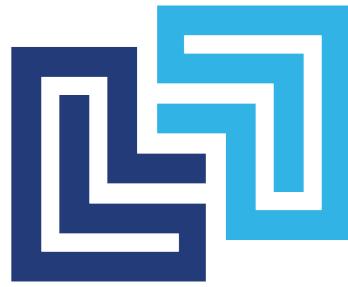


## **AGENDA ITEM 4A**

**Zoning Ordinance Amendments – Short-Term  
Rentals - Sections 2.05, 2.09, 2.19, 2.20, 5.06, 5.07,  
5.08, 5.09, 5.19, 7.10, and 7.19.**

# MEMO



**TO:** Planning Commission

**FROM:** Cale Brodersen, AICP, Associate City Planner

**DATE:** 12/28/2023

**RE:** Zoning Ordinance Amendments – Short-Term Rentals - Sections 2.05, 2.09, 2.19, 2.20, 5.06, 5.07, 5.08, 5.09, 5.19, 7.10, and 7.19.

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Staff are proposing a series of zoning text amendments to allow for the use of short-term rentals in La Vista's residential zoning districts, and to regulate their use to ensure compatibility with La Vista's neighborhoods. Short-term rentals are defined as "all or a portion of a dwelling made available to the general public for accommodations for a length of stay per guest visit of no more than 30 consecutive days" and are widely recognized due to the popularity of online hosting platforms such as Airbnb and Vrbo.

Currently, short-term rentals are only permitted in La Vista as Bed and Breakfasts and only in the R-2 and R-3 zoning districts with the host living on-premises. Legislative Bill (LB) 57, approved in March of 2019 by the Nebraska Legislature, prevents municipalities from expressly or effectively prohibiting Short-Term Rentals. These proposed zoning text amendments will bring La Vista's zoning regulations, as they pertain to short-term rentals, into compliance with State Law.

The proposed amendments will require that short-term rental properties become licensed under La Vista's Rental Inspection Program so that they can be tracked, and life safety codes can be better enforced. Additionally, a new occupation tax for short-term rentals will be instituted that is comparable to that for hotels and motels. The proposed changes are attached in redlined form.

**STAFF RECOMMENDATION:**

Staff recommends approval of the zoning text amendments to Sections 2.05, 2.09, 2.19, 2.20, 2.21, 5.06, 5.07, 5.08, 5.09, 5.19, 7.10, and 7.19 of the La Vista Zoning Ordinance.

# **Short-Term Rental Zoning Text Amendments**

## **Redlined Version**

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

**DATA CENTER** shall mean a centralized repository for the storage, management, processing, conversion, and dissemination of data and information which may also house equipment that supports communications network infrastructure without actually being part of the physical network. A data center may house equipment that includes, but is not limited to, computers, servers, data storage devices, and related equipment. A data center may include, but shall not be limited to, accessory uses that include offices for data center staff and accessory structures that include water storage tanks, cooling towers, network systems, fuel storage tanks, guardhouses and security offices, storage, chillers, electrical transformers, and engine generators. Typical uses include data processing centers and server farms. (*Ordinance No. 1433, 12-7-21*)

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

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

**DEVELOPMENT** shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required. *Also, shall mean any material change in the use or appearance of any structure or in the land itself; the division of land into separate lots; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a river, stream, lake, pond, woodland, wetland, endangered species habitat, aquifer or other resource area.* (*Ordinance No. 1083, 2-17-09*)

**DOG KENNEL** (See Kennel)

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

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

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

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

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

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

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

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

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

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

- The home shall have no less than nine hundred (900) square feet of floor area, above grade, for single story construction;
- The home shall have no less than an eighteen (18) foot exterior width;
- The roof shall be pitched with a minimum vertical rise of two and one-half (2 1/2) inches for each twelve (12) inches of horizontal run;
- The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction;
- The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock;
- The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed;
- The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district; and
- Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick *placed on a footing located below ground level to a point below the frost line.* ***(Ordinance No. 1083, 2-17-09)***

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

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

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

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

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

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

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

**HEAVY CONSTRUCTION CONTRACTORS** shall mean contractors primarily engaged in heavy construction other than building, such as highways, streets, bridges, sewers, railroads, irrigation projects, flood control, and special trade contractors primarily engaged in activities of a type that are clearly specialized to such heavy construction and are not normally performed on buildings or building-related projects. (*Ordinance No. 1433, 12-7-21*)

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

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

**Home Occupation I (Major):** shall mean Home Occupations that include on-site sales or services and/or one part-time or full-time employee that does not reside on the premises. All Home Occupation I uses are required to have a Home Occupation License.

**Home Occupation II (Minor):** shall mean a Home Occupation that is not a Home Occupation I, including the following (a) a Home Occupation in which the sole activity is maintenance and use of an office in the home for telecommuting and/or deriving other income or sales; and (b) home-based craftmaking or cooking, which does not involve on-site sales (*Ordinance No. 879, 11-19-02*). Occupations defined as Home Occupation II are exempt from a conditional use permit and Home Occupation License. All Home Occupation I uses are required to have a Home Occupation License. (*Ordinance No. 879, 11-19-02*)

**HOME OCCUPATION LICENSE** shall mean a license provided to the owner/operator of a home occupation, as described in Section 7.10 of the City’s Zoning Ordinance.

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

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

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

**HOTEL** shall mean a building or portion thereof, or a group of buildings, not including short-term rentals, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. (*Ordinance No. 1083, 2-17-09*)

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

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

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

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

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

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

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

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

**RESIDENTIAL PROPERTY** shall mean a residence.

**RESTAURANT, SIT DOWN** shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building, in which the restaurant offers table service as opposed to patrons ordering at a counter.

**RESTAURANT, FAST CASUAL** shall mean an establishment whose principal business is the sale of food and/or beverages that offers the ease and convenience of fast food, but with a more inviting sit-down atmosphere. The menu typically consists of better-quality ingredients than can be found at most fast food establishments, but customers still typically order off of a menu board or select their ingredients while moving through an order line. (*Ordinance No. 1433, 12-7-21*)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

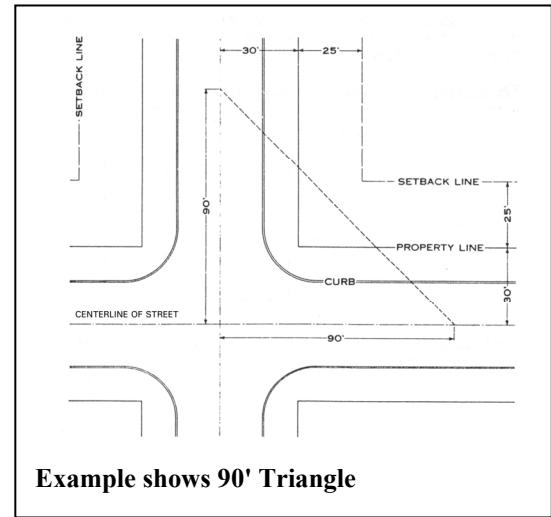
**SHOPPING CENTER, COMMERCIAL STRIP** shall mean a commercial development, usually one store deep, that fronts on a major street for a distance of one city block or more. Includes individual buildings on their own lots, with or without on-site parking and small linear shopping centers with shallow on-site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

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

**SHORT-TERM RENTAL** shall mean a residential property, *including single-family dwelling or a unit in a condominium, cooperative, or time-share*, that is rented wholly or partly for a fee for a period not longer than 30 consecutive days.

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

**SIGN** shall mean and include any outdoor display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information,



identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, except the following:

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

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

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

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

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

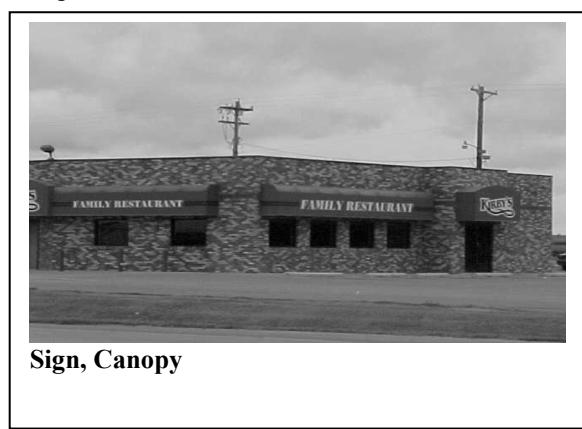
**SIGN, BILLBOARD** shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.



