

LA VISTA CITY COUNCIL MEETING AGENDA

February 6, 2024

6:00 p.m.

Harold "Andy" Anderson Council Chamber
La Vista City Hall
8116 Park View Blvd

- **Call to Order**
- **Pledge of Allegiance**
- **Announcement of Location of Posted Open Meetings Act**

All matters listed under item A, Consent Agenda, are considered to be routine by the city council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A. CONSENT AGENDA

1. **Approval of the Agenda as Presented**
2. **Approval of the Minutes of the January 16, 2024 City Council Meeting**
3. **Request for Payment – RDG Planning & Design – Professional Services – Municipal Campus Plan & Design – \$6,734.74**
4. **Request for Payment – Olsson, Inc – Professional Services – City Park Pavilion Testing – \$900.00**
5. **Request for Payment – Thompson, Dreessen & Dorner, Inc. – Professional Services – Central Park Improvements – \$349.50**
6. **Request for Payment – HGM Associates Inc – Professional Services – East La Vista Sewer and Pavement Rehabilitation – Phase 2 Final Design – \$27,949.44**
7. **Approval of Claims**

- **Reports from City Administrator and Department Heads**
- **Presentation – Long Range Financial Forecast**

B. Conditional Use Permit – Hope Court Hoops LLC dba Shoot 360

1. **Public Hearing**
2. **Resolution**

C. Zoning Text Amendments – Short Term Rentals

1. **Public Hearing**
2. **Ordinance – Approve Zoning Amendments**

D. Ordinance – Amend Master Fee Ordinance

E. Declare Surplus Property – Outlot A La Vista

1. **Public Hearing**
2. **Ordinance**

F. Ordinance – Amend Police Retirement Plan

G. Resolution – Amend City Personnel Policy and Procedures Manual

H. Resolution – Engineering Services Agreement – Quiet Zone Safety Measures – Required Periodic Review

I. Executive Session – Personnel

- **Comments from the Floor**
- **Comments from Mayor and Council**
- **Adjournment**

The public is welcome and encouraged to attend all meetings. If special accommodations are required, please contact the City Clerk prior to the meeting at 402-331-4343. A copy of the Open Meeting Act is posted in the Council Chamber and available in the public copies of the Council packet. Citizens may address the Mayor and Council under "Comments from the Floor." Comments should be limited to three minutes. We ask for your cooperation in order to provide for an organized meeting.

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MINUTE RECORD

A-2

No. 729 — REDFIELD DIRECT E2106195KV

LA VISTA CITY COUNCIL MEETING January 16, 2024

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:00 p.m. on January 16, 2024. Present were Mayor Kindig and Councilmembers: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Director of Administrative Services Pokorny, Police Captain Barcal, Director of Public Works Soucie, Finance Director Harris, Recreation Director Buller, Human Resources Director Lowery, Community Development Director Fountain, City Engineer Dowse and Library Director Barcal.

A notice of the meeting was given in advance thereof by publication in the Sarpy County Times on January 3, 2024. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order and made the announcements.

SWEAR IN POLICE OFFICER – COLTON HARDING

Mayor Kindig swore in Colton Harding as a Police Officer for the City of La Vista.

APPOINTMENTS – PLANNING COMMISSION – REAPPOINT PATRICK COGHLAN AND MICHAEL KRZYWICKI – 3 YEAR TERM; BOARD OF ADJUSTMENT – REAPPOINT BRAD STRITTMATTER – 3 YEAR TERM

Mayor Kindig stated, with the approval of the City Council, he would like to reappoint Patrick Coghlan and Michael Krzywicki to the Planning Commission for a 3 year term and reappoint Brad Strittmatter to the Board of Adjustment for a 3 year term. Councilmember Thomas motioned the approval, seconded by Councilmember Quick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE JANUARY 2, 2024 CITY COUNCIL MEETING
3. MONTHLY FINANCIAL REPORT – DECEMBER 2023
4. REQUEST FOR PAYMENT – DLR GROUP – PROFESSIONAL SERVICES – LA VISTA CITY CENTRE PARKING STRUCTURE 2 – \$8,000.00
5. REQUEST FOR PAYMENT - NL & L CONCRETE, INC – CONSTRUCTION SERVICES – EAST LA VISTA SEWER AND PAVEMENT REHABILITATION - \$255,593.84
6. APPROVAL OF CLAIMS

1000 BULBS, maint.	194.09
ACTION BATTERIES UNLTD, maint.	79.60
ACTIVE NETWORK, services	36.83
AKRS EQUIPMENT SOLUTIONS, maint.	83.47
ALFRED BENESCH & CO, services	2,361.74
ALLEN, J, travel	211.50
AMAZON, supplies	725.54
AMERICAN LEGAL PUBLISHING CO, services	1,078.38
ANTHEM SPORTS, services	7,311.64
ARNOLD MOTOR SUPPLY, maint.	67.77
AWARDS AND MORE CO, services	178.39
BACON LETTUCE CREATIVE, services	1,600.00
BLACK HILLS ENERGY, utilities	6,966.51
BOOT BARN, apparel	676.96
BOSANEK, GARY, services	1,900.00

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CENTER POINT, books	236.10
CENTURY LINK/LUMEN, phones	81.10
CITY OF OMAHA, services	4,291.65
CITY OF PAPILLION, services	237,694.00
CLEARVIEW PET CARE CENTRE, services	251.70
COLLAB. SUMMER LIBRARY PROGRAM, supplies	284.27
COMP CHOICE, services	694.33
COX COMMUNICATIONS, services	893.65
CROUCH RECREATION, services	83,743.00
CULLIGAN OF OMAHA, services	12.50
CUMMINS SALES AND SERVICE, maint.	2,838.72
D & K PRODUCTS, supplies	858.00
DATASHIELD CORP, services	180.00
DFC FLOORING SPECIALISTS, services	9,678.62
DIAMOND VOGEL PAINTS, supplies	173.90
DLR GROUP, services	1,365.00
EBSCO INFORMATION, services	2,936.18
EYMAN PLUMBING, services	174.00
FASTENAL CO, supplies	679.26
FELSBURG HOLT & ULLEVIG, services	400.00
FERRELLGAS, supplies	1,246.59
FIKES COMMERCIAL, supplies	66.00
FLAGSHOOTER, supplies	221.01
FNIC, services	6,730.75
FOCUS PRINTING, services	456.00
GALLS, supplies	231.59
GENERAL FIRE & SAFETY, services	425.05
GENUINE PARTS CO, supplies	348.84
GREAT PLAINS UNIFORMS, apparel	1,351.26
GREATAMERICA FINANCIAL, services	1,795.62
HANEY SHOE STORE, apparel	300.00
HARBOR FREIGHT TOOLS, supplies	472.91
HOBBY LOBBY, supplies	22.84
HOME DEPOT, supplies	59.05
HOUSTON ENGINEERING, services	8,657.00
HY-VEE, supplies	592.29
INGRAM LIBRARY SERVICES, books	1,856.56
J & J SMALL ENGINE, services	682.42
J P COOKE CO, supplies	81.79
JE DUNN CONSTRUCTION CO, services	597,117.00
JOHANNSEN, A, travel	211.50
JOHNSTONE SUPPLY CO, bldg & grnds	52.02
KANOPIY, services	186.00
KEYSTONE RIDGE DESIGNS, services	2,443.00
KIMBALL MIDWEST, supplies	550.03
KRIHA FLUID POWER CO, maint.	28.12
LABRIE, DONALD, services	150.00
LAMP RYNEARSON & ASSOC, services	5,607.70
LARSEN SUPPLY CO, supplies	164.54
LARSON, C, supplies	86.66
LEXIS NEXIS MATTHEW BENDER, services	400.31
LIBRARY IDEAS, books	43.96
LOWE'S, supplies	534.53
MACQUEEN EQUIPMENT, services	921.37
MATHESON TRI-GAS INC, bldg & grnds	405.50

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MENARDS, supplies	307.78
MUD, utilities	76.84
MICHAEL TODD & CO, supplies	280.22
MID AMERICAN SIGNAL, maint.	1,275.00
MID-AMERICAN BENEFITS, services	8,125.83
MIDWEST TAPE, media	332.47
MORRIS, S, apparel	136.00
MSC INDUSTRIAL SUPPLY CO, supplies	605.64
NE DEPT OF MOTOR VEHICLE, license	16.40
NE DEPT OF REVENUE, taxes	533.00
NE IA INDL FASTENERS, maint.	143.92
NE STATE FIRE MARSHAL, services	120.00
NE TURFGRASS ASSOC, services	80.00
NMC GROUP, maint.	367.55
OFFICE DEPOT, supplies	515.85
OLSSON, services	900.00
OMAHA GLASS PRO, maint.	504.00
ONE CALL CONCEPTS, services	366.04
O'REILLY AUTO PARTS, supplies	4,325.19
PAPILLION SANITATION, services	5,423.19
PAYROLL MAXX, payroll & taxes	447,015.23
PREDATOR CUSTOM TRAILER, maint.	30.00
PRIMA DISTRIBUTION, supplies	105.93
RDG PLANNING & DESIGN, services	47,790.85
SARPY COUNTY ECONOMIC DEV. CORP, services	8,500.00
SARPY COUNTY SHERIFF'S OFFICE, services	350.00
SESAC, services	581.00
SHERWIN-WILLIAMS, supplies	440.75
SHI INTERNATIONAL CORP, services	49,543.86
SIGN IT, services	1,051.00
SORENSEN SOD, supplies	2,560.00
STERLING COMPUTER CORP, services	1,026.91
SUSPENSION SHOP, maint.	1,513.02
TED'S MOWER SALES, maint.	45.74
THE PENWORTHY CO, books	299.45
THE SCHEMMER ASSOC, services	140.00
THE WALDINGER CORP, bldg & grnds	6,094.04
TK ELEVATOR CORP, services	1,452.48
TORNADO WASH, services	371.00
TRANS UNION RISK, services	75.00
TURFWERKS, supplies	75,425.73
UNITE PRIVATE NETWORKS, services	3,850.00
UPS, services	26.64
VAL VERDE ANIMAL HOSPITAL, services	293.77
VERIZON CONNECT, phones	608.00
VERIZON WIRELESS, phones	383.85
VIERREGGER ELECTRIC CO, services	2,740.00
VOIANCE LANGUAGE, services	25.00
WALMART, supplies	2,186.65
WELDON PARTS, supplies	327.34
WESTLAKE HARDWARE, supplies	1,804.75

Councilmember Thomas made a motion to approve the consent agenda. Seconded by Councilmember Sell. Councilmember Ronan reviewed the bills and had no questions. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

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REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Finance Director Harris reported that the Finance Department is working on the FY23 audit and provided a financial report overview.

Recreation Director Buller reported on the winter spring break program.

Library Director Barcal provided council with a winter reading handout.

Fire Chief Gottsch gave a review of what was going on with fire service.

Police Captain Barcal reported on events during our latest snow event and gave kudos to Public Works for their clean up after the snow event.

Director of Public Works Soucie provided a snow recap and that they are now in clean up mode.

B. RESOLUTION – APPROVE PROFESSIONAL SERVICES AGREEMENT – GILES ROAD REHABILITATION AND WIDENING – PHASE 1

Councilmember Thomas introduced and moved for the adoption of Resolution No. 24-002 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ALFRED BENESCH AND COMPANY, OMAHA, NEBRASKA FOR ENGINEERING AND DESIGN SERVICES ASSOCIATED WITH THE REHABILITATION AND WIDENING OF GILES ROAD IN AN AMOUNT NOT TO EXCEED \$211,749.82.

WHEREAS, the Mayor and City Council have determined that professional services are necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for this project;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that a professional services agreement, in a form satisfactory to the City Administrator and City Attorney, be authorized with Alfred Benesch and Company, Omaha, Nebraska for engineering and design services associated with the rehabilitation and widening of Giles Road in an amount not to exceed \$211,749.82.

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

C. APPROVE MEMORANDUM OF UNDERSTANDING AND INTERLOCAL AGREEMENT – OUTDOOR WARNING SIRENS

1. RESOLUTION – APPROVE MEMORANDUM OF UNDERSTANDING

Councilmember Sell introduced and moved for the adoption of Resolution No. 24-003 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH SARPY COUNTY FOR OWNERSHIP, OPERATIONAL CONTROL, REPAIR AND MAINTENANCE OF THE CITY OF LA VISTA OUTDOOR WARNING SIRENS.

WHEREAS, the City desires to enter into a Memorandum of Understanding with Sarpy County for ownership, operational control, repair and maintenance of the City's outdoor warning sirens; and

WHEREAS, the Memorandum of Understanding identifies the roles and responsibilities of the parties as they relate to outdoor warning siren operation and maintenance; and

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WHEREAS, the City will maintain ownership and be responsible for all costs associated with operation, repair, and maintenance of the sirens within the city limits; and

WHEREAS, the City relinquishes operational control to the County who agrees to operationally control sirens on behalf of the City; and

WHEREAS, the Memorandum of Understanding shall remain in effect from the date of execution until a party chooses to terminate it by giving thirty (30) days written notice.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby authorize execution of a Memorandum of Understanding with the Sarpy County for ownership, operational control, repair and maintenance of the City of La Vista Outdoor warning sirens.

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

2. RESOLUTION – APPROVE INTERLOCAL AGREEMENT

Councilmember Quick introduced and moved for the adoption of Resolution No. 24-004 entitled: A RESOLUTION AMENDING RESOLUTION NO. 17-074, AS AMENDED BY RESOLUTION NO. 23-095, RELATING TO TAX INCREMENT REVENUE NOTE (LA VISTA CITY CENTRE PHASE IB PROJECT), SERIES 2017, OF THE LA VISTA COMMUNITY DEVELOPMENT AGENCY, TO ALLOW SEPARATE NOTES ISSUED THEREUNDER TO BE SECURED BY SPECIFIC PARCELS RATHER THAN SECURED EQUALLY UNDER THE RESOLUTION; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, pursuant to the authority granted under Neb. Rev. Statute 13-801, et. Seq. Reissue 1997, the Mayor and City Council determine that it is in the best interest of the City to enter into an interlocal cooperation agreement for the purpose of improvements to the outdoor warning siren system; and

WHEREAS, the City of La Vista desires to collaborate with Sarpy County for the improvements to the city outdoor warning siren system.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the Mayor to execute an Interlocal Cooperation Agreement with Sarpy County for improvements to the outdoor warning siren system through previously approved American Rescue Plan Act (ARPA) funds received by Sarpy County subject to modifications as the City Administrator deems necessary to maintain the existing level of service in the City and further direct the City Clerk to attest the same.

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

D. RESOLUTION – AUTHORIZE REQUEST FOR BIDS – EDGEWOOD BLVD, VALLEY RD, GREENLEAF DR PAVEMENT REHABILITATION

Councilmember Thomas introduced and moved for the adoption of Resolution No. 24-005 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR PAVEMENT REHABILITATION.

WHEREAS, the Mayor and Council have determined that the pavement rehabilitation on Edgewood Boulevard, Valley Road and Greenleaf Drive is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for this project; and

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WHEREAS, the schedule for awarding this contract is as follows:

Publish Notice to Contractors January 24, 2024 and January 31, 2024

Open Bids February 9, 2024 at 10:00am at City Hall

City Council Award Contract February 20, 2024

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska hereby authorize the advertisement for bids for pavement rehabilitation.

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

E. RESOLUTION – AUTHORIZE PURCHASE – THE HEART AND MIND OF THE GUARDIAN, TRAIN THE TRAINER COURSE

Councilmember Sell introduced and moved for the adoption of Resolution No. 24-006 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF THE HEART AND MIND OF THE GUARDIAN, TRAIN THE TRAINER COURSE FROM BLUE COURAGE, ELMHURST, IL IN AN AMOUNT NOT TO EXCEED \$22,280.00.

WHEREAS, the City Council of the City of La Vista has determined the purchase of this training course is necessary for the continuing education in de-escalation skills for sworn and civilian employees of the La Vista Police Department.

WHEREAS, the FY22 Law Enforcement Agency De-Escalation Grants - Community Policing Development Solicitation grant provides funding for the proposed purchase; and

WHEREAS, Subsection (c) of Section 31.23 of the La Vista Municipal Code requires the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of The Heart and Mind of the Guardian, Train the Trainer course from Blue Courage, Elmhurst, IL in an amount not to exceed \$22,280.00.

