

ARTICLE 7: SUPPLEMENTAL REGULATIONS

Section 7.01 Sign Regulations

7.01.01 Purpose

The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations. These sign regulations are adopted under the zoning authority of the city in furtherance of the more general purposes set forth in the zoning ordinance.

7.01.02 Applicability

A sign may be erected, placed, established, painted, created, or maintained within the city and the city's extraterritorial zoning jurisdiction only in conformance with the standards, procedures, exemptions and other requirements of these sign regulations.

7.01.03 Definitions and Interpretation

Words and phrases used in this ordinance shall have the meanings set forth in Section 2. Principles for computing sign area and sign height are contained in Section 7.01.04.

7.01.04 Computations

1. *Computation of Area of Individual Signs*

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly identical to the display itself.

2. *Computation of Area of Multi-faced Signs*

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

3. *Computation of Height*

The height of a sign shall be computed as the distance from the grade at the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be from finished grade. Any berms shall be construed to be a part of the sign base and added to the overall height of the sign.

7.01.05 **Permitted Signs and Limitations**

1. **Ground Monument**

- A. Monument signs shall be located along the frontage of the zoned lot. All signs shall be of permanent construction and are subject to the provisions of local codes and ordinances. On corner lots, the monument sign may be placed on either frontage.
- B. All ground monument signs shall be located on the same lot as the advertised use.
- C. Signs shall contain only the name or trademark of the business, building or complex which it identifies.
- D. With the exception of change panels permitted for gas stations to advertise gasoline prices, no change panels, advertising or names of individual tenants will be allowed.
- E. Setbacks for all ground monument signs are ten (10) feet.
- F. The following criteria apply to Ground Monument signs:

District	Design Limitations for Ground Monuments		
	Max. Size	Max. Height	Max. Number
TA	50 square feet	10 feet	One (1) per lot frontage.
R-1	32 square feet	10 feet	One (1) per lot frontage.
R-2	32 square feet	10 feet	One (1) per lot frontage.
R-3	32 square feet	10 feet	One (1) per lot frontage.
R-4	32 square feet	10 feet	One (1) per lot frontage.
C-1	32 square feet	10 feet	One (1) per lot frontage.
C-2	32 square feet	10 feet	One (1) per lot frontage.
C-3	50 square feet	10 feet	Two (2) per lot frontage
I-1	32 square feet	10 feet	One (1) per lot frontage.
I-2	32 square feet	10 feet	One (1) per lot frontage.
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

2. **Center Identification Signs**

- A. All Center Identification signs shall be a ground monument style sign.
- B. All Center Identification signs shall be constructed in a manner that is permanent and permeable.
- C. Acceptable materials include:
 - Exterior Insulation Finish System (EIFS)
 - Brick
 - Split face Concrete Masonry Units
 - Stone
 - Metal
 - Simulated Acrylic, or
 - Other materials provided said design is reflective of the character of the use.
- D. All Center Identification signs shall advertise only the name of the development, unless in compliance with Subsection F below.
- E. Setbacks for all Center Identification Signs shall be twenty (20) feet along a street designated as an arterial or collector and ten (10) feet along any street designated as a local, minor or private street.
- F. Change panels and/ or changeable copy may be allowed provided:
 - No panel shall be translucent and / or backlit
 - Panels shall be opaque
 - Panels shall not include any individual business logos
 - Signs shall only include business names
 - Fonts shall be similar to that of the development name
 - Said panels and / or copy match in color and material to the overall sign.
- G. The following criteria apply to Center Identification signs:

District	Design Limitations for Center Identification Signs		
	Max. Size	Max. Height	Max. Number
TA			
R-1			
R-2			
R-3			
R-4			
C-1	100 square feet	20 feet	One (1) per main entrance but not more than two (2) per street frontage of the development
C-2	100 square feet	20 feet	One (1) per main entrance but not more than two (2) per street frontage of the development
C-3	150 square feet	24 feet	One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80
I-1	100 square feet	20 feet	One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80
I-2	100 square feet	20 feet	One (1) per main entrance but not more than three (3); plus, one (1) when abutting Interstate 80
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

(Ordinance No. 883, 11-19-02) (Ordinance No. 896, 2-04-03)

3. **Wall Signs**

- A. All wall signs shall be mounted to the primary face of the use, *unless otherwise substituted by the Building Official. (Ordinance No. 988, 4-18-06)*
- B. The following criteria apply to Wall Signs:

District	Design Limitations for Wall Signs		
	Max. Size	Max. Height	Max. Number
TA	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
R-1			
R-2			
R-3			
R-4			
C-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
C-2	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
C-3	2.5 square feet per lineal foot of building / storefront to a Max. of 600 sq. ft.	45 feet above grade	One (1) per main frontage One (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
I-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per main frontage Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
I-2	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per main frontage Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
PUD	The maximum allowed within the underlying zoning district, or otherwise prescribed in the approved P.U.D Plan of said lot/development.	The maximum <i>building height</i> allowed in the approved P.U.D Plan of said lot/development.	The maximum allowed within the underlying zoning district, or otherwise prescribed in the approved P.U.D Plan of said lot/development.

(Ordinance No. 988, 4-18-06)

4. **Incidental Signs**
- A. Incidental signs shall be placed in locations along the primary face of the building.
 - B. Incidental signs may be placed on a second building face, when the building has dual frontage.
 - C. The following criteria apply to Incidental Signs:

District	Design Limitations for Incidental Signs		
	Max. Size	Max. Height	Max. Number
TA	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
R-1			
R-2			
R-3			
R-4			
C-1	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
C-2	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
C-3	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
I-1	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
I-2	25 sq. ft. of area each	45 feet above grade	One (1) per forty lineal feet of storefront
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

5. **Other Permitted Signs**

- Canopy
- Identification
- Projecting
- Real Estate
- Nameplate
- Temporary (see Section 7.03.02)
- Window

Subdivision (Ordinance No. 873, 10-15-02)

Construction (Ordinance No. 873, 10-15-02)

Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule:

<u>Sign Type</u>	<u>Zoning District</u>	<u>FW</u>	<u>TA</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>I-1</u>	<u>I-2</u>	<u>PUD</u>
Identification													
Max. Size (Square Ft.)	-	2 ¹	2 ¹	2 ¹	2 ¹	2 ¹	2 ¹	2 ¹	2 ¹	2 ¹	2 ¹	2 ¹	2 ¹
Max. Height (Ft.)	-	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Number Allowed per building	-	1	1	1	1	1	1	1	1	1	1	1	1
Real Estate													
Max. Size (Square Ft.)	-	32	6	6	6	6	6	32	32	32	32	32	6
Max. Height (Ft.)	-	6	-	-	-	-	-	6	6	6	6	6	-
Number Allowed per lot	-	2	1	1	1	1	1	2 ⁷	2 ⁷	2 ⁷	2 ⁷	2 ⁷	1
Subdivision													
Max. Size (Square Ft.)	-	32	32	32	32	32	32	32	32	50	32	32	32
Max. Lot Coverage (Sq. Ft.)	-	2,500 ^d	2,500 ^d	2,500 ^d	2,500 ^d	2,500 ^d	2,500 ^d	2,500 ^d	2,500 ^d	2,500 ^d	2,500 ^d	2,500 ^d	2,500 ^d
Max. Height (Ft.)	-	10	10	10	10	10	10	10	10	15	10	10	10
Number Allowed per lot	-	2 ⁵	2 ⁵	2 ⁵	2 ⁵	2 ⁵	2 ⁵	2 ⁵	2 ⁵	2 ⁵	2 ⁵	2 ⁵	2 ⁵
Construction													
Max. Size (Square Ft.)	-	32	32	32	32	32	32	32	32	32	32	32	32
Max. Height (Ft.)	-	8	8	8	8	8	8	8	8	8	8	8	8
Number Allowed per lot	-	4 ⁶	4 ⁶	4 ⁶	4 ⁶	4 ⁶	4 ⁶	4 ⁶	4 ⁶	4 ⁶	4 ⁶	4 ⁶	4 ⁶
Canopy													
Max. Size	-	25% ²	-	-	-	-	-	25% ²	25% ²	25% ²	25% ²	25% ²	25% ²
Max. Height (Ft.)	-	NA	-	-	-	-	-	NA	NA	NA	NA	NA	NA
Number Allowed per building	-	1	-	-	-	-	-	1	1	1	1	1	1
Window													
Max. Size	-	25% ³	-	-	-	-	-	25% ³	25% ³	25% ³	25% ³	25% ³	25% ³
Max. Height (Ft.)	-	NA	-	-	-	-	-	NA	NA	NA	NA	NA	NA
Number Allowed per building/ storefront	-	2	-	-	-	-	-	2	2	2	2	2	2
Projecting													
Max. Size (Square Ft.)	-	12	12	12	12	12	12	12	12	12	12	12	12
Max. Height (Ft.)	-	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

- B. Coffee Kiosks and other Kiosks may have the following:
 - One (1) wall sign on each exterior wall not used for drive-up service, provided each wall sign does not exceed ten (10) percent of the applicable exterior wall and the total shall not exceed forty (40) square feet in size.
 - Where a canopy is integrated into the Coffee Kiosks / Kiosks, a canopy sign may be placed on each face of the Coffee Kiosk / Kiosks, provided the overall height of the canopy and sign do not exceed twenty-four (24) inches. In addition, the overall size of all canopy signs shall not exceed forty (40) square feet.
 - Directional signage shall be contained on the Coffee Kiosk /Kiosk, painted within a drive lane or in any curbing defining a drive lane
 - Window signs limited to menu boards and daily specials shall not require a sign permit.
 - All signs are subject to the required permitting process of this Ordinance, unless otherwise noted.

