, gymnastics, kart racing, batting cages, practice fields, and miniature golf. (Ordinance No. 1083, 2-17-09)

**INDUSTRIAL CONDOMINIUM** shall mean a structure or structures proposed for construction comprising a project in which an undivided interest in the land is coupled with the right to the exclusive occupancy of a designated industrial or manufacturing space and/or spaces and accompanying facilities.

**INDUSTRY** shall mean the manufacture, fabrication, processing reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

**INOPERABLE MOTOR VEHICLE** shall mean any motor vehicle which: (1) Does not have a current state license plate; or, (2) Which may or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle which is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

**INTENSITY** shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.

**INTENT AND PURPOSE** shall mean that the Commission and Council by the adoption of this Ordinance have made a finding that the health, safety, and welfare of the community will be served by the creation of the zoning districts and by the regulations prescribed therein.

#### **Section 2.11 – Definitions: J**

**JUICE BAR** (See Adult Establishment)

**JUNK** shall be any worn-out, cast-off, old, or discarded articles of scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.

**Section 2.12 - Definitions: K**

**KENNEL** shall mean an establishment where three (3) or more dogs, cats, or other household pets, or non-farm/non-domestic or any combination of five (5) or more thereof, at least four (4) months of age are boarded as a business. *(Ordinance No. 1083, 2-17-09)*

**Section 2.13 - Definitions: L**

**LABORATORY** shall mean a facility used for testing and analyzing medical and dental samples from off-site locations. Testing laboratories shall refer to soil and geotechnical research and analysis. Laboratories do not include human or animal research / testing facilities. *(Ordinance No. 1083, 2-17-09)*

**LANDSCAPE** shall mean plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

**LANDSCAPING** shall include the original planting of suitable vegetation in conformity with the requirements of this Regulation and the continued maintenance thereof.

**LAUNDRY SERVICE** shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises. *(Ordinance No. 1083, 2-17-09)*

**LOADING AREA** shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress. *(Ordinance No. 1083, 2-17-09)*

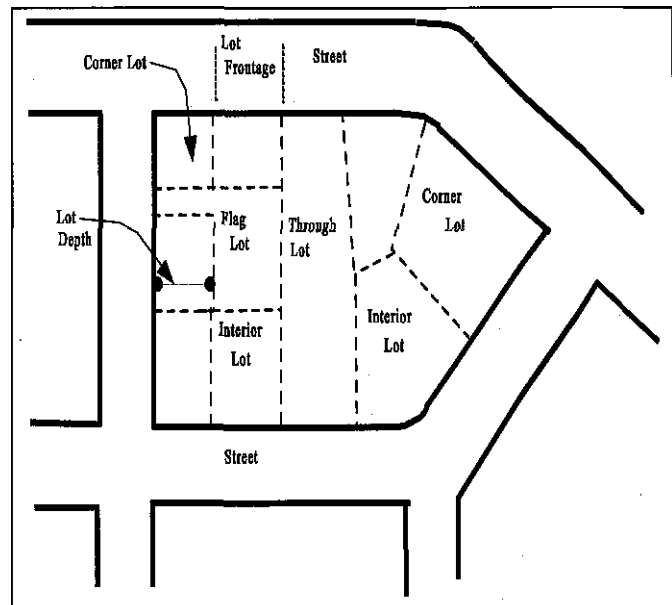
**LOGIC OF DESIGN** shall mean accepted principles and criteria of validity in the solution of the problem of design.

**LOT** shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Register of Deeds and abutting at least one (1) public street or right-of-way, two (2) easements with dedicated public access, or one (1) private road. *(Ordinance No. 1083, 2-17-09)*

**LOT AREA** shall mean the total area, on a horizontal plane, within the lot lines of a lot.

**LOT, CORNER** shall mean a lot located at the intersection of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.

**LOT COVERAGE** shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.



**LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

**LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

**LOT, FRONTAGE** shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

**LOT, INTERIOR** shall mean a lot other than a corner lot.

**LOT LINE** shall mean the property line bounding a lot.

**LOT LINE, FRONT** shall mean the property line abutting a street.

**LOT LINE, REAR** shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

**LOT LINE, SIDE** shall mean any lot line *that is* not a front lot line or rear lot line. (*Ordinance No. 1083, 2-17-09*)

**LOT, THROUGH** shall mean a lot having frontage on two (2) dedicated streets, not including a corner lot.

**LOT OF RECORD** shall mean a lot held in separate ownership as shown on the records of the County Register of Deeds at the time of the passage of a regulation or regulations establishing the zoning district in which the lot is located.

**LOT WIDTH** shall mean the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

#### **Section 2.14 - Definitions: M**

**MAIL ORDER SERVICES** shall mean an establishment primarily engaged in the retail sale of products by television, telemarketing, internet, catalog, and mail order. Such a use may include warehousing, shipping, and receiving of merchandise intended for retail sale. (*Ordinance No. 1083, 2-17-09*)

**MANUFACTURED HOME** A factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with standards promulgated by the United States Department of Housing and Urban Development. (*Ordinance No. 1083, 2-17-09*)

**MANUFACTURED HOME PARK** shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or sold. The term "manufactured home park" does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection, or sale.

**MANUFACTURED HOME SUBDIVISION** shall mean any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.

**MANUFACTURING** shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

**MANUFACTURING, LIGHT** shall mean an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials. (Ordinance No. 1053, 1-15-08)

**MAP, OFFICIAL ZONING DISTRICT** shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the La Vista City Council.

**MASTER FEE SCHEDULE** shall mean a fee schedule maintained by the City of La Vista and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, Subdivision, and Building Inspection activities.

**MECHANICAL EQUIPMENT** shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

**MEDICAL / DENTAL OFFICES / CLINICS** shall mean a building or portion of a building containing offices and facilities for providing medical, dental, and psychiatric services for outpatients only. (Ordinance No. 1083, 2-17-09)

**MEETING HALL** shall mean a building designed for public assembly. (Ordinance No. 1083, 2-17-09)

**MICROBREWERY** (see Brew Pub) (Ordinance No. 1083, 2-17-09)

**MINI-STORAGE OR MINI-WAREHOUSE** (See Self-Service Storage Facility)

**MISCELLANEOUS REPAIR SERVICES** shall include electrical repair shops; watch, clock and jewelry repair shops; and re-upholstery and furniture repair. (See also Standard Industrial Classification (SIC) Major Group 76, published by the U.S. Department of Labor) (Ordinance No. 1053, 1-15-08)

**MISCELLANEOUS STRUCTURES** shall mean structures, other than buildings, visible from public ways. Examples are: memorials, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, transformers, drive-up facilities. (Ordinance No. 1083, 2-17-09)

**MIXED USE** shall mean properties where various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

**MOBILE HOME** (See Dwelling, Mobile Home)

**MOBILE HOME PARK** (See Manufactured Home Park)

**MOBILE HOME SUBDIVISION** (See Manufactured Home Subdivision)

**MORTUARY** shall mean an establishment in which the deceased are prepared for burial or cremation. The facility may include funeral services and spaces for informal gatherings or display of funeral equipment. This classification excludes cemeteries. (Ordinance No. 1083, 2-17-09)

**MOTEL** (See Hotel)

**MOTOR VEHICLE** shall mean every self-propelled vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs. (Ordinance No. 891, 2-04-03)

## **Section 2.15 - Definitions: N**

**NEWSSTAND** shall mean a temporary structure manned by a vendor, whom sells newspapers, magazines and other periodicals. (Ordinance No. 1083, 2-17-09)

**NON-CONFORMING STRUCTURE** shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations. (Ordinance No. 1083, 2-17-09)

**NON-CONFORMING USE** shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulations.

**NUISANCE** shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.

**NURSERY** shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

**NURSING CARE AND REHABILITATION FACILITIES** shall mean a type of care facility for persons with chronic illness or disability, particularly older people who have mobility and eating problems. These facilities are licensed by the State of Nebraska and offer 24-hour room and board and health care services, including basic and skilled nursing care, rehabilitation, hospice, and a full range of other therapies, treatments, and programs.

#### **Section 2.16 - Definitions: O**

**OFFICE** shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.

**OFFICE PARK** shall mean a development which contains two or more separate office buildings, accessory and supporting uses, and open space all designed, planned, constructed, and maintained on a coordinated basis. (Ordinance No. 1083, 2-17-09)

**OPEN SPACE** shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

**OPEN SPACE, COMMON** shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

**OUTLOT** shall mean a lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued on any private structures.

**OUTDOOR STORAGE** shall mean the storage of any material for a period greater than 72 hours not in an enclosed building, including items for sale, lease, processing, and repair (including motor vehicles). (Ordinance No. 1083, 2-17-09)

**OVERLAY DISTRICT** shall mean a district in which additional requirements act in conjunction with the underlying zoning district. The underlying zoning district designation does not change. (Ordinance No. 1083, 2-17-09)

**OWNER** shall mean one (1) or more persons, including corporations, who have title to the property, building or structure in question.

**Section 2.17 - Definitions: P**

**PARCEL** shall mean a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

**PARK** shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

**PARKING AREA or VEHICULAR USE AREA** shall refer to all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas. *(Ordinance No. 1083, 2-17-09)*

**PARKING SPACE** shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine (9) feet *wide* by eighteen (18) feet *long*, plus such additional area as is necessary to afford adequate ingress and egress. *(Ordinance No. 1083, 2-17-09)*

**PERMANENT FOUNDATION** shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

**PERMANENTLY ATTACHED** shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.

**PERMITTED USE** shall mean any land use allowed without condition within a zoning district.

**PERSON** shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include La Vista, Nebraska.

**PET HEALTH SERVICE** *(see Hospital, Animal)* *(Ordinance No. 871, 10-15-02)*

**PET SHOP** shall mean a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, cattle, goats, sheep and poultry.

**PINBALL or VIDEO GAMES BUSINESS** *(See Amusement Arcade)* *(Ordinance No. 1083, 2-17-09)*

**PLANNED UNIT DEVELOPMENT** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan. *(Ordinance No. 891, 2-04-03)*

**PLANNING COMMISSION** shall mean the Planning Commission of La Vista, Nebraska.

**PLANT MATERIALS** shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

**PLAT** shall mean a map showing the location, boundaries, and legal description of individual properties.

**POSTAL STATION** shall mean a commercial business which conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease. *(Ordinance No. 1083, 2-17-09)*

**PREMISES** shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract *(See also, Parcel)* *(Ordinance No. 1083, 2-17-09)*



**PRESCHOOL** shall mean a school or center for children under school age, whether licensed as a day care center or not, shall be approved by the Nebraska State Fire Marshall as being in safety conformance with the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code and shall be approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards. (Ordinance No. 1083, 2-17-09)

**PRINCIPAL BUILDING** shall mean a building within which the main or primary use of the lot or premises is located. (See also Use, Principal) (Ordinance No. 1083, 2-17-09)

**PUBLIC FACILITIES** shall mean any building held, used, or controlled exclusively for public purposes by any department or branch of federal, state, county, or city government. A building belonging to or used by the public for the transaction of public or quasi-public business. Public services may be rendered from such facilities. (Ordinance No. 1083, 2-17-09)

**PUBLIC SERVICES** shall mean services provided by a public agency within a government facility for purposes of public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities. (Ordinance No. 1083, 2-17-09)

#### **Section 2.18 – Definitions: Q**

#### **Section 2.19 - Definitions: R**

**RECREATIONAL ESTABLISHMENT** (see Recreational Facility) (Ordinance No. 891, 2-04-03)

**RECREATIONAL FACILITY** shall mean public or private facilities for the use of passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks. (Ordinance No. 891, 2-04-03)

**RECREATIONAL VEHICLE (RV)** shall mean a vehicular unit less than forty (40) feet in overall length, eight (8) feet in width, or twelve (12) feet in overall height, primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

**RESIDENCE** shall mean a building used, designed, or intended to be used as a home or dwelling place for one (1) or more families.

**RESERVATION CENTER** shall mean a travel agency; or other such agency involved in selling and arranging transportation, tours, trips, and accommodations for tourists. (Ordinance No. 1083, 2-17-09)

**RESTAURANT** shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building.

**RESTAURANT, FAST FOOD** shall mean an establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carryout, drive-thru, or drive-in; and where food and/or beverages are usually served in paper, plastic, or other disposable containers. (Ordinance No. 1083, 2-17-09)

**RETAIL TRADE** shall mean uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.

**REZONING** shall mean an amendment to or change to the *Official Zoning District Map. (Ordinance No. 1083, 2-17-09)*

**RIGHT-OF-WAY** shall mean an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.

**ROAD, PRIVATE** shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties.

**ROAD, PUBLIC** shall mean all public right-of-way reserved or dedicated for *utilities and vehicular and pedestrian* traffic. *(Ordinance No. 1083, 2-17-09)*

#### **Section 2.20 - Definitions: S**

**SATELLITE DISH ANTENNA** shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.

**SCREENING** shall mean a structure *or* planting that conceals from view from public ways the area behind such structure or planting.

**SELF-SERVICE STORAGE FACILITY** shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

**SERVICE STATIONS** shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

**SETBACK, FRONT YARD** shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line *or other access way. (Ordinance No. 1083, 2-17-09)*

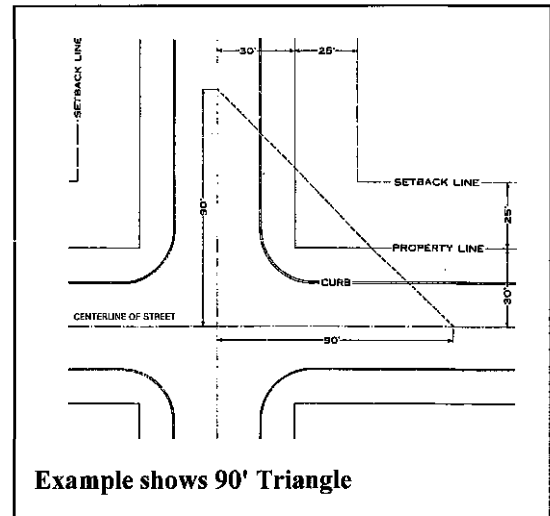
**SETBACK, REAR YARD OR SIDE YARD** shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, *offset* by the perpendicular distance prescribed for the yard in the district. *(Ordinance No. 1083, 2-17-09)*

**SHOPPING CENTER** shall mean a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the elements.

**SHOPPING CENTER, COMMERCIAL STRIP** shall mean a commercial development, usually one store deep, that fronts on a major street for a distance of one city block or more. Includes individual buildings on their own lots, with or without on-site parking and small linear shopping centers with shallow on-site parking in front of the stores.

**SHOPPING CENTER, OUTLET** shall mean a commercial development that consists mostly of manufacturers' outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and village clustered style centers.