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

F. RESOLUTION – AUTHORIZE PURCHASE – MARKED POLICE VEHICLES

Councilmember Sell introduced and moved for the adoption of Resolution No. 24-007 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF TWO (2) 2024 CHEVROLET TAHOE POLICE VEHICLES FROM GREG YOUNG CHEVROLET AUTO GROUP, OMAHA, NEBRASKA, AND UP-FITTING FROM JONES AUTOMOTIVE, OMAHA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$148,580.26.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of two (2) new marked police vehicles are necessary, and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed purchase; and

WHEREAS, the cost of this purchase is below the Nebraska State Bid cost, and

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WHEREAS, Subsection (c) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of two (2) 2024 Chevrolet Tahoe Police vehicles from Greg Young Chevrolet Auto Group, Omaha, Nebraska, and up-fitting from Jones Automotive, Omaha, Nebraska in an amount not to exceed \$148,580.26.

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

G. RESOLUTION – AUTHORIZE PURCHASE – TURF TANK ROBOT PAINTER

Councilmember Thomas introduced and moved for the adoption of Resolution No. 24-008 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) TURF TANK ROBOT PAINTER FROM TURF TANK, LA VISTA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$45,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a one (1) Turf Tank Robot Painter is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed purchase, and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the city administrator secure Council approval prior to authorizing any purchase over \$5,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of a one (1) Turf Tank Robot Painter from Turf Tank, La Vista, Nebraska in an amount not to exceed \$45,000.00.

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

Councilmember Frederick motioned to move Comments from the Floor up on the agenda ahead of item H. Executive Session. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

COMMENTS FROM THE FLOOR

Terry Frecks 7741 Park View Blvd addressed the Council regarding concerns in his neighborhood.

H. EXECUTIVE SESSION – PERSONNEL

At 6:52 p.m. Councilmember Quick made a motion to go into executive session for the protection of an individual to discuss personnel matters. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matters contained in the motion.

At 7:09 p.m. the Council came out of executive session. Councilmember Sell made a motion to reconvene in open and public session. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

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COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig provided an update on the legislative session.

At 7:11 p.m. Councilmember Thomas made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 6TH DAY OF FEBRUARY 2024.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk



Remit To:
RDG Planning & Design
301 Grand Avenue
Des Moines, Iowa 50309
Questions: invoicing@rdgusa.com

Rachel Carl
 City of La Vista
 City Hall
 8116 Park View Blvd.
 La Vista, NE 68128

December 31, 2023
 Project No: R3005.930.00
 Invoice No: 56055

Project R3005.930.00 City of La Vista - Municipal Campus Master Plan and Design
Professional Services through December 31, 2023
Fee

Billing Phase	Fee	Billed %	Earned	Prior Fee	Current Fee
Planning	149,750.00	32.4973	48,664.75	41,930.01	6,734.74
Total Fee	149,750.00		48,664.75	41,930.01	6,734.74
Total Fee					6,734.74
Total this Invoice					\$6,734.74

05.71.0917.000-CTHL15002

A handwritten signature in black ink, appearing to read "Rachel Carl".

1/17/2024



Invoice

601 P St Suite 200
 PO Box 84608
 Lincoln, NE 68501-4608
 Tel 402.474.6311, Fax 402.474.5063

Pat Dowse
 City Engineer
 City of La Vista NE
 8116 Park View Blvd
 La Vista, NE 68128-2198

olsson

January 16, 2024
 Invoice No: 484592

Invoice Total	\$900.00
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Olsson Project # 022-03277 La Vista City Park Pavilion Testing
 Professional services rendered through December 30, 2023 for work completed in accordance with our Agreement dated June 1, 2022.

Phase 500 SWPPP

Fee

Number of internal units	1.00
Fee Each	900.00
Subtotal	900.00

Subtotal	900.00
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Total this Phase	\$900.00
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AMOUNT DUE THIS INVOICE	\$900.00
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Email invoices to: pdowse@cityoflavista.org

Authorized By: Douglas Carey

OKAY
 PMD 2/11/24
 16.71.0917.00 - PARK/SEC/1



Thompson, Dreessen & Dorner, Inc.
Consulting Engineers & Land Surveyors

INVOICE

Please remit to:
TD2 Nebraska Office
10836 Old Mill Road, Omaha, NE 68164
Office: 402/330-8960 Fax: 402/330-5866

TD2 South Dakota Office
5000 S. Minnesota Ave., Unit 312, Sioux Falls, SD 57108
Office: 605/951-0886

CITY OF LA VISTA
PAT DOWSE
9900 PORTAL ROAD
LA VISTA, NE 68128

Invoice number 161287
Date 01/18/2024
Project 0171-422 CENTRAL PARK
IMPROVEMENTS

Professional Services from November 27, 2023 through December 31, 2023

Description	Current Billed
Task A3.0 - Central Park Road Construction Plans	120.00
Task A3.1 - Central Park Road Construction Observation	229.50
Total	349.50

Invoice total 349.50

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
161287	01/18/2024	349.50	349.50				
	Total	349.50	349.50	0.00	0.00	0.00	0.00

Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees. Invoices not paid within 90 days of the invoice date will be subject to possible lien filings.

04/10/PA-1
PMD 2/1/24
JF 05.71.0917cc-9TRT24cc6



450 Regency Pkwy
Suite 120
Omaha, NE 68114
(712) 323-0530

City of LaVista
Attn: Mr. Patrick Dowse, P.E.
9900 Portal Road
LaVista, NE 68128

INVOICE

Invoice Number: 702619-27
Date: January 14, 2024
Client Code: 7220
P.O. Number: 20-008340

Progress billing for engineering services for the East LaVista Sewer and Pavement Rehabilitation - Phase 2 Final Design, per agreement dated June 4, 2019 & Amendments..

Construction Observation, Administration & Testing Through: December 31, 2023

	Hours	Rate	Current Period	Billed To Date
001: Phase I Investigation (LS \$53,340)		90% Complete		\$48,006.00
002: Trekk (\$90,420) (Hrly)				\$89,172.71
003: Thiele Geotech (\$18,675) (Hrly)				\$19,200.00
004: Emspace & Lovgren (\$9,775) (Hrly)				\$11,809.67
005: Amendment 1 HGM (LS \$923)		100% Complete		\$923.00
006: Amendment 1 TREKK (\$4,000) (Hrly)				\$4,000.00
007: Phase 2 Final Design (Hrly)				\$201,345.71
008: Phase 2 Final Design TREKK (Hrly)				\$64,665.61
009: Phase 2 Final Design Emspace (Hrly)				\$10,763.73
010: Midwest Right of Way (\$58,725) (Hrly)				\$20,205.00
011: Construction Admin (Hrly)				
Design Engineer	134.50	136.32	\$18,335.04	
Design Engineer	15.00	140.00	\$2,100.00	
Design Engineer	30.00	148.48	\$4,454.40	
			<hr/>	
			\$24,889.44	\$340,411.62

	Hours	Rate	Current Period	Billed To Date
012: Const. Testing - Thiele Geotech (\$93,873) (Hrly)				
Thiele Geotech, Inc.		\$1,222.00		
Thiele Geotech, Inc.		\$1,838.00		
		\$3,060.00		\$20,303.00

Total Amount Billed	\$830,806.05
Less Previous Invoices	\$802,856.61
Invoice Total	\$27,949.44

Outstanding Invoices

Invoice	0 - 30	31 - 60	61-90	Over 90	Balance

Ohio Pay
 PMD 1/31/24
 G2-71-0917.000-5E0011309
 (46%) SEWER = \$13,415.73
 (52%) SIRFET = \$14,533.71

Check #	Check Date	Vendor Name	Amount	Voided
141340	01/17/2024	DLR GROUP	8,000.00	N
141341	01/17/2024	NL & L CONCRETE	255,593.84	N
141342	01/19/2024	HARDING, COLTON	1,675.38	N
141343	01/19/2024	MORRIS, STEVEN MICHAEL	1,679.83	N
141344	01/24/2024	UNITED STATES POSTAL SERVICE	1,634.64	N
2892(E)	01/31/2024	US BANK NATIONAL ASSOCIATION	15,424.79	N
2893(E)	01/31/2024	VOID	0.00	Y
2894(E)	01/31/2024	VOID	0.00	Y
2895(E)	01/31/2024	VOID	0.00	Y
2896(E)	01/31/2024	VOID	0.00	Y
2897(E)	01/31/2024	VOID	0.00	Y
2898(E)	01/31/2024	VOID	0.00	Y
141345	02/01/2024	CARICATURES BY CONNIE	375.00	N
141346	02/01/2024	CROWN TROPHY & AWARDS OF OMAHA	3,220.50	N
2899(E)	02/06/2024	ACTIVE NETWORK LLC	371.84	N
2900(E)	02/06/2024	AMERICAN HERITAGE LIFE INSURANCE CO	463.59	N
2901(E)	02/06/2024	BOK FINANCIAL	190,679.46	N
2902(E)	02/06/2024	CENTURY LINK/LUMEN	760.88	N
2903(E)	02/06/2024	CENTURY LINK/LUMEN	103.64	N
2904(E)	02/06/2024	CNA SURETY	125.00	N
2905(E)	02/06/2024	COLONIAL LIFE & ACCIDENT INS CO	2,017.56	N
2906(E)	02/06/2024	COX COMMUNICATIONS, INC.	467.15	N
2907(E)	02/06/2024	DEARBORN NATIONAL LIFE INSURANCE CO	1,178.00	N
2908(E)	02/06/2024	DEARBORN NATIONAL LIFE INSURANCE CO	7,469.10	N
2909(E)	02/06/2024	FNIC	6,725.75	N
2910(E)	02/06/2024	GREAT PLAINS COMMUNICATION	2,169.58	N
2911(E)	02/06/2024	GREATAMERICA FINANCIAL SERVICES	139.51	N
2912(E)	02/06/2024	LINCOLN NATIONAL LIFE INS CO	6,914.00	N
2913(E)	02/06/2024	MEDICA INSURANCE COMPANY	151,984.31	N
2914(E)	02/06/2024	METLIFE	1,166.11	N
2915(E)	02/06/2024	METROPOLITAN UTILITIES DISTRICT	1,554.15	N
2916(E)	02/06/2024	MID-AMERICAN BENEFITS INC	6,985.12	N
2917(E)	02/06/2024	NE DEPT OF REVENUE-SALES TAX	72.74	N
2918(E)	02/06/2024	OMAHA PUBLIC POWER DISTRICT	43,438.25	N
2919(E)	02/06/2024	PAYROLL MAXX	1,042,455.76	N
2920(E)	02/06/2024	PITNEY BOWES-EFT POSTAGE	1,815.00	N
2921(E)	02/06/2024	U.S. CELLULAR	1,874.92	N
2922(E)	02/06/2024	US BANK NATIONAL ASSOCIATION	220.43	N
141347	02/06/2024	4 SEASONS AWARDS	123.00	N
141348	02/06/2024	ACI-NEBRASKA CHAPTER	35.00	N
141349	02/06/2024	ALLIANCE FOR INNOVATION	1,860.00	N
141350	02/06/2024	AMAZON CAPITAL SERVICES, INC.	1,899.09	N
141351	02/06/2024	ARMBRUST, TODD M	179.94	N
141352	02/06/2024	ARNOLD MOTOR SUPPLY	238.64	N
141353	02/06/2024	AT&T MOBILITY LLC	98.40	N
141354	02/06/2024	BIBLIOTHECA LLC	55.97	N
141355	02/06/2024	BISHOP BUSINESS EQUIPMENT	1,044.73	N

User: LELIAS

DB: La Vista

COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
141356	02/06/2024	BISHOP BUSINESS EQUIPMENT COMPANY	896.85	N
141357	02/06/2024	CENTER POINT, INC.	46.74	N
141358	02/06/2024	CINTAS CORPORATION NO. 2	28.83	N
141359	02/06/2024	CITY OF PAPILLION	12,124.82	N
141360	02/06/2024	CONNER PSYCHOLOGICAL SERVICES, PC	1,275.00	N
141361	02/06/2024	CORNHUSKER INTL TRUCKS INC	255.16	N
141362	02/06/2024	CREATIVE PLANNING BUSINESS SERVICES	2,550.00	N
141363	02/06/2024	DOUGLAS COUNTY SHERIFF'S OFC	550.00	N
141364	02/06/2024	EDGEWEAR SCREEN PRINTING	1,668.00	N
141365	02/06/2024	FAC PRINT & PROMO COMPANY	497.00	N
141366	02/06/2024	FIRST RESPONDER OUTFITTERS, INC	359.66	N
141367	02/06/2024	FIRST WIRELESS INC	313.20	N
141368	02/06/2024	GALE	180.68	N
141369	02/06/2024	GALLS LLC	347.91	N
141370	02/06/2024	GREAT PLAINS UNIFORMS	551.93	N
141371	02/06/2024	HOBBY LOBBY STORES INC	292.45	N
141372	02/06/2024	HUMANITIES NEBRASKA	75.00	N
141373	02/06/2024	HY-VEE INC	438.77	N
141374	02/06/2024	INGRAM LIBRARY SERVICES LLC	417.14	N
141375	02/06/2024	KIMBALL MIDWEST	356.43	N
141376	02/06/2024	KRIHA FLUID POWER CO INC	1,039.64	N
141377	02/06/2024	LIBRARY IDEAS LLC	2.50	N
141378	02/06/2024	LOU'S SPORTING GOODS	62.96	N
141379	02/06/2024	MALLOY ELECTRIC	68.66	N
141380	02/06/2024	MATT FRIEND TRUCK EQUIPMENT	989.39	N
141381	02/06/2024	MENARDS-RALSTON	90.36	N
141382	02/06/2024	METROPOLITAN CHIEFS ASSOCIATION	75.00	N
141383	02/06/2024	METROPOLITAN UTILITIES DISTRICT	6.93	N
141384	02/06/2024	MICHAEL TODD AND COMPANY INC	985.13	N
141385	02/06/2024	MID-STATES ORGANIZED CRIME INFO CTR	200.00	N
141386	02/06/2024	MIDWEST TAPE	201.64	N
141387	02/06/2024	NE DENISTRY/ORAL SURGERY ANIMALS	1,560.20	N
141388	02/06/2024	NE DEPT OF LABOR-WORKFORCE DEV	6,682.00	N
141389	02/06/2024	NMC GROUP INC	293.31	N
141390	02/06/2024	OFFICE DEPOT INC	398.35	N
141391	02/06/2024	OMAHA WORLD-HERALD	1,799.20	N
141392	02/06/2024	OMNI ENGINEERING	504.00	N
141393	02/06/2024	PITNEY BOWES GLOBAL FIN SVCS	429.99	N
141394	02/06/2024	POLICE CHIEFS ASSN OF NEBR	100.00	N
141395	02/06/2024	POLKA DOT ENTERTAINMENT LLC	200.00	N
141396	02/06/2024	POMP'S TIRE SERVICE, INC	2,140.60	N
141397	02/06/2024	RTG BUILDING SERVICES INC	6,765.00	N
141398	02/06/2024	SIEBERT, PAUL	150.00	N
141399	02/06/2024	SIGN IT	380.00	N
141400	02/06/2024	SUBURBAN NEWSPAPERS INC	163.81	N
141401	02/06/2024	THE CHILD'S WORLD, INC.	1,497.75	N
141402	02/06/2024	THE COLONIAL PRESS, INC	295.26	N

User: LELIAS

DB: La Vista

COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
141403	02/06/2024	UNITE PRIVATE NETWORKS LLC	1,100.00	N
141404	02/06/2024	WESTLAKE HARDWARE INC NE-022	486.77	N
141405	02/06/2024	WOODHOUSE FORD-BLAIR	69.65	N
97	CHECKS PRINTED	TOTAL CLAIM AMOUNT:		\$1,816,254.27
				0

Check #	Check Date	Vendor Name	Amount	Voided
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APPROVED BY COUNCIL MEMBERS ON: 02/06/2024

COUNCIL MEMBER

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 6, 2024 AGENDA

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT – HOPE COURT HOOPS LLC	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSOCIATE CITY PLANNER

SYNOPSIS

A public hearing has been scheduled and resolution prepared for Council to consider an application for a Conditional Use Permit for Hope Court Hoops, LLC d.b.a. Shoot360 to allow for the operation of a high-tech basketball training facility as a tenant in an industrial flex building that is under construction at 7769 S. 133rd Street, located east of 133rd Street midblock between Centech Road and Chandler Road.