7.01.06 Permits Required

1. If a sign requiring a permit under the provision of the ordinance is to be placed, constructed, erected, or modified on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 7.04.01.
2. Furthermore, the property owner shall maintain in force, at all times, a sign permit for such sign in accordance with Section 7.04.09.
3. No signs shall be erected in the public right-of-way except in accordance with Section 7.03.01.
4. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this ordinance (including those protecting existing signs) in every respect and with the Common Signage Plan in effect for the property.

7.01.07 Design, Construction, Maintenance

All signs shall be designed, constructed and maintained in accordance with the following standards:

1. All signs shall comply with applicable provisions of the Uniform Building Code and the National Electrical Code.
2. Except for flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
3. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this code, at all times.

Section 7.02 Signage Plans

7.02.01 General Provisions

1. No permit shall be issued for an individual sign requiring a permit unless and until an Individual Signage Plan, Master Signage Plan or Common Signage Plan for the zoned lot on which the sign will be erected has been submitted to the City and approved by the Building Inspector as conforming with this section.
2. All signage plans and permits shall include the following minimum information:
 - A. Color scheme;
 - B. Lettering or graphic style;
 - C. Lighting;
 - D. Location of each sign on the buildings;
 - E. Material;
 - F. Sign proportions; and
 - G. Any other criteria required by the appropriate signage plan.

7.02.02 Master Signage Plan.

For any zoned lot on which the owner proposes to erect more than one (1) sign requiring a permit, unless such zone lot has been included in a Common Signage Plan, the owner shall submit to the Building Inspector a Master Signage Plan containing the following:

1. An accurate plot plan of the zone lot, at such a scale as the Building Inspector may require;
2. Location of buildings, parking lots, driveways, and landscaped areas on such zone lot;
3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the zone lot(s) included in the plan under this ordinance and
4. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

7.02.03 Individual Signage Plan

1. For any zoned lot on which a Common Signage Plan or Master Signage Plan has been submitted and approved, an applicant shall submit a permit request to the City of La Vista for the installation of any individual sign.
2. For any zoned lot and / or storefront where an individual tenant is moving into an established lease space, the new tenant or said agent for new tenant shall submit an Individual Signage Plan to the City of La Vista for review, comment and approval.

7.02.04 Common Signage Plan.

1. If the owners of two or more contiguous (disregarding intervening streets and alleys) zoned lots or the owner of a single lot with more than one (1) building (not including any accessory building) file with the Building Inspector for such zone lots a Common Signage Plan conforming with the provisions of this section.

7.02.05 Showing Window Signs on Common, Individual, or Master Signage Plan.

1. A Common Signage Plan, Individual Signage Plan, or Master Signage Plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside window) and need not specify the exact dimension or nature of every window sign.

7.02.06 Limit Number of Free Standing Signs Under Common Signage Plan.

1. The Common Signage Plan, for all zone lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one (1) for each street on which the zone lots shall provide for shared or common usage of such signs.

7.02.07 Other Provisions of Master or Common Signage Plans.

1. The Master, Individual, or Common Signage Plan may contain such other restrictions as the owners of the zone lots may reasonably determine.

7.02.08 Consent.

1. The Master, Individual, or Common Signage Plan shall be signed by all owners or their authorized agents in such form as required by the City.

7.02.09 Procedures.

1. A Master, Individual, or Common Signage Plan shall be included in any development plan, site plan, or other official plan required by the city for the proposed development and shall be processed simultaneously with such other plan.

7.02.10 Amendment.

1. A Master, Individual, or Common Signage Plan may be amended by filing a new Master or Common Signage Plan that conforms to all requirements of the ordinance then in effect.

7.02.11 Existing Signs Not Conforming to Common Signage Plan.

1. If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within two (2) years, all signs not conforming to the proposed amended plan or to the requirements of this ordinance in effect on the date of submission.

7.02.12 **Binding Effect.**

1. After approval of a Master, Individual, or Common Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this ordinance. In case of any conflict between the provisions of such a plan and any other provision of this ordinance, the ordinance shall control.

Section 7.03 Other Signage Provisions

7.03.01 **Signs in the Public Right-of-Way**

No signs shall be allowed in the public right-of-way, except for the following:

1. **Permanent Signs.** Permanent signs, including:
 - A. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, advertise community events, and direct or regulate pedestrian or vehicular traffic;
 - B. Bus stop signs erected by a transit company
 - C. Informational signs of a public utility regarding its poles, lines, pipes, or facilities; and
 - D. Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of Section 1.16.

7.03.02 **Temporary Signs**

A permit for temporary signs shall be issued only in accordance to the Master Fee Schedule and for signs meeting the following criteria:

1. *Construction and real estate signs are exempt from a temporary sign permit provided they meet the requirements set forth hereafter and in Section 7.01.05(5) of this Ordinance.*
2. *Such signs shall not be in place for more than fourteen (14) consecutive days, except that Real Estate signs may be in place until the property sale is finalized and construction signs may be in place until that construction phase is completed;*
3. *No more than four (4) temporary permits shall be issued to an individual use in a calendar year;*
4. *Construction Signs shall be located on the property being constructed. Advertisement on business trailers or vehicles are exempt from a temporary sign permit and size restriction, except that such trailers or vehicles must be removed when construction by that company on said property is completed.*
5. *Any violation of this Section may void any future requested permits; and*
6. *No temporary sign shall be of such size, message, or character so to harm the public, health, safety or general welfare. Temporary signs shall not exceed thirty-two (32) square feet. (Ordinance No. 874, 10-15-02) (Ordinance No. 898, 2-04-03)*

7.03.03 **Emergency Signs (Permitted)**

1. Emergency warning signs erected by a governmental agency, public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

7.03.04 **Other Signs Forfeited**

1. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition, to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

7.03.05 **Signs Exempt from Regulation Under this Ordinance**

The following signs shall be exempt from regulation under this ordinance:

- Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
- Any religious symbol;
- Any sign identifying a public facility or public / civic event;
- Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located
- Holiday lights and decorations with no commercial message;

- Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and
- A political sign exhibited in conjunction with the election of political candidates. Such signs may not exceed six (6) square feet in any zone. Only four (4) political signs shall be allowed per zone lot at any one time. All such political signs shall not be erected more than thirty (30) days before the election and shall be removed no later than (10) days after the election.

7.03.06 Signs Prohibited Under These Regulations

All signs not expressly permitted in these regulations or exempt from regulation hereunder in accordance with the previous section are prohibited in the city. Such signs include, but are not limited to:

1. Beacons and flashing signs;
2. Video signs;
3. Marquee signs;
4. Portable signs, except as allowed by a Temporary Sign Permit;
5. Roof signs;
6. Suspended signs;
7. Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section;
8. Off-premises signs, except for signs located on outdoor public or quasi-public recreational areas/facilities, provided such signs are located in a manner approved by the City (such as not facing adjacent street right-of-way or residential zoning districts) and are no larger than 32 square feet.”
(Ordinance No. 951, 3-15-05)
9. Animated signs; and
10. Audible Signs.

Section 7.04 Permit Procedures

7.04.01 General Permit Procedures

1. The following procedures shall govern the application for, and issuance of, all sign permits under this ordinance, and the submission and review of Common Signage Plans and Master Signage Plans.

7.04.02 Applications

1. All applications for sign permits of any kind and for approval of a Master or Common Signage Plan shall be submitted to the City on an application form or in accordance with application specifications published by the City.

7.04.03 Fees

1. Each application for a sign permit or for approval of a Master or Common Signage Plan shall be accompanied by the applicable fees, which shall be established in the Master Fee Schedule.