**SIGHT TRIANGLE** is an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two-and-a-half (2 ½) feet and ten (10) feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, sixty (60) feet in each direction along the centerline of the streets. At the intersection of major or *other* arterial streets, the sixty (60) foot distance shall be increased to ninety (90) feet for each arterial leg of the intersection. *(Ordinance No. 891, 2-04-03)*



**SIGN** shall mean and include any outdoor display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, except the following:

Signs less than fifty (50) square feet in area and less than twenty-five (25) feet in height of a public or quasi-public nature or other official notices that are authorized by the State of Nebraska, City of La Vista, or a Federal Government Agency, directional, informational, or other official signs or notices authorized by law.

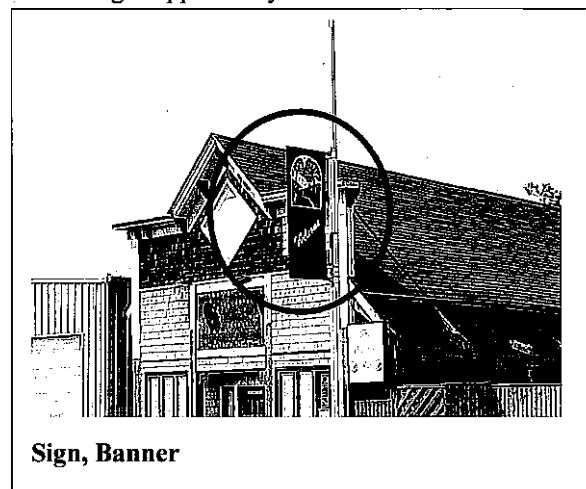
**SIGN, ANIMATED** shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**SIGN AREA** shall refer to that portion of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated. *(Ordinance No. 1083, 2-17-09)*

**SIGN, AUDIBLE** shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and / or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and / or sounds to attract attention.

**SIGN, BANNER** shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flag of any institution or business shall not be considered banners. Banner signs shall not represent a commercial message.

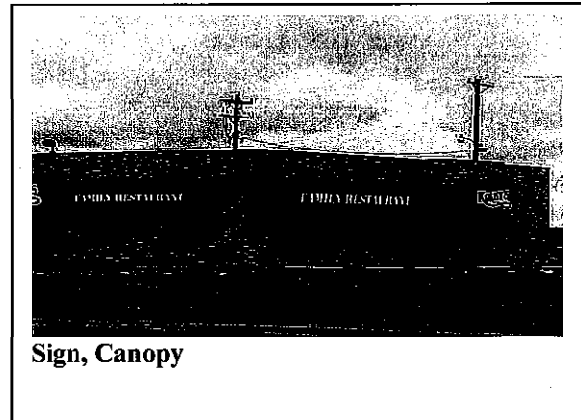
**SIGN, BILLBOARD** shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a



commodity sold at a location other than where the sign is located.

**SIGN, BUILDING MARKER** shall mean any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

**SIGN, CANOPY** shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. (*Ordinance No. 1083, 2-17-09*)



**SIGN, CENTER IDENTIFICATION** shall mean any sign erected to provide direction to a development including multiple uses and / or structures within the development. Center Identification signs shall include the name of said development and may include the names of major tenants of the development. Center Identification Signs shall typically be similar to Ground (Monument) signs. (*Ordinance No. 1083, 2-17-09*)

**SIGN, CONSTRUCTION** shall mean a temporary sign identifying an architect, engineer, contractor, subcontractor, and/or building material supplier who participates in construction on the property on which the sign is located. (*Ordinance No. 871, 10-15-02*); (*Ordinance No. 1083, 2-17-09*)

**SIGN, ELECTRONIC MESSAGE BOARD** shall mean any sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. (*Ordinance No. 1144, 5-17-11*)

**SIGN, FLASHING** shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.

**SIGN, FREESTANDING** shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

**SIGN, IDENTIFICATION** shall mean a sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.



**SIGN, ILLUMINATED** shall mean a sign illuminated in any manner by an artificial light source.

**SIGN, INCIDENTAL** shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental. Incidental signs may be attached or painted on the wall, or they may be freestanding signs. (*Ordinance No. 1083, 2-17-09*)

**SIGN, MARQUEE** shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**SIGN, MONUMENT** shall mean a sign mounted directly to the ground with a maximum height not to exceed ten (10) feet.

**SIGN, NAMEPLATE** shall mean a sign not exceeding two (2) square feet for each dwelling.

**SIGN, NONCONFORMING** shall mean any sign that does not conform to the requirements of this ordinance

**SIGN, OFF-PREMISES** shall mean a sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located.

**SIGN, ON-PREMISE** shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.

**SIGN, PENNANT** shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**SIGN, POLE** shall mean a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.

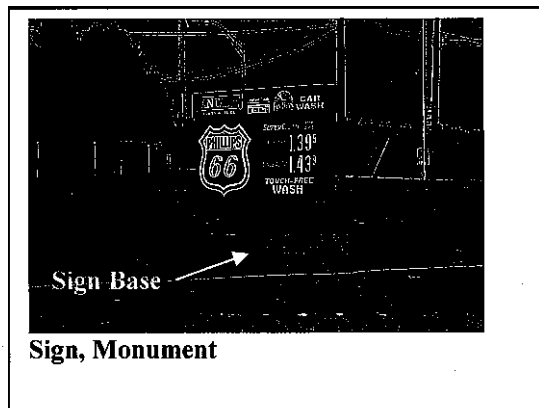
**SIGN, PORTABLE** shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. Examples are: menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations (deliveries and transportation of personnel) of the business. This definition also includes any and all sandwich boards supported by human beings or animals.

**SIGN, PROJECT DIRECTORY** shall mean a sign fronting on a road containing only the name of the principal use and directional arrow to the principal use. Project directory signs are intended to direct attention to planned multi-tenant developments which are not easily accessible off of such roads and where on-premise signage for that development (or any tenants within the development) would not otherwise be visible by the motorists traveling on nearby arterial or collector roads at the closest point of access. (Ordinance No. 1144, 5-17-11)

**SIGN, PROJECTING** shall mean a projecting sign attached to a building in such a manner that its leading edge extends more than eight (8) inches beyond the surface of such building or wall.

**SIGN, REAL ESTATE** shall mean a temporary sign that identifies property or properties that are for sale or lease.

**SIGN, ROOF** shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on or over the roof of a building. (Ordinance No. 1083, 2-17-09)



**SIGN SETBACK** shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

**SIGN, SUBDIVISION** shall mean a sign erected on a subdivision which identifies the platted subdivision where the sign is located.

**SIGN SURFACE** shall mean the entire area of a sign.

**SIGN, SUSPENDED** shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**SIGN, TEMPORARY** shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

**SIGN, VIDEO** shall mean any on-premises or off-premises sign that conveys either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen. *This definition shall include electronic message board signs. (Ordinance No. 1083, 2-17-09)*

**SIGN, WALL** shall mean any sign attached parallel to, but within eight inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

**SIGN, WINDOW** shall mean any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**SIGN BASE** shall mean any decorative, functional element extending upward from grade to the start of the sign.

**SIMILAR USE** shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

**SITE PLAN** shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.

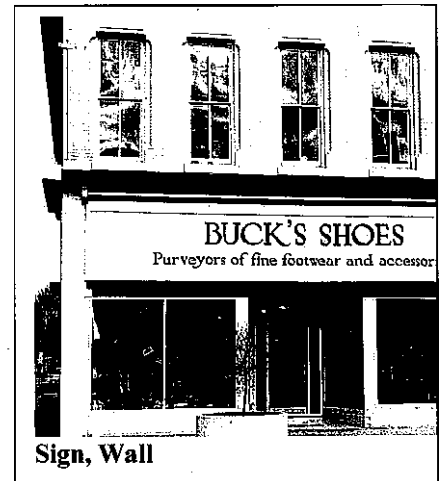
**SOCIAL CLUB OR FRATERNAL ORGANIZATIONS** shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit. (Ordinance No. 1083, 2-17-09)

**SOLID WASTE** shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

**SPECIAL or VOCATIONAL TRAINING FACILITIES** shall mean a specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone. Incidental instructional services in conjunction with another primary use shall not be included in this definition. (Ordinance No. 1083, 2-17-09)



Sign, Subdivision



Sign, Wall

**SPECIFIED ANATOMICAL AREAS** shall mean anatomical areas consisting of:

Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,

Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** shall mean activities consisting of the following:

Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or

Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or

Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or

Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or

Human excretion, urination, menstruation, vaginal, or anal irrigation.

**STATE** shall mean the State of Nebraska.

**STORAGE** shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than thirty (30) days.

**STORY** shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.

**STREET** shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Regulation.

**STREET, ARTERIAL** shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a City, City, or county with controlled access to abutting property.

**STREET, COLLECTOR** shall mean a street or high way, which is intended to carry traffic from a minor street to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

**STREET FRONTAGE** shall mean the distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

**STREET, LOCAL** shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

**STREET, PRIVATE** shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. (*Ordinance No. 1083, 2-17-09*)

**STREETSCAPE** shall mean the scene as may be observed along a street *right-of-way* composed of natural and man-made components, including buildings, paving, plantings, *poles, signs, benches, and other miscellaneous amenities.* (*Ordinance No. 1083, 2-17-09*)

**STRUCTURE** shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the

ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

**STRUCTURE, TEMPORARY** shall mean a structure permitted as a temporary use. (Ordinance No. 1083, 2-17-09)

**STRUCTURAL ALTERATION** shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

**SUBDIVISION** shall mean the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. (Ordinance No. 1083, 2-17-09)

#### **Section 2.21 - Definitions: T**

**TANNING SPA or SALON** shall mean any business that uses artificial lighting or other systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment. (Ordinance No. 1083, 2-17-09)

**TAVERN AND COCKTAIL LOUNGE** shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Ordinance No. 1083, 2-17-09)

**TELECOMMUNICATIONS FACILITY** shall mean any facility that transmits and/or receives signals by electromagnetic or optical means, including antennas, microwave dishes, horns, or similar types of equipment, towers or similar structures supporting such equipment, and equipment buildings. (Ordinance No. 1083, 2-17-09)

**TELEPHONE EXCHANGE** shall mean a building used exclusively for the transmission and exchange of telephone messages, but the term shall not include wireless communication towers. (Ordinance No. 1083, 2-17-09)

**TEMPORARY USE** shall mean a use intended for limited duration, not to exceed six (6) months, to be located in a zoning district not permitting such use. (Ordinance No. 1083, 2-17-09)

**THEATER** shall mean a building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service.

**TOWER** shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna)

**TOWNHOUSE** shall mean a one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

**TRANSPORTATION SERVICES** shall mean establishments providing services incidental to transportation, such as forwarding, packing, crating, or other means of preparing goods for shipping. (See also Standard Industrial Classification (SIC) Industry Group 473 and description 4783, published by the U.S. Department of Labor.) (Ordinance No. 1053, 1-15-08)

#### **Section 2.22 - Definitions: U**

**USE, PRINCIPAL** shall mean the main use of land or structure, as distinguished from an accessory use. (Also, see Principal Building)



**UTILITARIAN STRUCTURE** shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.

**UTILITY HARDWARE** shall mean devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

**UTILITY SERVICE** shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.

#### **Section 2.23 - Definitions: V**

**VARIANCE** shall mean a relief *granted by the Board of Adjustment* from or variation of the provisions of this Ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning. (Ordinance No. 1083, 2-17-09)

**VETERINARY SERVICES** shall mean a building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such clinics may or may not also provide long-term lodging for ill or unwanted animals, or lodging for healthy animals on a fee basis. Such clinics may or may not also provide general grooming practices for such animals. (Ordinance No. 871, 10-15-02)

#### **Section 2.24 – Definitions: W**

**WAREHOUSE** shall mean a building used primarily for the storage of goods and materials.

**WHOLESALE TRADE** shall mean a use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.

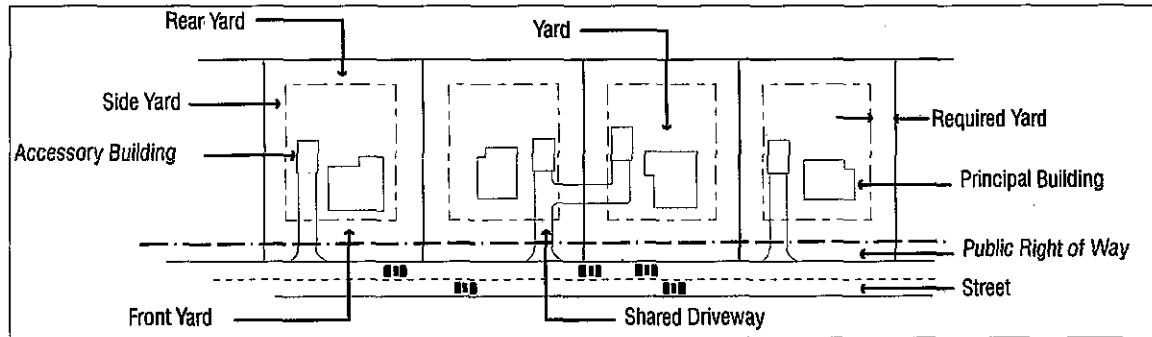
**WIND ENERGY SYSTEM or WIND ENERGY CONVERSION SYSTEM (WECS)** shall mean a wind-driven machine that converts wind energy into electrical power for the primary purpose of on-site use or resale for off-site use. (Ordinance No. 1083, 2-17-09)

**WIRELESS COMMUNICATIONS TOWER** shall mean a structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires), of either lattice or monopole construction. (Ordinance No. 1083, 2-17-09)