**SIGN, BLADE** shall mean a type of projecting sign that is perpendicular to the building, meant to gain visibility for large buildings, or to direct traffic within a pedestrian-oriented development.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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



**Sign, Monument**

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

**SIGN, PORTABLE** shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

Examples are: menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations (deliveries and transportation of personnel) of the business. This definition also includes any and all sandwich boards supported by human beings or animals.

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

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

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

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

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

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

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

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

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



**Sign, Projecting**

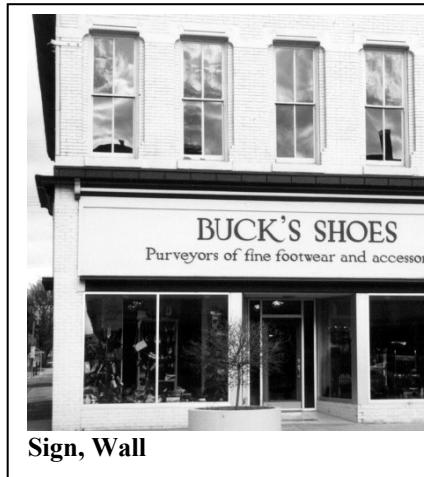


**Sign, Subdivision**

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

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

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



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

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

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

**SLEEPING AREA** shall mean any habitable room or other space within a short-term rental that is physically separate from any other room or space within such short-term rental and contains at least one operable egress window or door opening to the outside for emergency escape or rescue, in accordance with all applicable fire, building and other codes and requirements. Provided, however, sleeping area shall not include any hallways, kitchens, or bathrooms.

**SMOKE SHOP, TOBACCO STORE, AND CBD STORE** each shall mean any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, use or marketing of tobacco products, tobacco paraphernalia, electronic nicotine delivery systems, alternative nicotine products, or cannabidiol (CBD) products, or the sale, inhalation, ingestion, absorption, or other means of consumption or use of any such products, provided each such activity occurring on the premises is legally permissible under all applicable federal and State of Nebraska laws, rules, and regulations in existence on January 1, 2022; and provided, further, that any grocery store, supermarket, convenience store, or similar retail use that only sells conventional cigars, cigarettes, CBD products, or tobacco as an ancillary sale shall not be defined as a "smoke shop", "tobacco store", or "CBD store". *(Ordinance No. 1433, 12-7-21)*

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

**SOLAR ENERGY CONVERSION SYSTEM (SECS)** shall mean any device, such as a solar panel or solar collector or any combination thereof, which collects and converts solar energy to a form of usable energy. This includes both Building-Mounted Systems and Ground-Mounted System. *(Ordinance No. 1389, 3-3-2020)*

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

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

**SPECIALTY FOOD STORE** shall mean a retail establishment that sells only specialized types or classes of staple foods and accessory foods including but not limited to bakeries, donut shops, ice cream stores, produce markets, meat markets, imported food stores, or boutique or health food grocery stores. (*Ordinance No. 1433, 12-7-21*)

**SPECIFIED ANATOMICAL AREAS** shall mean anatomical areas consisting of:  
Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,  
Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** shall mean activities consisting of the following:  
Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or  
Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or  
Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or  
Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or  
Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or  
Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or  
Human excretion, urination, menstruation, vaginal, or anal irrigation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Section 5.06 R-1 Single-Family Residential.**

**5.06.01 Intent:** The Single-Family Residential District is intended to permit low to medium-density residential developments to accommodate residential and compatible uses.

### **5.06.02 Permitted Uses:**

- 5.06.02.01 Single family dwellings.
- 5.06.02.02 Public and private schools.
- 5.06.02.03 Public Services.
- 5.06.02.04 Publicly owned and operated facilities.
- 5.06.02.05 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.06.02.06 *Group Care Home (Ordinance No. 1118, 4-6-10)*
- 5.06.02.06 *5.06.02.07 Short-term rentals, as per Section 7.19*

### **5.06.03 Permitted Conditional Uses:**

- 5.06.03.01 Public and private recreation areas as, country clubs, golf courses, lakes, common areas and swimming pools.
- 5.06.03.02 Churches, temples, seminaries, convents, including residences for teachers and pastors.
- 5.06.03.03 Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar public service uses.
- 5.06.03.04 Home Occupations, as per Section 7.10.
- 5.06.03.05 Child Care Center.
- 5.06.03.06 Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15. *(Ordinance No. 1389, 3-3-2020)*

### **5.06.04 Permitted Accessory Uses:**

- 5.06.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.06.04.02 Decks, elevated patios either attached or detached.
- 5.06.04.03 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.06.04.04 Parking for permitted uses as per Section 7.05 through 7.09.
- 5.06.04.05 Signs allowed in Section 7.01 through 7.04.
- 5.06.04.06 Temporary buildings incidental to construction work where such building or structures are removed upon completion of work.
- 5.06.04.07 Landscaping as required by Section 7.17.
- 5.06.04.08 Solar Energy Conversion Systems as provided for in Section 7.15. *(Ordinance No. 1389, 3-3-2020)*

### **5.06.05 Height and Lot Requirements:**

5.06.05.01 The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Single-family Dwelling (existing development) <sup>4,2</sup>	5,000	60'	30'	5'	30'	35'	35%
Single-family Dwelling (future development) <sup>3,2</sup>	7,000	70'	30'	10'	30'	35'	40%
<i>Other Permitted Uses</i>	8,000	75'	25'	25'	25'	35'	25%
Other Conditional Uses	8,000	75'	25'	25'	25'	45'	25%
Publicly owned and operated facilities <sup>5</sup>	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>1</sup>

<sup>1</sup> Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%

<sup>2</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

<sup>3</sup> Future development shall be defined as all new subdivisions created after *the adoption of Ordinance No. 848 on November 20, 2001*.

<sup>4</sup> Existing development shall be defined as existing prior to the adoption of this regulation and shall not include any replatting or lot splits done after the date of original adoption.

<sup>5</sup> Publicly owned and operated facilities are exempt from requirements of this subsection 5.06.05. *(Ordinance No. 1371, 10-15-19)*

## **Section 5.07 R-2 Two-Family Residential**

**5.07.01 Intent:** The purpose of this district is to permit single-family density residential with an increase of density to include duplexes and similar residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

### **5.07.02 Permitted Uses:**

- 5.07.02.01 Single family detached dwellings.
- 5.07.02.02 Single family attached.
- 5.07.02.03 Two-family, duplex, dwellings.
- 5.07.02.04 Public and private schools.
- 5.07.02.05 Publicly owned and operated facilities.
- 5.07.02.06 Public Services.
- 5.07.02.07 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.07.02.08 *Group Care Home (Ordinance No. 1118, 4-6-10)*
- 5.07.02.09 *Short-term rentals, as per Section 7.19*

### **5.07.03 Permitted Conditional Uses:**

- 5.07.03.01 Bed and Breakfasts.
  - 1. Guest rooms shall be within the principal residential building only and not within an accessory building.
  - 2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.07.03.02 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.07.03.03 *Nursing care and rehabilitation facilities, or assisted living facilities (Ordinance No. 1118, 4-6-10)*
- 5.07.03.04 Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
- 5.07.03.05 Home Occupations as per Section 7.10.
- 5.07.03.06 Child Care Center.
- 5.07.03.07 Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15. *(Ordinance No. 1389, 3-3-2020)*

### **5.07.04 Permitted Accessory Uses:**

- 5.07.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.07.04.02 Decks, elevated patios either attached or detached.
- 5.07.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.07.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.07.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.07.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.07.04.07 Landscaping as required by Section 7.17.
- 5.07.04.08 Solar Energy Conversion Systems as provided for in Section 7.15. *(Ordinance No. 1389, 3-3-2020)***

### **5.07.05 Height and Lot Requirements:**

5.07.05.01 The height and minimum lot requirements shall be follows:

	Lot Area (SF)	Lot Width	Front Yard	Side Yard <sup>3</sup>	Rear Yard	Max. Height	Max. Building Coverage
Single-family Dwelling (existing development <sup>5</sup> ) <sup>2</sup>	5,000	50'	30'	5'	30'	35'	35%
Single-family Dwelling (future development <sup>4</sup> ) <sup>2</sup>	7,000	70'	30'	10'	30'	35'	40%
Two-family Dwelling <sup>2</sup>	10,000	100'	30'	10'	30'	35'	40%
Single-family attached	4,500 per unit	50' per unit	30'	10'	30'	35'	40%
Other Permitted Uses	8,000	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,000	75'	30'	10'	30'	45'	30%
Publicly owned and operated facilities <sup>6</sup>	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>1</sup>

<sup>1</sup> Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%.