7.04.04 Completeness

1. Upon receiving an application for a sign permit or for a Common or Master Signage Plan, the Building Inspector shall review it for completeness. If the Building Inspector finds that it is complete, the application shall then be processed. If the Building Inspector finds that it is incomplete, the Building Inspector shall, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this ordinance.

7.04.05 Action

Within fourteen (14) working days of the submission of a complete application for a sign permit, the Building Inspector shall either:

1. Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this ordinance and applicable Master or Common Signage Plan; or
2. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this ordinance and the applicable Master or Common Signage Plan. In case of a rejection, the Building Inspector shall specify in the rejection the section or sections of the ordinance or applicable plan with which the sign(s) is inconsistent.

7.04.06 Permits to Construct or Modify Signs

1. All signs shall be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the Building Inspector. Such permits shall be issued only in accordance with the following requirements and procedures.

7.04.07 **Permit for New Sign or for Sign Modification**

1. An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not contained on a Master Signage Plan or Common Signage Plan then in effect for the zone lot.

7.04.08 **Inspection**

1. The Building Inspector shall cause an inspection of the zone lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this ordinance and the building and electrical codes, the Building Inspector shall affix to the premises a permanent symbol identifying the sign(s) and the applicable permit by number or other reference. If the construction is substantially complete but not in full compliance with this ordinance and applicable codes, the Building Inspector shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Building Inspector shall affix to the premises the permanent symbol described above.
2. The permanent symbol shall remain affixed to approved sign. If removed the approved permit may become voided and said owner may be in violation and subject to any applicable fines.

7.04.09 **Sign Permits — Continuing**

1. The owner of a zone lot containing signs requiring a permit under this ordinance shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zone lots, notwithstanding the fact that a particular zone lot may be included with other zone lots in a Common Signage Plan.

7.04.10 **Initial Sign Permit**

1. An initial sign permit shall be automatically issued by the Building Inspector covering the period from the date of inspection of the completed sign installation, construction, or modification through the last day of that calendar year.

7.04.11 **Lapse of Sign Permit**

1. A sign permit shall lapse automatically if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of one hundred eighty (180) days or more and is not renewed within thirty (30) days of a notice from the city to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

7.04.12 **Assignment of Sign Permits**

1. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Building Inspector may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

7.04.13 **Sign Removal Required**

1. A sign that was constructed, painted, installed, or maintained in conformance with a permit under this ordinance, but for which the permit has lapsed or not been renewed or for which the time allowed for the continuance of a nonconforming sign has expired, shall be forthwith removed, by the owner, without notice or action from the city.

7.04.14 **Violations**

1. Any of the following shall be a violation of these regulations and shall be subject to the enforcement remedies and penalties provided by the La Vista Zoning Ordinance, and by state law:
 - A. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
 - B. To install, create, erect, or maintain any sign requiring a permit without such permit;
 - C. To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed.
 - D. To continue any such violation. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this ordinance.
 - E. Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance.

Section 7.05 Off-Street Automobile Storage.

- 7.05.01 Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of two hundred fifty (250) square feet per parking space shall be used.
- 7.05.02 If vehicle storage space or standing space required in section 7.06 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Building Inspector, the Building Inspector may permit such space to be provided on other off-street property, provided such space lies within four hundred (400) feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. (**Ordinance No. 975, 12-20-05**)
- 7.05.03 All parking spaces for *residential, commercial, industrial, public or quasi-public uses* shall be paved with asphalt or concrete. (**Ordinance No. 975, 12-20-05**) *All parking spaces for permitted temporary uses not located on the same lot as a permitted principle use may be exempt from a paved surface but shall have access to a hard-surface road and have a rock drive for emergency vehicles.* (**Ordinance No. 994, 6-6-06**)
- 7.05.04 Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
- 7.05.05 In Districts R-1, R-2, R-3, and R-4, required off-street parking shall be provided on the lot on which it is located the use to which the parking pertains. In other Districts, such parking may be provided either on the same lot or an adjacent or other lot provided the lot on which the use requiring them is located are not separated by more than three hundred (300) feet at closest points, measured along a street or streets.
- 7.05.06 Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.
- 7.05.07 Some uses may require two (2) different use types to be calculated together in order to determine the total parking requirement (Example: Primary schools may require a tabulation for classrooms and assembly areas)

**Section 7.06 Schedule of Minimum Off-Street Parking Requirements
(Ordinance No. 1070, 8-19-08)**

Uses	Parking Requirements
Adult Entertainment Establishments	One (1) space per 100 sq. feet of gross floor area; plus one (1) space per employee on peak shift
Amusement Arcades	One (1) space for each 100 sq. feet of gross floor area, in addition to one (1) space for each employee on the maximum shift
Animal Specialty Services	One (1) space per 300 sq. feet of gross floor area
Bed and Breakfast/Boarding House	One (1) space per rental unit
Churches, Synagogues, and Temples	One (1) space per 4 seats in main worship area
Social clubs or Fraternal Organizations	One (1) space per 500 sq. feet of gross floor area
Commercial Uses	
Agricultural Sales / Service	One (1) space per 500 sq. feet of gross floor area
Automotive Rental / Sales	One (1) space per 500 sq. feet of gross floor area
Automotive Repair Services	Three (3) spaces per repair stall
Bars, Taverns, Nightclubs	One (1) space per 100 sq. feet of gross floor area, including outside seating; plus one (1) space per employee on peak shift
Equipment Rental / Sales	One (1) space per 500 sq. feet of gross floor area
Campground	One (1) space per camping unit
Communication Services	One (1) space per 500 sq. feet of gross floor area
Construction Sales / Services	One (1) space per 500 sq. feet of gross floor area
Convenience Store with Limited Fuel Sales	One (1) space per 200 sq. feet of gross floor area; spaces adjacent to fuel pump are included in total number
Food Sales (limited)	One (1) space per 300 sq. feet of gross floor area
Food Sales (general)	One (1) space per 200 sq. feet of gross floor area
General Retail Sales Establishments	One (1) space per 200 sq. feet of gross floor area
Laundry Services	One (1) space per 200 sq. feet of gross floor area
Restaurants w/ Drive-thru	One (1) space per 150 sq. feet of gross floor area; plus five (5) stacking spaces for drive through window
Restaurants (General)	One (1) space per four (4) seats or 1 per 100 sq. feet of gross floor area, including outside seating (whichever is greater); plus one (1) space per employee on peak shift
Nursing Home	One (1) space per 3 beds plus 1 per employee on the largest shift.
Child Care Center	One (1) space per employee plus (one) 1 space per 10 children.
Educational Uses, Primary facilities - Kindergarten, Elementary School, Junior High	Two (2) spaces per classroom
Educational Uses, Secondary Facilities - High School	Eight (8) spaces per classroom plus 1 space per teacher
Funeral Homes and Chapels	Eight (8) spaces per reposeing room
Group Care Home	One (1) space per 4 residents plus one additional space for each employee
Health Club	One (1) space per 200 sq. feet of gross floor area, plus one space for each employee on peak shift
Hospitals	One and one-half (1 1/2) spaces per 2 licensed beds; plus, .75 times the maximum number of employees during the largest shift
Hotels and Motels	One (1) space per rental unit
Housing (Congregate)	
Assisted-living facilities	One (1) space per dwelling unit plus 1 space per employee on the largest shift
Duplex	Two (2) spaces per dwelling unit
Multi-family / Apartments / Condominiums	One (1) space per bedroom
Industrial Uses / Flex Space for Industrial	One (1) space per 3,000 sq. feet of gross floor area
Libraries	One (1) space 500 sq. feet of gross floor area
Medical Clinics	One (1) space per 250 sq. feet of gross floor area
Mobile Home Park	Two (2) per dwelling unit
Offices and Office Buildings	One (1) space per 200 sq. feet of gross floor area
Recreational Facilities	One (1) space per four (4) occupants or, in the case of a nonstructural facility, one (1) space per four (4) persons the facility is intended to accommodate
Residential (Single-family, attached and detached)	Two (2) spaces per dwelling unit with 1 required to be enclosed
Roadside Stands	Four (4) spaces per stand
Special and Vocational Training	One (1) space per 500 sq. feet of gross floor area
Theaters, Auditoriums, and Places of Assembly	One (1) space per 4 seats
Veterinary Establishments / Pet Health Services	One (1) space for every 300 sq. feet of gross floor area (excluding floor area used for keeping and caring for large farm animals)
Wholesaling / Distribution Operations	One (1) space per 5,000 sq. feet of gross floor area

Section 7.07 Off-street Parking: Shared Parking requirements

- 7.07.01 Notwithstanding the provisions of Section 7.06, in cases of shopping centers having 400,000 or more square feet of gross floor area and where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in the center is likely to occur, compliance with the standard retail parking ratios may be decreased by the Planning Commission and City Council. Said request for a decrease in parking spaces shall be accompanied by a rezoning to a Planned Unit Development (PUD-1) and the request is made during the Preliminary PUD application process. All regulations of the PUD-1 District shall be adhered to within the development.
- 7.07.02 Where convention centers, conference centers, assembly halls, ballrooms, or other similar facilities are built in conjunction with a hotel, office park, or shopping center, the Planning Commission and City Council may permit the construction of fewer parking spaces, due to overlapping usage of a portion of the parking spaces. Said request for a decrease in parking spaces shall be accompanied by a rezoning to a Planned Unit Development (PUD-1) and the request is made during the Preliminary PUD application process. All regulations of the PUD-1 District shall be adhered to within the development.