#### **Section 2.25 – Definitions: X**

#### **Section 2.26 - Definitions: Y**

**YARD** shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Regulation.



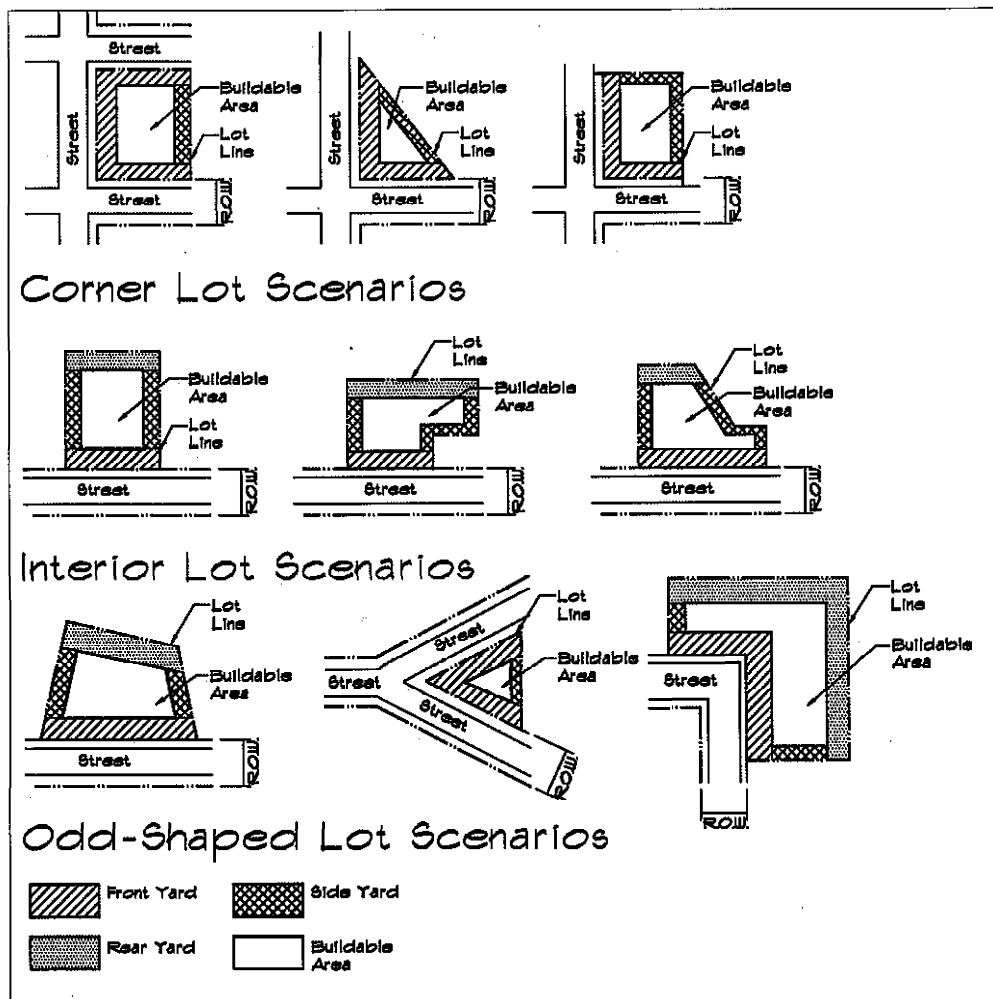
**YARD, FRONT** shall mean a space between the front yard setback line and the front lot line or *right-of-way line*, and extending the full width of the lot. (*Ordinance No. 1083, 2-17-09*)

**YARD, REAR** shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

**YARD, SIDE** shall mean a space extending from the front yard or from the front lot line where no front yard is required by this Regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

#### **Section 2.27 - Definitions: Z**

**ZONE LOT** shall mean a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.



**Example of possible Lot Configurations and Yard Requirement**

**SECTION 2. Repeal of Section 2.02 as Previously Enacted.** Section 2.02 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 16<sup>TH</sup> DAY OF JUNE 2015.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

I:\Administration\BRENDA\My Documents\COUNCIL\ORDINANC\Amend Zoning Ordinance 2 02 - Animal Specialty Services.Docx



**ORDINANCE NO. \_\_\_\_**

AN ORDINANCE TO AMEND SECTION 5.05 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.05 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 5.05. Section 5.05 of the Ordinance No. 848 is hereby amended to read as follows:

**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), 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 swimming pool, tennis court 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
Residential Dwelling	20	660'	75'	25'	25'	35'	-
Other Permitted Uses	20	660'	75'	25'	25'	45'	-
Other Permitted Conditional Uses	20	660'	75'	25'	25'	45'	-
Accessory Buildings	-	-	100'	25'	10'	17'	-

**SECTION 2. Repeal of Section 5.05 as Previously Enacted.** Section 5.05 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 16<sup>TH</sup> DAY OF JUNE 2015.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk





ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO AMEND SECTION 5.10 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.10 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 5.10. Section 5.10 of the Ordinance No. 848 is hereby amended to read as follows:

**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. \_\_\_\_, 6-16-15)*

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)*

**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. \_\_\_\_\_, 6-16-15)*

5.10.03.24

*Pet shop. (Ordinance No. \_\_\_\_\_, 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 2. Repeal of Section 5.10 as Previously Enacted.** Section 5.10 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 16<sup>TH</sup> DAY OF JUNE 2015.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

\\Lvdclfp01\Users\Administration\BRENDA\My Documents\COUNCIL\ORDINANC\Amend Zoning Ordinance 5 10 - Animal Specialty Services.Docx



**ORDINANCE NO. \_\_\_\_**

AN ORDINANCE TO AMEND SECTION 5.11 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.11 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 5.11. Section 5.11 of the Ordinance No. 848 is hereby amended to read as follows:

**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.

*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. \_\_\_\_\_, 6-16-15)*
- 5.11.03.24 *Pet shop. (Ordinance No. \_\_\_\_\_, 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 2. Repeal of Section 5.11 as Previously Enacted.** Section 5.11 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 16<sup>TH</sup> DAY OF JUNE 2015.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

\\Lvdcp01\Users\Administration\BRENDA\My Documents\COUNCIL\ORDINANC\Amend Zoning Ordinance 5 11 - Animal Specialty Services.Docx

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
30 – DAY EXTENSION TO RECORD A FINAL PLAT – ANDOVER POINTE (SE OF 132 <sup>ND</sup> & CHANDLER RD.)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A request has been received for Council to consider granting a 30-day extension to the requirement for filing a final plat within 90 days for the Andover Pointe subdivision, generally located southeast of 132<sup>nd</sup> Street and Chandler Road.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The property owner, Edward Rose Development Company, LLC, is in the process of obtaining a performance bond for the required public improvements associated with the Andover Pointe multi-family dwelling project. The subdivision agreement requires this bond to be submitted prior to the City releasing the final plat for recording at the Register of Deeds office however the City also has a requirement to file the plat within 90 days of approval. The applicant is requesting a 30-day extension of the filing deadline.

**RESOLUTION NO. 15-\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, GRANTING APPROVAL OF A 30-DAY EXTENSION TO RECORD THE FINAL PLAT FOR LOT 1, ANDOVER POINTE, BEING A REPLATTING OF LOTS 1 AND 2, BELLA LA VISTA, A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have submitted a letter requesting an extension to the filing deadline for the Andover Pointe final plat; and

WHEREAS, the City Planner has reviewed the request and recommends approval.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the 30-day extension to record the final plat for Lot 1, Andover Pointe, being a replatting of Lots 1 and 2, Bella La Vista, a subdivision located in the Southwest  $\frac{1}{4}$  of Section 18, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located southeast of 132<sup>nd</sup> Street and Chandler Road be, and hereby is, approved.

PASSED AND APPROVED THIS 16TH DAY OF JUNE 2015.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Bueth, CMC  
City Clerk

K:\APPS\City Hall\15 FINAL RESOLUTIONS\15. Andover Pointe - 30-Day Extension 06.16.15.Doc

6101 NEWPORT ROAD  
POST OFFICE BOX 3015  
KALAMAZOO, MICHIGAN 49003  
PHONE (269) 323-9484  
FAX (269) 321-7884

*Via: Overnight Delivery*

June 8, 2015

Mr. Christopher Solberg  
City of LaVista  
Planning Department  
8116 Park View Blvd.  
LaVista, NE 68128-2198

Re: Request for Extension in Recording Final Plat - Andover Pointe Lot 1

Dear Chris:

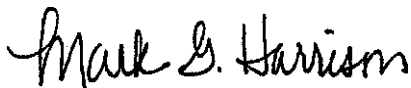
By virtue of this written correspondence, Edward Rose Development Company, L.L.C. ("Rose"), owners of the above-captioned property, are requesting a thirty (30) day extension to record the Final Plat for said property.

The Final Plat was approved on March 17, 2015 by City Council. The Final Plat has received all required signatures and is in the City's hands. Rose is in the process of securing the required bonding for Public Improvement as outlined in the Subdivision Agreement. Approval by City Council of this requested extension would give Rose until July 17, 2015 to record the Final Plat.

Thank you, in advance, for your cooperation in presenting this to City Council.

Sincerely,

EDWARD ROSE DEVELOPMENT COMPANY, L.L.C.



Mark G. Harrison

/mr

c: Tom Wheatley, Craig Torstenson, Kirsten Rimes

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
INTERLOCAL AGREEMENT – COMPRESSED NATURAL GAS GRANT FUNDING	♦ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE DIRECTOR OF PUBLIC WORKS

**SYNOPSIS**

A resolution has been prepared authorizing the execution of an Interlocal Agreement between Sarpy County, City of Papillion and City of La Vista to establish the obligations of the parties with regard to grant funding received by Sarpy County from the Nebraska Environmental Trust for retrofitting and/or purchasing vehicles capable of using Compressed Natural Gas (CNG). This is the second year of a three-year grant cycle.

**FISCAL IMPACT**

The FY 2015/16 Budget includes a grant request for this project. The City of La Vista is receiving \$66,666 from Sarpy County.

**RECOMMENDATION**

Approval

**BACKGROUND**

The purpose of this agreement is to establish the obligations of the parties with regard to grant funding received by Sarpy County from the Nebraska Environmental Trust. Specifically, funds received from the project titled "Fueling Sarpy County with Natural Gas". Sarpy County received \$600,000 in grant funding which will be distributed at \$200,000 each year for three years. This is the second year of funding.

The funding must be used for converting existing vehicles to CNG or purchasing new vehicles that have already been converted to CNG. On new vehicle purchases, only the price difference between a standard fuel system and a CNG fuel system is reimbursable. The price difference is normally between \$11,000 and \$14,000.

The Metropolitan Utility District has completed a new rapid fill CNG station on the southwest corner of 132<sup>nd</sup> and Cornhusker Road. This station will have 24-hour service. Black Hills Energy is continuing to work on finding a location for a CNG station in central Sarpy County.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH SARPY COUNTY AND THE CITY OF PAPIILLION TO ESTABLISH THE OBLIGATIONS OF THE PARTIES WITH REGARD TO GRANT FUNDING RECEIVED BY SARPY COUNTY FROM THE NEBRASKA ENVIRONMENTAL TRUST FOR RETROFITTING AND/OR PURCHASING VEHICLES CAPABLE OF USING COMPRESSED NATURAL GAS (CNG).

WHEREAS, the provisions of Nebraska State Statutes Sections 13-801, et. seq., provide authority for the City of La Vista to join with other governmental agencies on a basis of mutual advantage and in a manner that will accord best with geographic, economic, population and other factors by signing an Interlocal Cooperation Agreement; and,

WHEREAS, Sarpy County has received \$200,000 in grant funding which will be divided equally between Sarpy County, the City of Papillion and the City of La Vista, and;

WHEREAS, the funding will be used for converting existing vehicles to CNG or purchasing new vehicles that have already been converted to CNG, and;

WHEREAS, the participants agree that this Interlocal Cooperation Agreement in no manner expands or restricts the authority otherwise granted to them by law; and

WHEREAS, such an agreement is in the best interests of the citizens of the City of La Vista.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the execution of an Interlocal Cooperation Agreement with Sarpy County and the City of Papillion to establish obligations of the parties with regard to grant funding received by Sarpy County from the Nebraska Environmental Trust for retrofitting and/or purchasing vehicles capable of using compressed natural gas (CNG) in form and content approved by the City Attorney.

PASSED AND APPROVED THIS 16TH DAY OF JUNE, 2015.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

## **AGREEMENT REGARDING COMPRESSED NATURAL GAS GRANT FUNDING**

THIS AGREEMENT is entered by and between the City of Papillion, Nebraska, a municipal corporation ("Papillion"), City of LaVista, Nebraska, a municipal corporation ("LaVista"), and Sarpy County, a political subdivision of the State of Nebraska.

WHEREAS, the parties are authorized by the statutes of the State of Nebraska; including the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801 et seq. as amended, to enter into cooperative agreements for the mutual benefit of the parties and to provide services in a manner that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities;

WHEREAS, the Nebraska Environmental Trust has provided Sarpy County \$200,000 in grant funding to convert and/or purchase already converted vehicles to Compressed Natural Gas Vehicles; and

WHEREAS, the parties desire to share the grant funding as required by the grant documents.

NOW, THEREFORE, it is mutually agreed between the parties that they enter into this Agreement upon the following terms and conditions:

### **I. Purpose**

The purpose of this agreement is to establish the obligations of the parties with regard to grant funding received by Sarpy County from the Nebraska Environmental Trust. Specifically, funds received from the project titled "Fueling Sarpy County with Natural Gas" (application 14-211-2).

### **II. Duration/Termination**

This Agreement shall begin with the last date it is signed and shall terminate on June 30, 2016.

### **III. General Organization**

No separate legal or administrative entity will be created hereunder. Existing agents of the respective parties will complete the terms of this Agreement.

### **IV. Revenue/duties**

Sarpy County shall be entitled to \$66,666 of the grant funds received by Sarpy County from the project titled "Fueling Sarpy County with Natural Gas" (application 14-211-2). Sarpy



County shall provide to Papillion and La Vista, \$66,666 each from the grant funds received by Sarpy County from the project titled "Fueling Sarpy County with Natural Gas" (application 14-211-2).

Each party shall be required to use the \$66,666 in grant funding for converting existing fleet vehicles to compressed natural gas and/or buying new vehicles that have already been converted to compressed natural gas. If purchasing already converted vehicles, Nebraska Environmental Trust will reimburse the difference between what a regular vehicle would cost and the cost of the compressed natural gas vehicle, even if the vehicle was purchased pursuant to the match grant funding requirements as described in the preceding paragraph.

#### **V. Other Obligations**

Pursuant to Neb. Rev. Stat. § 13-804(5), the parties hereto acknowledge and agree that this Agreement does not relieve them from any obligation or responsibility imposed upon them by law.

#### **VI. No Personal Interest**

The parties hereto declare that no officer, member, or employee, and no member of their governing bodies, and no other public officials of a party who exercise any functions or responsibilities in the review or approval of the undertaking described in this Agreement or in the performing of either parties' obligations pursuant to this Agreement, nor any partnership, or association in which he or she is directly or indirectly interested, shall have any personal or financial interest in this Agreement; nor shall any employee, nor any member of their governing bodies, have any interest, direct or indirect, in this Agreement or the proceeds thereof.

#### **VII. Severability**

It is understood and agreed by the parties that if any part, term, condition or provision of this Agreement is held to be illegal or in conflict with the laws of this State or of the United States, the validity of the remaining terms, conditions, or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain that particular term, condition, or provision held to be invalid.

#### **VIII. Drug Free Workplace**

The parties hereto certify that they maintain a drug-free workplace environment to ensure worker safety and workplace integrity.

#### **IX. Public Employer**

Pursuant to and in compliance with Neb. Rev. Stat. § 4-114(2), each party hereby agrees to use a federal immigration verification system, as that system is described in the Illegal Immigration Reform and Immigration Responsibility Act of 1996, to determine the work

eligibility status of new employees physically performing services with the State of Nebraska

**X. Non-discrimination**

The parties hereto agree that they and their contractors and subcontracts will not discriminate against any employee or applicant for employment to be employed in the performance of the obligations under this Agreement, on the basis of race, color, religion, sex, disability, or national origin.