<sup>2</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

<sup>3</sup> The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.

<sup>4</sup> *Future development shall be defined as all new subdivisions created after the adoption of Ordinance No. 848 on November 20, 2001.*

<sup>5</sup> *Existing development shall be defined as existing prior to the adoption of Ordinance No. 848 and shall not include any replatting or lot splits done after the adoption of Ordinance No. 848 on November 20, 2001.*

**(Ordinance No. 895, 2-04-03) (Ordinance No. 968, 11-15-05)**

<sup>6</sup> Publicly owned and operated facilities are exempt from requirements of this subsection 5.07.05. **(Ordinance No. 1371, 10-15-19)**

## **Section 5.08 R-3 High Density Residential**

**5.08.01 Intent:** The purpose of this district is to permit high density residential in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

### **5.08.02 Permitted Uses:**

- 5.08.02.01 Townhouses and Condominiums.
- 5.08.02.02 Public and private schools.
- 5.08.02.03 Publicly owned and operated facilities.
- 5.08.02.04 Public Services.
- 5.08.02.05 Child Care Home, as per Section 7.10. (*Ordinance No. 880, 11-19-02*)
- 5.08.02.06 Group Care Home (*Ordinance No. 1118, 4-6-10*)
- 5.08.02.07** Multiple family dwellings constructed prior to November 20, 2001 (*Ordinance No. 1132, 12-7-10*)

**5.08.02.075.08.02.08** *Short-term rentals, as per Section 7.19*

### **5.08.03 Permitted Conditional Uses:**

- 5.08.03.01 Multiple family dwellings *constructed after November 20, 2001*.
- 5.08.03.02 Bed and Breakfast.
  1. Guest rooms shall be within the principal residential building only and not within an accessory building.
  2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.08.03.03 Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
- 5.08.03.04 Home Occupations, as per Section 7.10.
- 5.08.03.05 Child Care Center.
- 5.08.03.06 Charitable clubs and organizations.
- 5.08.03.07 *Nursing care and rehabilitation facilities, and assisted living facilities* (*Ordinance No. 1118, 4-6-10*)
- 5.08.03.08 Congregate housing, senior apartments (age restricted to 55+ years old), or continuing care retirement community. (*Ordinance No. 1118, 4-6-10*)
- 5.08.03.09 *Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15. (Ordinance No. 1389, 3-3-2020)*

### **5.08.04 Permitted Accessory Uses:**

- 5.08.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.08.04.02 Decks, elevated patios either attached or detached.
- 5.08.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.08.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.08.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.08.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.08.04.07 Landscaping as required by Section 7.17.
- 5.08.04.08** Solar Energy Conversion Systems as provided for in Section 7.15. (*Ordinance No. 1389, 3-3-2020*)

### **5.08.05 Height and Lot Requirements:**

5.08.05.01 The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Townhouses/Condominiums <sup>4</sup>	2,500 per unit	25' per unit	30'	10' <sup>5</sup>	30'	35'	40%
Multi-family Dwelling <sup>3</sup>	3,000 per unit for the first four, then 1,500 per each additional unit	100'	30'	( <sup>1</sup> )	30'	45' <sup>1</sup>	40%
<i>Other Permitted Uses</i>	8,500	75'	30'	10'	30'	35'	30%
<i>Other Conditional Uses</i>	8,500	75'	30'	10'	30'	45'	30%
Publicly owned and operated facilities <sup>6</sup>	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>2</sup>

- 1 For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.
- 2 Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%
- 3 On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- 4 This applies to Condominiums and Townhouses where there are three (3) more units connected and where there is a minimum of two (2) common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.
- 5 Where there are three (3) or more units connected the side yard at the ends shall meet this criteria otherwise the side yard setback shall zero (0) at common walls.
- 6 Publicly owned and operated facilities are exempt from the requirements of this subsection 5.08.05. **(Ordinance No. 1371, 10-15-19)**

## **Section 5.09 R-4 Condominium Residential**

**5.09.01 Intent:** The purpose of this district is to permit high density residential, including condominium dwellings, in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

### **5.09.02 Permitted Uses:**

- 5.09.02.01 Townhouses and Condominium dwellings.
- 5.09.02.02 Public and private schools.
- 5.09.02.03 Publicly owned and operated facilities.
- 5.09.02.04 Child Care Home, as per Section 7.10. (*Ordinance No. 880, 11-19-02*)
- 5.09.02.05 Multiple family dwellings constructed prior to November 20, 2001. (*Ordinance No. 1132, 12-07-10*)
- 5.09.02.05 5.09.02.06 *Short-term rentals, as per Section 7.19*

### **5.09.03 Permitted Conditional Uses:**

- 5.09.03.01 Multiple family dwellings *constructed after November 20, 2001*.
- 5.09.03.02 Bed and Breakfast.
  - 1. Guest rooms shall be within the principal residential building only and not within an accessory building.
  - 2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.09.03.03 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.09.03.04 Public utility substations, distribution centers, regulator stations, pumping *stations*, storage, equipment buildings, garages, towers, or similar uses.
- 5.09.03.05 Home Occupations, as per Section 7.10.
- 5.09.03.06 Child Care Center.
- 5.09.03.07 Charitable clubs and organizations.
- 5.09.03.08 Nursing care and rehabilitation facilities, and assisted living facilities (*Ordinance No. 1118, 4-6-10*)
- 5.09.03.09 *Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15. (Ordinance No. 1389, 3-3-2020)*

### **5.09.04 Permitted Accessory Uses:**

- 5.09.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.09.04.02 Decks, elevated patios either attached or detached.
- 5.09.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.09.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.09.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.09.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.09.04.07 Landscaping as required by Section 7.17.
- 5.09.04.08 Solar Energy Conversion Systems as provided for in Section 7.15. (*Ordinance No. 1389, 3-3-2020*)

### **5.09.05 Height and Lot Requirements:**

5.09.05.01 The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Townhouses/Condominiums <sup>4</sup>	2,500 per unit	25' per unit	30'	10' <sup>5</sup>	30'	35'	40%
Multi-family Dwelling <sup>3</sup>	3,000 per unit <i>for the first four, then</i> 1,500 per each additional unit	100' <i>for the first four, then</i> - <sup>6</sup>	30'	( <sup>1</sup> )	30'	45' <sup>1</sup>	40%
Other Permitted Uses	8,500	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Publicly owned and operated facilities <sup>6</sup>	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	8'	10'	17'	10% <sup>2</sup>

<sup>1</sup> For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.

- 2 Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%
- 3 On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- 4 This applies to Condominiums and Townhouses where there are three (3) or more units connected and where there is a minimum of two (2) common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.
- 5 Where there are three (3) or more units connected the side yard at the ends shall meet these criteria otherwise the side yard setback shall zero (0) at common walls. (**Ordinance No. 881, 11-19-02**)
- 6 Publicly owned and operated facilities are exempt from the requirements of this subsection 5.09.05. (**Ordinance No. 1371, 10-15-19**)

## **Section 5.19 MU-CC Mixed Use City Centre District**

**5.19.01 Intent:** The intent of the Mixed Use Town Centre District (MU-CC) is to:

1. Accommodate mixed use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units and office uses above the ground floor;
2. Buildings can be solely residential provided they are designed in a building-forward environment, with buildings at the street edge or having only shallow front setbacks.
3. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
4. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

**5.19.02 Permitted Uses:**

Uses are allowed in “MU-CC” zoning districts in accordance with the use table of this section.