Section 7.08 Off-Street Parking: Parking for Individuals with Disabilities

- 7.08.01 In conformance with the Americans with Disabilities Act (ADA) and the Nebraska Accessibility Guidelines, if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured.

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of the total
1,001 and over	20 plus 1 for each 100 over 1,000

- 7.08.02 Except as provided in Section 7.08.02.01 of this Ordinance, access aisles adjacent to accessible spaces shall be sixty (60) inches (1525 mm) wide minimum. **(Ordinance No. 899, 2-04-03)**

7.08.02.01 One (1) in every eight (8) accessible spaces, but not less than one, shall be served by an access aisle ninety-six (96) inches (2440 mm) wide minimum and shall be designated “van accessible” as required by Section 7.08.04 of this Ordinance. The vertical clearance at such spaces shall comply with 7.08.05 of this Ordinance. All such spaces may be grouped on one (1) level of a parking structure.

Parking access aisles shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle.

Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with slopes not exceeding 1:50 (2%) in all directions.

7.08.02.02 If passenger-loading zones are provided, then at least one (1) passenger loading zone shall comply with 7.08.06 of this Ordinance.

7.08.02.03 At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 7.08 of this Ordinance shall be provided in accordance with 7.08.01 of this Ordinance; except as follows:

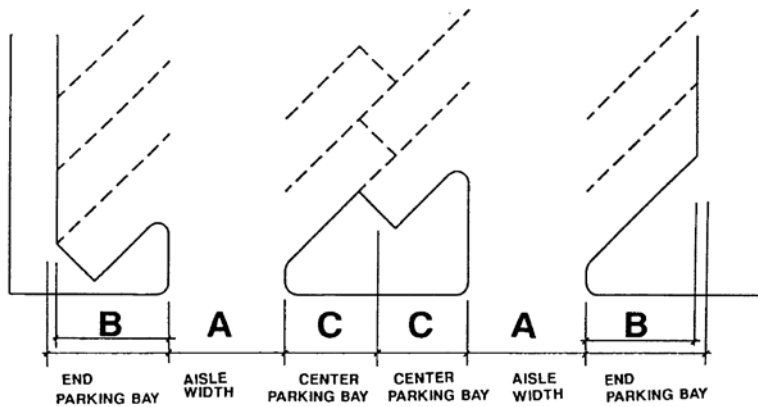
- 1. Outpatient units and facilities: ten percent (10%) of total number of parking spaces provided serving each such outpatient unit or facility;

2. Units and facilities that specialize in treatment or services for persons with mobility impairments: twenty percent (20%) of the total number of parking spaces provided serving each such unit or facility.
- 7.08.02.04 Valet parking: valet parking facilities shall provide a passenger loading zone complying with 7.08.06 of this Ordinance located on an accessible route to the entrance of the facility. Sections 7.08.01, 7.08.02.01, and 7.08.02.03 of this Ordinance do not apply to valet parking.
- 7.08.03 Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
- 7.08.03.01 In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
- 7.08.03.02 In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closet to the accessible entrances.
- 7.08.04 Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying 7.08.02.01 shall have an additional sign “Van Accessible” mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.
- 7.08.05 Minimum vertical clearance of one hundred fourteen (114) inches (2895mm)at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 7.08.02.01, provide minimum vertical clearance of ninety-eight (98) inches (2490mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).
- 7.08.06 Passenger Loading Zones shall provide an access aisle at least sixty (60) inches (1525mm) wide and twenty (20) feet (240inches) (6100mm) long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

Section 7.09 Off-Street Parking Design Criteria

7.09.01 Standard parking stall dimensions shall not be less than nine (9) feet by eighteen (18) feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five (5) feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two (2) feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

	Parking Configuration		
	90-degree	60-degree	45-degree
Aisle Width (A)			
One-way traffic	-----	18 feet	14 feet
Two-way traffic	24 feet	20 feet	20 feet
End Parking Bay Width (B)			
Without overhang	18 feet	20 feet	19 feet
With overhang	16 feet	18 feet	17 feet
Center Parking Bay Width (C)	18 feet	18 feet	16 feet



7.09.02 Minimum dimensions for a parallel parking space shall be nine (9) feet by twenty-three (23) feet.

7.09.03 Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Planning Commission and City Council upon recommendation of the City Engineer.

Section 7.10 Home Occupations

The following are the minimum standards required for a Home Occupation:

- 7.10.01 *No external evidence of the home occupation with the exception of one unlighted nameplate of not more than two (2) square foot in area attached flat against the building located on local or collector streets. However, four (4) square feet in area attached flat against the building located on arterial streets.*
- 7.10.02 Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
- 7.10.03 No more than twenty-five percent (25%) of the home, *not to exceed four hundred (400) square feet*, can be used for the home occupation, *except for Child Care Home. This percentage is inclusive of any detached accessory buildings used for the Home Occupation.*
- 7.10.04 Home occupations shall employ no more than one full-time or part-time employee on-site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by that non-resident employee.
- 7.10.05 Unless expressly permitted by a Conditional Use Permit, no retail sales are permitted from the site.
- 7.10.06 No outdoor storage is permitted.
- 7.10.07 Additional off-street parking may be required for the business.
- 7.10.08 *If home occupation is for a business office for services rendered at another location then not more than two (2) business or employee vehicles parked on or adjacent to the home occupation property at any one time; provided only one said vehicle may be allowed to park on street right-of-way. Construction or maintenance equipment shall not be stored on the property other than in an enclosed garage; provided one*

(1) piece of equipment shall be counted as one (1) of the two (2) business or employee vehicles allowed. For the purpose of enforcement of the home occupation provisions of this ordinance, a piece of construction equipment parked on a trailer shall be counted as a single business vehicle. A trailer being pulled by another vehicle, however, shall be counted as two (2) vehicles. Personal vehicles of occupants of the residential dwelling shall not be included in the count of number of business or employee vehicles.

- 7.10.09 No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- 7.10.10 *A Home Occupation License shall be required for Home Occupation I uses.*
- 7.10.11 *A Conditional Use Permit is required, except for Home Occupation II uses and Child Care Homes.*
- 7.10.12 *Child Care Homes and Child Care Centers shall require a certificate (CRED 9911) signed by the State of Nebraska Fire Marshall.*
- 7.10.13 All fees shall be paid in accordance with the Master Fee Schedule.
- 7.10.14 All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebr. R. R. S. 1943, Sec. §71-1911. (**Ordinance No. 884, 11-19-02**)

Section 7.11 Wireless Communication Towers

7.11.01 Intent:

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the City in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the City, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use / collocation of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

7.11.02 Definitions:

All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

- 7.11.02.01 **ANTENNA** shall mean a device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.
- 7.11.02.02 **ANTENNA SUPPORT STRUCTURE** shall mean any building or structure other than a tower which can be used for location of telecommunications facilities.
- 7.11.02.03 **APPLICANT** shall mean any person that applies for a Tower Development Permit.
- 7.11.02.04 **APPLICATION** shall mean a process by which the owner of a tract of land within the zoning jurisdiction of the City submits a request to develop, construct, modify, or operate a tower upon such tract of land. The term application includes all written documentation , verbal statements, and representations, in whatever, formal forum, made by an applicant to the City concerning such request.
- 7.11.02.05 **CONFORMING COMMERCIAL EARTH STATION** shall mean a satellite dish which is two (2) meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this regulation.
- 7.11.02.06 **ENGINEER** shall mean any engineer qualified and licensed by any state or territory of the United States of America.
- 7.11.02.07 **OWNER** shall mean any person with a fee simple title or a leasehold exceeding ten (10) years in duration to any tract of land within the zoning jurisdiction of the City who desires to develop, construct, modify, or operate a tower upon such tract of land.
- 7.11.02.08 **PERSON** shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
- 7.11.02.09 **SATELLITE DISH ANTENNA** shall mean an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.
- 7.11.02.10 **STEALTH** shall mean any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to,

architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.