**XI. Notice**

Notice to the parties shall be given in writing to the agents for each party named below.

City of Papillion:  
City Clerk  
122 East Third St.  
Papillion, NE 68046

Sarpy County:  
Clerk of Sarpy County  
1210 Golden Gate Drive, Suite 1250  
Papillion, NE 68046

City of LaVista:  
City Clerk  
8116 Park View Boulevard  
LaVista, NE 68128

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year as last written below.

CITY OF PAPILLION, NEBRASKA

By \_\_\_\_\_

\_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

Approved as to form this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Papillion City Attorney

CITY OF LAVISTA, NEBRASKA

By \_\_\_\_\_

\_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

Approved as to form this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
LaVista City Attorney

COUNTY OF SARPY, NEBRASKA

By the Sarpy County Board of Commissioners

\_\_\_\_\_  
Chairperson

Date: \_\_\_\_\_

Approved as to form this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Deputy Sarpy County Attorney

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2015 AGENDA**

Subject:	Type:	Submitted By:
INTERLOCAL AGREEMENT - SALT SHED FACILITY AND FUELING ISLAND	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the Mayor to execute an Interlocal Agreement with the City of Papillion granting La Vista a license to use and occupy the Salt Storage Facility and Fueling Island located at 9909 Portal Road.

**FISCAL IMPACT**

The FY 2014/15 Capital Improvement Plan provides funding for the proposed purchase. Future funding requirements are described below.

**RECOMMENDATION**

Approval

**BACKGROUND**

The City of Papillion is in process of constructing a new Public Works Facility located directly across the street from the La Vista Public Works Facility and approached La Vista about a joint Salt Storage Facility and Fueling Island. La Vista desperately needed additional covered storage space for salt storage and the current fueling system was insufficient for current operations and in need of major upgrades. As a result the City Council authorized funding in the FY15 budget.

The FY15 Capital Budget provides \$244,000 for La Vista's share of the projects based on the initial estimates provided by Papillion. The initial estimates did not include the paving, foundation blocks, electrical service and fixture costs and as a result, La Vista's share is now \$387,645. In FY15, La Vista will pay Papillion \$244,000. The payment will cover the entire cost of the Salt Storage Facility which is \$155,465. The remaining balance of \$83,535 will be applied to the Fuel Island, leaving a balance due of \$143,645 which will be paid over the next three fiscal years on the payment schedule shown below.

FY 2015/16	\$50,000
FY 2016/17	\$50,000
FY 2017/18	\$43,645

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF PAPILLION GRANTING THE CITY OF LA VISTA A LICENSE TO USE AND OCCUPY THE SALT STORAGE FACILITY AND FUELING ISLAND LOCATED AT 9909 PORTAL ROAD.

WHEREAS, the provisions of Nebraska State Statutes Sections 13-801, et. seq., provide authority for the City of La Vista to join with other governmental agencies on a basis of mutual advantage and in a manner that will accord best with geographic, economic, population and other factors by signing an Interlocal Cooperation Agreement; and,

WHEREAS, the City of Papillion is constructing a Public Works Facility across the street from the La Vista Public Works Facility, and;

WHEREAS, the City of Papillion has approached the City of La Vista regarding a joint purchase of the salt storage facility and fueling island, and;

WHEREAS, the City of La Vista Public works is in need of additional covered salt storage space and the current fueling system is insufficient and in need of upgrades, and;

WHEREAS, the FY15 Capital Fund Budget provides funding for the proposed purchase, and;

WHEREAS, the participants agree that this Interlocal Cooperation Agreement in no manner expands or restricts the authority otherwise granted to them by law; and

WHEREAS, such an agreement is in the best interests of the citizens of the City of La Vista.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the execution of an Interlocal Cooperation Agreement with the City of Papillion granting the City of La Vista a license to use and occupy the salt storage facility and fueling island located at 9909 Portal Road in form and content approved by the City Attorney.

PASSED AND APPROVED THIS 16TH DAY OF JUNE, 2015.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

INTERLOCAL AND LICENSE AGREEMENT  
for the  
Salt Storage Facility and Fueling Island

This Interlocal and License Agreement for the Salt Storage Facility and Fueling Island ("Agreement") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015 ("Effective Date") by and between the City of La Vista, a Nebraska municipal corporation ("La Vista"), and the City of Papillion, a Nebraska municipal corporation ("Papillion") (singularly, the "Party" and collectively, the "Parties").

WHEREAS, Papillion will own, operate, and maintain a Public Works Facility, which includes a Salt Storage Facility and Fueling Island; and

WHEREAS, the Parties desire to enter into this Agreement granting La Vista a license for the use of certain portions of Papillion's Public Works Facility to provide for the fueling of La Vista's city vehicles and for the storage, drop off, and pick up of salt for winter conditions; and

WHEREAS, this Agreement sets forth the provisions for Papillion's Fueling Island and Salt Storage Facility.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby covenant and agree as follows:

1. License. Papillion hereby grants unto La Vista for the term a license to use and occupy the following described real property:

The Salt Storage Facility and the Fueling Island located on the City of Papillion Public Works premises, more specifically located at 9909 Portal Road, Papillion, Nebraska 68046, as well as the necessary roadway to access the Salt Storage Facility and the Fueling Island ("the Premises"), solely for the uses and purposes described in this Agreement.

2. Purpose and Term.

The purpose of this Agreement is to specify the rights and responsibilities of the Parties hereto regarding the Premises.

The license granted herein shall commence on the Effective Date of this Agreement as stated above and continue for twenty (20) years ("term"). Such term shall automatically be renewed for one or more additional five (5) year terms if neither Party provides the other Party with a written notice of termination at least two years before the last day of said term or any renewal.

3. Use of the Premises. La Vista during the term of this Agreement is permitted to use and occupy the Premises for storing, collecting, picking up, and dropping off salt and for utilizing the fueling station to refuel city vehicles. La Vista shall also be granted the right to utilize the necessary roadways within the Papillion Public Works Facility to access the Premises.

La Vista, in its use of the Premises and the roadways, will take all reasonable precautions to prevent waste, damage, or injury to the Premises. All personal property belonging to, or in the possession of, La Vista in or located on the Premises, except for the stored salt and the fuel located on the Premises and within the sole custody of Papillion, shall be at the risk of La Vista, and La Vista shall take such measures as it determines necessary or appropriate to protect and insure said property from damage or destruction.

4. Premise Access. Papillion shall issue fobs to both the Papillion and La Vista employees who will need access to the Premises. Each fob shall be identified with an individual employee. La Vista shall be responsible for tracking and collecting all fobs of employees who leave the employment of La Vista, and promptly returning such fobs to Papillion.

5. Salt Storage Facility.

A. Construction of Salt Storage Facility. As consideration for entering into this Agreement, La Vista shall contribute forty-five percent (45%) of the total construction costs for the Salt Storage Facility, to be paid in full, as set forth in Exhibit "A," attached hereto and incorporated by reference. In the event Papillion enters into a separate Interlocal agreement with another governmental entity, except for the Papillion La Vista School District, which has already been taken into consideration under this Agreement, the Parties shall be proportionally reimbursed for the construction costs to the extent such costs are negotiated in the Interlocal agreement with such other entity.

B. Salt Orders and Deliveries.

(1) The current stock of salt residing in and having already been delivered to the Salt Storage Facility prior to the effective date of this Agreement shall remain the personal property of the Party who purchased such salt. For all future salt purchases, each Party shall be responsible for ordering and managing all deliveries of the salt located on the Premises. The Parties may use their salt as they please.

(2) La Vista shall inform the Papillion Public Works Director or his/her designee of any upcoming salt deliveries. Papillion's Public Works Director, or his/her designee, shall receive all deliveries of salt. Upon the completion of any salt delivery, Papillion shall be provided with a certified Scale Ticket for such delivery to determine and ensure the quantity of salt within the Salt Storage Facility after each delivery.

(3) In the event either Party uses more salt than it expected, such Party may make a request to use the other Party's salt. If no salt is available, the requesting Party shall be required to purchase more salt at its own cost, or as otherwise mutually agreed upon by the Parties.

C. Accounting for Removal and Return of Salt.

(1) Each of the Parties shall be responsible for weighing every truck load of salt that such Party loads from the Premises. La Vista and Papillion employees must send a Scale Ticket for each truck loading salt from the Salt Storage Facility to the Papillion Public Works Director within five days of loading salt from the Salt Storage Facility.

(2) If La Vista has any salt left over after a pickup of salt from the Salt Storage Facility, La Vista shall take the remaining salt to La Vista's facilities and may use such salt as they so desire. There shall be no reduction in the original amount of salt removed from the Salt Storage Facility for any leftover salt.

(3) During the winter month operations, the Papillion Public Works Director shall send out bi-weekly reports electronically to La Vista regarding the salt levels at the Salt Storage Facility.

6. Fueling Station.

- A. Construction of the Fueling Station. As consideration for entering into this Agreement, La Vista shall contribute fifty percent (50%) of the total construction costs for the Fueling Station, in four (4) annual installments, as set forth in Exhibit "B," attached hereto and incorporated by reference. In the event Papillion enters into a separate Interlocal agreement with another governmental entity, the Parties shall be proportionally reimbursed for the construction costs to the extent such costs are negotiated in the Interlocal agreement with such other entity.
- B. Initial Fueling of the Station. Papillion shall be responsible for the initial fueling of the fuel station.
- C. Fuel Cost. Papillion shall be responsible for ordering all fuel for the fuel station. Fuel costs shall be allocated between the parties based on actual usage and cost of fuel used. La Vista shall be invoiced for its usage of fuel since the date of the last refueling of the fuel station.
- D. Use of the Fueling Island. Papillion and La Vista employees shall use the fob system to acquire fuel from the fueling stations. The fobs will track the details of each fueling transaction including, but not limited to, the employees obtaining fuel, the grade of fuel, and the quantity of fuel.

7. Operations and General Safety Provisions.

A. General Rules and Regulations.

All Parties shall require their employees, contractors, subcontractors and those working on their behalf to:

- (1) Be trained by the Papillion Fleet Manager on the safe and proper use of the Fueling Island and Salt Storage Facility and any other related equipment;
- (2) Cause all truck drivers delivering or loading salt or fuel to be instructed on the safe and proper delivery and loading protocols;
- (3) Ensure that all truck unloading systems, including security gates systems, are properly secured closed before leaving the Premises;
- (4) Sweep any spilled salt back into the Salt Storage Facility after the loading and unloading of salt;
- (5) Immediately report and clean up any spilled fuel to the Papillion Fleet Manager and follow cleanup protocols;
- (6) Place trash in the appropriate containers and leave the site in a good working condition; and
- (7) Immediately report all problems or concerns related to the Salt Storage Facility or the Fueling Island to the Papillion Public Works Director, or his/her designee.

8. Maintenance, Modification, and Updates to the Premises.



A. Maintenance and Repairs.

Papillion will maintain the Premises in a good and working condition and repair. La Vista will provide Papillion prompt notice of any known damage or defects in or to the Premises or any part or operations thereof, including without limitation, wiring, pipes, gas, plumbing, electrical, heating, ventilation or air conditioning apparatus, systems or equipment.

Any necessary repairs or maintenance shall be performed by Papillion. La Vista shall be responsible for forty-five percent (45%) for the Salt Storage Facility and fifty percent (50%) for the Fueling Island of all expenses for maintenance and repairs for such buildings, regardless of the amount or extent. La Vista's participation in any extraordinary repairs or maintenance will require approval from La Vista, except as otherwise provided below. Papillion shall be responsible for invoicing La Vista for such expenses. La Vista shall have the right to request all supporting documents for the invoiced items.

Each Party shall be responsible for paying for repair of all damages to the Premises caused by that Party, its officers, employees, subcontractors or others working on behalf of that Party and those it brings onto the Premises. The Papillion Public Works Director shall affect the needed repairs and the Party responsible for the damage shall be responsible for paying for such repairs in an amount up to, but not to exceed, the deductible of the property insurance policy covering the Premises. If the damage renders any of the contents ineffective or unusable, the Papillion Public Works Director shall replace such contents and the Party responsible for that loss or damage shall be responsible for paying for the replaced contents in an amount up to, but not to exceed the deductible of the property insurance policy covering the Building. If the damage to the Premises or its contents is caused by a party not subject to the terms and conditions of this Agreement and who is otherwise not an agent, contractor or subcontractor of a party to this Agreement, the Parties shall be mutually responsible for their respective share of the cost of any necessary repair or replacement in accordance with the percentages set forth in 8A above, with La Vista's participation in any extraordinary repairs or replacements subject to approval from La Vista. The Parties may seek reimbursement from any third party believed to be responsible for such damages.

B. Administrative and Operational Costs.

Papillion shall add a three percent (3%) administrative and operations fee to its invoices. Such fee shall be calculated off of the total invoice. Such fee shall cover the operational and administrative costs (i.e., billing, system monitoring, management, and utility costs) of running the Premises. This fee shall be analyzed after the first year of this Agreement and may be adjusted as needed.

C. Updates to the Salt Storage Facility or Fueling Island.

In the event the Salt Storage Facility or the Fueling Island need to be updated, the Papillion Public Works Director shall meet with the La Vista Public Works Director to evaluate the desired updates. Prior to any work being performed Papillion shall receive La Vista's consent to perform the updates. La Vista shall not unreasonably withhold approval for the desired updates to the facilities. If approved, La Vista shall reimburse Papillion forty-five percent (45%) for the Salt Storage Facility and fifty percent (50%) for the Fueling Island for the costs for the updates.

D. Miscellaneous expenses.

In the event any new State or Federal regulations or administrative standards require Papillion to update its system, La Vista shall pay forty-five percent (45%) for the Salt Storage Facility and fifty percent (50%) for the Fueling Island of the costs to update the system. Papillion will update La Vista on any such expected changes and expenses that may occur. If possible, under Papillion's discretion, any costs for upgrades over \$3,000 will be delayed until the next fiscal year.

9. Billing. Papillion shall be responsible for monitoring the amount of fuel each Party is using. La Vista shall pay such invoices within thirty (30) days of the receipt of the invoice. The invoices shall also include any charges set forth in Section 8 of this Agreement. La Vista has the right to request any statements or invoices supporting the charges included in any invoice.

In the event Papillion purchases salt for La Vista the provisions above shall apply.

10. Inaccessible or Inoperable Facilities. In the event the Premises are inaccessible or inoperable, each Party shall be responsible for its individual cost and expenses to obtain fuel and/or salt from other vendors. No Party shall be liable to the other for any additional expenses caused by an inaccessible or inoperable facility.