### **Uses Allowed in the MU-CC Zoning District**

Use Category (Specific Use Type)	MU-CC District
<b>Residential:</b>	
Artist Live/Work Space located above the ground floor	P
Artist Live/Work Space, ground floor	P
Bed & breakfasts	P
Townhouses/condominiums	P
Multi-Family, above ground floor	P
Multi-Family, ground floor	C
Senior living: nursing care, rehab facility & assisted living facility	C
<u>Short-term rentals, as per Section 7.19</u>	P
<b>Public and Civic:</b>	
Meeting hall	C
Museum	P
Publicly owned and operated facilities	P
Public services	P
Recreation areas/parks (public)	P
Social club/fraternal organizations	C
Parking Structures or Lots	P
<b>Commercial:</b>	
Antique store	P
Apparel shop	P
Art gallery	P
Attorneys	P
Automated Teller Machines	C
Bakery shop (retail)	P
Banks	P
Barber and beauty shop	P
Bicycle shop	P
Book store, not including uses defined in Adult	P

Establishment.	
Brew pubs	P
Brew-on premises store	P
Business or trade school	C
Business services	P
Camera store	P
Charitable organizations	C
Child care (center)	P
Coffee kiosks	P
Communication services	C
Computer store	P
Confectionery	P
Credit services	P
Dairy product sales	P
Dance studio	P
Dental office	P
Department store	P
Drug store	P
Dry cleaning & laundry pickup	P
Event center	C
Exercise, fitness & tanning spa	P
Finance/investment services	P
Fireworks stands	T
Floral shop	P
Food sales (general)	P
Food sales (limited)	P
Furniture store or showroom	P
Gift shop	P
Gunsmith	C
Hardware store	P
Health club or recreation facility, not including uses defined in Adult Establishment.	C
Hobby, craft store	P
Home occupations	C
Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.	P
Insurance	P
Jewelry store	P
Liquor store	P
Locksmith	P
Mail order services	C
Meat market, retail	C
Medical office	P
Micro-breweries, connected to restaurant	P
Music retail store	P

Music studio	P
Newsstands	P
Office	P
Open-air farmers markets	P
Outdoor display of merchandise	P
Paint store	P
Personal Services, not including uses defined in Adult Entertainment Establishment. ( <i>Ordinance No. 1369, 10-1-19</i> )	P
Pet health services	P
Pet shop	C
Photographer	P
Picture framing shop	P
Pinball or video games business	C
Produce stands	P
Real estate offices	P
Recreational establishments	C
Restaurants, café, and fast food	P
Second hand stores	C
Security brokers	P
Shoe store	P
Sporting goods	P
Stamp and coin stores	P
Tailors and dressmakers	P
Tanning salon	P
Tavern and cocktail lounge, not including uses defined in Adult Establishment.	P
Theater, indoor, not including uses defined in Adult Establishment.	P
Title abstracting	P
Toy store	P
Travel agencies	P
Tutoring and Exam Preparation Services	P
Video store, not including uses defined in Adult Establishment.	P

### **Industrial:**

Manufacturing: Artisan (Limited) (hand tools only: e.g., jewelry or ceramics)	C
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### **Other:**

Temporary structures (events)	T
Temporary structures (construction)	T

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P = permitted by right; C = conditional use; T = temporary

### **5.19.03 Permitted Accessory Uses**

5.19.03.01	Buildings and uses customarily incidental to the permitted uses.
5.19.03.02	Urban residential storage as an accessory to a primary residential use.
5.19.03.03	Parking as permitted in Section 7.05 through 7.09.
5.19.03.04	Signs allowed in Section 7.01 through 7.04.
5.19.03.05	Landscaping as required by Section 7.17.
5.19.03.06	Solar Energy Conversion Systems as provided for in Section 7.15. ( <i>Ordinance No. 1389, 3-3-2020</i> )

#### **5.19.04 Setbacks**

1. The entire building façade must abut front and street side property lines or be located within 10 feet of such property lines.
2. No rear setback shall be required, except where the rear lot line is contiguous to a residential use, in which case the following standards shall apply:
  - a. There shall be a minimum rear setback of twenty (25) feet the full width of the lot;
3. No interior side setbacks are required in the MU-CC district, except when MU-CC zoned property abuts a residential use, in which case the minimum side setback required in the MU-CC district shall be the same as required for a residential use on the abutting residentially-zoned lot.

#### **5.19.05 Building Height**

The maximum building height shall be 90 feet.

#### **5.19.06 Off-Street Parking**

1. No off-street parking is required in the MU-CC district.
2. If off-street parking is utilized, it shall comply with Sections 7.08-7.09 of this ordinance.
3. All parking spaces shall be paved with asphalt, concrete or other approved hard surface, unless in accordance with Section 7.05.05 of this ordinance..
4. The use of shared parking is encouraged.
5. Off-street parking spaces should be located to the rear of the main façade of the principal building or otherwise screened to satisfy the screening requirements of the district design standards.

#### **5.19.10 Circulation and Connectivity**

Uses shall be integrated with the surrounding community, easily accessible, and have a good internal circulation system for a variety of travel options.

1. Internal walk connections are required between buildings, and from buildings to all on site facilities, such as parking areas, bicycle facilities, and open space.
2. External walk connections are required to provide direct access from all buildings on the site to existing or planned sidewalks, adjacent multi-use trails, parks, and greenways.

## **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 be operated on-site by no more than one full-time or part-time employee, volunteer, or business partner other than the resident(s) of the dwelling unit, provided that one off-street parking space is made available and used by that non-resident employee, volunteer, or business partner. Unless expressly permitted by a Conditional Use Permit, no retail sales are permitted from the site.
- 7.10.05 No outdoor storage is permitted.
- 7.10.06 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. Such license shall include, but not be limited to, the following:*
  - 7.10.10.1 Application fee in accordance with the Master Fee Schedule
  - 7.10.10.2 For major Home Occupations requiring a Conditional Use Permit, a minimum of seventy-five percent (75%) of the households within two hundred feet (200') of the proposed home occupation shall indicate no objections, in writing, to the operation of such home occupation. A "no objections" signature form shall be provided by the City and said residents shall sign next to their respective address.
  - 7.10.10.3 A Conditional Use Permit is required for Home Occupation I uses, except Child Care Homes.
- 7.10.11 *A Conditional Use Permit is required, except for Home Occupation II uses, short-term rentals, 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 7.19 Short-Term Rentals**

Short-term rentals are allowed in the R-1, R-2, R-3, R-4, and MU-CC zoning districts, provided all of the following conditions are satisfied:

- 7.19.01 Each short-term rental shall constitute a rental dwelling under the La Vista Rental Inspection Program set forth in Sections 150.60 through 150.69 of the La Vista Municipal Code, as amended from time to time, and shall satisfy all applicable requirements of the Rental Inspection Program, including without limitation the necessity of obtaining and maintaining in effect a rental license for such short-term rental.
- 7.19.02 Each short-term rental shall provide at least one off-street parking space per sleeping area. If a short-term rental does not have sufficient off-street parking to satisfy the requirement of this subsection 7.19.02, the number of sleeping areas that a short-term shall be permitted to use will be reduced as necessary to satisfy such off-street parking requirement. The number of sleeping areas determined in accordance with this subsection 7.19.02 shall constitute the total number of permitted sleeping areas of a short-term rental.
- 7.19.03 The maximum number of persons who may occupy a short-term rental shall be calculated as the total number of permitted sleeping areas of the short-term rental, multiplied by two; provided, however, the maximum number of persons who may occupy a short-term rental shall not exceed 12 persons. Occupancy of a short-term rental pursuant to this subsection 7.19.03 shall be subject to any more restrictive limits under any fire or other codes or requirements.
- 7.19.04 Not more than 10% of the total dwelling units of any multiple family dwelling on a premises in any R-3 or MU-CC zoning district shall be licensed under the La Vista Rental Inspection Program for use as short-term rentals. Provided, however, at least one dwelling unit of a multiple family dwelling on a premises in any such district that satisfies all applicable requirements of the La Vista Rental Inspection Program shall be eligible for a rental license for use as a short-term rental.
- 7.19.05 No signs are permitted for short-term rentals in the R-1, R-2, R-3, R-4, and MU-CC zoning districts.
- 7.19.06 Owners of short-term rentals (or operators, listing companies, brokers, agents, or others acting on behalf of short-term rental owners) must timely pay and submit all assessments, taxes, fees, reports and information required by the City from time to time, including without limitation all City sales, property and occupation taxes and supporting documentation.
- 7.19.07 The use of a short-term rental for the following is prohibited:
  - 7.19.07.1 Housing sex offenders
  - 7.19.07.2 Operating a structured sober living home or similar enterprise
  - 7.19.07.3 Selling alcohol or other activity that requires a permit or license under the Nebraska Liquor Control Act, or
  - 7.19.07.4 Operating a sexually oriented business

# **Short-Term Rental Zoning Text Amendments**

## **Clean Version**

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

**DATA CENTER** shall mean a centralized repository for the storage, management, processing, conversion, and dissemination of data and information which may also house equipment that supports communications network infrastructure without actually being part of the physical network. A data center may house equipment that includes, but is not limited to, computers, servers, data storage devices, and related equipment. A data center may include, but shall not be limited to, accessory uses that include offices for data center staff and accessory structures that include water storage tanks, cooling towers, network systems, fuel storage tanks, guardhouses and security offices, storage, chillers, electrical transformers, and engine generators. Typical uses include data processing centers and server farms. (*Ordinance No. 1433, 12-7-21*)

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

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

**DEVELOPMENT** shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required. *Also, shall mean any material change in the use or appearance of any structure or in the land itself; the division of land into separate lots; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a river, stream, lake, pond, woodland, wetland, endangered species habitat, aquifer or other resource area.* (*Ordinance No. 1083, 2-17-09*)

**DOG KENNEL** (See Kennel)

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

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

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

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

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

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

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

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

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

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

- The home shall have no less than nine hundred (900) square feet of floor area, above grade, for single story construction;
- The home shall have no less than an eighteen (18) foot exterior width;
- The roof shall be pitched with a minimum vertical rise of two and one-half (2 1/2) inches for each twelve (12) inches of horizontal run;
- The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction;
- The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock;
- The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed;
- The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district; and
- Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick *placed on a footing located below ground level to a point below the frost line.* ***(Ordinance No. 1083, 2-17-09)***

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

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

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

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

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

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

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

**HEAVY CONSTRUCTION CONTRACTORS** shall mean contractors primarily engaged in heavy construction other than building, such as highways, streets, bridges, sewers, railroads, irrigation projects, flood control, and special trade contractors primarily engaged in activities of a type that are clearly specialized to such heavy construction and are not normally performed on buildings or building-related projects. (*Ordinance No. 1433, 12-7-21*)

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

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

**Home Occupation I (Major):** shall mean Home Occupations that include on-site sales or services and/or one part-time or full-time employee that does not reside on the premises. All Home Occupation I uses are required to have a Home Occupation License.

**Home Occupation II (Minor):** shall mean a Home Occupation that is not a Home Occupation I, including the following (a) a Home Occupation in which the sole activity is maintenance and use of an office in the home for telecommuting and/or deriving other income or sales; and (b) home-based craftmaking or cooking, which does not involve on-site sales (*Ordinance No. 879, 11-19-02*). Occupations defined as Home Occupation II are exempt from a conditional use permit and Home Occupation License. All Home Occupation I uses are required to have a Home Occupation License. (*Ordinance No. 879, 11-19-02*)

**HOME OCCUPATION LICENSE** shall mean a license provided to the owner/operator of a home occupation, as described in Section 7.10 of the City’s Zoning Ordinance.

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

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

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

**HOTEL** shall mean a building or portion thereof, or a group of buildings, not including short-term rentals, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. (*Ordinance No. 1083, 2-17-09*)

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

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

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

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

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

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

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

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

**RESIDENTIAL PROPERTY** shall mean a residence.

**RESTAURANT, SIT DOWN** shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building, in which the restaurant offers table service as opposed to patrons ordering at a counter.

**RESTAURANT, FAST CASUAL** shall mean an establishment whose principal business is the sale of food and/or beverages that offers the ease and convenience of fast food, but with a more inviting sit-down atmosphere. The menu typically consists of better-quality ingredients than can be found at most fast food establishments, but customers still typically order off of a menu board or select their ingredients while moving through an order line. (*Ordinance No. 1433, 12-7-21*)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

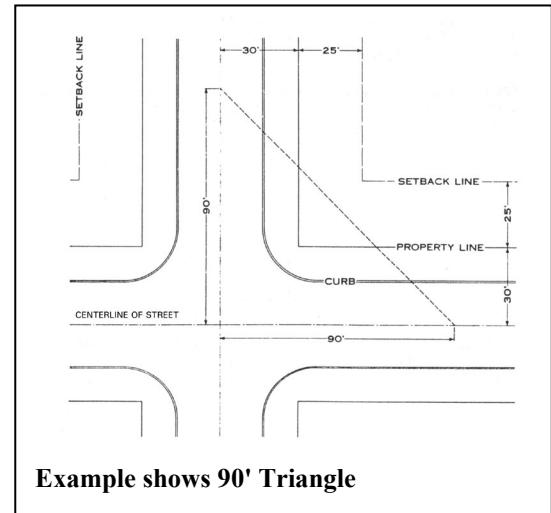
**SHOPPING CENTER, COMMERCIAL STRIP** shall mean a commercial development, usually one store deep, that fronts on a major street for a distance of one city block or more. Includes individual buildings on their own lots, with or without on-site parking and small linear shopping centers with shallow on-site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

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

**SHORT-TERM RENTAL** shall mean a residential property, including single-family dwelling or a unit in a condominium, cooperative, or time-share, that is rented wholly or partly for a fee for a period not longer than 30 consecutive days.

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

**SIGN** shall mean and include any outdoor display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information,



identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, except the following:

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

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

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

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

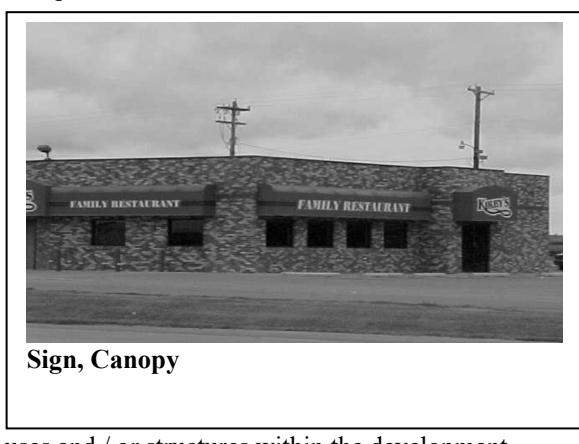


**SIGN, BANNER** shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flag of any institution or business shall not be considered banners. Banner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

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

**SIGN, BLADE** shall mean a type of projecting sign that is perpendicular to the building, meant to gain visibility for large buildings, or to direct traffic within a pedestrian-oriented development.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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



**Sign, Monument**

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

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

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

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

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

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

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

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

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

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

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



Sign, Projecting

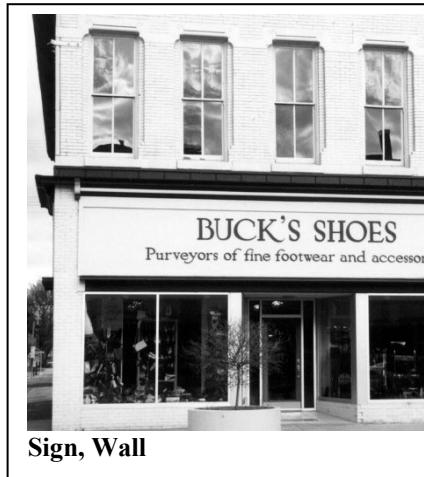


Sign, Subdivision

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

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

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



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

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

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

**SLEEPING AREA** shall mean any habitable room or other space within a short-term rental that is physically separate from any other room or space within such short-term rental and contains at least one operable egress window or door opening to the outside for emergency escape or rescue, in accordance with all applicable fire, building and other codes and requirements. Provided, however, sleeping area shall not include any hallways, kitchens, or bathrooms.