- 7.11.02.11 **TELECOMMUNICATIONS FACILITIES** shall mean any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:
1. Any Conforming Commercial Earth Station antenna two (2) meters or less in diameter which is located on real estate zoned TA, R-1, R-2, R-3, R-4, C-1, C-2, I-1 or I-2.
 2. Any earth station antenna or satellite dish antenna of one (1) meter or less in diameter, regardless of zoning applicable to the location of the antenna.

- 7.11.02.12 **TOWER** shall mean a self-supporting lattice, guyed, or monopole structure which supports Telecommunications Facilities. The term Tower shall not include non-commercial amateur radio operators' equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.

- 7.11.02.13 **TOWER DEVELOPMENT PERMIT** shall mean a permit issued by the City upon approval by the City Council of an application to develop a tower within the zoning jurisdiction of the City; which permit shall continue in full force and effect for so long as the tower to which it applies conforms to this Section. Upon issuance, a Tower Development Permit shall be deemed to run with the land during the permits duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest.

- 7.11.02.14 **TOWER OWNER** shall mean any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.

7.11.03 Location of Towers and Construction Standards

- 7.11.03.01 Towers shall be permitted by conditional uses of land in only those zoning districts where specifically listed and authorized in this regulation.
- 7.11.03.02 No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the City prior to approval of its application for a Tower Development Permit by the City Council and issuance of the permit by the City. Applicants shall submit their application for a Tower Development Permit to the Building Inspector and shall pay a filing fee in accordance with the Master Fee Schedule.
- 7.11.03.03 Towers shall not be permitted in the Gateway Corridor District.
- 7.11.03.04 All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the City after the effective date of this regulation shall conform to the Building Codes and all other construction standards set forth by the City, County, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed with the Building Inspector.

7.11.04 Application to develop a Tower

Prior to commencement of development or construction of a tower, an application shall be submitted to the Building Inspector for a Tower Development Permit and shall include the following:

- 7.11.04.01 Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
- 7.11.04.02 The legal description and address of the tract of land on which the tower is to be located.

- 7.11.04.03 The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one (1) mile radius of the proposed tower, including publicly and privately owned towers and structures.
- 7.11.04.04 An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicants telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicants telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
- 7.11.04.05 Written technical evidence from an engineer that the proposed tower will meet the established Building Code, and all other applicable construction standards set forth by the City Council and federal and state and ANSI standards.
- 7.11.04.06 Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street or highway.
- 7.11.04.07 Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.

7.11.05 Tower Development Permit: Procedure

After receipt of an application for a Tower Development Permit, the City shall schedule a public hearing before the Planning Commission, following all Statutory requirements for publication and notice, to consider such application. The Planning Commission shall receive testimony on the Tower Development Permit and shall make a recommendation to the City Council. Upon the completion of the Planning Commission Public Hearing the City shall schedule a public hearing before the City Council, following all Statutory requirements for publication and notice, to consider such application and the recommendation of the City Planning Commission. Notice, for each Public Hearing, shall be made at least one (1) time and at least ten (10) days prior to such hearing. In addition, the City shall cause a notice to be posted in a conspicuous place on the property on which action is pending. Such notice shall conform to Section 6.03 of this regulation. The Planning Commission and City Council may approve the Tower Development Permit as requested in the pending application with any conditions or safeguards it deems reasonable and appropriate based upon the application and / or input received at the public hearings or deny the application. In all zoning districts in which towers are a permitted conditional use of land, the Tower Development Permit shall be deemed a conditional use permit for said tract of land.

7.11.06 Setbacks and Separation or Buffer Requirements

- 7.11.06.01 All towers up to fifty (50) feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of fifty (50) feet in height shall be set back one (1) additional foot for each foot of tower height in excess of fifty (50) feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
- 7.11.06.02 Towers exceeding one hundred (100) feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of two hundred (200) feet or one hundred percent (100%) of the height of the proposed tower, whichever is greater.
- 7.11.06.03 Towers of one hundred (100) feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of one hundred percent (100%) of the height of the tower.
- 7.11.06.04 Towers must meet the following minimum separation requirements from other towers:
 1. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of seven hundred fifty (750) feet.

2. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of one thousand five hundred (1,500) feet.

7.11.07 Structural Standards for Towers Adopted

The *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by regulation and set forth in this Article of the Zoning Regulation.

7.11.08 Illumination and Security Fences

7.11.08.01 Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). In cases where there are residential uses / zoned properties within a distance of three hundred percent (300%) of the height of the tower, any tower subject to this Section shall be equipped with dual mode lighting.

7.11.08.02 All self-supporting lattice or guyed towers shall be enclosed within a security fence of at least six (6) feet in height or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

7.11.09 Exterior Finish

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Building Inspector as part of the application approval process. All towers which must be approved as a conditional use shall be stealth design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

7.11.10 Landscaping

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the City.

7.11.11 Maintenance, Repair or Modification of Existing Towers

All towers constructed or under construction on the date of approval of this regulation may continue in existence as a non-conforming structure and may be maintained or repaired without complying with any of the requirements of this Section. Nonconforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this Section, including applying for and obtaining a Tower Development Permit. Any modification or reconstruction of a tower constructed or under construction on the date of approval of this regulation shall be required to comply with the requirements of this Section including applying for and obtaining a Tower Development Permit. Said application shall describe and specify all items which do not comply with this Section and may request, subject to final review and approval of the City Council, an exemption from compliance as a condition of the Tower Development Permit.

7.11.12 Inspections

The City reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this Section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the City's Building Codes and any other construction standards set forth by the City, federal, and state law or applicable ANSI standards. Inspections shall be made by either the Building Inspector, or a duly appointed independent representative of the City.

7.11.13 Maintenance

The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.

7.11.14 **Abandonment**

If any tower shall cease to be used for a period of one (1) year, the Building Inspector shall notify the tower owner that the site will be subject to determination of abandonment. Upon issuance of written notice to show cause by the Building Inspector, the tower owner shall have thirty (30) days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Building Inspector shall issue a final determination of abandonment of the site and the tower owner shall have seventy-five (75) days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Building Inspector, or his/her designee and a written request shall be directed to the City Attorney to proceed to abate said public nuisance pursuant to authority of the Revised Nebraska State Statutes and City of La Vista codes, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

7.11.15 **Satellite Dish Antennas, Regulation**

Upon adoption of this regulation, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of La Vista only upon compliance with the following criteria and the issuance of a permit:

- 7.11.15.01 In residentially zoned districts, satellite dish antennas may not exceed a diameter of ten (10) feet.
- 7.11.15.02 Single family residences may not have more than one (1) satellite dish antenna over three (3) feet in diameter.
- 7.11.15.03 Multiple family residences with ten (10) or less dwelling units may have no more than one (1) satellite dish antenna over three (3) feet in diameter. Multiple family residences with more than ten (10) dwelling units may have no more than two (2) satellite dish antennas over three (3) feet in diameter.
- 7.11.15.04 In residential zoning districts, satellite dish antennas shall not be installed in the required front yard setback or side yard setback area.
- 7.11.15.05 All satellite dish antennas installed within the zoning jurisdiction of La Vista, upon adoption of this regulation, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.

7.11.16 **Severability**

If any clause, subsection, or any other part of this Section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Section shall not be affected thereby, but shall remain in full force and effect.

Section 7.12 Fences

No fence shall be constructed within the zoning jurisdiction of the City of La Vista unless a permit therefore is approved and issued by the building inspector and is constructed in conformance with the following requirements:

- 7.12.01 The height limitation for fences shall be six feet (6') above ground level except as provided herein.
 - 7.12.01.01 A fence constructed within a front yard of a residential lot and vegetation used as a barrier, screen, or fence along and parallel to the front line of a residential lot, shall not exceed forty-two (42) inches in height.
 - 7.12.01.02 A fence constructed within the portion of a side yard of a residential lot that lies in front of a line extending perpendicularly from the side lot line to the front corner of the structure that is closest to such side lot line, shall not exceed four feet (4') in height, except that if the lot is located on a corner, as defined in Article 2 of this Ordinance, a fence constructed within a side yard along the side lot line which is adjacent to a street shall not exceed six feet (6') in height.
 - 7.12.01.03 Where it is demonstrated that for security purposes the perimeter fencing around a plant or building located in an area zoned as an Industrial District must be higher than six feet (6') in height may be approved through a Conditional Use Permit
 - 7.12.01.04 Fences constructed along and parallel to lot lines separating a residential lot from property located in a Commercial or Industrial District shall not exceed eight feet (8') in height.
 - 7.12.01.05 Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated by the Nebraska Department of Roads, shall not exceed eight feet (8') in height.