11. Insurance.

- A. La Vista agrees to provide for property and casualty insurance satisfactory to Papillion at current replacement cost and general liability coverage of at least \$2 million per occurrence, \$5 million general aggregate and naming Papillion as an additional insured. La Vista shall also carry Workers Compensation Insurance written at Nebraska Statutory Limits and Employers Liability Insurance with limits of not less than \$500,000 each accident for Bodily Injury by Accident, \$500,000 each accident for Bodily Injury by Disease, and \$500,000 policy limit for Bodily Injury by Disease. All insurance policies shall provide Papillion with no less than thirty (30) days advance written notification of cancellation or nonrenewal initiated by the insurance carrier. Such insurance shall be procured at the sole cost of La Vista.
- B. Papillion shall carry and maintain equal or greater insurance and name La Vista as an additional insured at all times during this Agreement for the Public Works Facility.
- C. Each Party to whom a third party is providing service shall be responsible for requiring such third party to obtain equal or greater insurance coverage and for receiving Certificates of Insurance from the third party.

12. Ownership Interests. During this Agreement, the Parties, in consultation with the legal and economic advisors of the Parties, will reasonably assess and determine the feasibility and advisability of a conveyance and unity of ownership for the Salt Storage Facility and the Fueling Island. If deemed appropriate and agreed to by the Parties, the Parties shall take the necessary steps to complete the transaction, including, but not limited to, entering into roadway use agreements.

13. Quiet Enjoyment and Mechanic's Liens. The Parties shall use all reasonable efforts to not interfere with the other Party's quiet enjoyment of the Premises and their surroundings.

Neither La Vista, nor anyone claiming through or under La Vista, shall allow any mechanic's lien or other lien of any kind upon the Premises or any part thereof, or upon the license granted herein. If a lien is

placed on the Premises or this license related to any services performed on the Premises at the request or direction of La Vista, La Vista shall take all actions necessary to have the lien removed.

14. Assignment. Neither Papillion nor La Vista shall assign this Agreement without the prior written consent of the other party.

15. Indemnification. Each Party agrees to release, indemnify and hold harmless ("Indemnifying Party") each other Party ("Indemnified Party") and said Indemnified Party's officers, officials, employees and agents, and each of them, from and against all liabilities, claims, costs and expenses whatsoever arising out of or resulting from the negligence, acts or omissions of the Indemnifying Party, or the officers, officials, employees, agents or contractors of the Indemnifying Party.

16. Agreement Binding on Successors and Assigns. Each and every covenant and agreement herein contained shall extend to and be binding upon the Parties and their respective successors, representatives and permitted assigns.

17. Modification. Any modification or amendment of this Agreement shall require a written agreement signed by authorized representatives of both Parties hereto.

18. Incorporation of Referenced Documents. Any other documents or instruments referenced in this Agreement shall be and hereby are incorporated into and become a part of this Agreement by this reference.

19. Severability. In case one or more of the provisions contained in this Agreement is held to be invalid, illegal or unenforceable for any reason in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein.

20. Headings. The headings herein are inserted for convenience and reference only, and in no way shall have any substantive meaning for purposes of determining the terms or conditions of this Agreement, or otherwise define, limit or describe the scope of any provisions hereof.

21. Nondiscrimination. Notwithstanding anything in this Agreement to the contrary, (i) each Party agrees that neither it nor any of its subcontractors shall discriminate against any employee or applicant for employment to be employed in performance of this Agreement, with respect to the employee's or applicant's hire, tenure, terms, conditions, or privileges of employment, because of race, color, religion, age, sex, disability or national origin; and (ii) one or both of the Parties is a recipient of federal funds, and as a result all required contractual provisions related to such federal funds shall be deemed incorporated into this Agreement by this reference and binding upon the Parties hereto.

22. No Waiver. No failure of either party to insist upon the strict performance of any term or condition of this Agreement or to exercise any right or remedy available on a breach thereof shall constitute a waiver of any such breach or of any such term or condition. No waiver of any breach shall affect or alter any term or condition of this Agreement, and each such term or condition shall continue in full force and effect with respect to any other existing or subsequent breach or default.

23. Rights Cumulative. All remedies under this Agreement shall be cumulative and not restrictive of other remedies. The Parties agree that any Party shall have the right to exercise any remedies available to it at law or in equity, including without limitation, specific performance.

IN WITNESS WHEREOF, the Parties hereto have duly executed this Agreement.

CITY OF LA VISTA,  
A Municipal Corporation

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Douglas Kindig, Mayor

Attest:

\_\_\_\_\_  
Pamela A. Buethe, City Clerk

SEAL

CITY OF PAPILLION,  
A Municipal Corporation

Date: \_\_\_\_\_

By: \_\_\_\_\_  
David P. Black, Mayor

Attest:

\_\_\_\_\_  
Elizabeth Butler, City Clerk

SEAL

**Exhibit "A"**

<b>Salt Storage Facility</b>		
<b>Item</b>	<b>Description</b>	<b>Cost</b>
1	General Conditions	\$ 15,384.00
2	Forklift/Skid Loader	\$ 3,170.00
3	Earthwork-Building Pads	\$ 15,900.00
4	Foundation Blocks and Butress Blocks	\$ 55,000.00
5	Paving-Asphalt	\$ 92,480.00
6	Fabricated Structures	\$ 68,600.00
7	Electrical	\$ 16,110.00
8	Electrical-Light Fixtures	\$ 5,922.00
9	Electrical Credit for Fixture Changes	\$ (2,900.00)
10	Leick Changes Rock	\$ 8,632.00
11	Clearspan Changes Anchor Bolts and Hot Dipped Galvanizing	\$ 18,089.14
12	Heimes Changes Building Pad	\$ 5,100.00
	Subtotal	\$ 301,487.14
	Alley Poyner Fees (7%)	\$ 21,104.10
	Lueder Fees (4%)	\$ 12,059.49
	TD2 Fees (Weighted Average 3.59%)	\$ 10,827.22
	Total	\$ 345,477.94
	City of Papillion 45%	\$ 155,465.07
	City of LaVista 45%	\$ 155,465.07
	PLVS 10%	\$ 34,547.79
	Total	\$ 345,477.94

	<b>Exhibit B</b>	
	<b>Fuel Island</b>	
<b>Item</b>	<b>Description</b>	<b>Cost</b>
1	Equipment Allowance	\$ 5,000.00
2	Earthwork	\$ 3,500.00
3	Steel	\$ 2,385.00
4	Concrete Footings	\$ 1,680.00
5	Site Paving	\$ 73,515.00
6	Electrical	\$ 5,210.00
7	Neuman Equipment Company	\$ 349,884.34
	Subtotal	\$ 441,174.34
	Alley Poyner Fees (Excluded from GMP)	\$ -
	Lueder Fees (Excluded all but \$5,000 Equip. Allowance from GMP)	\$ -
	TD2 Fees (Weighted Average 4.38%) for Pavement/Storm Design	\$ 23,184.61
	Total	\$ 464,358.95
	City of Papillion 50%	\$ 232,179.47
	City of LaVista 50% Total	\$232,179.47
	La Vista's Installment Payment Schedule	
	City of La Vista FY14/15	\$88,534.93
	City of La Vista FY15/16	\$50,000.00
	City of La Vista FY16/17	\$50,000.00
	City of La Vista FY17/18	\$43,644.54

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
THOMPSON CREEK DRAINAGEWAY PROJECT, INTERLOCAL AGREEMENT WITH PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the Mayor to execute an Interlocal Cooperation Agreement with the Papio-Missouri River Natural Resources District for the undertaking of efforts required to rehabilitate and restore the Thompson Creek channel between 72<sup>nd</sup> Street and 78<sup>th</sup> Street.

**FISCAL IMPACT**

The Papio-Missouri River NRD is agreeing to contribute \$712,000 towards the design and construction elements of the Thompson Creek Watershed Restoration project. This funding is allocated in the amount of \$412,000 by June, 2015 and \$300,000 by June 2016.

**RECOMMENDATION**

Approval

**BACKGROUND**

The City submitted a grant application to the Nebraska Environmental Trust in the fall of 2012 for funding of the Thompson Creek Watershed Restoration Project. A grant was awarded in the amount of \$1,000,000 over three years. The City also submitted a grant application to the NDEQ and was awarded a single year of funding in the amount of \$150,000. Additional funding will come from over \$461,000 from City sales tax and \$90,000 from annual Storm Water Grant funds. The PMRNRD funding is \$712,000 over two years as set forth in the interlocal agreement. This agreement provides for grant funding over a two year period under the Urban Drainageway Program.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH THE PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT FOR THE UNDERTAKING OF EFFORTS REQUIRED TO REHABILITATE AND RESTORE THE THOMPSON CREEK CHANNEL BETWEEN 72<sup>ND</sup> STREET AND 78<sup>TH</sup> STREET.

WHEREAS, the provisions of Nebraska State Statutes Sections 13-801, et. seq., provide authority for the City of La Vista to join with other governmental agencies on a basis of mutual advantage and in a manner that will accord best with geographic, economic, population and other factors by signing an Interlocal Cooperation Agreement; and,

WHEREAS, the City of La Vista desires to rehabilitate and restore the channel of Thompson Creek between 72<sup>nd</sup> Street and 78<sup>th</sup> Street and this area is located in the City of La Vista, and;

WHEREAS, the Papio-Missouri River NRD is agreeing to provide \$712,000. Toward the design and construction elements of the Thompson Creek Watershed Restoration project, and;

WHEREAS, the FY 15 and proposed FY 16 Capital Fund Budgets contain yearly allocations for the rehabilitation and restoration of Thompson Creek, and;

WHEREAS, the participants agree that this Interlocal Cooperation Agreement in no manner expands or restricts the authority otherwise granted to them by law; and

WHEREAS, such an agreement is in the best interests of the citizens of the City of La Vista.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby approves and authorizes the execution of an Interlocal Cooperation with the Papio-Missouri River Natural Resources District for the undertaking of efforts required to rehabilitate and restore that Thompson Creek Channel between 72<sup>nd</sup> Street and 78<sup>th</sup> Street.

PASSED AND APPROVED THIS 16TH DAY OF JUNE, 2016.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buehe, CMC  
City Clerk



**INTERLOCAL COOPERATION AGREEMENT**  
**Between**  
**THE CITY OF LAVISTA, NEBRASKA**  
**And**  
**PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT**  
**For**  
**THOMPSON CREEK DRAINAGEWAY PROJECT**

---

THIS AGREEMENT (hereinafter "**THIS AGREEMENT**") is made by and between the **PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT** ("the **NRD**") and the **CITY OF LAVISTA, NEBRASKA** ("the **CITY**"), pursuant to the authority provided in the Nebraska Interlocal Cooperation Act (§§13-801, R.R.S., 1997, et seq.).

**WHEREAS**, the **NRD** administers the Urban Drainageway Program (the "**PROGRAM**"), which provides cost sharing with local governmental entities for the installation and maintenance of improvements to urban stream channels;

**WHEREAS**, the **CITY** desires to rehabilitate and restore the channel of Thompson Creek between 72<sup>nd</sup> Street and 78<sup>th</sup> Street in the **CITY** ("the **PROJECT**");

**WHEREAS**, the **CITY** desires to receive cost-sharing assistance from the **NRD** for a portion of the costs of the **PROJECT** through the **PROGRAM**; and,

**WHEREAS**, the Board of Directors of the **NRD** has approved the **PROJECT** for participation in the **PROGRAM**.

**NOW, THEREFORE**, in consideration of the foregoing recitals and the mutual covenants of parties hereinafter expressed, the parties hereby agree as follows:

1. **PROJECT BENEFITS.** The parties do hereby find and determine that the **PROJECT** will be of predominantly general benefit to the **CITY** and the **NRD**, with only an incidental special benefit.

2. **PROJECT PARTICIPANTS.** The PROJECT shall be undertaken without any separate entity being created, and the duties and responsibilities of the parties with respect to the PROJECT shall be as defined by THIS AGREEMENT.

3. **PROGRAM RULES AND REGULATIONS.** CITY shall comply with the rules and regulations for the Program as promulgated by the NRD and set forth in the NRD's Directors Policy Manual. This AGREEMENT and the PROGRAM'S rules and regulations shall be construed in a manner giving full effect to both. In the event there is an unavoidable conflict between a specific provision of this AGREEMENT and a specific provision of the PROGRAM'S rules and regulations, this AGREEMENT shall control.

4. **MATERIAL CHANGES FROM APPLICATION.** The CITY shall timely notify the NRD, in writing, of any material changes to the PROJECT as compared to the application and other materials submitted to the NRD for the CITY'S participation in the PROGRAM.

5. **NRD TECHNICAL ASSISTANCE.** The NRD shall provide technical assistance to the CITY regarding the PROJECT within the limits of its expertise, as may be requested by the CITY.

6. **RIGHTS-OF-WAY ACQUISITION.** Lands, easements and rights-of-way, which the CITY determines is necessary for construction of the PROJECT or for the permanent operation, maintenance, repair, replacement, management and regulation of the PROJECT ("the **PROJECT RIGHTS-OF-WAY**"), shall be obtained by the CITY, which shall hold title thereto. The costs of the PROJECT RIGHTS-OF-WAY shall be deemed to be a cost of the PROJECT.

7. **PERMITS.** All necessary local, state and federal permits, which the CITY determines are necessary for construction of the PROJECT or for the permanent operation, maintenance, repair, replacement, management and regulation of the PROJECT, shall be obtained at the sole cost and expense of the CITY, which shall hold the same.

**8. UTILITY RELOCATIONS.** The CITY shall be solely responsible for relocation of any utilities that are determined to interfere with construction of the PROJECT, or with the operation, maintenance, repair, replacement, management or regulation of the PROJECT. The cost of such utility relocations shall be deemed to be a cost of the PROJECT.

**9. NRD CONTRIBUTION.** As its contribution towards the aforesaid costs of the engineering and construction of the PROJECT, the NRD shall reimburse the CITY for the billings rendered to the CITY for the ordinary and necessary costs of the PROJECT not to exceed a total contribution sum of \$712,000 ("the **NRD CONTRIBUTION**"). Such contribution shall be paid in installments as follows, to-wit: the first such installment shall be due and payable to the CITY on June 1, 2015 or 30 days following the CITY'S submission of the invoice, detailed below, in the maximum amount of \$412,000; and, the second such installment shall be due and payable to the CITY on June 1, 2016 in the maximum amount of \$300,000. The CITY shall provide an invoice(s) to the NRD detailing all of the billings and costs for which it seeks reimbursement prior to the NRD paying its contribution(s). Under no circumstances shall the NRD CONTRIBUTION exceed the total sum of \$712,000, nor shall the NRD be responsible for paying any monies related to the PROJECT in excess of \$712,000.

The CITY shall be solely responsible to pay all other costs and expenses associated with the PROJECT, including but not limited to the operation and maintenance of the PROJECT, without any further NRD reimbursement or contribution. Any State, Federal, foundation or other grants received by either of the parties at any time for purposes of offsetting costs and expenses of the PROJECT shall be credited to both parties in equal shares against their respective obligations hereunder for costs and expenses of the PROJECT.