**SMOKE SHOP, TOBACCO STORE, AND CBD STORE** each shall mean any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, use or marketing of tobacco products, tobacco paraphernalia, electronic nicotine delivery systems, alternative nicotine products, or cannabidiol (CBD) products, or the sale, inhalation, ingestion, absorption, or other means of consumption or use of any such products, provided each such activity occurring on the premises is legally permissible under all applicable federal and State of Nebraska laws, rules, and regulations in existence on January 1, 2022; and provided, further, that any grocery store, supermarket, convenience store, or similar retail use that only sells conventional cigars, cigarettes, CBD products, or tobacco as an ancillary sale shall not be defined as a "smoke shop", "tobacco store", or "CBD store". *(Ordinance No. 1433, 12-7-21)*

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

**SOLAR ENERGY CONVERSION SYSTEM (SECS)** shall mean any device, such as a solar panel or solar collector or any combination thereof, which collects and converts solar energy to a form of usable energy. This includes both Building-Mounted Systems and Ground-Mounted System. *(Ordinance No. 1389, 3-3-2020)*

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

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

**SPECIALTY FOOD STORE** shall mean a retail establishment that sells only specialized types or classes of staple foods and accessory foods including but not limited to bakeries, donut shops, ice cream stores, produce markets, meat markets, imported food stores, or boutique or health food grocery stores. (*Ordinance No. 1433, 12-7-21*)

**SPECIFIED ANATOMICAL AREAS** shall mean anatomical areas consisting of:  
Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,  
Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** shall mean activities consisting of the following:  
Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or  
Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or  
Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or  
Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or  
Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or  
Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or  
Human excretion, urination, menstruation, vaginal, or anal irrigation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Section 5.06 R-1 Single-Family Residential.**

**5.06.01 Intent:** The Single-Family Residential District is intended to permit low to medium-density residential developments to accommodate residential and compatible uses.

### **5.06.02 Permitted Uses:**

- 5.06.02.01 Single family dwellings.
- 5.06.02.02 Public and private schools.
- 5.06.02.03 Public Services.
- 5.06.02.04 Publicly owned and operated facilities.
- 5.06.02.05 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.06.02.06 *Group Care Home (Ordinance No. 1118, 4-6-10)*
- 5.06.02.07 *Short-term rentals, as per Section 7.19*

### **5.06.03 Permitted Conditional Uses:**

- 5.06.03.01 Public and private recreation areas as, country clubs, golf courses, lakes, common areas and swimming pools.
- 5.06.03.02 Churches, temples, seminaries, convents, including residences for teachers and pastors.
- 5.06.03.03 Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar public service uses.
- 5.06.03.04 Home Occupations, as per Section 7.10.
- 5.06.03.05 Child Care Center.
- 5.06.03.06 Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15. (*Ordinance No. 1389, 3-3-2020*)

### **5.06.04 Permitted Accessory Uses:**

- 5.06.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.06.04.02 Decks, elevated patios either attached or detached.
- 5.06.04.03 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.06.04.04 Parking for permitted uses as per Section 7.05 through 7.09.
- 5.06.04.05 Signs allowed in Section 7.01 through 7.04.
- 5.06.04.06 Temporary buildings incidental to construction work where such building or structures are removed upon completion of work.
- 5.06.04.07 Landscaping as required by Section 7.17.
- 5.06.04.08 Solar Energy Conversion Systems as provided for in Section 7.15. (*Ordinance No. 1389, 3-3-2020*)

### **5.06.05 Height and Lot Requirements:**

5.06.05.01 The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Single-family Dwelling (existing development) <sup>4,2</sup>	5,000	60'	30'	5'	30'	35'	35%
Single-family Dwelling (future development) <sup>3,2</sup>	7,000	70'	30'	10'	30'	35'	40%
<i>Other Permitted Uses</i>	8,000	75'	25'	25'	25'	35'	25%
Other Conditional Uses	8,000	75'	25'	25'	25'	45'	25%
Publicly owned and operated facilities <sup>5</sup>	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>1</sup>

<sup>1</sup> Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%

<sup>2</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

<sup>3</sup> Future development shall be defined as all new subdivisions created after *the adoption of Ordinance No. 848 on November 20, 2001*.

<sup>4</sup> Existing development shall be defined as existing prior to the adoption of this regulation and shall not include any replatting or lot splits done after the date of original adoption.

<sup>5</sup> Publicly owned and operated facilities are exempt from requirements of this subsection 5.06.05. (*Ordinance No. 1371, 10-15-19*)

## **Section 5.07 R-2 Two-Family Residential**

**5.07.01 Intent:** The purpose of this district is to permit single-family density residential with an increase of density to include duplexes and similar residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

### **5.07.02 Permitted Uses:**

- 5.07.02.01 Single family detached dwellings.
- 5.07.02.02 Single family attached.
- 5.07.02.03 Two-family, duplex, dwellings.
- 5.07.02.04 Public and private schools.
- 5.07.02.05 Publicly owned and operated facilities.
- 5.07.02.06 Public Services.
- 5.07.02.07 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.07.02.08 *Group Care Home (Ordinance No. 1118, 4-6-10)*
- 5.07.02.09 *Short-term rentals, as per Section 7.19*

### **5.07.03 Permitted Conditional Uses:**

- 5.07.03.01 Bed and Breakfasts.
  - 1. Guest rooms shall be within the principal residential building only and not within an accessory building.
  - 2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.07.03.02 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.07.03.03 *Nursing care and rehabilitation facilities, or assisted living facilities (Ordinance No. 1118, 4-6-10)*
- 5.07.03.04 Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
- 5.07.03.05 Home Occupations as per Section 7.10.
- 5.07.03.06 Child Care Center.
- 5.07.03.07 Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15. *(Ordinance No. 1389, 3-3-2020)*

### **5.07.04 Permitted Accessory Uses:**

- 5.07.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.07.04.02 Decks, elevated patios either attached or detached.
- 5.07.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.07.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.07.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.07.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.07.04.07 Landscaping as required by Section 7.17.
- 5.07.04.08 Solar Energy Conversion Systems as provided for in Section 7.15. *(Ordinance No. 1389, 3-3-2020)***

### **5.07.05 Height and Lot Requirements:**

5.07.05.01 The height and minimum lot requirements shall be follows:

	Lot Area (SF)	Lot Width	Front Yard	Side Yard <sup>3</sup>	Rear Yard	Max. Height	Max. Building Coverage
<i>Single-family Dwelling (existing development<sup>5</sup>)<sup>2</sup></i>	5,000	50'	30'	5'	30'	35'	35%
<i>Single-family Dwelling (future development<sup>4</sup>)<sup>2</sup></i>	7,000	70'	30'	10'	30'	35'	40%
<i>Two-family Dwelling<sup>2</sup></i>	10,000	100'	30'	10'	30'	35'	40%
Single-family attached	4,500	50' per unit	30'	10'	30'	35'	40%
<i>Other Permitted Uses</i>	8,000	75'	30'	10'	30'	35'	30%
<i>Other Conditional Uses</i>	8,000	75'	30'	10'	30'	45'	30%
<i>Publicly owned and operated facilities<sup>6</sup></i>	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>1</sup>

<sup>1</sup> Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%.

<sup>2</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

<sup>3</sup> The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.