FISCAL IMPACT

None.

RECOMMENDATION

Approval of the Conditional Use Permit for Hope Court Hoops, LLC.

BACKGROUND

A public hearing has been scheduled and resolution prepared for Council to consider an application for a Conditional Use Permit for Hope Court Hoops, LLC d.b.a. Shoot360 to allow for the operation of a high-tech basketball training facility as a tenant in an industrial flex building that is under construction at 7769 S. 133rd Street, located east of 133rd Street midblock between Centech Road and Chandler Road.

Shoot360 is a membership-based training facility that will house 8 shooting units, 8 ball handling/passing units, and 1 full basketball court. Members make appointments to use the equipment or register for personal training, skills classes, or clinics. The space will not be used to host any spectator sports. If approved, the applicant would occupy half of the building. “Indoor Recreational Facility” is listed as a Permitted Conditional Use in the I-1 Light Industrial Zoning District, per Section 5.13.03 of the La Vista Zoning Ordinance.

A detailed staff report is attached.

The Planning Commission held a public hearing on January 4, 2024 and voted 8-0 to recommend approval of the Conditional Use Permit for Hope Court Hoops, LLC d.b.a. Shoot360 for an indoor recreational facility, as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR HOPE COURT HOOPS, LLC D.B.A. SHOOT360 TO ALLOW FOR THE OPERATION OF AN INDOOR RECREATIONAL FACILITY ON LOT 1 CENTECH BUSINESS PARK REPLAT 7.

WHEREAS, Hope Court Hoops, LLC has applied for a Conditional Use Permit to allow for the operation of an indoor recreational facility on Lot 1 Centech Business Park Replat 7; and

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

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a Conditional Use Permit for such purposes;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for Hope Court Hoops, LLC d.b.a. Shoot360 to allow for the operation of an indoor recreational facility on Lot 1 Centech Business Park Replat 7.

PASSED AND APPROVED THIS 6TH DAY OF FEBRUARY 2024.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk



**CITY OF LA VISTA
PLANNING DIVISION
RECOMMENDATION REPORT**

CASE NUMBERS: PCUP23-0008;

FOR HEARING ON: FEBRUARY 6, 2024
REPORT PREPARED ON: JANUARY 18, 2024

I. GENERAL INFORMATION

A. APPLICANT(S):

Hope Court Hoops, LLC d.b.a. Shoot 360
Attn: Alex Bahe
5500 Thistle Circle
Lincoln, NE 68516

B. PROPERTY OWNERS:

Walnut Acres, LLC
Attn: Kyle Pelster
9808 S 148th Street
Omaha, NE 68138

C. LOCATION: 7769 S. 133rd Street, La Vista, NE 68138, generally located east of S. 133rd Street midblock between Centech Road and Chandler Road.

D. LEGAL DESCRIPTION: Lot 1 Centech Business Park Replat 7.

E. REQUESTED ACTION(S): Approval of a Conditional Use Permit to operate an indoor recreational facility.

F. EXISTING ZONING AND LAND USE: I-1 Light Industrial Zoning District and Gateway Corridor District (Overlay District).

G. PURPOSE OF REQUEST: Applicant is seeking to open a high-tech basketball training facility in a bay in an industrial building currently under construction in Centech Business Park owned by Walnut Acres, LLC.

H. SIZE OF SITE: The size of the total site is approximately 2.68 acres, however, the bay that this tenant will occupy will be 14,400 square feet (half of the building).

II. BACKGROUND INFORMATION

A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

<u>Direction</u> <u>From</u> <u>Subject</u> <u>Property</u>	<u>Future Land Use</u> <u>Designation</u>	<u>Current Zoning</u> <u>Designation</u>	<u>Surrounding</u> <u>Development</u>
North	Industrial	I-1 Light Industrial	Millard Sprinkler
East	Industrial	I-1 Light Industrial	Vacant Property/Cell Tower
South	Industrial	I-1 Light Industrial	Dr. Pepper Snapple Group
West	Industrial	I-1 Light Industrial	Vacant Property

B. RELEVANT CASE HISTORY:

1. On March 3, 2023 the City Council approved a replat to combine Lot 25 Centech Business Park and Lot 1 Centech Business Park Replat 3, replatted as Lot 1 Centech Business Park Replat 7 to allow for the construction of a 28,800 square foot speculative, multi-tenant industrial building.
2. On May 3, 2023, building permits were issued for the building and construction activity began. Building construction began before any future tenants were identified.
3. Building permits were issued on December 27, 2023 for the buildout of the other half of the building (neighboring tenant) for an industrial/warehouse type user.

C. APPLICABLE REGULATIONS:

1. Section 5.13 of the City of La Vista Zoning Ordinance – I-1 Light Industrial Zoning District
2. Article 6 of the City of La Vista Zoning Ordinance – Conditional Use Permits
3. Section 7.16 of the City of La Vista Zoning Ordinance – Performance Standards for Industrial Uses

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. The Future Land Use Map of the La Vista Comprehensive Plan designates this property for industrial development and use. This application corresponds with the intended use of the property.

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. The existing property has two access driveways on S. 133rd Street.

D. UTILITIES:

1. The property has access to all necessary utilities.

E. PARKING REQUIREMENTS:

1. The applicant has indicated in the Operating Statement included as an Exhibit in the attached draft conditional use permit that the maximum number of occupants that will be in their facility during peak time shall be 36 persons. Per the La Vista Zoning Ordinance Section 7.06, the minimum number of provided off-street parking stalls for recreational facilities shall be one (1) space per 4 occupants. Shoot 360 will have a minimum of 19 parking stalls (their portion of the stalls provided on the property) which exceeds the minimum of 9 stalls required by the La Vista Zoning Ordinance.
2. The neighboring tenant occupying the same building, Builder Services Group, will have 1,217 square feet of office and 13,183 square feet of warehouse. The minimum parking requirement for this tenant, per the La Vista Zoning Ordinance Section 7.06 is 11 stalls (6 stalls for the office - 1 per 200 square feet, and 5 stalls for the warehouse space - 1 per 3,000 square feet), which is well under the 22 stalls provided for this tenant.
3. The building owner has indicated that shared parking is permitted between the two tenants, so individuals visiting Shoot 360 may park in any of the stalls on the site.
4. If overflow parking is needed, Shoot 360 will also have access to the large un-striped lot just east (behind) the building on the same property. If the provided off-street parking is not sufficient and the overflow lot is regularly utilized, the applicant will be required to stripe additional parking stalls on the rear parking lot.
5. No on-street parking will be allowed.

IV. REVIEW COMMENTS:

1. A Certificate of Occupancy must be granted by the Chief Building Official and the Fire Marshal prior to occupation and use of the facility.
2. As the peak operating times for Shoot 360 will be during typical non-work hours (evenings and weekends), and as the nature of the business is by-appointment training classes, the impact of this use on surrounding businesses is expected to be minimal.
3. A draft conditional use permit for the proposed use is attached to this report.

V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:

Staff recommends approval of the Conditional Use Permit for Hope Court Hoops, LLC dba Shoot 360 for an indoor recreational facility, as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

VI. PLANNING COMMISSION RECOMMENDATION – CONDITIONAL USE PERMIT:

The Planning Commission held a public hearing on January 4, 2024 and voted 8-0-0 to recommend approval of the Conditional Use Permit for Hope Court Hoops, LLC dba Shoot 360 for an indoor recreational facility, as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

VII. ATTACHMENTS TO REPORT:

- A. Vicinity Map
- B. Initial Review Letter
- C. Response Letter
- D. Draft Conditional Use Permit with Operating Statement and Site Plan

VIII. COPIES OF REPORT SENT TO:

- A. Alex Bahe, Hope Court Hoops LLC
- B. Kyle Pelster, Walnut Acres, LLC
- C. Public Upon Request



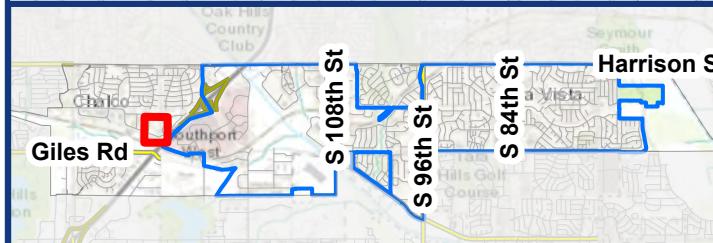
Prepared by: Associate City Planner


Community Development Director
Date



**Indoor
Recreational
Facility CUP
Location**

Shoot 360 CUP - 7769 S 133rd St - Vicinity Map



Legend

- Property Lines
- CUP Boundary





December 11, 2023

Walnut Acres, LLC
Attn: Kyle Pelster
9808 S. 148th Street
Omaha, NE 68138

RE: Indoor Recreational Facility (Shoot 360) Conditional Use Permit – Initial Review Letter

Mr. Pelster,

Thank you for your submittal of the above referenced Conditional Use Permit (CUP) application. Staff have reviewed the initial submittal and have provided the following initial comments:

1. Please include in your application a parking management plan that includes the details below:
 - a. The exact number of parking stalls dedicated for use by Shoot360, and by the neighboring tenant(s)
 - b. The square footage for neighboring tenant(s) broken down by office and warehouse space, to aid in the determination of the off-street parking requirements for this building and its users
 - c. Whether shared parking will be permitted and if it is expressly noted in the lease agreements
 - d. Whether the back of the building can be used for overflow parking if necessary
 - e. Whether the ADA parking stall requirements will be met per Section 7.08 of the Zoning Ordinance. Section 7.08 is attached for your reference.
2. Parking will be limited to off-street at all times. If existing parking is determined to be insufficient, striping of additional stalls may be required for a portion of the paved area behind the building to provide for additional parking capacity.

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
402.331.4343 P
402.331.4375 F

Community Development
8116 Park View Blvd
402.593.6400 P
402.593.6445 F

Library
9110 Giles Rd.
402.537.3900 P
402.537.3902 F

Police
7701 S. 96th St.
402.331.1582 P
402.331.7210 F

Public Works
9900 Portal Rd.
402.331.8927 P
402.331.1051 F

Recreation
8116 Park View Blvd.
402.331.3455 P
402.331.0299 F

3. The Fire Marshall and Chief Building Official must authorize and issue a Certificate of Occupancy before you may occupy the space and have any employees or customers in the facility.
4. Confirm that all activities related to the operation of this facility will take place inside of the facility.
5. Staff will create a draft of the Conditional Use Permit to be shared with you in the near future.

For this item to be reviewed by the Planning Commission during the January 4, 2024 meeting, please submit a response to the items above by this Friday, December 15, 2024 at 12:00pm in order to provide the necessary time for publication of the public hearing notices. If items remain or additional resubmittals are required after staff review of your resubmission, the next Planning Commission meeting date will be January 18, 2024. The Planning Commission meeting will be held at 6:30pm in the Council Chambers at La Vista City Hall (8116 Park View Blvd, La Vista, NE 68128). We would like for you, or someone else with knowledge of this application, to be in attendance to present your request and answer any questions that the Planning Commission might have. If you have any questions regarding these comments, please feel free to contact me at any time.

Sincerely,



Cale Brodersen, AICP
Associate City Planner
City of La Vista
cbrodersen@cityoflavista.org
(402) 593-6405

CC Alex Bahe, Hope Court Hoops
 Christopher Solberg, Deputy Community Development Director
 Bruce Fountain, Community Development Director

Enclosure.

Section 7.07 Off-street Parking: Shared Parking requirements

7.07.01 Notwithstanding the provisions of Section 7.06, in cases of shopping centers having 400,000 or more square feet of gross floor area and where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in the center is likely to occur, compliance with the standard retail parking ratios may be decreased by the Planning Commission and City Council. Said request for a decrease in parking spaces shall be accompanied by a rezoning to a Planned Unit Development (PUD) and the request is made during the PUD application process. All regulations of the PUD District shall be adhered to within the development.

7.07.02 Where convention centers, conference centers, assembly halls, ballrooms, or other similar facilities are built in conjunction with a hotel, office park, or shopping center, the Planning Commission and City Council may permit the construction of fewer parking spaces, due to overlapping usage of a portion of the parking spaces. Said request for a decrease in parking spaces shall be accompanied by a rezoning to a Planned Unit Development (PUD) and the request is made during the PUD application process. All regulations of the PUD District shall be adhered to within the development.

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

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

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

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

7.08.02.01 One (1) in every eight (6) accessible spaces, but not less than one, shall be served by an access aisle ninety-six (96) inches (2440 mm) wide minimum and shall be designated "van accessible" as required by Section 7.08.04 of this Ordinance. The vertical clearance at such spaces shall comply with 7.08.05 of this Ordinance. All such spaces may be grouped on one (1) level of a parking structure.

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

Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with slopes not exceeding 1:50 (2%) in all directions, except for angled parking spaces which must have access aisles located on the passenger side of the parking spaces.

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

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

1. Outpatient units and facilities: ten percent (10%) of total number of parking spaces provided serving each such outpatient unit or facility;
2. Units and facilities that specialize in treatment or services for persons with mobility impairments: twenty percent (20%) of the total number of parking spaces provided serving each such unit or facility.

7.08.02.04 Valet parking: valet parking facilities shall provide a passenger loading zone complying with 7.08.06 of this Ordinance located on an accessible route to the entrance of the facility. Sections 7.08.01, 7.08.02.01, and 7.08.02.03 of this Ordinance do not apply to valet parking.

7.08.03 Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.

7.08.03.01 In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.

7.08.03.02 In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

7.08.04 Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying 7.08.02.01 shall have an additional sign “Van Accessible” mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space. ADA mandates the sign height be at least sixty (60) inches above ground surface measured from the bottom of the sign.

7.08.05 Minimum vertical clearance of one hundred fourteen (114) inches (2895mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 7.08.02.01, provide minimum vertical clearance of ninety-eight (98) inches (2490mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

7.08.06 Passenger Loading Zones shall provide an access aisle at least sixty (60) inches (1525mm) wide and twenty (20) feet (240inches) (6100mm) long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

December 14, 2023

City of La Vista

Attn: Cale Brodersen, AICP
8816 Park View Blvd.
La Vista, NE 68128-2198

RE: Indoor Recreational Facility (Shoot360) Conditional Use Permit – Initial Review Response Letter

- 1. Parking management plan.** The permit plan calls for 41 parking stalls, of which two will be assigned handicap stalls.
 - a. There will not be assigned parking stalls at this time, if the property owner was to assign parking stalls on a pro rata basis, Shoot360 would be allotted 19 parking stalls.
 - b. The adjacent Tenant, Builder Services Group will have a total of 14,400 SF. Total office space of 1,217 SF. Total warehouse space of 13,183 SF.
 - c. Shared parking will be permitted, it is not expressly noted in the lease that either Tenant has dedicated parking stalls.
 - d. If necessary, additional parking can be added to the East side of the building adjacent to Shoot360's proposed space. In most cases, patrons of Shoot360 are dropped off and picked up for training sessions.
 - e. Current parking layout conforms to ADA parking requirements.
- 2. Stripping of additional parking.** Property owner acknowledges this stipulation. We estimate that East side of the building can easily accommodate and additional 8-12 parking stalls.
- 3. Certificate of Occupancy.** Building owner acknowledges that a Certificate of Occupancy must be issued before Tenant may occupy the building.
- 4. Indoor activities.** Property owner and Tenant attest that all activities will be performed inside of the building.

Walnut Acres, LLC
9808 S 148th Street
Omaha, NE 68138



Vic Pelster, Member

City of La Vista Conditional Use Permit

Conditional Use Permit for Indoor Recreational Facility

This Conditional Use Permit issued this 6th day of February 2024, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to Hope Court Hoops, LLC d.b.a. Shoot 360 (“Owner”), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to locate and operate an indoor recreational facility upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 1 Centech Business Park Replat 7, located in the SE ¼ Section 13, Township 14 North, Range 11 East of the 6th P.M. Sarpy County, Nebraska, located at 7769 S. 133rd Street, La Vista, NE 68138.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a indoor recreational facility; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit to the Owner for such purposes, subject to certain conditions and agreements as hereinafter provided.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the Owner to use the area designated on Exhibit “B” hereto for an indoor recreational facility, said use hereinafter being referred to as “Permitted Use” or “Use”.