The CITY shall publicly acknowledge the DISTRICT'S contribution to the PROJECT on a permanent sign, plaque, or other fixture (containing at a minimum the DISTRICT'S name and logo), to be maintained by the CITY for the life of the PROJECT.

**10. ABANDONMENT OF THE PROJECT.** In the event the CITY abandons the PROJECT prior to its completion, the NRD shall not be responsible for

any costs, payments, or billings related to the PROJECT. If at the time of abandonment, the NRD has paid the CITY an installment of the NRD CONTRIBUTION or any other monies related to the PROJECT, the CITY shall return and refund any and all such installment(s) or monies related to the PROJECT to the NRD.

**11. OPERATION AND MAINTENANCE OF THE PROJECT.** After completion of PROJECT and CITY acceptance of the PROJECT from the CONTRACTOR, the CITY, at its own and sole cost and expense, shall permanently operate, maintain, repair, replace, manage and regulate the PROJECT during its useful life, as the CITY determines necessary, and in accordance with applicable and generally-accepted engineering practices, state and federal statutes and regulations, including but not limited to, FEMA regulations and requirements for continuation of flood insurance, and any applicable USACE requirements necessary to preserve the eligibility of PROJECT for benefits under the Public Law 84-99 maintenance program.

**12. RISK OF LOSS.** The CITY shall have the insurable interest in, and shall bear the sole risk of loss of or damage to, the PROJECT and all PROJECT components, whether such loss or damage results from flood or other casualty whatsoever.

**13. INDEMNIFICATION.** The CITY shall indemnify and hold the NRD harmless from and against all liability and damages resulting from the PROJECT, including but not limited to the design, construction, operation, or maintenance of the PROJECT, and against all demands, causes of action, and claims arising from the PROJECT, including but not limited to court costs and attorney fees, except as may be caused by the negligence of the NRD.

**14. EFFECTIVE DATE AND TERM.** THIS AGREEMENT shall be in force and effect upon and after its execution by the parties hereto, and shall have permanent duration.

**15. NON-DISCRIMINATION.** The parties hereto shall not, in the performance of THIS AGREEMENT, discriminate or permit discrimination by any of its contractors in violation of federal or state laws or local ordinances because of race, disability, color, sex, age, political or religious opinions, affiliations or national origin.

**16. ENTIRE AGREEMENT.** THIS AGREEMENT contains the entire agreement between the parties, and each party hereto agrees that neither the other party, nor any of the officers, agents, employees or contractors of the other party, have made any representations or promises with respect to the PROJECT not expressly contained herein.

**17. APPLICABLE LAW.** Each party to THIS AGREEMENT shall follow all applicable federal and state statutes and regulations in carrying out the faithful performance and terms of THIS AGREEMENT.

**18. SEVERABILITY.** In the event any portion of THIS AGREEMENT is held invalid or unenforceable for any reason, it is agreed that any such invalidity or unenforceability shall not affect the remainder of THIS AGREEMENT, the remaining provisions shall remain in full force and effect, and any court of competent jurisdiction may so modify any objectionable provision of THIS AGREEMENT so as to render it valid, reasonable and enforceable.

**19. CAPTIONS.** Captions used in THIS AGREEMENT are for convenience and not for use in the construction of THIS AGREEMENT.

**IN WITNESS WHEREOF,** the parties have executed THIS AGREEMENT, on the respective dates hereinafter indicated, pursuant to authorizing resolutions duly adopted at regularly-called meetings of their governing bodies.

The CITY has executed THIS AGREEMENT on \_\_\_\_\_, 2015.

**THE CITY OF LAVISTA**

By \_\_\_\_\_  
\_\_\_\_\_, Mayor

**Attest:**

\_\_\_\_\_  
**City Clerk**

The NRD has executed THIS AGREEMENT on \_\_\_\_\_, 2015.

**PAPIO-MISSOURI RIVER NATURAL  
RESOURCES DISTRICT**

By \_\_\_\_\_  
**JOHN WINKLER, General Manager**

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PAPIO-MISSOURI RIVER NRD HAZARD MITIGATION PLAN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER

**SYNOPSIS**

A resolution has been prepared approving participation of the City of La Vista in the Papio-Missouri River Natural Resources District Multi-Hazard Mitigation Plan.

**FISCAL IMPACT**

There is no cost, other than staff time, for participating in the Mitigation Plan. In the future if mitigation projects are brought forward then there may be local cost sharing that would be considered at that time. No specific projects are identified or funded at this time.

**RECOMMENDATION**

Approval

**BACKGROUND**

This resolution is the result of a request from the Papio-Missouri River Natural Resources District to participate in updating the Multi-Hazard Mitigation Plan that was previously prepared in 2011. Updating the plan every 5 years is required by FEMA and the Disaster Mitigation Act of 2000 in order to maintain eligibility for receiving federal funds. The updating process generally takes 12 to 18 months. All communities within the NRD are being asked to pass this resolution.

Participation in this plan is a prerequisite to being eligible to receive Federal funds for mitigation projects in the City of La Vista. An example of this is the funds received for the voluntary property acquisition program for Thompson Creek.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING PARTICIPATION IN THE PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT MULTI-HAZARD MITIGATION PLAN.**

**WHEREAS, a Multi-Hazard Mitigation Plan identifies the vulnerability of public bodies to natural hazards and the projects that can be implemented to reduce or eliminate vulnerability exposure, and**

**WHEREAS, FEMA now requires that a public entity must have a current Multi-Hazard Mitigation Plan in place before they are eligible for Federal funding for hazard mitigation projects and mitigation efforts resulting from natural disasters, and**

**WHEREAS, the Papio-Missouri River Natural Resource District is proposing to serve as the coordinating agency for the development of a multi-jurisdictional Multi-Hazard Mitigation Plan for a six-county area including all of Sarpy, Douglas, Washington, and Dakota Counties as well as parts of Burt and Thurston Counties and all associated local governmental entities,**

**NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby approves participation in the proposed Multi-Hazard Mitigation Planning process described above, and pledges to attend required meetings and participate in those activities necessary to complete an effective plan for the public we serve.**

**PASSED AND APPROVED THIS 16TH DAY OF JUNE, 2015.**

**CITY OF LA VISTA**

\_\_\_\_\_  
**Douglas Kindig, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Pamela A. Buethe, CMC**  
**City Clerk**



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZATION TO PURCHASE HEATING AND AIR CONDITIONING UNIT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of one (1) new Tempstar Natural Gas Furnace and Air Conditioning unit from Standard Heating and Air Conditioning, Inc., La Vista, Nebraska, for an amount not to exceed \$13,996.00.

**FISCAL IMPACT**

The FY 2014/15 Capital Improvement Plan provides funding for the proposed purchase.

**RECOMMENDATION**

Approval

**BACKGROUND**

The heating and air conditioning unit will be installed at 9810 Hupp Drive. This is the new location for the Parks Division and Building Maintenance Division. Additional offices, locker room, break room and conference room have been installed as part of the remodel project. The existing heating and air conditioning unit is insufficient to heat and cool the addition. The proposed purchase will heat and cool the additional new space. The existing office areas will continue to use the original heating and cooling system.

Public Works requested quotes from four (4) different companies, only two quotes were returned. Public Works is recommending awarding Standard the contract. The Aksarben quote required the city to provide our own electrician and roofer to complete the work. The additional cost for bringing two more contractors onboard made the quotes about a wash. Public Works recommends keeping all the work under one contract, as opposed to having three contractors involved in the project.

Standard Heating and Air Conditioning, Inc.	\$13,996.00
Aksarben Heating and Air Conditioning	\$11,705.00

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) NEW TEMPSTAR NATURAL GAS FURNACE AND AIR CONDITIONING UNIT FROM STANDARD HEATING AND AIR CONDITIONING, INC., LA VISTA, NEBRASKA FOR AN AMOUNT NOT TO EXCEED \$13,996.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a new gas furnace and air conditioning unit is necessary, and

WHEREAS, the FY15 Capital Fund budget provides funding for the purchase of said unit, and

WHEREAS, Standard Heating and Air Conditioning, La Vista NE was the most responsible bidder and

WHEREAS, Subsection (c) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) new Tempstar Natural gas furnace and air conditioning unit from Standard Heating and Air Conditioning, Inc., La Vista, Nebraska and in an amount not to exceed \$13,996.

PASSED AND APPROVED THIS 16TH DAY OF JUNE, 2015.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

# standard

HEATING AND  
AIR CONDITIONING, INC.

*"Committed to Excellence"*

4/22/16

Brian Lukasiewicz  
City of La Vista  
9900 Portal Road  
La Vista, NE 68128

Re: New Property Remodel, 9810 Hupp Drive, La Vista

Standard Heating & Air Conditioning, Inc. is pleased to quote the following:

Provide and install on ground in utility room, one (1) new Tempstar 92% efficient, 60,000 BTU natural gas up flow furnace, model number N9MSB0601412B, with 3 ton up flow evaporator coil, to include PVC flue venting package and condensate drain line to existing drain, return and supply duct runs with all registers and grills for new locker room and two offices, all gas piping and electrical circuit.

Provide and install, on ground, one (1) new Tempstar 3 ton condensing unit, 13 SEER, 208/230 volt, 1-phase, model number N4A336GKA, to include copper refrigerant lines with 1-1/2" insulation from condensing unit to evaporator coil, electrical circuit, low voltage wiring and programmable thermostat.

Provide and install exhaust fans for RR and shower to include electrical wiring and sealed vent piping with termination to exterior of building.

Start and test all systems. Clean up upon completion of work.

Includes all equipment, material, fabrication, labor, utilities and permits.

Thank you for the opportunity. Please let me know how I can be of any additional assistance.

Gary Sucher  
402-510-8837  
[garys@standardac.com](mailto:garys@standardac.com)

1 1 7 4 6 P O R T A L R D • O M A H A , N E 6 8 1 2 8 - 5 5 2 4  
P H O N E 4 0 2 . 3 3 9 . 6 7 0 0 • F A X 4 0 2 . 3 3 9 . 5 8 0 9

WWW.STANDARDAC.COM

# standard

HEATING AND  
AIR CONDITIONING, INC.

"Committed to Excellence"

## Terms and Conditions

1. All labor is to be performed during Company's regular working hours, unless noted in this proposal.
2. Warranty work is performed during the Company's normal business hours, but can be performed after normal hours if Customer pays the difference between standard labor rate and overtime labor rate.
3. Until final payment is made, the Company will retain title to all materials and equipment if installed.
4. Unless noted in this proposal, payment is due in full upon completion of work. A finance charge of 1 1/2% per month (18% annually) will be charged on all unpaid balances after 30 days from the invoice date.
5. In the event Customer's account must be referred to attorneys for collection, Customer agrees to pay all reasonable attorney fees, court costs and other collection costs.
6. Customer shall assume risk of loss or damage to equipment after it is sent in place on the job.
7. Every attempt will be made to complete the work on the date(s) specified, but because the Company may have no control over equipment availability and delivery, all completion dates are estimates only.
8. The Company shall not be liable for damage, loss or delays resulting from fire, explosion, flooding, the elements or any other cause beyond our control.
9. The Company shall use ordinary care in performing all work, but shall not be liable for incidental or consequential damages, or for injuries to persons or damage to property except those directly caused by negligent acts of the Company's employees.
10. The Company shall not be responsible for any damages incurred due to inability of the building structure to properly support the installed equipment, or for expense incurred by removing, replacing or refinishing part of the building structure necessary for the performance of any service or installation, unless otherwise noted in the proposal.
11. The Company shall not be liable for any present and future taxes, charges or other governmental fees, or any items of equipment, labor or special tests required or recommended by insurance companies, equipment vendors or governmental authorities.
12. The Company shall not be liable for the identification, detection, abatement, encapsulation, storage, removal or transportation of any regulated or hazardous substances. Regulated or hazardous substances may include, but are not limited to asbestos, certain refrigerants and refrigerant oils. If any such products or materials are encountered during the course of work, the Company shall discontinue work until regulated or hazardous materials have been removed or liability is eliminated. The Company shall receive extension equal to the time of the delay to complete the work and reserves the right to be compensated for any loss due to a delay.
13. Line voltage wiring is provided from the condensing unit to the electrical panel. Any required side panels, replacement and/or upgrades of the existing electrical service must be performed by a licensed electrical contractor and are not included unless noted in this proposal.
14. All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. Our workers are fully covered by workman's compensation insurance.
15. There will be a 15% cancellation fee on all orders cancelled after a measure has been performed. There will be a \$100 cancellation fee on all orders cancelled before the measure has been performed.
16. This agreement contains the entire understanding between the Company and the Customer, any modifications, amendments or changes must be in writing and signed by both parties.
17. NO WARRANTY ON EXISTING EQUIPMENT, DUCT SYSTEM, UTILITIES OR ACCESSORIES NOT PROVIDED IN THIS PROPOSAL

Total Base Bid

\$

13,996.00 (Plus applicable tax)

  
Authorized Signature

Acceptance of Proposal

Date

11746 PORTAL RD • OMAHA, NE 68128-5524

PHONE 402.339.6700 • FAX 402.339.5809

WWW.STANDARDAC.COM



May 28, 2015

City of La Vista  
9810 Hupp Dr  
La Vista, NE 68128

**RE: Replacement of**

We propose to supply and install the following Air Conditioner and Furnaces and evaporator complete.

**INCLUDES:**

- Install new Carrier Air Conditioner unit
  - 42,000 Btuh cooling capacity 24ABB342A003
  - 90,000 Btuh heating input 58STA090-1-14
  - Evaporator CNPVP4217ALA
- Your electrician to provide power to the air conditioner and furnace and roofer to provide any repairs for flue.
- Honeywell 6000 programmable thermostats
- New disconnect for air conditioner
- New line sets LS-3/8X7/8x3/4X50-DI
- All ductwork, register and grills for a complete installation
- 1 year parts and labor warranty
- 5 year compressor warranty
- 10 year heat exchanger warranty
- All permits taxes and fees
- Labor to perform the above

We propose hereby to furnish material and labor complete in accordance with the above specifications for the sum of:

**Eleven Thousand Seven Hundred Five dollars .....\$11,705.00**

Notes: 1: Proposal may be withdrawn by us if not accepted within 30 days.  
2: A photo static copy of this authorization shall be deemed as effective and valid as the original.

Payment: aksarben/ARS Heating bills every 30 days as the job progresses.  
Payment is expected within 30 days of receiving invoices.

Authorized Signature: \_\_\_\_\_ DATE: \_\_\_\_\_  
Clark Thompson

Date of Acceptance: \_\_\_\_\_ Signature: \_\_\_\_\_

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZATION TO PURCHASE HEATING AND AIR CONDITIONING UNIT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

#### **SYNOPSIS**

A resolution has been prepared authorizing the purchase of one (1) new Tempstar Natural Gas Furnace and Air Conditioning unit from Standard Heating and Air Conditioning, Inc., La Vista, Nebraska, for an amount not to exceed \$13,996.00.