- 7.12.02 Fences located within a front or side yard of a residential lot must qualify within the definition of an open fence, except that solid fences may be constructed along a side lot line parallel and adjacent to the lot line that is adjacent to a Commercial District or an Industrial District. A solid fence may be constructed in a side yard parallel and adjacent to the lot line that is adjacent to a street.
- 7.12.03 No fence or vegetation shall be situated or constructed in such a way as to obstruct the vehicular traffic or otherwise create a traffic safety hazard.
- 7.12.04 The use of barbed wire in the construction of any fence is prohibited except:
- 7.12.04.01 Perimeter security fencing of buildings constructed in an Industrial District. The plans and specifications for any such fencing must be approved by the City before commencement of construction.
- 7.12.04.02 Farm fencing constructed for agricultural purposes on parcels of land twenty (20) acres or more in the Transitional Agricultural District.
- 7.12.05 All supporting posts for fence construction shall be set in concrete except for agricultural fencing.
- 7.12.06 All fences shall be maintained in good repair.
- 7.12.07 All fences shall be located inside the boundaries of the property upon which constructed except where two (2) adjacent property owners pursuant to written agreement filed with the City agree to build one (1) fence on the common lot line of adjacent side yards or back yards.
- 7.12.08 Electric Fences. No electric fence shall be constructed or maintained within the City of La Vista or within its extraterritorial zoning jurisdiction except in TA-Transitional Agriculture District as hereinafter provided. An owner or lessee of such property may, upon application to the City and approval by the Building Inspector, maintain electrified fencing provided same shall not be energized to the extent that it is capable of causing bodily harm to persons, be they children or adults, or to animals. Before the Building Inspector shall approve any electrified fencing, he shall determine that non-electrified fencing will not adequately protect the owner's property and the owner's application for approval of electrified fencing shall set forth in detail the reasons why non-electrified fencing will not adequately protect his property.
- 7.12.09 Facing. The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two (2) or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.
- 7.12.10 Perimeter Fencing. *All fencing along an arterial or other perimeter road or street in a subdivision shall be consistent in style, type, material, height and color. Such fence shall be approved by the City based upon existing subdivision and adjacent subdivisions. If not prescribed within the subdivision agreement to be installed all at once, each fence shall require a fence permit and be consistent with the first fence on the perimeter, or in the case of an established subdivision, replacement fences shall be consistent with the dominant fence style, type, material, height, and color. Such requirements shall also pertain to street side yard fencing of lots on the corner of the subdivision entrance(s). (Ordinance No. 1007, 9-19-06)*
- 7.12.11 Any existing fence constructed pursuant to a permit issued and approved by the City of La Vista which was in conformity with the prior to the provisions of this Ordinance may remain without change in accordance with this section notwithstanding same may be in conflict with one (1) or more provisions of this section as amended; provided, however, and replacement or change of said existing fence or addition of a new fence, must hereby meet the requirements of this section as amended hereby.

Section 7.13 Storage or parking of vehicles, boats, campers and trailers

No lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City of La Vista shall be used for any of the following:

- 7.13.01 The storage or keeping of motor vehicles not having a property issued current motor vehicle registration and current motor vehicle license plate property displayed; provided, however, that the following shall not constitute a violation of this subparagraph.
- 7.13.01.01 The storage of unlicensed and/or unregistered motor vehicles in a fully enclosed garage.
- 7.13.01.02 The storage or keeping of operable off-highway farm or industrial vehicles on tracts zoned Transitional Agricultural Residence (TA) or any Industrial District and used in agricultural or industrial activity conducted on said premises.
- 7.13.01.03 The storage of not more than one (1) passenger type motor vehicle in good operable condition and shielded from view of the general public by a manufactured and fitted vehicle cover and located on a hard surfaced driveway pursuant to a permit to so store obtained from the City Clerk which permit shall be issued for a fee as established in the Master Fee Schedule to the applicant and shall:
1. Be issued for a period not to exceed six (6) months and shall be renewable upon application for like periods as long as such storage is in all respects in compliance herewith.
 2. Identify the vehicle by make, year of manufacture, model and manufacturer's identification number;
 3. State the reason the vehicle does not bear a current registration and license;
 4. Require owner to prove continued operability of the vehicle upon request of the Police Department; and
 5. Contain the property owner's and vehicle owner's consent for the City and its agents to enter upon the premises and vehicle for purpose of determining continued operability of the vehicle; and shall be revocable upon owner's failure to comply with any of the terms thereof.
- 7.13.02 The storage, keeping or abandonment of parts, including scrap metals, from motor vehicles or machinery, or parts thereof, except in enclosed buildings or garages or where otherwise authorized by the La Vista zoning regulations.
- 7.13.03 Parking, storage, or keeping, other than in a fully enclosed garage, of any non-operable motor vehicle on any lot zoned residential, provided, however, that automobiles that are non-operable solely by reasons of repair work being done thereon may be parked on residential lots within the La Vista zoning jurisdiction occupied by the owner of said automobile, under the following conditions:
- 7.13.03.01 The automobile is owned by the occupier of the premises and registered to him/her at that address.
- 7.13.03.02 The period of said repair work does not exceed ten (10) days in duration;
- 7.13.03.03 Said repair work is at all times conducted on a hard surface driveway; and
- 7.13.03.04 No more than one (1) automobile in need of repair is situated on the premises at the same time.
- Before the City removes a vehicle suspected of violation hereof by reason of it being inoperable the City shall give the owner of the premises upon which the offending vehicle is situated a seventy-two (72) hour warning notice which may be given by either tagging the motor vehicle or by sending notice by regular mail, postage prepaid, to the occupier of the premises upon which the motor vehicle is situated. Any motor vehicle not removed from the premises within such seventy-two (72) hour period shall be presumed to be inoperable and may thereafter be removed by the City. If he chooses, the owner may demonstrate operability of the vehicle by making special arrangements with the La Vista Police Department to demonstrate within said seventy-two (72) hour period. The operability of the vehicle and, if such operability is satisfactorily demonstrated, the automobile need not be removed.
- 7.13.04 No motor vehicle as defined by section 60-301 of Nebraska State Statues (or boat, camper or trailer in excess of 15 feet in length or 10 feet in height) shall be parked in the front, side or rear yard of any lot zoned

residential except on paved driveways or other hard surfaced areas as designed and provided for in Article 2; provided that;

Boats, campers, trailers or any combination thereof not exceeding two (2) may be parked in the side or rear yard of lots zoned residential from October through April of each year without being parked on a hard surface. A camper or boat situated on a trailer shall be considered as one (1) vehicle.

Said boats, campers and trailers together with accessory structures shall not occupy more than thirty-five percent (35%) of the required rear yard.

Notwithstanding the foregoing, it shall be permissible to park motor vehicles in the yards of residential lots on areas which are not paved as driveways or otherwise hard surfaced for a period not to exceed seventy-two (72) hours, when on-street parking is illegal by reason of Section 5-708 of this code and as allowed by special permit to accommodate temporary guests or visitors for no more than fourteen (14) days. Any motor vehicle, boat, camper or trailer parked, stored or kept in violation of the provisions hereof may be removed by the City. All towing, storage and other costs of removal pursuant to this section shall be solely at the expense of the owner of the premises from which the vehicle, boat, camper or trailer is situated, and if the owner is different than the occupier of the premises, then both owner and occupier shall be jointly and severally liable. In addition, the City, upon certifying the same to the county treasurer, shall have a lien against the premises in the full amount of such removal costs, together with interest at the highest legal rate that the City is authorized by law to collect on special assessments.