Conditions of Permit

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

1. Breach of any terms hereof shall cause permit to automatically expire and terminate without any further action required of the City.
2. In respect to the Permitted Use:
 - a. The use shall be limited to the type of operation as described in the Owner’s Operational Statement (Exhibit “A”) and in the City staff report presented with the Council agenda item to consider this permit. Any proposed change in the Permitted Use or operational characteristics including, but not limited to, the hours of operation or additional or different activities or intensity of activities on the property, shall require such reviews, amendments to the Conditional Use Permit, and approvals as the Community Development Department in its sole discretion determines necessary or appropriate.
 - b. A site plan showing the property boundaries of the tract of land, proposed structures, parking, access points, and drives is attached to the permit as Exhibit “B”.
 - c. The maximum number of occupants allowed in the facility will be 36.
 - d. Off-street parking shall be provided for the Permitted Use and the number of parking spaces shall be adequate to accommodate the patrons and guests of the Permitted Use without negatively impacting or limiting the number of parking spaces for other existing or future tenants or surrounding businesses, or negatively impacting traffic or traffic flows on, in or around the Property or streets. The provided off-street parking shall be consistent with the site plan attached as “Exhibit B,” which parking Owner has represented to City is in accordance with City requirements and sufficient for the Permitted Use.

Additional off-street parking on the property will be required if deemed necessary by the Community Development Department, and the Owner at its cost shall be solely responsible for obtaining use of or constructing any such additional off-street parking. The requirements, location and other specifications of any additional off-street parking shall be subject to Community Development Department or City Engineer approval. The Community Development Department or City Engineer may require that additional parking stalls be striped in the potential overflow parking area located on the east side of the property if the Permitted Use requires additional off-street parking. On-street parking on 133rd Street, Chandler Road, or Centech Road, or otherwise in connection with the Permitted Use shall be prohibited. Stacking of vehicles in connection with the Permitted Use out onto any public street is prohibited. If vehicles stacking onto S. 133rd Street becomes a safety threat as determined by the City Engineer, the City may require additional physical or operational improvements to mitigate the risk of stacking. The inability of Owner to stop vehicles in connection with the Permitted Use from stacking into public streets is a valid cause for termination of this permit.

- e. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the indoor recreational facility, except appropriately screened trash receptacles and those approved in writing by the City.
- f. There shall not be any games, tournaments, or other events that draw a larger spectator crowd than typical training or camp activities or that would result in the maximum number of occupants in subsection 2c above being exceeded.
- g. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, and ADA.
- h. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local laws, rules, or regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- i. Owner hereby indemnifies the City and all officials, officers, employees, and agents of the City ("Indemnified Parties") against, and holds the Indemnified Parties harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the Owner, or Owner's agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.

3. The Owner's right to maintain the use as approved pursuant to these provisions shall be based on the following:

- a. An annual inspection to determine compliance with the conditions of approval; or more frequent inspection upon any complaint to the City. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval or this permit.
- b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the Owner has fully complied with the terms of approval.
- c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at Owner's expense within twelve (12) months of cessation of the conditional use.

4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:

- a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
- c. Owner's breach of any other terms hereof.

5. In the event of the Owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the Owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the Owner or any third party to exercise said option) cause the same to be removed at Owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the Owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.
6. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Miscellaneous

The conditions and terms of this permit shall be binding upon Owner, his successors and assigns.

1. Delay of City to terminate this permit on account of breach of Owner of any of the terms hereof shall not constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach and a waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
2. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this permit.
3. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed to the Owner as follows:

Contact Name and Address: Hope Court Hoops, LLC d.b.a. Shoot 360
Attn: Alex Bahe
5500 Thistle Circle
Lincoln, NE 68516

4. The City staff report presented with the Council agenda item to consider this permit, and all recitals and Exhibits of this permit, shall be incorporated into this permit by reference.

Effective Date:

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

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pamela A. Buethe
City Clerk

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA

COUNTY OF _____

On this _____ day of _____, 2024, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Pamela A. Buethe, personally known by me to be the Mayor and City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing Agreement, and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said City.

Notary Public

CONSENT AND AGREEMENT

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

Owner:

By: _____

Title: _____

Date: _____

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA

COUNTY OF _____

)
) ss.
)

On this _____ day of _____, 2024, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Alex Bahe, personally known by me to be the Owner of Hope Court Hoops, LLC, and the identical person whose name is affixed to the foregoing Agreement, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

Notary Public

Exhibit A - Operating Statement

SHOOT 360 OMAHA OVERVIEW

As part of a national franchise, Shoot 360 Omaha will be a brand new basketball training facility and will add a unique layer to an already rich basketball and youth athletics community in Omaha, Nebraska. Utilizing cutting-edge basketball technology, Shoot 360 Omaha will offer a variety of unique basketball training and membership experiences to young athletes across the Omaha community and the surrounding area. We will provide a single location for youth athletes to improve their overall basketball skills, gain confidence, and grow their love for the game of basketball.

Shoot 360 Omaha will offer three types of memberships (Month-to-Month, 3-month, & 6-month) and each membership tier will include discounted pricing structures in all our other programming. In addition to our outstanding membership experience, non-members will have access to nearly all of our additional programming to maximize revenue streams and court new members.

We project an operational capacity of between 400-600 members and anticipate our break-even point in financial returns by the end of our 6th month of operation as we ramp up to full membership. The business then projects strong profits at operational capacity.

In short, Shoot 360 will be a first-class facility that pairs state-of-the-art Shoot 360 technology with second-to-none basketball instruction and a personalized membership experience to improve overall skills, self-confidence, and love for basketball amongst young athletes in the Omaha community.

Physical Layout:

Roughly 12,000-14,000 sq ft of floor space will consist of 8 Shooting Units, 8 Ball-Handling & Passing Units, and 1 Full Basketball Court.

The remaining non-basketball space will include a front desk, lobby, office, and restrooms

Hours of Operation:

School Year Hours

- Monday-Friday: 3pm-9pm
- Saturday: 10am-6pm
- Sunday: 10am-6pm

Summer Hours (June & July)

- Monday-Saturday: 9am-9pm
- Sunday: 12pm-6pm

***Shoot 360 Omaha will offer special holiday hours and programming as well.

KEY SHOOT 360 OMAHA PERSONNEL

Shoot 360 Omaha will be owned and operated by Alex and Nick Bahe. Both will oversee all aspects of the business, including strategic vision, company culture, basketball programming, business funding, and both the recruiting & hiring of all staff. Alex and Nick will use their vast basketball network to build relationships with all members, families, prospective clients, and potential stakeholders in the Omaha community.

A management team will run daily operations. This team will consist of a General Manager (GM), Assistant General Manager (AGM), and Head Floor Coach (HFC), each with an articulated purpose and specific roles.

Additional part-time floor coaches will be hired on an as-needed basis during peak seasons and as the business ramps up over the first two years. At any given time during operation, the number of onsite working employees (including managers) will not exceed 8 in total.

SHOOT 360 OMAHA USAGE

Due to Shoot 360's appointment-based structure, a maximum of 16 total members can be using a facility at any given time. Ancillary programming - personal training, skills classes, and clinics - could add up to 12 additional athletes to that number.

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 6, 2024 AGENDA**

Subject:	Type:	Submitted By:
ZONING TEXT AMENDMENTS – SECTIONS 2.05, 2.09, 2.19, 2.20, 5.06 5.07, 5.08, 5.09, 5.19, 7.10, & 7.19 SHORT TERM RENTALS	◆ RESOLUTION ◆ ORDINANCE (1) RECEIVE/FILE	CALE BRODERSEN ASSOCIATE CITY PLANNER

SYNOPSIS

A public hearing has been scheduled and an ordinance prepared to amend Sections 2.05, 2.09, 2.19, 2.20, 5.06, 5.07, 5.08, 5.09, 5.19, 7.10, and 7.19 of the La Vista Zoning Ordinance regarding the use of short-term rentals (Airbnbs) in La Vista's residential zoning districts, in addition to an amendment of the Master Fee Ordinance to introduce an occupation tax for short-term rentals similar to that for hotels.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and an ordinance prepared for Council to consider 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. The proposed amendments also include requirements for occupancy and off-street parking minimums. Additionally, a new occupation tax for short-term rentals will be instituted that is comparable to that for hotels and motels. The proposed occupation tax change is in a redlined version of the master fee ordinance in a separate agenda item.

The Planning Commission held a public hearing on January 4, 2024, and voted unanimously to recommend approval of the Zoning Text Amendments.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 2.05, 2.09, 2.19, 2.20, 5.06, 5.07, 5.08, 5.09, 5.19, 7.10, AND 7.19 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 2.05, 2.09, 2.19, 2.20, 5.06, 5.07, 5.08, 5.09, 5.19, 7.10, AND 7.19 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Amendment of Section 2.05. Section 2.05 of the Ordinance No. 848 is hereby amended to read as follows:

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. Amendment of Section 2.09. Section 2.09 of the Ordinance No. 848 is hereby amended to read as follows:

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**)

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 3. Amendment of Section 2.19. Section 2.19 of the Ordinance No. 848 is hereby amended to read as follows:

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 4. Amendment of Section 2.20. Section 2.20 of the Ordinance No. 848 is hereby amended to read as follows:

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.

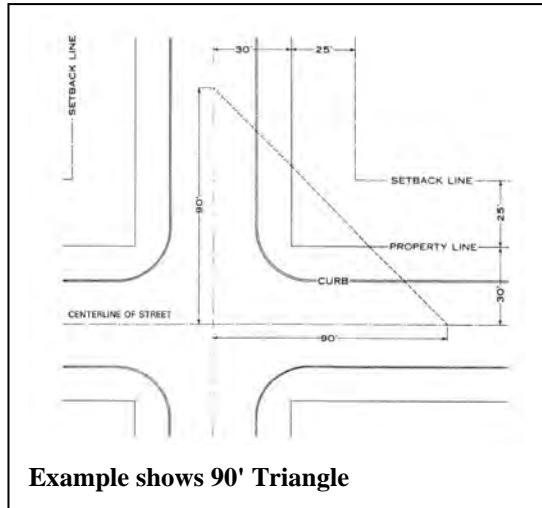
SHORT-TERM RENTAL shall mean a residential property, including single-family dwelling or a unit in a condominium, cooperative, or time-share, that is rented wholly or partly for a fee for a period not longer than 30 consecutive days.

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, Banner

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

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, Monument
Sign, Electronic Message
Sign, Flashing

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, 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.

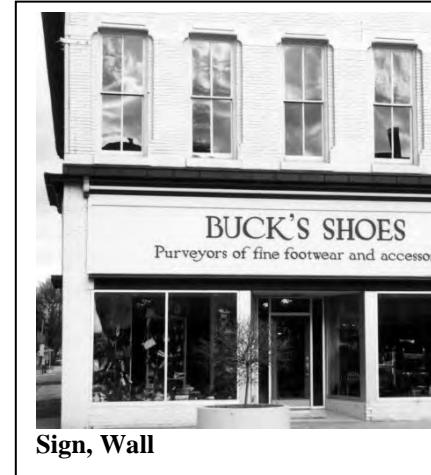


Sign, Subdivision

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

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

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



Sign, Wall

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 highway, which is intended to carry traffic from a minor street to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

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

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

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

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

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

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

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

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

SECTION 5. Amendment of Section 5.06. Section 5.06 of the Ordinance No. 848 is hereby amended to read as follows:

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 Widt h	Front Yard	Sid e Yar d	Rear Yard	Max. Heig ht	Max. Building Coverage
Single-family (existing development ⁴) ²	Dwelling	5,000	60'	30'	5'	30'	35'	35%
Single-family (future development ³) ²	Dwelling	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 ⁵		-	-	-	-	-	-	-
Accessory Buildings		-	-	50'	5'	5'	17'	10% ¹

¹ 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%

² 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.

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

⁴ 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.

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

SECTION 6. Amendment of Section 5.07. Section 5.07 of the Ordinance No. 848 is hereby amended to read as follows:

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 Widt h	Front Yard	Side Yard ³	Rear Yard	Max. Height	Max. Building Covera ge
Single-family Dwelling (existing development ⁵) ²	5,00 0	50'	30'	5'	30'	35'	35%
Single-family Dwelling (future development ⁴) ²	7,00 0	70'	30'	10'	30'	35'	40%
Two-family Dwelling ²	10,0 00	100'	30'	10'	30'	35'	40%
Single-family attached	4,50 0 per unit	50' per unit	30'	10'	30'	35'	40%
Other Permitted Uses	8,00 0	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,00 0	75'	30'	10'	30'	45'	30%
Publicly owned and operated facilities ⁶	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% ¹

¹ 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%.

² 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.

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

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

⁵ 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)

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

SECTION 7. Amendment of Section 5.08. Section 5.08 of the Ordinance No. 848 is hereby amended to read as follows:

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 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 ⁴	2,500 per unit	25' per unit	30'	10' ⁵	30'	35'	40%
Multi-family Dwelling ³	3,000 per unit for the first four,	100'	30'	(1)	30'	45' ¹	40%

	then 1,500 per each additional unit						
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 ⁶	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% ²

- 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 8. Amendment of Section 5.09. Section 5.09 of the Ordinance No. 848 is hereby amended to read as follows:

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 ⁴	2,500 per unit	25' per unit	30'	10' ⁵	30'	35'	40%
Multi-family Dwelling ³	3,000 per unit for the first four, then 1,500 per each additional unit	100'	30'	(¹)	30'	45' ¹	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 ⁶	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	8'	10'	17'	10% ²

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) 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 9. Amendment of Section 5.19. Section 5.19 of the Ordinance No. 848 is hereby amended to read as follows:

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
Residential:	
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
Public and Civic:	
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
Commercial:	
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 Establishment.	P
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	C
in Adult Establishment.	
Hobby, craft store	P
Home occupations	C
Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined	P
in Adult Establishment.	
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. (Ordinance No. 1369, 10-1-19)	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	P
Adult Establishment.	
Theater, indoor, not including uses defined in	P
Adult Establishment.	
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)	C
(hand tools only: e.g., jewelry or ceramics)	

Other:

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

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.

(Ordinance No. 1389, 3-3-2020)

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 10. Amendment of Section 7.10. Section 7.10 of the Ordinance No. 848 is hereby amended to read as follows:

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.
- 7.10.05 Unless expressly permitted by a Conditional Use Permit, no retail sales are permitted from the site.
- 7.10.06 No outdoor storage is permitted.
- 7.10.07 Additional off-street parking may be required for the business.
- 7.10.08 *If home occupation is for a business office for services rendered at another location then not more than two (2) business or employee vehicles parked on or adjacent to the home occupation property at any one time; provided only one said vehicle may be allowed to park on street right-of-way. Construction or maintenance equipment shall not be stored on the property other than in an enclosed garage; provided one (1) piece of equipment shall be counted as one (1) of the two (2) business or employee vehicles allowed. For the purpose of enforcement of the home occupation provisions of this ordinance, a piece of construction equipment parked on a trailer shall be counted as a single business vehicle. A trailer being pulled by another vehicle, however, shall be counted as two (2) vehicles. Personal vehicles of occupants of the residential dwelling shall not be included in the count of number of business or employee vehicles.*
- 7.10.09 No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- 7.10.10 *A Home Occupation License shall be required for Home Occupation I uses. 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 11. Amendment of Section 7.19. Section 7.19 of the Ordinance No. 848 is hereby amended to read as follows:

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:

- 8.19.01 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.
- 8.19.02 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.
- 8.19.03 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.
- 8.19.04 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.
- 8.19.05 No signs are permitted for short-term rentals in the R-1, R-2, R-3, R-4, and MU-CC zoning districts.
- 8.19.06 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.
- 8.19.07 The use of a short-term rental for the following is prohibited:
 - 8.19.07.1 Housing sex offenders
 - 8.19.07.2 Operating a structured sober living home or similar enterprise
 - 8.19.07.3 Selling alcohol or other activity that requires a permit or license under the Nebraska Liquor Control Act, or
 - 8.19.07.4 Operating a sexually oriented business

SECTION 12. Repeal of Sections 2.05, 2.09, 2.19, 2.20, 5.06, 5.07, 5.08, 5.09, 5.19, 7.10, AND 7.192.20 and 5.10 as Previously Enacted. Sections 2.05, 2.09, 2.19, 2.20, 5.06, 5.07, 5.08, 5.09, 5.19, 7.10, AND 7.19 of Ordinance No. 848 as previously enacted are hereby repealed.