#### **FISCAL IMPACT**

The FY 2014/15 Capital Improvement Plan provides funding for the proposed purchase.

#### **RECOMMENDATION**

Approval

#### **BACKGROUND**

The heating and air conditioning unit will be installed at 9810 Hupp Drive. This is the new location for the Parks Division and Building Maintenance Division. Additional offices, locker room, break room and conference room have been installed as part of the remodel project. The existing heating and air conditioning unit is insufficient to heat and cool the addition. The proposed purchase will heat and cool the additional new space. The existing office areas will continue to use the original heating and cooling system.

Public Works requested quotes from four (4) different companies, only two quotes were returned. Public Works is recommending awarding Standard the contract. The Aksarben quote required the city to provide our own electrician and roofer to complete the work. The additional cost for bringing two more contractors onboard made the quotes about a wash. Public Works recommends keeping all the work under one contract, as opposed to having three contractors involved in the project.

Standard Heating and Air Conditioning, Inc.	\$13,996.00
Aksarben Heating and Air Conditioning	\$11,705.00

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) NEW TEMPSTAR NATURAL GAS FURNACE AND AIR CONDITIONING UNIT FROM STANDARD HEATING AND AIR CONDITIONING, INC., LA VISTA, NEBRASKA FOR AN AMOUNT NOT TO EXCEED \$13,996.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a new gas furnace and air conditioning unit is necessary, and

WHEREAS, the FY15 Capital Fund budget provides funding for the purchase of said unit, and

WHEREAS, Standard Heating and Air Conditioning, La Vista NE was the most responsible bidder and

WHEREAS, Subsection (c) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) new Tempstar Natural gas furnace and air conditioning unit from Standard Heating and Air Conditioning, Inc., La Vista, Nebraska and in an amount not to exceed \$13,996.

PASSED AND APPROVED THIS 16TH DAY OF JUNE, 2015.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

# standard

HEATING AND  
AIR CONDITIONING, INC.

*"Committed to Excellence"*

4/22/16

Brian Lukasiewicz  
City of La Vista  
9900 Portal Road  
La Vista, NE 68128

Re: New Property Remodel, 9810 Hupp Drive, La Vista

Standard Heating & Air Conditioning, Inc. is pleased to quote the following:

Provide and install on ground in utility room, one (1) new Tempstar 92% efficient, 60,000 BTU natural gas up flow furnace, model number N9MSB0601412B, with 3 ton up flow evaporator coil, to include PVC flue venting package and condensate drain line to existing drain, return and supply duct runs with all registers and grills for new locker room and two offices, all gas piping and electrical circuit.

Provide and install, on ground, one (1) new Tempstar 3 ton condensing unit, 13 SEER, 208/230 volt, 1-phase, model number N4A336GKA, to include copper refrigerant lines with 1-1/2" insulation from condensing unit to evaporator coil, electrical circuit, low voltage wiring and programmable thermostat.

Provide and install exhaust fans for RR and shower to include electrical wiring and sealed vent piping with termination to exterior of building.

Start and test all systems. Clean up upon completion of work.

Includes all equipment, material, fabrication, labor, utilities and permits.

Thank you for the opportunity. Please let me know how I can be of any additional assistance.

Gary Sucher  
402-510-8837  
[garys@standardac.com](mailto:garys@standardac.com)

1 1 7 4 6 P O R T A L R D • O M A H A , N E 6 8 1 2 8 - 5 5 2 4  
P H O N E 4 0 2 . 3 3 9 . 6 7 0 0 • F A X 4 0 2 . 3 3 9 . 5 8 0 9

WWW.STANDARDAC.COM



# standard

HEATING AND  
AIR CONDITIONING, INC.

"Committed to Excellence"

## Terms and Conditions

1. All labor is to be performed during Company's regular working hours, unless noted in this proposal.
2. Warranty work is performed during the Company's normal business hours, but can be performed after normal hours if Customer pays the difference between standard labor rate and overtime labor rate.
3. Until final payment is made, the Company will retain title to all materials and equipment if installed.
4. Unless noted in this proposal, payment is due in full upon completion of work. A finance charge of 1 1/2% per month (18% annually) will be charged on all unpaid balances after 30 days from the invoice date.
5. In the event Customer's account must be referred to attorneys for collection, Customer agrees to pay all reasonable attorney fees, court costs and other collection costs.
6. Customer shall assume risk of loss or damage to equipment after it is sent in place on the job.
7. Every attempt will be made to complete the work on the date(s) specified, but because the Company may have no control over equipment availability and delivery, all completion dates are estimates only.
8. The Company shall not be liable for damage, loss or delays resulting from fire, explosion, flooding, the elements or any other cause beyond our control.
9. The Company shall use ordinary care in performing all work, but shall not be liable for incidental or consequential damages, or for injuries to persons or damage to property except those directly caused by negligent acts of the Company's employees.
10. The Company shall not be responsible for any damages incurred due to inability of the building structure to properly support the installed equipment, or for expense incurred by removing, replacing or refinishing part of the building structure necessary for the performance of any service or installation, unless otherwise noted in the proposal.
11. The Company shall not be liable for any present and future taxes, charges or other governmental fees, or any items of equipment, labor or special tests required or recommended by insurance companies, equipment vendors or governmental authorities.
12. The Company shall not be liable for the identification, detection, abatement, encapsulation, storage, removal or transportation of any regulated or hazardous substances. Regulated or hazardous substances may include, but are not limited to asbestos, certain refrigerants and refrigerant oils. If any such products or materials are encountered during the course of work, the Company shall discontinue work until regulated or hazardous materials have been removed or liability is eliminated. The Company shall receive extension equal to the time of the delay to complete the work and reserves the right to be compensated for any loss due to a delay.
13. Line voltage wiring is provided from the condensing unit to the electrical panel. Any required side panels, replacement and/or upgrades of the existing electrical service must be performed by a licensed electrical contractor and are not included unless noted in this proposal.
14. All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. Our workers are fully covered by workman's compensation insurance.
15. There will be a 15% cancellation fee on all orders cancelled after a measure has been performed. There will be a \$100 cancellation fee on all orders cancelled before the measure has been performed.
16. This agreement contains the entire understanding between the Company and the Customer, any modifications, amendments or changes must be in writing and signed by both parties.
17. NO WARRANTY ON EXISTING EQUIPMENT, DUCT SYSTEM, UTILITIES OR ACCESSORIES NOT PROVIDED IN THIS PROPOSAL

Total Base Bid

\$

13,996.00 (Plus applicable tax)

  
Authorized Signature

Acceptance of Proposal

Date

11746 PORTAL RD • OMAHA, NE 68128-5524

PHONE 402.339.6700 • FAX 402.339.5809

WWW.STANDARDAC.COM



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZE PURCHASE OF SPECIAL TRANSIT SERVICE VEHICLE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SCOTT STOPAK RECREATION DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of a Special Transit Service Vehicle in an amount not to exceed \$10,235.00 in partnership with Metropolitan Area Transit (MAT).

**FISCAL IMPACT**

The City was eligible for the FTA # 5307 grant for procurement of the new vehicle which cost \$49,800.00. The City is responsible for 15% of the cost which comes to \$7,470.00 with MAT responsible for the remaining 85% of the vehicle costs. Additional funds in an amount not to exceed \$2,765.00 for several add-on purchases that are not included in the NDOR contract will be paid directly to the manufacturer.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The Special Services Unit provides transportation for all elderly residents (age 60 or older) and all handicapped residents of La Vista and Ralston.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF A SPECIAL TRANSIT SERVICE VEHICLE IN PARTNERSHIP WITH METROPOLITAN AREA TRANSIT (MAT) IN AN AMOUNT NOT TO EXCEED \$10,235.00.

WHEREAS, the City Council has previously participated in a partnership with the City of Ralston and Metropolitan Area Transit to provide transportation services to the elderly and handicapped residents of the cities; and

WHEREAS, a determination has been made that one of the vehicles in the existing fleet is in need of replacement; and

WHEREAS, the City of La Vista would be responsible for 15% of the cost of the new vehicle with the remaining cost being paid by federal funds through MAT, and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby establish the need to purchase a replacement special transit services vehicle in conjunction with Metropolitan Area Transit and authorize payment of the City's share of the cost in an amount not to exceed \$10,235.00.

PASSED AND APPROVED THIS 16TH DAY OF JUNE, 2015.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk



2222 Cuming Street, Omaha, Nebraska 68102-4392  
(402) -341-0800 ■ Fax (402)-342-0949 ■ TDD: 4(402)-341-0807

---

*Operated by Transit Authority of the City of Omaha*

**Sent via email to [RCarstensen@cityoflavista.org](mailto:RCarstensen@cityoflavista.org)**

**May 27, 2015**

**Mr. Rich Carstensen  
Program Coordinator  
8116 Park View Blvd  
La Vista, NE 68128**

**Dear Mr. Carstensen:**

On May 8, 2015, Metro met with you as well as other representatives from the political jurisdictions serviced by Metro. Per the discussion, the City of La Vista is interested in purchasing a small transit bus in 2015. To this end, Metro will utilize the existing options available in the Nebraska Department of Roads (NDOR) contract (13189 OC) to purchase the vehicle for the City of La Vista.

Metro will be responsible for the payment of the base price of the vehicle as well as any included selected options per the NDOR contract and will issue a Purchase Order to the manufacturer for an amount NTE **\$49,800**. Payment of the required local match of 15% of this total from the City of La Vista totaling **\$7,470** will be due to Metro upon delivery of the vehicle.

The City of La Vista has also selected several add-on options that are not included in the NDOR contract as allowed add-on specifications, and thus will bear the related additional cost. The City of La Vista will issue a separate Purchase Order for these add-on options for an amount NTE **\$2,765** directly to the manufacturer.

Exhibit "A" to this letter outlines the breakdown of the specifications and payment coverage from Metro as well as the prices of the add-on options that the City of La Vista has selected, and for which it will bear responsibility.

I look forward to working with you to complete this project. Feel free to contact me at 402-341-7560 ext. 2601 or via email should you have questions or require additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Judy Overfield'.

**Judy Overfield  
Grant Administrator**

**cc: Lauren Cencic, Metro  
Ashley Myers, MAPA**

**EXHIBIT "A"**

Metro Coverage for City of La Vista NE vehicle – PO XXXXX / (1) unit not to exceed \$49,800		
Item	Description	Unit Price
0001	Ford 158", 12 passenger w/ 2 W/C Small Transit Vehicle	\$49,700
0002	Delivery	\$100
METRO PO - TOTAL		\$49,800
City of La Vista NE – PO XXXXX / (1) unit not to exceed \$2,765		
Item	Description	Unit Price
0001	Over windshield storage compartment	\$155
0002	Estimated increase cost for CNG ready chassis	\$350
0003	Help rear bumper with backup avoidance (\$1375)	\$1,375
0004	Heated & remote rearview mirrors	\$615
0005	Additional grab handles on 6 seats (\$45 each)	\$270
CITY OF LA VISTA PO - TOTAL		\$2,765

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
STRATEGIC PLAN PROGRESS REPORT	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

**SYNOPSIS**

On February 4, 2014 the City Council adopted the updated strategic plan that was developed during the work session held by the Mayor and City Council on August 24, 2013. This is the fourth progress report since the adoption of the plan.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Receive/File.

**BACKGROUND**

On Saturday, August 24, 2013 the Mayor and City Council held a strategic planning work session. As a result, the collaborative effort with the management team produced the City's Strategic Plan for 2014-2016 which Council approved via Resolution No. 14-011.

# City of La Vista

## Strategic Plan 2015 - 2017

### 1. Pursue revitalization of the 84<sup>th</sup> Street corridor & other economic development opportunities

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Vision 84 Implementation	Develop design guidelines for buildings and public realm amenities	CD/PW	TBD			To be completed in conjunction with a master developer yet to be identified
	Prepare an infrastructure/drainage master plan	CD/PW	TBD			
	Master Developer Selection	CD/Admin	FY15			Determine process for selection of Master Developer.
	1/2¢ Sales Tax Referendum	CD/Admin	FY14	Implementation began on 10/1/14; as of May \$946,673 has been collected.		Monitor revenue: spot check at Dept. of Revenue
	Update Market Study	CD/Admin	FY 15/16			Contacting consultant who did original study to discuss an update.
	Redevelopment Fund	CD/Admin	FY 15 Budget	Receipts for the 1/2¢ sales tax have been collected since 10-1-		
	Prepare financial/fiscal impact analysis for Phase 1 Identify actions and incentives to be provided by the City	CD/Admin	Spring 2016	14; separate accounting for revenue tracked through the Redevelopment Fund.		
		CD/Admin	ongoing	Work has been completed to include TIF as a possible incentive in addition to other options.		



# City of La Vista

## Strategic Plan 2015 - 2017

### 1. Pursue revitalization of the 84<sup>th</sup> Street corridor & other economic development opportunities *(continued)*

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
	Identify scope of public improvements, obtain required permits & utility coordination. Coordinate with state on ROW design and streetscape improvements.	PW	TBD	Request has been submitted to OPPD for transmission line burial on south end of golf course property. 84th Street signal coordination study now in progress	Meet with OPPD to determine extent of funding and construction schedule	
	Coordinate with Comp Plan update	CD/PW	ongoing	Kageyama kick off event and half day workshop completed in March. Stakeholder meetings done in April.	Visioning event scheduled for June.	
	Monitor and Update Municipal Facilities Plan to ensure integration with implementation of Vision 84 and Civic Park Master Plan	CD/Admin /PW	Ongoing		Review the Municipal Facilities Plan for City Hall Campus and recommend changes as necessary.	
	Keep public informed about issues and progress	CD/Admin	ongoing	Regular updates in quarterly newsletter and keep website current with relevant project information.		