Section 7.14 Keeping of Animals

Animals may be kept within the zoning jurisdiction of the City of La Vista subject to the following restrictions:

- 7.14.01 No bees or livestock including but not limited to sheep, goats, cattle or swine shall be allowed within residential or commercial zoning districts.
- 7.14.02 No bird or fowl shall be allowed within residential or commercial zoning districts. Grandfather rights shall be granted upon application to the City so that this section will not apply to bird or fowl owned, kept or harbored prior to the original effect date of this section, subject to the following conditions:
- 7.14.02.01 No more than two (2) fowl of any one (1) species or a total of more than five (5) fowl shall be allowed on any one (1) residence or dwelling unit. All fowl shall be confined to the premises of the residence or dwelling unit of the person owning, keeping or harboring such fowl.
- 7.14.02.02 No fee will be charged for filing the permit application.
- 7.14.02.03 The permit application must be filed on or before October 1, 1981.
- 7.14.02.04 The rights granted under any such permit shall not be transferable to a replacement fowl.
- 7.14.03 Horses and other members of the horse family shall be allowed on any piece of property zoned Transitional Agricultural (TA) and containing at least one (1) acre of land. One (1) such animal is allowed on the first (1st) acre and an additional animal is allowed for each additional two (2) acres of land.
- 7.14.04 The keeping of dogs, cats, rabbits, pigeons and household pets shall be permitted accessory use in residential and commercial districts subject to the regulations for kennels as defined in Article 2 of this Ordinance and the provision found in Title 9, Chapter 95 of the La Vista Municipal Code. For the purposes of this section, a "household pet" is any animal or creature kept inside a residential dwelling not outside, and in no event shall include any of the following: any live monkey (non-human primate), raccoon, skunk, fox, poisonous or dangerous insect or reptile, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal which can normally be found in the wild state. The keeping of pigeons is subject to the following conditions.
- 7.14.04.01 Such birds shall be banded with some form of identification.
- 7.14.04.02 Such birds shall be confined in sanitary, secure structures subject to inspection and approval by the City of La Vista.
- 7.14.04.03 No more than ten (10) such birds shall be allowed on any one (1) piece of property.
- 7.14.04.04 Trained pigeons may be exercised under supervision of owner or trainer and be trained to recall on command.
- 7.14.04.05 A permit for the keeping of such birds shall be obtained from the City of La Vista.
- 7.14.05 The restrictions contained in this Section 7.14 shall not apply to any pet store or veterinary services.

Section 7.15 Solar Panels

No solar panel shall be constructed within the residential zoning jurisdiction of the City of La Vista unless a permit therefore is approved and issued by the building inspector and is constructed in conformance with the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the following requirements.

- 7.15.01 **Lot and Height Requirements:** Solar panels shall conform to the required front, side and rear lot setback requirements except as provided herein:
- 7.15.01.01 A solar panel which is attached to an integral part of the principal building may project two feet (2') into the front yard; six feet (6') into the rear yard; and two feet (2') into the side yard.
- 7.15.01.02 A solar panel which is freestanding may be located only in the required rear yard provided it does not exceed six feet (6') in height and is located not less than five feet (5') from the rear lot line and not closer than one foot (1') to any existing easement as measured from the closest point of the structure including its foundation and anchorage's, nor shall the solar panel be located in the required side yard or front yard.
- 7.15.02 **Structural Requirements:** The physical structure and connections to existing structures shall conform to the applicable La Vista building codes.
- 7.15.03 **Plot Plan:** The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
- 7.15.04 **Permit Fee:** A permit fee is required. This permit fee shall be paid prior to the issuance of the building permit. The amount of the fee shall be as established in the Master Fee Schedule.
- 7.15.05 **Preexisting Solar Panels:** Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to September 18, 1985, pursuant to a valid building permit issued by the City, may continue to be utilized so long as it is maintained in operational condition.

Section 7.16 Performance Standards for Industrial Uses

The following standards shall be met unless there are greater standards required by the United States Environmental Protection Agency or the Nebraska Department of Environmental Quality.

- 7.16.01 **Physical Appearance:** All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be *displayed or* stored in the open, *if the applicable zoning district permits*. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the *outdoor* storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition. *However, allowable outdoor storage or display shall be visually screened from public roadways and residential properties. (Ordinance No. 1053, 01-15-08)*
- 7.16.02 **Fire hazard:** No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the City of La Vista.
- 7.16.03 **Noise:** No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume *or in excess of eighty (80) decibels, whichever is greater. (Ordinance No. 858, 3-5-02)*. Noise shall be measured at the property line, *with a suitable instrument. (Ordinance No. 1053, 01-15-08)*
- 7.16.04 **Sewage and Liquid Wastes:** No operation shall be carried on which involves the discharge *of waste* into a *stormsewer*, surface water, or the ground, *nor shall hazardous waste*, detrimental to normal sewage plant

operation or corrosive and damaging to sewer pipes and installations, *be dumped into wastewater sewerage.*
(Ordinance No. 1053, 01-15-08)

7.16.05 **Air Contaminants:**

- 7.16.05.01 Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one (1) four (4) minute period in each one-half (1/2) hour. Light colored contaminants of such an capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted
- 7.16.05.02 Particulate mater of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit, except for a period of four (4) minutes in any one-half (1/2) hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit.
- 7.16.05.03 Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
- 7.16.05.04 **Odor:** The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Regulations.
- 7.16.05.05 **Gasses:** The gasses sulphur dioxide and hydrogen sulphide shall not exceed five (5) parts per million, carbon monoxide shall not exceed five (5) parts per million. All measurements shall be taken at the zoning lot line.
- 7.16.05.06 **Vibration:** All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousands (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.
- 7.16.05.07 **Glare and heat:** All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

Section 7.17 Landscaping Requirements

7.17.01 Intent:

The intent of the landscaping requirements are to improve the appearance of lot areas and soften paved areas and buildings; to provide a buffer between differing land uses; to minimize the adverse effect of uses from one another; to minimize the effect of heat, noise and glare; to conserve the value of property and neighborhoods within the community; and to enhance the physical environment within the City of La Vista by ensuring that yards, open spaces, parking lots and those areas abutting public rights-of-way are designed, installed and maintained in accordance with the provisions of this section.

Property development shall consider and respect land capabilities and constraints, minimize erosion and destruction of natural amenities and provide a buffer between differing land uses.

7.17.02 **Application and Scope:**

The provisions of the section shall apply to all new construction and development including, but not limited to, structures, dwellings, buildings, parking lots, residential subdivisions, office parks, shopping centers, and redevelopment for which either a building or zoning permit approval is required, except the following:

- 7.17.02.01 Agricultural buildings, structures and uses.
- 7.17.02.02 Replacement of lawfully existing structures or uses.
- 7.17.02.03 Additions, remodeling or enlargements of existing uses or structures provided that the enlargement of surface parking is more than 4,000 square feet shall not be accepted. Where such enlargement is less than 4,000 square feet, the provisions of this section shall apply only to that portion of the lot or site where the enlargement occurs.
- 7.17.02.04 Where there is more than one lot or site being developed together as one unit with common property lines, the entire site shall be treated as one lot or site for the purpose of conforming to the requirements of this section.
 1. When a lot or site with more than one ownership has been partially developed at the time of the adoption of this section. The application of the requirements of this section shall be determined by the City.

7.17.03 Landscaping Requirements:

Landscaping shall be required and provided as follows:

- 7.17.03.01 Single-family and two-family dwellings shall provide and maintain a minimum of thirty percent (30%) of lot area as a permeable and uncovered surface that contains living material. Single-family and two-family dwellings shall be exempt from all other requirements of this section.
- 7.17.03.02 **Street Frontage:**
A landscaped area having a minimum depth of fifteen feet (15') from the property line shall be provided along the street frontage of all lots or sites including both street frontage of corner lots.
 1. The required landscaped are fifteen feet (15') may be reduced to ten feet (10') if an equal amount of square feet of landscaped area, exclusive of required side and rear yard landscaped areas, is provided elsewhere on the site.
 2. Exclusive of driveways and sidewalks not more than twenty five percent (25%) of the surface of the landscaped area shall have inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf.
 3. A minimum of one (1) tree shall be planted for every forty lineal feet (40') or fraction thereof.
- 7.17.03.03 **Side Yard:**
A landscaped area having a minimum depth of ten feet (10') from the property line shall be provided along the side yard abutting any Residential District.
 1. Exclusive of driveways and sidewalks, not more than ten percent (10%) of the surface of the landscaped area shall be inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf. If the slope of ground within the landscape area exceeds 2:1, not more than fifty percent (50%) of the surface shall be inorganic material.
 2. Landscaping shall include a hedge screen or a random or informal screen of plant materials substantially blocking the views and attaining a minimum height of six feet (6') within four (4) years. A landscaped earth berm not exceeding six feet (6') in height may be used in combination with the plant materials.
 3. A six foot (6') solid wood and/or masonry fence or wall, may be used in lieu of or in combination with the plant materials required in section 7.17.03.03 (1), provided that such fence is at least five feet (5') from the property line.
- 7.17.03.04 **Rear Yard:**
A landscaped area having a minimum depth of ten feet (10') from the property line shall be provided along the rear yard abutting any Residential District or Transitional Agriculture District.
 1. The landscape requirements for the rear yard shall be the same as for the side yard described in section 7.17.03.03.