SECTION 13. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 14. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

Ordinance No.

SECTION 15. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 6TH DAY OF FEBRUARY 2024.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

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.

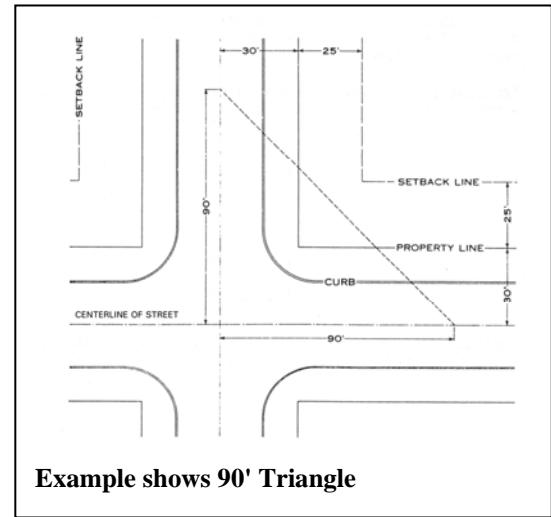
SHOPPING CENTER, COMMERCIAL STRIP shall mean a commercial development, usually one store deep, that fronts on a major street for a distance of one city block or more. Includes individual buildings on their own lots, with or without on-site parking and small linear shopping centers with shallow on-site 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 1/2) 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, Banner



Sign, Canopy

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

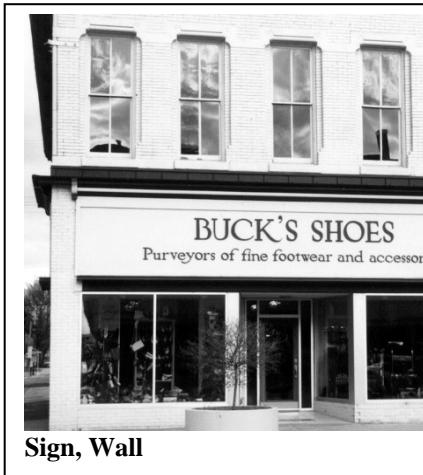


Sign, Subdivision

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, Wall

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

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

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

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

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

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

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

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

Section 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) ^{4,2}	5,000	60'	30'	5'	30'	35'	35%
Single-family Dwelling (future development) ^{3,2}	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 ⁵	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% ¹

¹ 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%

² 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.

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

⁴ 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.

⁵ 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 ³	Rear Yard	Max. Height	Max. Building Coverage
<i>Single-family Dwelling (existing development⁵)²</i>	5,000	50'	30'	5'	30'	35'	35%
<i>Single-family Dwelling (future development⁴)²</i>	7,000	70'	30'	10'	30'	35'	40%
<i>Two-family Dwelling²</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 facilities⁶</i>	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% ¹

¹ 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%.

² 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.

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

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

⁵ *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)

⁶ 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 ⁴	2,500 per unit	25' per unit	30'	10' ⁵	30'	35'	40%
Multi-family Dwelling ³	3,000 per unit for the first four, then 1,500 per each additional unit	100'	30'	(¹)	30'	45' ¹	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 ⁶	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% ²

- 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 ⁴	2,500 per unit	25' per unit	30'	10' ⁵	30'	35'	40%
Multi-family Dwelling ³	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> 50'	30'	(¹)	30'	45' ¹	40%
<i>Other Permitted Uses</i>	8,500	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Publicly owned and operated facilities ⁶	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	8'	10'	17'	10% ²

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) 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
Residential:	
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
Public and Civic:	
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
Commercial:	
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

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.
- 7.10.05 Unless expressly permitted by a Conditional Use Permit, no retail sales are permitted from the site.
- 7.10.06 No outdoor storage is permitted.
- 7.10.07 Additional off-street parking may be required for the business.
- 7.10.08 *If home occupation is for a business office for services rendered at another location then not more than two (2) business or employee vehicles parked on or adjacent to the home occupation property at any one time; provided only one said vehicle may be allowed to park on street right-of-way. Construction or maintenance equipment shall not be stored on the property other than in an enclosed garage; provided one (1) piece of equipment shall be counted as one (1) of the two (2) business or employee vehicles allowed. For the purpose of enforcement of the home occupation provisions of this ordinance, a piece of construction equipment parked on a trailer shall be counted as a single business vehicle. A trailer being pulled by another vehicle, however, shall be counted as two (2) vehicles. Personal vehicles of occupants of the residential dwelling shall not be included in the count of number of business or employee vehicles.*
- 7.10.09 No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- 7.10.10 *A Home Occupation License shall be required for Home Occupation I uses. 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.

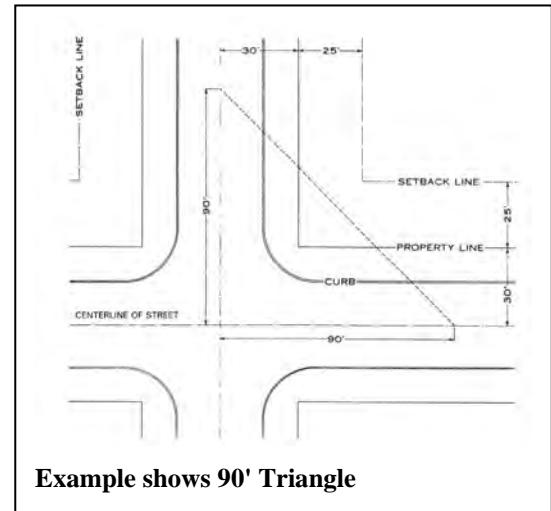
SHOPPING CENTER, COMMERCIAL STRIP shall mean a commercial development, usually one store deep, that fronts on a major street for a distance of one city block or more. Includes individual buildings on their own lots, with or without on-site parking and small linear shopping centers with shallow on-site 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 1/2) 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

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

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

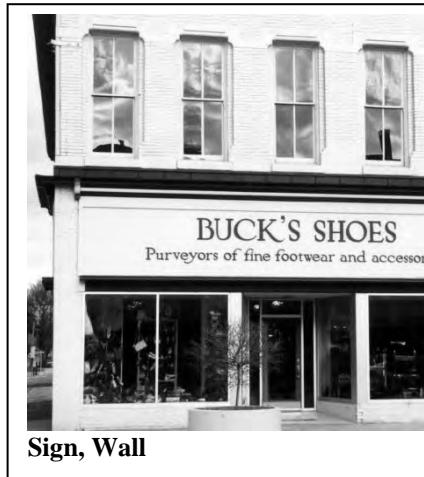


Sign, Subdivision

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

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

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

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

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

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

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

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

Section 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) ^{4,2}	5,000	60'	30'	5'	30'	35'	35%
Single-family Dwelling (future development) ^{3,2}	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 ⁵	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% ¹

¹ 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%

² 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.

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

⁴ 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.

⁵ 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 ³	Rear Yard	Max. Height	Max. Building Coverage
<i>Single-family Dwelling (existing development⁵)²</i>	5,000	50'	30'	5'	30'	35'	35%
<i>Single-family Dwelling (future development⁴)²</i>	7,000	70'	30'	10'	30'	35'	40%
<i>Two-family Dwelling²</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 facilities⁶</i>	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% ¹

¹ 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%.

² 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.

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

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

⁵ *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)

⁶ 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 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 ⁴	2,500 per unit	25' per unit	30'	10' ⁵	30'	35'	40%
Multi-family Dwelling ³	3,000 per unit for the first four, then 1,500 per each additional unit	100'	30'	(¹)	30'	45' ¹	40%
<i>Other Permitted Uses</i>	8,500	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Publicly owned and operated facilities ⁶	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% ²

- 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 ⁴	2,500 per unit	25' per unit	30'	10' ⁵	30'	35'	40%
Multi-family Dwelling ³	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'	(¹)	30'	45' ¹	40%
<i>Other Permitted Uses</i>	8,500	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Publicly owned and operated facilities ⁶	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	8'	10'	17'	10% ²

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) 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
Residential:	
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
Public and Civic:	
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
Commercial:	
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

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

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 6, 2024 AGENDA**

Subject:	Type:	Submitted By:
AMEND MASTER FEE ORDINANCE	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

SYNOPSIS

An ordinance has been prepared to amend the Master Fee Ordinance for short-term rentals and library fines.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval.

BACKGROUND

An item has been placed on the agenda to amend the Zoning ordinance to add and define short-term rentals. This Master Fee Ordinance adds the short-term rental definition and the rate which is 5% of gross receipts from room or property rentals.

The Library is requesting a fee be added for fines associated with overdue area membership cards. Examples of these are for admittance to the Durham Museum and to Fontanelle. The fine for overdue area membership cards is \$5.00/day. This will help to ensure cards are returned in a timely manner to allow other library patrons the opportunity to check them out. Currently there is no fine for turning these cards in late.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO.1505, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

Section 1. General Fee Schedule. The fees and taxes charged by the City of La Vista for various services, facilities, and occupations shall be, and the same hereby are, fixed in accordance with the following schedule, no modifier shall be used, and such fees and taxes charged shall be in accordance with such rules as the City Council may establish:

BUILDING & USE FEES

(Apply inside City limits and within the Extra-territorial zoning jurisdiction)

Building Permit

(Building valuation is determined by the most current issue of the ICC Building Valuation Data)

General	\$30 Base fee + see building fee schedule
Commercial/Industrial	\$30 Base fee + see building fee schedule

Plan Review Fee

Commercial (non-refundable) \$100 or 10% of building permit fee (whichever is greater)

Design Review (non-refundable)

Tenant Bay Façade Renovation	\$500 (min. fee or actual fee incurred)
Bldgs. 24,999 sq. ft. or less	\$1,500 (min. fee) (or actual fee Incurred)
Bldgs. 25,000 – 49,999 sq. ft.	\$2,000 (min. fee) (or actual fee Incurred)
Bldgs. 50,000 -99,999 sq. ft.	\$3,000 (min. fee) (or actual fee Incurred)
Bldgs. 100,000 + sq. ft.	\$4,000 (min. fee) (or actual fee Incurred)

Replacement Plan Review Fee
Engineer's Review

\$100 + Request for records fees
\$500

Rental Inspection Program

License Fees:

Multi-family Dwellings	\$6.00 per unit
Single-family Dwellings	\$50.00 per property
Duplex Dwellings	\$50.00 per unit
Additional Administrative Processing Fee (late fee)	\$100.00

Inspection Fees:

Primary Inspection	No charge
Class B Property Inspection (after primary inspection):	
Violation corrected	No charge
Violation not corrected	See Re-inspection Fee below
Re-inspection Fee (no show or follow up inspection)	See Re-inspection Fee below
Re-inspection Fee	\$100.00

Vacant Property Registration Fee

	\$250 Original Registration Fee \$500 First Renewal \$1,000 Second Renewal \$2,000 Third Renewal \$2,500 Fourth Renewal \$2,500 Fifth and Subsequent Renewals
Penalty Fee Refund Policy	3x Regular permit fee 75% will be refunded when the project is cancelled or not complete within one year. No refund will be given after one year. (Sewer Hook-up Fee is 100% refunded)
Certificate of Occupancy	\$ 50
Temporary Certificate of Occupancy	\$750
Pre-occupancy fee (Occupancy without C.O.)	\$750
Temporary Use Permit (includes tents, greenhouses, event structures)	\$ 50 plus \$10/day
Sign Permit	\$150/sign
Identification Sign, Incidental Sign	\$75/sign
Master Sign Plan (more than 1 sign)	\$150
Common Sign Plan	\$150
Temporary Sign Permit: Non-profit or tax exempt organization	\$0
All other temporary signs	\$ 30/year
Tower Development Permit	\$8,500(min fee) (or actual fee incurred)
Co-locates – Towers	\$5,000(min fee) (or actual fee incurred)
Small Wireless Facilities	\$500 per application for up to five small wireless facilities
Support Structure for Small Wireless Facilities	\$250 per structure
Eligible Facilities Permit	\$250 per application (or actual fee incurred)
Tarp Permit (valid for 6 months)	\$ 30
Solar Panel Permit	\$ 30
Satellite Dish Permit	\$ 30
Wading/Swimming Pools at residence	\$ 30
Dedicated Electrical circuit for pumps	\$ 30
Mechanical Permits	\$30 Base fee + See mechanical fee schedule
Plumbing Permits	\$30 Base fee + See plumbing fee schedule
Sewer Repair Permit	\$30
Backflow protector permit	\$ 30 (\$22 permit & \$8 backflow)
Underground Sprinklers	\$ 30 (\$22 issue fee & \$8 fixture)
Electrical Permits	\$30 Base Fee + See electrical fee
City Professional License (Plumbers; Mech. Contractors)	\$ 15 and a \$1,000,000 Liability,
and a \$500,000 bodily injury insurance Certificate per each occurrence	
Also a \$5,000 Bond is required, naming the City as the recipient.	
Demolition of building	\$250 plus Insurance Certificate
Moving Permit (buildings 120 square feet or greater)	\$250 plus Insurance Certificate
Sheds and Fences	\$ 30.00
Sidewalks	\$ 30.00
Driveway Replacement	\$ 30.00
Driveway Approach w/o curb cut or grinding	\$ 30.00
With curb requiring cut plus the 4' apron on each side)	
Contractor (Contractor performs curb cut or grind)	\$ 30.00 plus \$1.00/ft.
City Charge (if City performs curb cuts)	\$50 + \$5/ft. (\$40 set up fee; \$10 permit fee)

City charge (if City performs curb grinds)	\$50 + \$6/ft. (\$40 set up fee; \$10 permit fee)
Utility Cut Permit	\$30.00
Appeal Fee Regarding Issuance or Denial of Curb Cut/Driveway	
Approach Construction Permit	\$250
Street Paving, Surfacing, Resurfacing, Repairing, Sealing or Resealing Permit	\$ 30.00/Yearly
Appeal Fee Regarding Issuance or Denial of Street Paving, Resurfacing, etc. Permit	
	\$250

RIGHT-OF-WAY PERMIT FEES

The following are one-time permit fees for structures occupying the public right-of-way:

Canopy or Awning	\$50 for the first 25 ft. + \$10 each additional foot
Balcony	\$75 each
Bicycle Rack	\$50
Light Fixture	\$75 for the first + \$10 each additional light fixture
Marquee	\$50 for the first 25 ft. + \$10 each additional ft.
Sidewalk Café	\$100
Sign	\$100 each (if less than 25 sq. ft.) \$300 each (if 25 sq. ft. or larger)
Windscreen	\$400 each
Planter	\$50
Combination of Awning/Canopy/Sign /Light	\$500
Skywalk	\$500
String Lights	\$150
Temporary Structures/Fencing/etc related to Events	\$50/day
Other structures as approved by the City Administrator	\$300

Provided, however, notwithstanding anything in this Ordinance to the contrary, all property, or parts thereof or improvements thereon, with respect to which legal title is or will be held by or for the benefit of the City of La Vista, La Vista Community Development Agency, City of La Vista Facilities Corporation, La Vista/Metropolitan Community College Condominium Owners Association, Inc., or any other entity directly or indirectly controlled by the City of La Vista as determined by the City Administrator, for a public purpose, and all owners of such property, parts, or improvements, shall be exempt from the Building and Use Fees and/or any other fees in this ordinance. The City of La Vista pursuant to a policy of the City Council also may provide for waiver of any or all such Building and Use Fees, or any other fees under this Ordinance that are payable to the City, with respect any political subdivisions that levy property taxes within the corporate limits of the City, or any entity controlled by any such political subdivision.