# City of La Vista

## Strategic Plan 2015 - 2017

### 1. Pursue revitalization of the 84<sup>th</sup> Street corridor & other economic development opportunities *(continued)*

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
<b>b. Develop &amp; cultivate relationships with commercial/shopping center owners, developers, leasing agents and retailers</b>	In addition to pursuing 84th Street redevelopment opportunities, continue to seek out opportunities to ensure successful build out of Southport and other areas of the city.	Admin/CD	immediate & ongoing	Announcement of MultiSports Complex Project.	Promote & provide information to those interested in the City's development opportunities.	
	Make determination on continued ICSC attendance	Admin/CD	FY 16	Attendance, exhibit and meetings at 2015 ICSC Recon.	In process of arranging follow up meetings	
	Continue to market La Vista to targeted retailers, restaurants & corporations	Admin/CD	ongoing		Determine appropriateness of current marketing materials.	
	Work with property owners/tenants and/or their representatives to facilitate implementation of Vision 84	CD/Admin	ongoing	Midwest ROW has been hired to facilitate acquisition process.	Land acquisition negotiations	
	Develop inventory of vacant commercial/retail properties and link to site that lists available properties	CD	ongoing		Make a determination on how this can be accomplished.	
<b>c. Work to ensure adequate public transportation</b>	Continue working with Metro Area Transit (MAT) for increased and better service routes; possible park & ride	CD/PW	immediate & ongoing		Continue to work with MAT as 84th St. development evolves	

# City of La Vista

## Strategic Plan 2015 - 2017

### 2. Provide for planned, fiscally responsible expansion of the city's boundaries

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Comprehensive Plan Update	Development of community wide Strategic Plan.	CD/Admin	FY 15		Incorporated as part of the Comp Plan update	
	Comprehensive Plan Update Process underway	CD	FY 15	Public Kickoff event completed on 3/30/15 with Peter Kageyama; Stakeholder meetings in April; and events associated with Salute to Summer in May.	Public visioning event (Taste of La Vista) scheduled for June.	
b. Implementation of annexation plan	Review and update annexation plan annually	Finance/CD	ongoing			
	Determine capacity to provide services for areas to be considered for annexation	All	ongoing		Review as part of annual CIP and Long Range Financial Plan	
	Communicate annexation plan & property tax implications to residents and businesses	CD/Admin	TBD based on plan			
c. Ensure budget & CIP provide for infrastructure improvements necessary to serve areas targeted in annexation plan	Evaluate infrastructure in areas contemplated for annexation	PW	ongoing	Reviewed annually as part of CIP/Budget process and 1 & 6 Year Road Plan		
	Investigate funding sources for Arterial Street Improvement Program and Railroad Transportation Safety District	PW	immediate & ongoing	Sarpy County has adopted ASIP.	Continue to work with Sarpy County/Cities	
	Incorporate infrastructure improvements as part of the CIP process	PW	ongoing			

# City of La Vista

## Strategic Plan 2015 - 2017

### 3. Maintain Quality of Older Residential Neighborhoods

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
<b>a. Provide for essential maintenance &amp; priority improvements in neighborhood and public facilities through CIP</b>	Submit public facility improvements as part of the CIP process	PW/CIP Committee	ongoing	Several facility improvement projects were included as part of the 2015 CIP and are currently in various stages of completion.		
	Ensure attractive neighborhoods by strengthening & enforcing building & environmental codes.	CD/PD/PW	ongoing	Monthly meetings between CD and PD are taking place.	Ride alongs to identify areas for targeted enforcement are being scheduled.	
	Work to be more proactive in code enforcement	PD	ongoing	Citations issued to repeat offenders		
	Evaluate using a private vendor to complete property clean up and mowing	PW	Spring 2016		Develop 5 year report on property clean ups to determine needs.	
<b>b. Monitor efficiency &amp; effectiveness of rental housing inspection program</b>	Prepare & present annual Rental Housing Inspection Program (RHIP) overview to Mayor & Council along with any recommended revisions to the code.	CD	ongoing	Monthly status reports being provided; inspections have resumed with assistance from PW staff.	Continue to monitor, compile information and prepare an annual status report; review ordinance for potential changes	
	Pursue enforcement actions	CD	ongoing	Enforcement actions are underway		
<b>c. Continue developing strategy to address erosion &amp; maintenance issues related to Thompson Creek</b>	Begin construction of channel improvements	PW	FY15	Construction is underway.	Construction work scheduled for completion Sept 2015.	
	Evaluate need for Neighborhood Revitalization Program	CD	FY 15		Recommendation as part of the Comp Plan update	
	Development of a planting plan for Thompson Creek	PW/CD	immediate & ongoing	Consultant hired.	Develop plan, prepare an estimate, and seek funding.	
	Improve watershed management	PW/CD	ongoing	BioBlitz 2014 and other outreach events.	Continue BioBlitz event and additional outreach efforts.	

# City of La Vista

## Strategic Plan 2015 - 2017

### 4. Enhance La Vista's identity and raise awareness of the city's many qualities

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Increase citizen-council engagement	Conduct town hall or neighborhood meetings in various venues	Admin	ongoing	Kageyama presentations and workshop; stakeholder meetings; Salute to Summer Booth	Taste of La Vista	
	Continue to provide citizen education on City activities and performance	All	ongoing	Pizza with Police in February. Police Citizen Academy was completed in May. Public Works Open House was held on June 6th, 2015.		
	Recommendation for citizens leadership academy program	Admin	FY 15		Research similar programs and provide recommendation	
	Recommendation for Mayor's youth leadership council	Admin/PD	FY 15	Youth Leadership Program is being developed and members are being recruited.	Kickoff for the YLP is scheduled for September. Presentation to Mayor and Council on July 7th, 2015.	
	Provide funding for update of community marketing materials	Admin	ongoing			
	Develop community branding strategy	Admin	FY 16		Utilize information obtained through citizen participation in Strategic Planning process	
	Identify opportunities for cooperative efforts with outside agencies	All	ongoing	Joint events with La Vista Community Foundation. Field usage interlocal with PLSD girls softball program.	Interlocal with Papillion PW on salt storage and fuel island.	

# City of La Vista

## Strategic Plan 2015 - 2017

### 5. Improve and expand the City's quality of life amenities for residents and visitors

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Create opportunities that bring residents together for celebration, leisure or civic engagement	Look for opportunities to initiate or improve ongoing events	All	ongoing		Concert planned for National Night Out August 2015; Taste of La Vista	
	Identify & promote development of new cultural amenities in partnership with other community groups such as the LaVista Community Foundation, area Chambers of Commerce & local service groups.	All	ongoing	Newly established community gardens program for summer of 2015.	La Vista Bio Blitz in October 2015.	
	Address the needs associated with the City's aging swimming pool facility.	All	ongoing		Continue to operate pool.	
b. Plan for recreation programs and services	Develop Recreation Program Master Plan to evaluate existing programs & establish direction for future planning and programming	Rec	FY 15		Comp Plan will have component related to programming needs	
	Research & recommend new programs or changes to existing programs	Rec/Library	ongoing	2015 New Programs: Discovery Home School Coop Program - Science/Active Play/Art, Make-it-take-it Bead Making Class, Beginning Bead Making Workshop, Omaha Bead Affair, Box Car Drive Inn, Magic 101, S.T.E.M. - Electrical Engineering/Engineering/Environmental Engineering/Agricultural Engineering, Easter Storybook Book Walk.		
	Review current marketing practices and make recommendations for improvement and/or exploring new opportunities	Rec/Admin	ongoing	Rebranded La Vista Daze to Salute to Summer Festival	Continue evaluating new marketing tactics including developing new recreation program guide	

# City of La Vista

## Strategic Plan 2015 - 2017

### 5. Improve and expand the City's quality of life amenities for residents and visitors *(continued)*

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
c. Maintain and enhance City's existing & future park areas & green spaces	Develop a plan for financing park amenities.	Park Committee	ongoing			
	Prepare and present to M&C for adoption 1 & 4 Year Tree Plan <i>(in accordance with section 94.14 of the municipal code)</i>	Park Committee & Park & Rec Advisory Board	FY 15		Presentation of plan to Mayor and Council in September	
d. Develop & begin implementation of a "green plan" that identifies the City's role, through its facilities and programs, in contributing to a sustainable community	Continued involvement with the Papillion Creek Watershed Partnership	PW	ongoing	Continued promotion of the Rain Barrel Program. Incorporation of Rain Gardens and Bio Basins (City Hall, 73rd & Park View Blvd.)	Develop facility maintenance plan for public facilities associated with storm water management. Examine funding options such as storm water utility legislation.	
	Explore options to incorporate green building principles as city facilities are remodeled or new facilities are constructed	PW	ongoing	Two new CNG Public Works Trucks has been ordered	Explore possibility of zero waste or recycling programs for City facilities	

# City of La Vista

## Strategic Plan 2015 - 2017

### 6. Pursue action that enables the City to be more proactive on legislative issues & other areas of common interest

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Participate in UCSC to promote shared interests of La Vista and its partner communities	Continue regular meetings of the Mayors of Sarpy County communities	Admin	ongoing			
	Work with Sarpy County to resolve planning & sewer issues	PW	ongoing	Wastewater Service Agreement regarding ETJ sanitary sewer issues completed.	Meetings with Sarpy County regarding Sarpy Industrial Sewer; Southern Ridge Wastewater Study participation	
b. Adopt and lobby on behalf of a legislative agenda specific to the City	Continue joint lobbying efforts with UCSC	Admin	ongoing			
	Identify legislative issues of specific interest to La Vista and allocate resources for lobbying.	Admin	ongoing	Managers are monitoring bills based on functional areas	Continue to try and address the impact of State Economic Development incentives	



# City of La Vista

## Strategic Plan 2015 - 2017

### 7. Adopt and implement standards of excellence for the administration of City services.

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Ensure that the City is fiscally responsible while trying to meet the needs of a growing community	Diversify current & future fiscal resources to meet rising demands, while effectively controlling costs	All	immediate & ongoing			
	Update financial policies	Finance	FY 16			
	Utilize technology to create more efficient financial processes	Finance/ Admin	See CIP	Needs Assessment completed	Preparation of RFP, followed by vendor demonstrations and selection.	
	Identify future revenue and funding requirements necessary to implement Capital Improvements Program (CIP), Master Facilities Plan (MFP) & annual capital purchases; develop options for meeting those requirements	All	immediate & ongoing		Development of Long Range Fiscal Plan	
	Evaluation of City services that may need to be discontinued or contracted out	All	immediate & ongoing		Recommendations from Performance Measure Team	
	Monitor, review and propose changes to city programs that have a significant financial impact such as contractual services, insurance and employee benefits	Admin/HR	immediate & ongoing	Small savings realized in FY 14 with the restructure of City health insurance program.	Consideration of workers compensation classification audit.	
	Investigate the potential of collaborating with other agencies on programs and services that have a significant fiscal impact	All	immediate & ongoing	Interlocal agreement with PLVSD for improvement to baseball field at City Park..	Interlocal with Papillion PW on salt storage and fuel island.	

# City of La Vista

## Strategic Plan 2015 - 2017

### 7. Adopt and implement standards of excellence for the administration of City services. *(continued)*

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
<b>b. Manage the contract for Fire Services</b>	Monitor Contract	PD	ongoing			
	Integration with other City Departments		ongoing	Joint training with P.D. Partnership in other community events. New Fire Codes have been adopted	Regular reports	
<b>c. Provide for the transition of personnel into key City appointed positions through a succession plan</b>	Fund and provide training opportunities	Admin	ongoing			
	Consider development of Leadership Training Program for Non-Supervisory Personnel	Admin	FY 16			
	Continue to explore options for involving mid-level managers in organizational initiatives and special projects	All	ongoing	Joint meeting with Peter Kageyama and the Leadership Team March 2015.		
	Explore development of Supervisor Training program	All	TBD			
<b>d. Monitor &amp; refine Pay for Performance (PFP) appraisal system</b>	Meetings with employee advisory group to review efficiency & effectiveness of process	HR/Admin	immediate & ongoing	Steering Committee meets weekly.	Presentation to Council in Sept/Oct. Staff training in early 2016.	
	Ensure ongoing two-way communication with employees regarding the program and proposed changes.	HR/Admin		Draft recommendations have been presented to Managing Directors and Managers.	Meetings with employee groups in July and August.	
	Develop process for 360° Performance Evaluation Process	HR/Admin	FY 16	Was incorporated as part of the City Administrator's 2013 evaluation	Following changes to employee appraisal process, develop a program for 360 evaluations.	

# City of La Vista

## Strategic Plan 2015 - 2017

### 7. Adopt and implement standards of excellence for the administration of City services. *(continued)*

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
e. <b>Maximize the City's emergency preparedness</b>	Provide opportunities for appropriate staff and officials to receive emergency preparedness training	EMT Committee	ongoing	PW/PD did meet & greet with Papillion Fire to familiarize the staff with each other	Tabletop exercise to prepare for long term event	
	Communicate Emergency Preparedness Plan to elected officials through periodic review	Police	FY 15		Review LEOP with elected officials at Council Meeting in Fall 2015	
	Update La Vista's LEOP to be more customized for La Vista	Police	Fall 2015			
f. <b>Actively pursue funding opportunities for organizational strategic initiatives and projects consistent with departmental operations.</b>	Pursue grant opportunities	All	Immediate & ongoing	Environmental Trust Funds and PMRNRD grants have been secured, awaiting the status of securing NDEQ grant funds. NET grant has been secured for CNG vehicles.	Identify areas eligible for CDBG assistance.	
	Track and report on grant applications and grants received.	Finance/All	Annual	Tracking for year-end report	Continue to provide annual reports for M&C	
g. <b>Identify opportunities for developing Boards &amp; Commissions</b>	Develop orientation program for new B&C members	City Clerk/B&C staff	FY 15	Orientation manual completed and distributed to various B&C's	Establish training program for new members	
	Provide training opportunities for B&C members	CC/B&C staff	FY 15			
	B&C review of pertinent sections of the Municipal Code	CC/B&C staff	FY14/15	Begin after orientation program completed.	Recommendations for compliance and/or updates	
	Update B&C regarding Council's strategic priorities	Admin	Annually			

# City of La Vista

## Strategic Plan 2015 - 2017

7. Adopt and implement standards of excellence for the administration of City services. (continued)						
Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
h. Continue the process of developing a high performance work culture	Provide opportunities for appropriate staff training		ongoing			
	Regular employee meetings with City Administrator	Admin	ongoing			
	Development of an Employee Orientation Program for new employees	Admin	FY 16			
	Implementation of Performance Measurement Program	All	FY 15	Transition to ICMA Insights platform is complete	Development of Year End Progress Report for Citizens	
	Refine monthly department operational reports	All	ongoing			
	Incorporation of Mission Statement, Guiding Principals & Leadership Philosophy into City work culture.	Managers/All	ongoing			Implementation into new performance evaluation process
	Ensure that citizen feedback is solicited and utilized in the evaluation and development of programs and services		FY 16			Funding for new survey will be recommended as part of the FY 16 Budget.

# City of La Vista

## Strategic Plan 2015 - 2017

### 8. Insure efficient, effective investment in technology to enhance service delivery.

Key Objectives	Action Steps	Responsible Party	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Implement long-range technology plan and review regularly to ensure priorities remain accurate	Incorporate recommendations into CIP as finances allow.	IT/CIP Committees	ongoing	Council Chamber Technology upgrade completed in May 2015	Work toward developing a business continuity plan	
	Provide opportunities for ongoing & regular two-way communication to ensure that Managing Directors, Managers and staff are included in IT Strategic Plan implementation and updates	IT Committee	immediate & ongoing			
b. Develop a multi-year plan for financing technology improvements		IT Committee	ongoing			
c. Designate adequate resources to provide appropriate technology training for city staff		IT Committee	ongoing	Sub-committee formed for IT training (New Horizons training through Sarpy County)	Set up a process for departments to follow	