<sup>4</sup> *Future development shall be defined as all new subdivisions created after the adoption of Ordinance No. 848 on November 20, 2001.*

<sup>5</sup> *Existing development shall be defined as existing prior to the adoption of Ordinance No. 848 and shall not include any replatting or lot splits done after the adoption of Ordinance No. 848 on November 20, 2001.*

**(Ordinance No. 895, 2-04-03) (Ordinance No. 968, 11-15-05)**

<sup>6</sup> Publicly owned and operated facilities are exempt from requirements of this subsection 5.07.05. **(Ordinance No. 1371, 10-15-19)**

## **Section 5.08 R-3 High Density Residential**

**5.08.01 Intent:** The purpose of this district is to permit high density residential in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

### **5.08.02 Permitted Uses:**

- 5.08.02.01 Townhouses and Condominiums.
- 5.08.02.02 Public and private schools.
- 5.08.02.03 Publicly owned and operated facilities.
- 5.08.02.04 Public Services.
- 5.08.02.05 Child Care Home, as per Section 7.10. (**Ordinance No. 880, 11-19-02**)
- 5.08.02.06 Group Care Home (**Ordinance No. 1118, 4-6-10**)
- 5.08.02.07 Multiple family dwellings constructed prior to November 20, 2001 (**Ordinance No. 1132, 12-7-10**)
- 5.08.02.08 *Short-term rentals, as per Section 7.19*

### **5.08.03 Permitted Conditional Uses:**

- 5.08.03.01 Multiple family dwellings *constructed after November 20, 2001*.
- 5.08.03.02
  - 1. Guest rooms shall be within the principal residential building only and not within an accessory building.
  - 2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.08.03.03 Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
- 5.08.03.04 Home Occupations, as per Section 7.10.
- 5.08.03.05 Child Care Center.
- 5.08.03.06 Charitable clubs and organizations.
- 5.08.03.07 *Nursing care and rehabilitation facilities, and assisted living facilities* (**Ordinance No. 1118, 4-6-10**)
- 5.08.03.08 Congregate housing, senior apartments (age restricted to 55+ years old), or continuing care retirement community. (**Ordinance No. 1118, 4-6-10**)
- 5.08.03.09 *Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15. (Ordinance No. 1389, 3-3-2020)*

### **5.08.04 Permitted Accessory Uses:**

- 5.08.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.08.04.02 Decks, elevated patios either attached or detached.
- 5.08.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.08.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.08.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.08.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.08.04.07 Landscaping as required by Section 7.17.
- 5.08.04.08** Solar Energy Conversion Systems as provided for in Section 7.15. (**Ordinance No. 1389, 3-3-2020**)

### **5.08.05 Height and Lot Requirements:**

5.08.05.01 The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Townhouses/Condominiums <sup>4</sup>	2,500 per unit	25' per unit	30'	10' <sup>5</sup>	30'	35'	40%
Multi-family Dwelling <sup>3</sup>	3,000 per unit for the first four, then 1,500 per each additional unit	100'	30'	( <sup>1</sup> )	30'	45' <sup>1</sup>	40%
<i>Other Permitted Uses</i>	8,500	75'	30'	10'	30'	35'	30%
<i>Other Conditional Uses</i>	8,500	75'	30'	10'	30'	45'	30%
Publicly owned and operated facilities <sup>6</sup>	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>2</sup>

- 1 For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.
- 2 Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%
- 3 On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- 4 This applies to Condominiums and Townhouses where there are three (3) more units connected and where there is a minimum of two (2) common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.
- 5 Where there are three (3) or more units connected the side yard at the ends shall meet this criteria otherwise the side yard setback shall zero (0) at common walls.
- 6 Publicly owned and operated facilities are exempt from the requirements of this subsection 5.08.05. **(Ordinance No. 1371, 10-15-19)**

## **Section 5.09 R-4 Condominium Residential**

**5.09.01 Intent:** The purpose of this district is to permit high density residential, including condominium dwellings, in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

### **5.09.02 Permitted Uses:**

- 5.09.02.01 Townhouses and Condominium dwellings.
- 5.09.02.02 Public and private schools.
- 5.09.02.03 Publicly owned and operated facilities.
- 5.09.02.04 Child Care Home, as per Section 7.10. (*Ordinance No. 880, 11-19-02*)
- 5.09.02.05 Multiple family dwellings constructed prior to November 20, 2001. (*Ordinance No. 1132, 12-07-10*)
- 5.09.02.06 *Short-term rentals, as per Section 7.19*

### **5.09.03 Permitted Conditional Uses:**

- 5.09.03.01 Multiple family dwellings *constructed after November 20, 2001*.
- 5.09.03.02 Bed and Breakfast.
  - 1. Guest rooms shall be within the principal residential building only and not within an accessory building.
  - 2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.09.03.03 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.09.03.04 Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
- 5.09.03.05 Home Occupations, as per Section 7.10.
- 5.09.03.06 Child Care Center.
- 5.09.03.07 Charitable clubs and organizations.
- 5.09.03.08 Nursing care and rehabilitation facilities, and assisted living facilities (*Ordinance No. 1118, 4-6-10*)
- 5.09.03.09 *Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15. (Ordinance No. 1389, 3-3-2020)*

### **5.09.04 Permitted Accessory Uses:**

- 5.09.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.09.04.02 Decks, elevated patios either attached or detached.
- 5.09.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.09.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.09.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.09.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.09.04.07 Landscaping as required by Section 7.17.
- 5.09.04.08 Solar Energy Conversion Systems as provided for in Section 7.15. (*Ordinance No. 1389, 3-3-2020*)

### **5.09.05 Height and Lot Requirements:**

5.09.05.01 The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Townhouses/Condominiums <sup>4</sup>	2,500 per unit	25' per unit	30'	10' <sup>5</sup>	30'	35'	40%
Multi-family Dwelling <sup>3</sup>	3,000 per unit <i>for the first four, then</i> 1,500 per each additional unit	100' <i>for the first four, then</i> 8'	30'	( <sup>1</sup> )	30'	45' <sup>1</sup>	40%
Other Permitted Uses	8,500	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Publicly owned and operated facilities <sup>6</sup>	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	8'	10'	17'	10% <sup>2</sup>

<sup>1</sup> For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.

- 2 Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%
- 3 On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- 4 This applies to Condominiums and Townhouses where there are three (3) or more units connected and where there is a minimum of two (2) common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.
- 5 Where there are three (3) or more units connected the side yard at the ends shall meet these criteria otherwise the side yard setback shall zero (0) at common walls. (**Ordinance No. 881, 11-19-02**)
- 6 Publicly owned and operated facilities are exempt from the requirements of this subsection 5.09.05. (**Ordinance No. 1371, 10-15-19**)

## **Section 5.19 MU-CC Mixed Use City Centre District**

**5.19.01 Intent:** The intent of the Mixed Use Town Centre District (MU-CC) is to:

1. Accommodate mixed use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units and office uses above the ground floor;
2. Buildings can be solely residential provided they are designed in a building-forward environment, with buildings at the street edge or having only shallow front setbacks.
3. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
4. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

**5.19.02 Permitted Uses:**

Uses are allowed in “MU-CC” zoning districts in accordance with the use table of this section.