FIRE INSPECTION FEES

Plan Review Fees

Commercial Building	10% of building permit fee with a maximum of \$1,000
Fire Sprinkler Plan Review	
1-20 devices	\$100.00
21-50 devices	\$200.00
51-100 devices	\$300.00
101-200 devices	\$400.00
201-500 devices	\$500.00
Over 500 devices	\$500.00 plus \$1.00 per device over 500
Fire Alarm Plan Review	\$50.00

Child Care Facilities:

0 – 8 Children	\$50.00
9 – 12 Children	\$55.00
13 or more children	\$60.00

Foster Care Homes:

Inspection	\$25.00
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Liquor Establishments:

Non-consumption establishments	\$60.00
Consumption establishments	\$85.00

Nursing Homes:

50 beds or less	\$55.00
51 to 100 beds	\$110.00
101 or more beds	\$160.00

Fire Alarm Inspection:

Four year license (Test)	\$100.00
NICET	\$25.00 per year NICET certification last
Annual test (witnessed)	\$30.00

Sprinkler Contractor Certificate:

Annual	\$100.00
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Fuels Division:

Above ground Hazardous Substance Storage Tanks (Title 158)	
Registration	\$25.00 per tank
Re-registration	\$25.00 per tank (Required whenever change is made to tank or contents)

Above ground Petroleum Storage Tanks (Title 153, Chapter 17)

Inspection Fee	\$50.00 (Per installation regardless of the number of tanks)
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Underground Storage Tanks (Title 159, Chapter 2)

Farm, residential and heating oil tanks (tanks with a capacity of 1100 gallons or less)	\$10.00 one-time registration fee
All other tanks	\$30.00 per tank, annually
Petroleum Release Remedial Action Fund	\$90.00 per tank, annually
Tank installation	\$60.00 per tank
Piping only installation	\$60.00

GRADING PERMIT FEES

5 acres or less	\$ 500
More than 5 acres	\$1,000

TAX INCREMENT FINANCING (TIF) APPLICATION FEES

Application Fee	\$3,000
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Administrative Fee	1.5% on TIF Principal up to \$2,000,000
	1% on TIF Principal amount above \$2,000,000 thru \$4,000,000
	No additional administrative fee for TIF Principal above \$4,000,000
Bond Related Fee	Actual Fees, Costs & Expenses Incurred by the City

PACE PROGRAM

Application Fee	\$1,000
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Administrative Fee	1% of loan amount maximum \$40,000 subject to 50% reduction if a TIF project
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Annual Fee	\$500
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ZONING FEES

Comprehensive Plan Amendment	\$500
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Zoning Map Amendment (rezoning)	\$500
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Zoning Text Amendment	\$500
Zoning Verification Letter	\$50
Subdivision Text Amendment	\$500
Conditional Use Permit (1 acre or less)	\$300
Conditional Use Permit (more than 1 acre)	\$500
Conditional Use Permit Amendment	\$200
Flood Plain Development Permit	\$500
Administrative Plat – Lot Split, Lot Consolidation or Boundary Adjustment	\$750+ additional fee of \$250 for review of revised drawings
Preliminary Platting	\$1,000 +additional fee of \$250 for review of revised drawings
Final Platting	\$1000+additional fee of \$250 for review of revised drawings
Subdivision Agreement	\$500 (min. fee) or actual fee incurred
Revised Preliminary Plat	\$500+additional fee of \$250 for review of revised drawings
Replat	\$1500 +additional fee of \$250 for review of revised drawings
P.U.D.	\$1,000+additional fee of \$250 for review of revised drawings
P.U.D. Amendment	\$500 (min. fee) or actual fee incurred
Vacation of Plat and Right of Way Vacation	\$150
Variance, Appeals, Map Interpretation (B.O.A.)	\$250
Watershed Fees –apply to all new development or significant redevelopment as specified in Exhibit "G" to the interlocal agreement for the Papillion Creek Watershed Partnership: (fees are remitted to Papillion Creek Watershed Partnership)	

OCCUPATION TAXES

Publication fees	\$Actual cost
Class A Liquor License Holder	\$200
Class B Liquor License Holder	\$200
Class C Liquor License Holder	\$600
Class D Liquor License Holder	\$400
Class I Liquor License Holder	\$500
Class L Liquor License Holder	\$500
Class Z Liquor License Holder	\$500
Class AB Liquor License Holder	\$400
Class AD Liquor License Holder	\$600
Class ADK Liquor License Holder	\$800
Class AK Liquor License Holder	\$400
Class ABK Liquor License Holder	\$600
Class BK Liquor License Holder	\$400
Class CK Liquor License Holder	\$800
Class DK Liquor License Holder	\$600
Class IB Liquor License Holder	\$700
Class IBK Liquor License Holder	\$900
Class ID Liquor License Holder	\$900
Class IDK Liquor License Holder	\$1100
Class IK Liquor License Holder	\$700
Special Designated Permit – Liquor Control	\$ 50/day except non-profits
Transfer of Liquor License from One Location to Another (These fees are in addition to the State Fee Requirement)	\$ 25

Amusement Concessions (i.e. Carnivals) (This would include any vendors set up for special functions at the La Vista Sports Complex)	\$ 10/concession/day
 Auto dealers – new and used - \$250 plus \$.01 per sq. ft. of inside area, and \$.005 per sq. ft. of outside area used for display, sales or storage.	
Auto repair	\$100
Banks, small loan and finance companies	\$250 plus \$75/each detached facility.
Barber shops, beauty salons, tanning & nail salons	\$ 75 plus \$10 per operator over one.
Bowling Alleys or Billiard/Pool Halls	\$ 50/year + \$10/table or alley (Additional fees for Restaurants or Drinking Places if applicable)
Car washes	\$100 (includes all vacuum & supply vending machines)
Circus, Menagerie or Stage Show	\$ 50/day
Collecting agents, detective agents or agencies and bail bondsmen	\$ 75
Construction/Tradesmen	\$ 75 and a \$1,000,000 Liability,
\$500,000 bodily injury insurance certificate	
Convenience stores	\$ 75 (Additional fees for Restaurants or Drinking Places if applicable)
Convenience store with car wash	\$120 (Includes all vacuum & supply vending machines)
Dry cleaning or laundry and tailoring	\$ 50
Funeral homes	\$150
Gaming Device Distributors	5% of gross receipts (non-profits exempt)
Games of Chance/Lotteries	5% of gross receipts (non-profits exempt)
Games of Chance/Lottery License Fee	\$ 50/1 st location - \$10/ea additional
Gas Companies	5% of gross receipts
Hawkers/Peddlers	\$ 75/day or \$500/year
Home Occupations (not specified elsewhere)	
Home Occupation Permit Application Fee	\$ 30
Home Occupation 1 and Child Care Home	\$ 50
Home Occupation Conditional Use Permit – see Zoning Fees	
 Hotels/motels – Any hotel or motel in the City shall pay to the City monthly an Occupation Tax equal to 5% of gross receipts from room rentals. Any shops restaurants, and/or drinking places which are part of, associated with, or located in or with a hotel or motel facility will be considered a separate classification of business and taxed in accordance with the provisions of this Ordinance and the applicable classification(s) of the shops, restaurants, and/or drinking places hereunder. The Occupation Taxes with Respect to any banquet and/or ballroom facilities of, or associated with, or located in or with, any such hotel or motel shall be determined in accordance with the square footage schedule above, based on the actual square footage of said facilities, which occupation taxes shall be additional to any other applicable occupation taxes such as restaurants or drinking places occupation taxes.	
Mobile Food Vendors	\$100/year
Movie theatres	\$150/complex and \$75/viewing room (Additional fees for Restaurants or Drinking Places if applicable)
Music, Vending, & Pinball Machines	\$ 20/year/machine +Service
Provider Fee of \$75.00 for business outside the City that provides machines for local businesses	
Nurseries, greenhouses, landscaping businesses, and tree trimmers	\$75

Telephone Surcharge - 911	\$1.00 per line per month
Tobacco License	\$ 15 (based on State Statute)
Tow Truck Companies	\$ 75
Late Fee (Up to 60 days)	\$ 35
Late Fee (60-90 days)	\$ 75
Late Fee (over 90 days)	Double Occupation tax or \$100, whichever is greater
<u>CONVENIENCE FEES</u>	
Restaurant & Drinking Places Occupation Tax, Hotel Occupation Tax, and General Business Occupation Tax Payments through online portal	
Credit Cards, Debit Cards, & Digital Wallet	2.5% of transaction + \$0.30
E-Checks	\$1.50 for transactions \leq \$60,000
All Other Payments	
Credit Cards	3% of transaction with \$2 minimum transaction
E-Checks	\$3 for transactions \leq \$10,000 \$10 for transactions $>$ \$10,000
<u>OTHER FEES</u>	
Barricades	
Deposit Fee (returnable)	\$ 60/barricade
Block Parties/Special Event	\$ 5/barricade per day
Construction Use	\$30 ea. (7 days maximum)
Blasting Permit	\$1,000
Bucket Truck Rental w/operator	\$150 per hour
Charging Station Fees	
Standard Charge Station	\$2/hr. – First 6 hours \$0.33/min. after 6 hours
Rapid Charge Station	\$5/hr. – First 2 hours \$.033/min. after 2 hours
Community Garden Plot Rental	\$20 annually
Conflict Monitor Testing	\$200
Cat License Fee (per cat – limit 3)	
Late Fee	\$12 each if spayed/neutered \$25 each if not spayed/neutered
Late Fee	\$10 each if spayed/neutered \$20 each if not spayed/neutered
Senior Citizen Discount (Age 65+)	Free if spayed/neutered
Dog License Fee (per dog – limit 3)	
Late Fee	\$12 each if spayed/neutered \$ 25 each if not spayed/neutered
Late Fee	\$10 each if spayed/neutered \$20 each if not spayed/neutered
Senior Citizen Discount (Age 65+)	Free if spayed/neutered
Dog/Cat License Handling Fee (in addition to above fees)	\$5

Dog or Cat License Replacement if Lost	\$6
Dog or Cat Capture and Confinement Fee	\$10 + Boarding Costs
MAXIMUM OF 4 DOGS AND/OR CATS WITH NO MORE THAN 3 OF EITHER SPECIES	
Election Filing Fee	1% of Annual Position Salary
Fireworks Sales Permit (Non-Profits)	\$2,000
Handicap Parking Permit Application Fee State	\$ Currently Not Charging Per
Natural Gas Franchisee Rate Filing Fee (For rate changes not associated w/the cost of purchased gas.)	Per Agreement
Open Burning Permit	\$ 10
Parking Permit Fees:	
Monthly Parking – Covered Stall	\$50/Month per permit
Monthly Parking – Uncovered Stall	\$25/Month per permit
Monthly Parking – Business Reserved	\$100/Month per permit
Off-Street Parking – Parking Structure No. 1	3 hours free (\$0), after which \$1.00/hr. up to \$10/day (Parking Day runs 6a.m. – 6a.m.)
Off-Street Parking – Parking Structure No. 2	\$1.00/hour up to \$10/day (Parking Day runs 6a.m.- 6a.m.)
On-Street Parking – free (\$0) with three (3) hour limit	
Event Parking	\$5.00
Parking Ticket Fees	
If paid within 7 days of violation date	\$ 20 (\$5 + \$15 admin fee)
If paid after 7 days of violation date but within 30 days	\$ 25 (\$10 + \$15 admin fee)
If paid after 30 days of violation date	\$ 35 (\$20 + \$15 admin fee)
Pawnbroker Permit Fees:	
Initial	\$ 150
Annual Renewal	\$ 100
Pet Store License	\$ 50 (In addition to Occ. License)
Public Assembly Permit (requires application and approval)	\$ 00
Returned Check Fee (NSF)	\$ 35
Storage of Explosive Materials Permit	\$ 100
Towing/Impound Fee	\$ 30
Trash Hauling Permit Performance Bond	\$ 25/yr./truck + \$25,000
PUBLIC RECORDS	
Request for Records	\$15.00/Half Hour (after first 4 hours) + Copy Costs* (May be subject to deposit)
Audio Tapes	\$5.00 per tape
Video Tapes or CD/DVD	\$10.00 per tape/CD
*Copy costs shall be established by the Finance Director	
Unified Development Ordinance	\$100
Comprehensive Plan	\$ 50

Zoning Map	\$5 11"x17" \$10 12"x36" \$30 36"x120"
Zoning Ordinance w/Map Subdivision Regulations	\$ 30 \$ 30
Future Land Use Map	\$5 11"x17" \$10 12"x36" \$30 36"x120"
Ward Map	\$ 2
Fire Report	\$ 5
Police Report	\$ 5
Police Photos (Digital)	\$10/CD
Criminal history	\$10

FALSE AND NUISANCE ALARMS

Registration Fee for Alarm System (not to include single family or duplexes)	\$25
Renewal Fee for Alarm System (not to include single family or duplexes)	\$25
Late Registration Charge	\$35

False Alarm Fee for any false alarm generated by the registrant's alarm system, a fee in accordance with the following schedule (from 1 January through 31 December of each year) shall be charged:

Number of False/Nuisance Alarms	False/Nuisance Alarm Charge
1	No Charge
2	No Charge
3	\$100.00
4 or more	\$250.00

False Alarm Fee for Alarm Systems without Registration - \$250 per alarm after 1st alarm
(not to include single family or duplexes)

RESCUE SQUAD FEES

Basic Life Support Emergency	\$ 750
Basic Life Support Non-Emergency	\$ 750
Advanced Life Support Emergency I	\$ 850
Advanced Life Support Emergency 2	\$1050
Advanced Life Support Non-Emergency	\$ 850
Mileage – per loaded mile	\$ 17

LIBRARY FEES

Membership (Non-Resident Family)	6 month	\$ 35.00
	1 year	\$ 60.00
	1 month	\$ 7.00
Administrative fee – SID interlocal		\$100.00 annually
Fax		\$2.00 up to 5 pages
Fines		
Books		\$.05/day
Audio Books/Board Games/CDs		\$.10/day
DVDs/		\$ 1.00/day
Overdue area membership cards		\$ 5.00/day
Playaway device		\$ 1.00/day
Board Game not returned to Circulation Desk		\$5.00
Damaged & Lost items		\$5.00 processing fee + actual cost
Color Copies		\$.50

Copies		\$.10
PLA filament		\$10/gram
Inter-Library Loan		\$3.00/transaction
Lamination – 18" Machine		\$2.00 per foot
Lamination – 40" Machine		\$6.00 per foot
Children's Mini-Camp		\$15.00
Seasonal/Special Workshops		\$15.00
Makerspace Fees		
3D Printer		\$.10/gram
Laser Cutter		
1/8 inch	8x12	\$.50
1/8 inch	12x12	\$ 1.00
1/8 inch	12x16	\$ 1.25
1/4 inch	8x12	\$.75
1/4 inch	12x12	\$ 1.10
1/4 inch	12x16	\$ 1.50
Glassware		\$ 1.50
Cork Coaster		\$.35
White Chipboard Coasters		\$.35
Glass trivets/cutting boards		\$ 1.50
Small Bevel Mirrors		\$ 1.50
Heat Press & Mug Press		
Sublimation paper		\$ 1.00.sheet
Mugs		\$ 2.00
Ceramic Tiles		\$ 1.00
Bags		\$.75
Button Maker		
Pins (3 part)		\$.35
Magnets		\$.35
Bottle openers		\$.35
Mylar rings		\$.10

RECREATION FEES

Refund Policy (posted at the Community Center)	\$10.00 administrative fee on all approved refunds
Late Registration Fee	\$10.00

	Resident	Non-Resident	Business Groups
Facility Rental			
Gym (1/2 Gym)	\$ 38/Hour	\$ 75/Hour	\$ 75/Hour
Gym (Full)	\$ 75/Hour	\$150/Hour	\$150/Hour
Gym/Stage (Rental)	\$400/Day	\$500/Day	\$500/Day
Whole Community Center	\$600/Day	\$800/Day	\$800/Day
Game Room	\$ 22/Hour	\$ 44/Hour	\$ 44/Hour
Meeting Rooms (Rental)	\$ 12/Hour/Room	\$ 22/Hour/Room	\$ 27/Hour
Kitchen (Rental)	\$ 19/Hour	\$ 27/Hour	\$ 33/Hour

	Resident	Non-Resident	Business Groups
Pickleball Court	\$7/hour	\$10/hour	
Seniors 55+	Free	\$2/hour	

Racquetball/Walleyball Court	\$ 7/Hour	\$ 10/Hour	\$ 10/Hour
Stage (Rental)	\$ 12/Hour	\$ 22/Hour	\$ 27/Hour

	Resident	Non-Resident
Facility Usage		
Daily Visit (19 and up)	\$ 3.00	\$ 4.00
Daily Visit (Seniors 55+)	\$ -0-	\$ 2.00
Fitness Room (19 and up)		
Membership Card	\$27.00/month	

(Exercise Room, Gym, Racquetball/Wallyball Courts)		
(Mon - Fri 8:00 -5:00 pm)	\$3.00	\$ 4.00/Visit
Gym (19 and up)		
(Mon - Fri 8:00 -5:00 pm)	\$3.00	\$ 4.00/Visit
Resident Punch Card	\$50.00	
(20 punches)		
Non-resident Punch Card		\$35.00
(10 punches)		
Senior (Resident)		\$-0-
Non-resident Sr. Punch Card		\$20.00
(10 punches)		

Variety of programs as determined by the Recreation Director

Fees determined by cost of program

Classes

<u>Contractor</u>	<u>City</u>
75%	25%

Contract Instructor Does Registration and Collects Fees

Fields:

Tournament Fees	\$ 30/Team/Tournament
Tournament Field Fees	\$ 40/Field/Day
Field Rentals (Resident and Non Resident)	\$ 40 / 2 Hours
Gate/Admission Fee	10% of Gross

The Link

Base Rental Fee Entire Facility	\$1,000
User supplies operating staff and is responsible for all cleaning and trash removal.	