- 7.17.03.05 Off-Site Parking Lots:
 Parking lots not located on the property where the use served is located, shall conform to this section provided that a parking lot with an area of four thousand (4,000) square feet or less shall be exempt from the requirements of this section.
- 7.17.03.06 Parking Area Interior Landscaping:
 Off-street parking lots, as defined in 7.17.03.05, and other vehicular use areas shall have at least ten (10) square feet of interior landscaping for each parking space excluding those spaces abutting a perimeter for which landscaping is required by other sections of this Ordinance, and excluding all parking spaces which are directly served by an aisle abutting and running parallel to such perimeter.
- The front of a vehicle may encroach upon any interior landscaped area when said area is at least four (4) feet in depth per abutting parking space and protected by curbing. Two (2) feet of said landscaped area may be part of the required depth of each abutting parking space. No more than two (2) drive aisles shall be placed parallel to one another without an intervening planter aisle of at least four (4) feet in width; eight (8) feet is required if parking spaces overlap the curbs of the aisle.
- 7.17.03.07 Perimeter Landscaping:
 All commercial office and industrial developments, buildings, or additions thereto shall provide perimeter landscaping to include a minimum of one (1) tree for each forty (40) lineal feet of street frontage or fraction thereof. Such landscaped area shall consist of sufficient area for the species of tree to be planted. Other perimeter landscaping shall require approval of the City.
- 7.17.03.08 Plant Materials:
 Landscape living plant materials shall consist of trees, shrubs, ground covers, vines, grasses, flowers, and any other plants.
1. The plant nomenclature shall conform with the recommendations and requirements of the "American Standard for Nursery Stock", as amended, published by the American Association of Nurserymen, Inc.
 2. Size. The minimum size of plant materials to be installed shall be as follows:
 - A. Deciduous trees having a mature height of twenty feet (20') or less shall have a minimum caliper of one and one-fourth inches (1-1/4").
 - B. Deciduous trees having a mature height of more than twenty feet (20') shall have a minimum caliper of one and one-half inches (1-1/2").
 - C. Evergreen (conifer) trees shall have a minimum height of three feet (3').
 - D. Deciduous shrubs shall have a minimum height of eighteen inches (18").
 - E. Evergreen shrubs shall have a minimum spread of eighteen inches (18").
- 7.17.03.09 Planting Schedule:
 The plant materials shall be installed prior to the issuance of the certificate of occupancy. If, because of seasonal reasons, the landscaping cannot be installed, a surety satisfactory to the City of La Vista equal to the contract cost shall be submitted to the City. The City shall release the surety when the plant materials have been installed. If the plant materials have not been installed within twelve (12) months of the effective date of the certificate of occupancy, the City may install the required landscaping.
- 7.17.03.10 Required Plans:
 Upon application of a building permit, a landscape-planting plan shall be submitted to the City of La Vista for review and approval.
1. Three copies of the plan shall be submitted.
 2. The plan shall include, but not be limited to, the following:
 - A. Property lines and other physical features necessary to show the proposed installation of plants.
 - B. The location and spacing of plant materials.

- C. The scientific name, common name, plant size, quantity and planting method.
- D. The plan shall have a scale of not more than one-inch (1”) equals one hundred feet (100’).
- E. When necessary, existing and proposed contours shall be provided.

7.17.04 Screening Requirements

- 7.17.04.01 All parking areas or vehicular use areas abutting a residential district or public right-of-way shall be screened from grade level to a height not less than three (3) feet.
- 7.17.04.02 All commercial and industrial uses that abut residential or office districts shall provide screening not less than six (6) feet in height along the abutting property line(s).
- 7.17.04.03 Screening required by this section shall be equivalent to the following:
 - 1. Solid fences or walls as approved by the City on the final development plan.
 - 2. Hedges, shrubs, or evergreen trees of thirty-six (36) inches in height at planting spaced appropriately to provide a solid screen within three (3) years after planting.
 - 3. Berms of not less than three (3) feet in height and that provide a maximum slope of 3:1 for easy maintenance. Such berms may be used in conjunction with plantings to achieve the solid visual screen as described in 7.17.04.03 (1) above.
 - 4. All projects except one-and-two family dwellings shall include a detailed drawing on the landscape plan indicating the method of enclosure and screening to be used on trash dumpsters. All dumpsters or trash bins shall maintain a solid six (6) foot enclosure around each unit. Said enclosure shall be of complementary materials.
 - 5. All plant material used for screening shall meet the standards in section 7.17.03.08.

7.17.05 Installation and Maintenance of Landscaping and Screening:

7.17.05.01 Installation:
 All landscaping shall be installed in a sound workmanship like manner and according to accepted good planting procedures. Landscaped areas shall require protection from vehicular encroachment. The Building Inspector shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided. Temporary occupancy permits may be issued due to weather related conditions upon approval by the Building Inspector.

7.17.05.02 Maintenance:
 The owner, developer, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a healthy condition by necessary and appropriate measures. When replacement is necessary all plants and other non-living landscape materials shall be equal in size, density and appearance, at maturity, to those items requiring replacement when feasible . Underground sprinkler systems are encouraged to serve all landscaped areas except individual one and two family dwellings unless an equivalent watering system is approved by the Building Inspector.

All required screening and fencing shall be maintained and, whenever necessary, replaced with materials that provide equivalent size, density, and appearance. All landscaping and screening shall be kept free from refuse and debris so as to present a healthy, neat and orderly appearance. Turf grass shall be maintained on all areas not covered by other landscaping, parking, drives, buildings, or similar structures. Existing yards shall be maintained with grass or other approved ground cover.

7.17.06 Preliminary Plan Approval

A landscape plan indicating both proposed and existing landscaping and screening shall be submitted, with the preliminary plat, preliminary PUD, or preliminary site plan for development, for review and recommendation by City Staff. Said Plan shall be in sufficient detail to provide the City with a reasonable understanding of what is being proposed. Site calculations used in computing quantities shall also be submitted which are proposed to be used to satisfy the required amounts of landscaping.

7.17.07 Final Plan Approval

A detail listing of all plant materials to be used, quantities, size, and spacing shall be submitted to the City on separate sheets for review and recommendation and approval by the City Staff along with a planting schedule at final development plan submission.

7.17.08 Parking Lot Plan Approval

A final site development plan shall be submitted to the Building Inspector with the necessary landscaping and screening required herein for each of the following types of parking lot improvements:

- 7.17.08.01 New construction.
- 7.17.08.02 Expansion of existing facilities.
- 7.17.08.03 Maintenance of existing facilities where an overlay is proposed at which time the landscaping and screening shall be required. Modifications to the required parking lot landscaping and screening may be granted by the Planning Commission after review of submitted plans and in consideration of surrounding uses.
- 7.17.08.04 No parking lot shall be exempted from these regulations; unless previously exempted.

Section 7.18 Wind Energy Systems

In any zoning district, a conditional use permit may be granted to allow wind energy conversion system, including such devices as wind charger, windmill, or wind turbine; subject to the following condition:

- 7.18.01 The distance from any tower support base to any tower support base of another wind energy device under other ownership shall be a minimum of five (5) rotor distances figured by the size of the largest rotor.
- 7.18.02 The wind energy system operation shall not cause interference to the radio and television reception on adjoining property.
- 7.18.03 To limit climbing access to the tower, a fence six (6) feet high with a locking portal shall be placed around the tower base or the tower climbing apparatus shall be limited to no more than twelve (12) feet from the ground, or the tower may be mounted on a roof top.
- 7.18.04 The setback distances from all lot lines to any tower support base shall be determined according to the following setback table:

7.18.05 SETBACK TABLE

<u>Rotor Diameter</u>	<u>Setback Distance</u>	<u>Minimum Lot Area¹</u>
5 feet	100 feet	1 Acre
10 feet	165 feet	2.5 Acres
15 feet	220 feet	4.5 Acres
20 feet	270 feet	6.75 Acres
25 feet	310 feet	9.0 Acres
30 feet	340 feet	10.75 Acres
35 feet or larger	365 feet	12.25 Acres

¹. Where there are several towers under single ownership the minimum lot areas may be adjusted down provided the minimum setback distances are met on all perimeter units. In addition, the landing areas for all internal towers and rotors shall be within the property owned by the operator.

- 7.18.06 Data pertaining to the machine’s turbine safety and stability shall be filed with the application. Such data shall include turbine safety and acceptance results from tests conducted by a qualified individual or organization based upon standards set by the U.S. Department of Energy (DOE), Electric Power Research Institute (EPRI) Utility Wind Turbine Verification Program.¹

- 7.18.07 The application shall provide covenants, easements, or similar documentation from the abutting owners providing access to wind sufficient for its adequate operation, unless adequate accessibility to the wind is provided on the site.

¹ U.S. Department of Energy – EPRI Wind Turbine Verification Program
Electric Power Research Institute – 3412 Hillview Avenue, Palo Alto, California 94304