### **Uses Allowed in the MU-CC Zoning District**

Use Category (Specific Use Type)	MU-CC District
<b>Residential:</b>	
Artist Live/Work Space located above the ground floor	P
Artist Live/Work Space, ground floor	P
Bed & breakfasts	P
Townhouses/condominiums	P
Multi-Family, above ground floor	P
Multi-Family, ground floor	C
Senior living: nursing care, rehab facility & assisted living facility	C
Short-term rentals, as per Section 7.19	P
<b>Public and Civic:</b>	
Meeting hall	C
Museum	P
Publicly owned and operated facilities	P
Public services	P
Recreation areas/parks (public)	P
Social club/fraternal organizations	C
Parking Structures or Lots	P
<b>Commercial:</b>	
Antique store	P
Apparel shop	P
Art gallery	P
Attorneys	P
Automated Teller Machines	C
Bakery shop (retail)	P
Banks	P
Barber and beauty shop	P
Bicycle shop	P
Book store, not including uses defined in Adult	P

Establishment.	
Brew pubs	P
Brew-on premises store	P
Business or trade school	C
Business services	P
Camera store	P
Charitable organizations	C
Child care (center)	P
Coffee kiosks	P
Communication services	C
Computer store	P
Confectionery	P
Credit services	P
Dairy product sales	P
Dance studio	P
Dental office	P
Department store	P
Drug store	P
Dry cleaning & laundry pickup	P
Event center	C
Exercise, fitness & tanning spa	P
Finance/investment services	P
Fireworks stands	T
Floral shop	P
Food sales (general)	P
Food sales (limited)	P
Furniture store or showroom	P
Gift shop	P
Gunsmith	C
Hardware store	P
Health club or recreation facility, not including uses defined in Adult Establishment.	C
Hobby, craft store	P
Home occupations	C
Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.	P
Insurance	P
Jewelry store	P
Liquor store	P
Locksmith	P
Mail order services	C
Meat market, retail	C
Medical office	P
Micro-breweries, connected to restaurant	P
Music retail store	P

Music studio	P
Newsstands	P
Office	P
Open-air farmers markets	P
Outdoor display of merchandise	P
Paint store	P
Personal Services, not including uses defined in Adult Entertainment Establishment. ( <i>Ordinance No. 1369, 10-1-19</i> )	P
Pet health services	P
Pet shop	C
Photographer	P
Picture framing shop	P
Pinball or video games business	C
Produce stands	P
Real estate offices	P
Recreational establishments	C
Restaurants, café, and fast food	P
Second hand stores	C
Security brokers	P
Shoe store	P
Sporting goods	P
Stamp and coin stores	P
Tailors and dressmakers	P
Tanning salon	P
Tavern and cocktail lounge, not including uses defined in Adult Establishment.	P
Theater, indoor, not including uses defined in Adult Establishment.	P
Title abstracting	P
Toy store	P
Travel agencies	P
Tutoring and Exam Preparation Services	P
Video store, not including uses defined in Adult Establishment.	P

### **Industrial:**

Manufacturing: Artisan (Limited) (hand tools only: e.g., jewelry or ceramics)	C
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### **Other:**

Temporary structures (events)	T
Temporary structures (construction)	T

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P = permitted by right; C = conditional use; T = temporary

### **5.19.03 Permitted Accessory Uses**

5.19.03.01	Buildings and uses customarily incidental to the permitted uses.
5.19.03.02	Urban residential storage as an accessory to a primary residential use.
5.19.03.03	Parking as permitted in Section 7.05 through 7.09.
5.19.03.04	Signs allowed in Section 7.01 through 7.04.
5.19.03.05	Landscaping as required by Section 7.17.
5.19.03.06	Solar Energy Conversion Systems as provided for in Section 7.15. ( <i>Ordinance No. 1389, 3-3-2020</i> )

#### **5.19.04 Setbacks**

1. The entire building façade must abut front and street side property lines or be located within 10 feet of such property lines.
2. No rear setback shall be required, except where the rear lot line is contiguous to a residential use, in which case the following standards shall apply:
  - a. There shall be a minimum rear setback of twenty (25) feet the full width of the lot;
3. No interior side setbacks are required in the MU-CC district, except when MU-CC zoned property abuts a residential use, in which case the minimum side setback required in the MU-CC district shall be the same as required for a residential use on the abutting residentially-zoned lot.

#### **5.19.05 Building Height**

The maximum building height shall be 90 feet.

#### **5.19.06 Off-Street Parking**

1. No off-street parking is required in the MU-CC district.
2. If off-street parking is utilized, it shall comply with Sections 7.08-7.09 of this ordinance.
3. All parking spaces shall be paved with asphalt, concrete or other approved hard surface, unless in accordance with Section 7.05.05 of this ordinance..
4. The use of shared parking is encouraged.
5. Off-street parking spaces should be located to the rear of the main façade of the principal building or otherwise screened to satisfy the screening requirements of the district design standards.

#### **5.19.10 Circulation and Connectivity**

Uses shall be integrated with the surrounding community, easily accessible, and have a good internal circulation system for a variety of travel options.

1. Internal walk connections are required between buildings, and from buildings to all on site facilities, such as parking areas, bicycle facilities, and open space.
2. External walk connections are required to provide direct access from all buildings on the site to existing or planned sidewalks, adjacent multi-use trails, parks, and greenways.

## **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 be operated on-site by no more than one full-time or part-time employee, volunteer, or business partner other than the resident(s) of the dwelling unit, provided that one off-street parking space is made available and used by that non-resident employee, volunteer, or business partner. Unless expressly permitted by a Conditional Use Permit, no retail sales are permitted from the site.
- 7.10.05 No outdoor storage is permitted.
- 7.10.06 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. Such license shall include, but not be limited to, the following:*
  - 7.10.10.1 Application fee in accordance with the Master Fee Schedule
  - 7.10.10.2 For major Home Occupations requiring a Conditional Use Permit, a minimum of seventy-five percent (75%) of the households within two hundred feet (200') of the proposed home occupation shall indicate no objections, in writing, to the operation of such home occupation. A "no objections" signature form shall be provided by the City and said residents shall sign next to their respective address.
  - 7.10.10.3 A Conditional Use Permit is required for Home Occupation I uses, except Child Care Homes.
- 7.10.11 *A Conditional Use Permit is required, except for Home Occupation II uses, short-term rentals, 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 7.19 Short-Term Rentals**

Short-term rentals are allowed in the R-1, R-2, R-3, R-4, and MU-CC zoning districts, provided all of the following conditions are satisfied:

- 7.19.01 Each short-term rental shall constitute a rental dwelling under the La Vista Rental Inspection Program set forth in Sections 150.60 through 150.69 of the La Vista Municipal Code, as amended from time to time, and shall satisfy all applicable requirements of the Rental Inspection Program, including without limitation the necessity of obtaining and maintaining in effect a rental license for such short-term rental.
- 7.19.02 Each short-term rental shall provide at least one off-street parking space per sleeping area. If a short-term rental does not have sufficient off-street parking to satisfy the requirement of this subsection 7.19.02, the number of sleeping areas that a short-term shall be permitted to use will be reduced as necessary to satisfy such off-street parking requirement. The number of sleeping areas determined in accordance with this subsection 7.19.02 shall constitute the total number of permitted sleeping areas of a short-term rental.
- 7.19.03 The maximum number of persons who may occupy a short-term rental shall be calculated as the total number of permitted sleeping areas of the short-term rental, multiplied by two; provided, however, the maximum number of persons who may occupy a short-term rental shall not exceed 12 persons. Occupancy of a short-term rental pursuant to this subsection 7.19.03 shall be subject to any more restrictive limits under any fire or other codes or requirements.
- 7.19.04 Not more than 10% of the total dwelling units of any multiple family dwelling on a premises in any R-3 or MU-CC zoning district shall be licensed under the La Vista Rental Inspection Program for use as short-term rentals. Provided, however, at least one dwelling unit of a multiple family dwelling on a premises in any such district that satisfies all applicable requirements of the La Vista Rental Inspection Program shall be eligible for a rental license for use as a short-term rental.
- 7.19.05 No signs are permitted for short-term rentals in the R-1, R-2, R-3, R-4, and MU-CC zoning districts.
- 7.19.06 Owners of short-term rentals (or operators, listing companies, brokers, agents, or others acting on behalf of short-term rental owners) must timely pay and submit all assessments, taxes, fees, reports and information required by the City from time to time, including without limitation all City sales, property and occupation taxes and supporting documentation.
- 7.19.07 The use of a short-term rental for the following is prohibited:
  - 7.19.07.1 Housing sex offenders
  - 7.19.07.2 Operating a structured sober living home or similar enterprise
  - 7.19.07.3 Selling alcohol or other activity that requires a permit or license under the Nebraska Liquor Control Act, or
  - 7.19.07.4 Operating a sexually oriented business