Parks

Open Green Space	\$100/Event	
	<u>Resident</u>	<u>Non Resident</u>
Model Airplane Flying		
Field Pass	\$30*	\$40*

* includes \$10 club membership 1 – year license

Park Shelters	\$15/3 hours	\$25/3 hours
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Swimming Pool	<u>Resident</u>	<u>Non-Resident</u>
Youth Daily	\$ 2	\$ 4
Adult Daily	\$ 3	\$ 4
Resident Tag	\$ 2	
Family Season Pass	\$105	\$165
Youth Season Pass	\$ 65	\$ 95
Adult Season Pass	\$ 75	\$105
30-Day Pass	\$ 55	\$ 85
Season Pass (Day Care)	\$275	\$275
Swim Lessons	\$ 30	\$ 55

*Swimming Pool memberships and specials prices shall be established by the Finance Director

Youth Recreation Programs	<u>Resident</u>	<u>Non-Resident</u>
Coed T-Ball Ages 5-6	\$ 45/55	\$60/70
Softball/Baseball Ages 7-8	\$ 50/60	\$65/75
Softball/Baseball Ages 9-10	\$ 65/75	\$85/95
Softball/Baseball Ages 11-12	\$ 75/85	\$105/115
Softball/Baseball Ages 13-14	\$ 85/95	\$105/115
Softball/Baseball Age 15-18	\$110/120	\$140/150
Basketball Clinic	\$ 17/27	\$22/32
Basketball Grades 3-8	\$ 55/65	\$65/75
Soccer Academy	\$ 33/43	\$53/63
Flag Football	\$ 33/43	\$53/63

Volleyball	\$ 55/65	\$65/75
3 yr. old Soccer Clinic	\$17/27	\$22/33
Adult Recreation Programs	Resident	Non-Resident
Adult Volleyball– Spring	\$ 55	\$ 55
Adult Spring Softball – Single	\$215	\$215
Adult Spring Softball – Double	\$420	\$420
Adult Volleyball – Fall/Winter	\$110	\$110
Adult Fall Softball – Single	\$120	\$120
Adult Fall Softball – Double	\$235	\$235
Senior Spring Softball	\$15 per game per team	
Senior Fall Softball	\$17 per game per team	

Special Services Van Fees

Zone 1 Trip within city limits (La Vista & Ralston)	\$1.00 one way
Includes trips to grocery stores and senior center	
Zone 2 Trip outside city limits	\$3.00 one way
Zone 3 Trip outside city limits	\$10.00 one way
Bus pass (each punch is worth \$1.00)	\$30.00

Section 2. Sewer Fee Schedule.**§3-103 Municipal Sewer Department: Rates.**

A. **Levy of Sewer Service Charges.** The following sewer service charges shall be levied against the user of premises, property or structures of every kind, nature and description, which has water service from any supply source and are located within the wastewater service area of the City of La Vista.

B. **Computation of Sewer Service Charges.** For the months of December, January, February and March, the monthly charge for residential sewer services will be computed on the actual water used for these months. The monthly charge for residential sewer service in the months of April, May, June, July, August, September, October and November will be computed on the average water usage of the four (4) preceding winter months of December, January, February and March or for such portion of said consumption, whichever is the lesser. At the option of the City of La Vista, water used from private wells shall be either metered or estimated for billing purposes.

C. **Amount of Sewer Service Charges.** The total sewer service charge for each sewer service user will be the sum of three (3) charges: (1) customer charge, (2) flow charge, and (3) abnormal charge.

1. The customer charge is as follows
 - a. For sewer service users classified as Residential, the same being sewer service to a single family dwelling, or a duplex, apartment, or other multi-family dwelling (e.g. apartments) wherein each dwelling unit has a separate water meter that is read and charged for water and sewer use by the Metropolitan Utilities District - -\$13.23 per month.
 - b. For sewer service users classified as Residential-Multi-Family, the same being sewer service to Multi-Family dwellings (e.g. apartments) wherein there is only a separate water meter to each building or complex that is read and charged for water and sewer use by the Metropolitan Utilities District - \$14.19 per month.
 - c. For sewer service users classified as General Commercial: Customers who normally use less than 100,000 cubic feet of water per month and who are not Residential users or Residential-Multi-Family users - \$14.19 per month. For sewer service users in this category that require manual billing, add \$10.00 for a total of \$24.19. The manual billing of the customer charge will come from the City of La Vista instead of the Metropolitan Utilities District.

2. The flow charge for all sewer service users shall be \$4.66 per hundred cubic feet (ccf).
3. If users have abnormal strength sewage as determined by the terms of the Wastewater Service Agreement between the City of La Vista and the City of Omaha, then additional charges will be billed to the user at the applicable rates as determined by said Agreement.
4. If users other than those classified herein are connected to the wastewater collection system, the Customer Charges, the Flow Charges and Other Charges will be determined by the City Council in accordance with rules and regulations of the EPA and the Agreement between the City of La Vista and the City of Omaha.

Section 3. Sewer/Drainage Connection Fee Schedule. A fee shall be paid to the City Treasurer as set forth in this section for each structure or tract to be connected to the sewer system of the City. No connection permit or building permit shall be issued until the following connection fees have been paid.

	Effective 1/1/2020	Effective 1/1/2021
Residential		
Single Family Dwelling	\$1,364	\$1,432
Duplex	\$1,364/unit	\$1,432/unit
Multiple Family	\$1,064/unit	\$1,117/unit
Commercial/Industrial	\$7,407/acre of land as platted	\$7,777/acre of land as platted
Park/Common Area (incl. Athletic Fields)		\$435/acre of land as platted

The fee for commercial (including industrial) shall be computed on the number of acres within each platted lot or tract, irrespective of the number of structures to be constructed thereon.

The applicable fee shall be paid in respect to each lot or building site as a condition of City's issuance of any building or sewer connection permit.

- A. **Changes in Use.** If the use of a lot changes subsequent to payment of the fee, which different use would require payment of a fee greater than that payable in respect to the use for which the fee was originally paid, the difference in fee shall be paid to the City at time of such change in use.
- B. **Existing Structures.** Structures for which sewer connection and building permits have been issued, and all permit fees in respect thereto paid, prior to the effective date hereof shall be exempt from the fees herein imposed.
- C. **Preconnection Payments.** Where preconnection payment charges for a subdivision or portion thereof have been paid to City at time of subdivision of a tract pursuant to agreement between the City and the developer and the sanitary and improvement district, if any, financing improvements of the subdivision, the preconnection payment so made shall be credited by City to the sewer/drainage fees payable at time of connection of the individual properties to the sewer/drainage systems of the City.
- D. **Sewer Tap and Inspection and Sewer Service Fees.** The fees imposed by Section 3 hereof are in addition to and not in lieu of (1) sewer tap and inspection fees payable pursuant to Section 3-122 of the La Vista Municipal Code and listed herein and (2) sewer service charges imposed by Section 2 hereof.

Section 4. Sewer Inspection Charges Established for Installation. Inspection charges for nonresidential property sewer installation shall be:

Sewer Tap Fee (Inspection Fee)	
Service Line w/inside diameter of 4"	\$400
Service Line w/inside diameter of 6"	\$600
Service Line w/inside diameter of 8"	\$700

Service Line w/inside diameter over 8"

Special permission/set by Council

Section 5. Miscellaneous Sewer Related Fees: Miscellaneous sewer related fees shall be:

Private Sewage Disposal System Const. Permit	\$	1,500
Appeal Fee Re: Issuance or Denial of Sewer Permits	\$	1,500

Section 6. Repeal of Ordinance No. 1489505. Ordinance No. 1489505 as originally approved on JulyDecember 1819, 2023 and all ordinances in conflict herewith are hereby repealed.

Section 7. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 8. Effective Date. This Ordinance shall take effect from and after its passage, approval and publication in pamphlet form as provided by law; provided, however, that:

(1) Pawnbroker occupation taxes of Section 1 shall be effective April 1, 2003. Pawnbroker occupations taxes shall be payable on a monthly basis no later than the last day of the calendar month immediately following the month in which the subject pawnbroker transactions occur. For example, the occupation tax on pawnbroker transactions for the month of April 2003 shall be due and payable on or before May 31, 2003.

(2) Pawnbroker permit fees shall be effective January 1, 2004. Annual pawnbroker permit fees shall be due and payable annually on or before January 1. Initial pawnbroker permit fees shall be due and payable on or before the date that the pawnbroker license is issued. Issuance of renewal of pawnbroker permits shall be subject to payment of applicable permit fees.

(3) Rental Inspection Program License fees shall be effective January 1, 2011

(4) The remaining provisions of this Ordinance other than those specified in Sections 8(1), 8(2) and 8(3) shall take effect upon publication, unless a different effective date is otherwise expressly provided in this Ordinance.

PASSED AND APPROVED THIS 196TH DAY OF DECEMBERFEBRUARY 2023.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 6, 2024 AGENDA

Subject:	Type:	Submitted By:
DECLARE SURPLUS PROPERTY – OUTLOT A LA VISTA	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSOCIATE CITY PLANNER

SYNOPSIS

An ordinance has been prepared to authorize the sale and conveyance of Outlot A La Vista, a portion of unused excess property along Park View Blvd, to abutting property owner Victor A. Robb.

FISCAL IMPACT

The proposal is for the adjacent property owner to purchase Outlot A La Vista from the City for \$1,000.

RECOMMENDATION

Approval.

BACKGROUND

An ordinance has been prepared to authorize the sale and conveyance of Outlot A La Vista to abutting property owner Victor Robb for the purchase price of \$1,000.

The City purchased said property (approximately 3,100 square feet) from Mr. Robb in August of 2012 with the intention of constructing a park entrance marker for Central Park, after the Civic Center Park Master Plan identified creating a new vehicle park entrance that connects to Park View Boulevard in addition to calling out the potential location for a park entrance marker. The alignment for the recently constructed Central Park Access Road is different than what was originally contemplated in the Civic Center Park Master Plan, as the road was designed to preserve the 6 large coniferous trees in what was previously referred to as Flag Pole Park. This change in alignment moved the access roadway further north so it no longer lines up well with Outlot A, making Outlot A not suitable for a park entrance marker as originally intended. As this property is no longer well suited for a park entrance marker, staff does not see a productive public use for this property or a need for it to remain under public ownership, care and maintenance.

A notice of the sale and the terms of the sale (attached to this staff report) will be published for three consecutive weeks in the newspaper. After the period for filing a remonstrance has passed, the City will prepare the deed in which the City quitclaims its interest in the Outlot A La Vista to Victor Robb.

ORDINANCE NO. _____

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF, OUTLOT A LA VISTA LOCATED IN THE NW ¼ AND SW ¼ OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, AND THE MANNER AND TERMS THEREOF; AND TO AUTHORIZE FURTHER ACTIONS AND PROVIDE AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA:

Section 1. It is hereby declared necessary, expedient, proper and for the public good for the City, upon receipt of applicable consideration, to sell and convey Outlot A La Vista located in the NW ¼ and SW ¼ of Section 14, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, as more particularly described or depicted in Exhibit A, attached hereto ("Property") according to the manner and terms described in Section 2 below.

Section 2. Upon payment of \$1,000.00, the City shall provide a quitclaim deed selling and conveying the Property to abutting property owner Victor A. Robb, subject to the rights, conditions and limitations set forth in this Ordinance, including without limitation those set forth in this Section 2 below, and in accordance with the manner and terms of conveyance specified in Exhibit B attached hereto, which rights, conditions, limitations, manner and terms are hereby deemed to be in the best interests of the City; and all of which rights, conditions, limitations, manner and terms shall constitute covenants running with the land and continue in perpetuity and be binding on Robb, and all successors or assigns of Robb, the Property, or any of them.

In addition to any reserved rights provided elsewhere in this Ordinance or in any document or instrument of conveyance or under applicable law, the following rights, conditions and limitations shall be reserved in perpetuity to the City of La Vista with respect to the Property:

- i. The Property abuts an existing residential property on Lot 1020A La Vista, owned and occupied by Robb. Due to the proximity of the lot to Robb's property, Robb desires and represents to the City that he shall acquire the Property described in this Ordinance for the sole purpose of incorporating, owning and maintaining said parcel into and in connection with his home on Lot 1020A La Vista; and
- ii. Vacation, conveyances, and closing of or on the Property to Robb shall be subject to the following condition: Any construction, maintenance, or use of or on the property shall be subject to satisfaction of all applicable federal, state and local laws, rules, and regulations, as adopted, modified or superseded from time to time, including without limitation any applicable permitting, zoning, building code, or other requirements.

Such conveyance shall be executed by the Mayor and City Clerk, who are hereby authorized to take such action. Exhibits A and B as referenced above shall be incorporated into this Ordinance by reference.

Section 3. The City Clerk is hereby authorized and directed to publish notice of the sale of the Property and the terms of such sale in accordance with the requirements of Section 16-202 of the Revised Statutes of Nebraska.

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

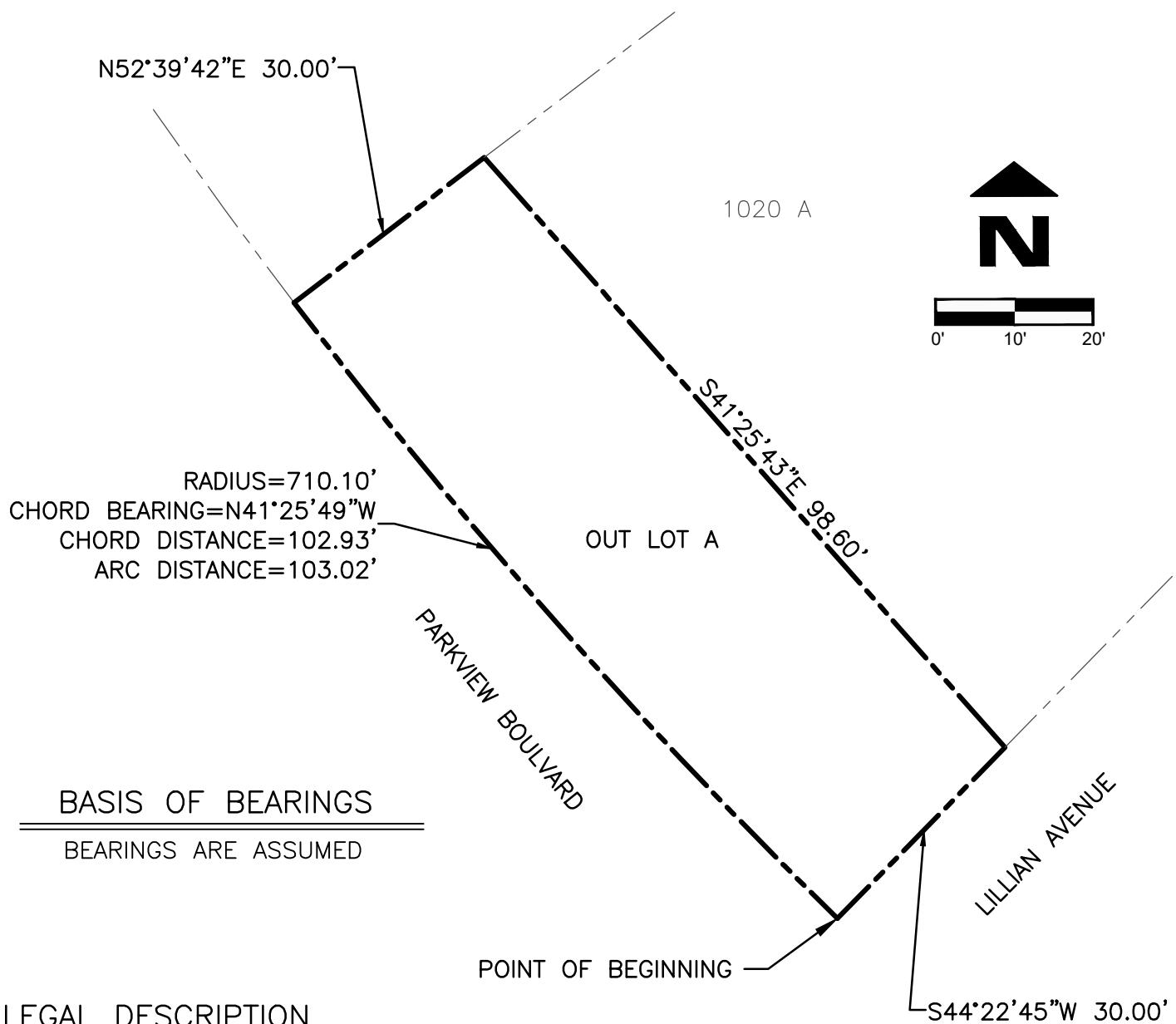
PASSED AND APPROVED THIS 6TH DAY OF FEBRUARY 2024.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk



OUT LOT A, LAVISTA, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS;
 BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID OUT LOT A;
 THENCE NORTHWESTERLY ON A 710.10 FOOT RADIUS CURVE TO THE RIGHT WITH A CHORD BEARING N41°25'49"W (ASSUMED BEARING), CHORD DISTANCE OF 102.93 FEET AND ARC DISTANCE OF 103.02 FEET ON THE WESTERLY LINE OF SAID OUT LOT A TO THE NORTHWESTERLY CORNER THEREOF;
 THENCE N52°39'42"E 30.00 FEET ON THE NORTHERLY LINE OF SAID OUT LOT A TO THE NORTHEASTERLY CORNER THEREOF;
 THENCE S41°25'43"E 98.60 FEET ON THE EASTERLY LINE OF SAID OUT LOT A TO THE SOUTHEASTERLY CORNER THEREOF;
 THENCE S44°22'45"W 30.00 FEET ON THE SOUTHERLY LINE OF SAID OUT LOT A TO THE POINT OF BEGINNING.

CONTAINING 3,143 SQUARE FEET OR 0.07 ACRES

EXHIBIT "B"

MANNER AND TERMS OF CONVEYANCE

Manner of Conveyance: Quitclaim Deed of Outlot A La Vista, more particularly described below, conveying from the City to the owner of the property abutting such Outlot A La Vista.

Terms of Conveyance:

- 1) Legal Description(s):

OUTLOT A, LAVISTA, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID OUT LOT A; THENCE NORTHWESTERLY ON A 710.10 FOOT RADIUS CURVE TO THE RIGHT WITH A CHORD BEARING N41°25'49"W (ASSUMED BEARING), CHORD DISTANCE OF 102.93 FEET AND ARC DISTANCE OF 103.02 W (ASSUMED BEARING), CHORD DISTANCE OF 102.93 FEET AND ARC DISTANCE OF 103.02 FEET ON THE WESTERLY LINE OF SAID OUT LOT A TO THE NORTHWESTERLY CORNER THEREOF; THENCE N52°39'42"E 30.00 FEET ON THE NORTHERLY LINE OF SAID OUT LOT A TO THE NORTHEASTERLY CORNER THEREOF; THENCE S41°25'43"E 98.60 FEET ON THE EASTERNLY LINE OF SAID OUT LOT A TO THE SOUTHEASTERLY E 98.60 FEET ON THE EASTERNLY LINE OF SAID OUT LOT A TO THE SOUTHEASTERLY CORNER THEREOF; THENCE S44°22'45"W 30.00 FEET ON THE SOUTHERLY LINE OF SAID OUT LOT A TO THE POINT OF W 30.00 FEET ON THE SOUTHERLY LINE OF SAID OUT LOT A TO THE POINT OF BEGINNING. CONTAINING 3,143 SQUARE FEET OR 0.07 ACRES

- 2) Consideration to be paid to City: \$1,000.00
- 3) Method of Payment: Cash at closing.
- 4) Closing Date: As parties may agree.
- 5) Purchaser: Victor A. Robb

**VACATION AND CONVEYANCE OF EXCESS PROPERTY
OUTLOT A LA VISTA**

Ordinance declaring excess property	City Council 2/6/2024
Publish ordinance	2/14/2024
Publish Notice of Real Estate Sale for 3 weeks immediately after passage and publication of ordinance	2/21, 2/28, 3/6
Passage of 30 days after publication of ordinance (without filing of remonstrance)	3/16/2024
Closing	3/20/2024 (or such later date as agreed)

NOTICE OF REAL ESTATE SALE

NOTICE IS HEREBY GIVEN that at an open and public meeting of the Mayor and the City Council of the City of La Vista held at 6:00 P.M. on February 6, 2024, the City exercised by ordinance its power to sell and convey real estate by directing by ordinance the conveyance of the following parcel of real estate by quitclaim deed to an abutting property owner on the terms specified:

Legal Description:

OUTLOT A, LAVISTA, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID OUT LOT A; THENCE NORTHWESTERLY ON A 710.10 FOOT RADIUS CURVE TO THE RIGHT WITH A CHORD BEARING N41°25'49"W (ASSUMED BEARING), CHORD DISTANCE OF 102.93 FEET AND ARC DISTANCE OF 103.02 W (ASSUMED BEARING), CHORD DISTANCE OF 102.93 FEET AND ARC DISTANCE OF 103.02 FEET ON THE WESTERLY LINE OF SAID OUT LOT A TO THE NORTHWESTERLY CORNER THEREOF; THENCE N52°39'42"E 30.00 FEET ON THE NORTHERLY LINE OF SAID OUT LOT A TO THE NORTHEASTERLY CORNER THEREOF; THENCE S41°25'43"E 98.60 FEET ON THE EASTERLY LINE OF SAID OUT LOT A TO THE SOUTHEASTERLY E 98.60 FEET ON THE EASTERLY LINE OF SAID OUT LOT A TO THE SOUTHEASTERLY CORNER THEREOF; THENCE S44°22'45"W 30.00 FEET ON THE SOUTHERLY LINE OF SAID OUT LOT A TO THE POINT OF W 30.00 FEET ON THE SOUTHERLY LINE OF SAID OUT LOT A TO THE POINT OF BEGINNING. CONTAINING 3,143 SQUARE FEET OR 0.07 ACRES

Purchaser: Victor A. Robb

Purchase Price: \$1,000.00

Method of Payment: Cash at closing

Closing Date: As parties may agree

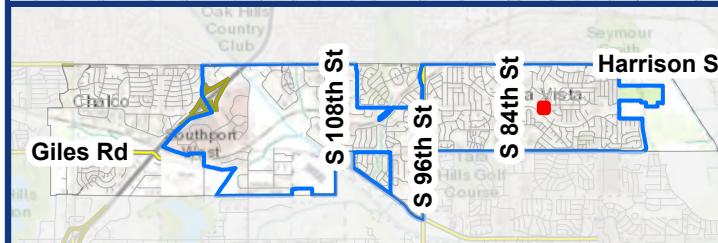
The Parcel will be sold to the specified purchaser after 30 days have elapsed since the passage and publication of the ordinance authorizing and directing the sale, unless a valid and timely remonstrance petition against such sale is signed and filed in accordance with Neb. Rev. Stat. Section 16-202.

Pamela A. Buethe, MMC

City Clerk



Exhibit A - Outlet A La Vista - Vicinity Map



Legend

- Property Lines
- Outlet A La Vista (City-Owned Property)



CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 6, 2024 AGENDA

Subject:	Type:	Submitted By:
AMEND POLICE RETIREMENT PLAN	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	KEVIN POKORNY DIRECTOR OF ADMINISTRATIVE SERVICES

SYNOPSIS

An ordinance has been prepared to amend the retirement plan for police employees to update the vesting schedule for the Police Chief position.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

On December 20, 2022, City Council amended the City Administrator's retirement plan to be renamed the City of La Vista Management Exempt Employees Defined Contribution Plan and Trust. In doing so, executive level managers were named as recipients in the plan and are 100% vested immediately. This change was made to be more competitive in the recruitment of executive level positions. The amendment included the following positions: Director of Administrative Services, City Clerk, Finance Director, Director of Public Works, Community Development Director, City Engineer, Human Resources Director, Library Director and Recreation Director.

The Chief of Police was not included in the in the City of La Vista Management Exempt Employees Defined Contribution Plan and Trust due to statutory requirements that must be met for law enforcement officers and the Police Chief. Accordingly, staff is recommending an amendment to the Police Retirement Plan to be consistent with all executive level employees in the city.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AMEND THE CITY OF LA VISTA POLICE OFFICERS RETIREMENT PLAN AND TRUST; TO AUTHORIZE FURTHER ACTIONS; AND TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Pursuant to Nebraska Statutes, Sections 16-1001 through and including 16-1019, the City of La Vista maintains the City of La Vista Police Officers Retirement Plan and Trust embodied in plan documents including an adoption agreement and basic plan document constituting an integral part thereof, as well as various amendments ("Plan").

SECTION 2. The Mayor and City Council are authorized and desire to amend the Plan, as set forth in the amendment presented with this Ordinance titled "CITY OF LA VISTA POLICE OFFICERS RETIREMENT PLAN AND TRUST AMENDMENT" ("Amendment").

SECTION 3. The Mayor and City Council do hereby approve and adopt said Amendment.

SECTION 4. The Mayor is authorized to execute said Amendment on behalf of the City, and the City Administrator is authorized and directed to provide the same to the Trustee (for its written acceptance, if determined necessary or appropriate), and if directed in this Ordinance or otherwise determined necessary or advisable, to cause said Amendment to be submitted, together with such supporting data as may be necessary or advisable and applicable application fee, to the Internal Revenue Service for ruling as to whether the same complies with the pertinent provisions of the Internal Revenue Code of the United States and, in particular, Sections 401(a) and 501(a) thereof, with authority to make any changes in or to the Amendment and other Plan documents and take such further actions as the City Administrator determines necessary or appropriate to obtain a favorable ruling or maintain the qualified status of the Plan.

SECTION 5. All ordinances and parts of ordinances as previously enacted to the extent in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 6. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance. The Mayor and City Council hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 7. This Ordinance shall be in force and take effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 6TH DAY OF FEBRUARY 2024.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

**CITY OF LA VISTA
POLICE OFFICERS RETIREMENT PLAN AND TRUST**

AMENDMENT

**ARTICLE 1
GENERAL**

- 1.1 **Amendment.** Pursuant to Nebraska Statutes, Sections 16-1001 through and including 16-1019, the City of La Vista, Nebraska (“City” or “Employer”) maintains the City of La Vista Police Officers Retirement Plan and Trust embodied in plan documents including an adoption agreement and basic plan document constituting an integral part thereof, as well as various amendments required by applicable law (“Plan”). The Mayor and City Council are authorized and desire to amend the Plan, and the Plan hereby is amended, as set forth in this Amendment.
- 1.2 **Superseding of inconsistent provisions.** Provisions of this Amendment apply notwithstanding any provisions of the Plan to the contrary. To further specify and not limit the foregoing sentence, this Amendment supersedes provisions of the Plan that are inconsistent with the provisions of this Amendment. Except as otherwise provided in this Amendment, terms defined in the Plan will have the same meaning in this Amendment.
- 1.3 **Numbering.** Except as otherwise provided in this Amendment, any use of “Article”, “Section” or similar language in this Amendment is used for organizing the Amendment and not to reference particular articles, sections, or parts of the Plan.
- 1.4 **Intention; Construction.** All provisions of the Plan shall be deemed amended and modified consistent with the provisions of this Amendment.
- 1.5 **Effect of subsequent restatement or amendment of Plan.** If the City restates the Plan, this Amendment shall remain in effect after such restatement unless the provisions in this Amendment are restated or otherwise become obsolete (e.g., if the Plan is restated and the restated plan document incorporates these provisions).

**ARTICLE 2
CONTRIBUTIONS**

- 2.1 **Subsection “C(1)” of the adoption agreement of the Plan is deleted and replaced in its entirety with the following:**

“C. MANDATORY EMPLOYEE CONTRIBUTIONS

[Section 3.1]

- (1) **Amount of Contribution.** The Employee contribution to the Trustee for each Plan Year shall be (select all that apply):
 - (a) Beginning October 1, 2015, a sum equal to seven percent (7%) of his or her Salary. (The required Employee contribution before October 1, 2015 was a sum equal to six and one-half percent (6 ½ %) of Salary from October 1, 2013 through September 30, 2015; and before October 1, 2013 was a sum equal to six percent (6%) of Salary.) (*Police*)
 - (b) Six and one-half percent (6 1/2%) of his or her Salary. (*Fire*)
 - (c) Other: In addition to amounts pursuant to subsection “a” above, additional Employee contributions and additional Employer contributions shall be contributed to the Plan pursuant to the Amended Agreement Between the La Vista Fraternal Order of Police Lodge No. 28 and the City of La Vista, Nebraska, FYE

2024 through 2026, or any successor of such Amended Agreement that provides for Additional Employee Contributions and Additional Employer Contributions described in this subsection (c) (such Amended Agreement and any such successor agreement being referred to herein as “FOP Agreement” and incorporated herein by this reference). Specifically, each Employee covered by the FOP Agreement shall be required to contribute an additional Employee contribution equal to 2% of the Employee’s Salary (“Additional Employee Contribution”) to his or her Employee Account under the Plan by regular payroll deduction from the Employee’s periodic Salary, and the City will make an additional City contribution of an equal amount (“Additional Employer Contribution”) to the Employer Account of the Employee under the Plan in accordance with subsection E(1)(a) of this Adoption Agreement; provided, however, if at any time Nebraska law is amended or otherwise enacted to require any additional employee contribution or any additional employer contribution to the Plan or to any other retirement plan in amounts in excess of the 7% mandatory employee contribution or 7% city contribution required by the Police Officers Retirement Act, then the Additional Employee Contribution and the Additional Employer Contribution described in this subsection (c) shall be reduced by the amount of any such increases.”

ARTICLE 3 VESTING

3.1 Subsections “I(2)(a)” and “I(2)(b)” of the adoption agreement of the Plan are deleted and replaced in their entirety with the following:

“(2) **Employer Accounts:** Each Participant's Employer Account shall become Vested as follows (*place “X” next to all that apply and complete appropriate blanks*):

X (a) **Full and Immediate Vesting.** The Employer Account of a police chief commencing Recognized Employment with ten or more years experience as a sworn law enforcement officer shall be fully Vested at all times.

X (b) **Graded Vesting.** Except as provided in subsection I(2)(a), each Participant's Employer Account shall be vested in accordance with the following schedule (*Choose One*):“

This Amendment is hereby executed this _____ day of _____ 2024.

CITY OF LA VISTA, a Nebraska municipality

By: _____
Douglas Kindig, Mayor

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 6, 2024 AGENDA**

Subject:	Type:	Submitted By:
AMEND CITY PERSONNEL POLICY AND PROCEDURES MANUAL	◆ RESOLUTION ORDINANCE RECEIVE/FILE	WENDY LOWERY HUMAN RESOURCES DIRECTOR

SYNOPSIS

A resolution has been prepared to update Section VIII of the City's Personnel Manual. This update has been undertaken to add Juneteenth to the holiday schedule.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

Section VIII of the Personnel Manual has been updated to include Juneteenth (June 19th) as a holiday for all La Vista employees. The new FOP contract was approved with the added holiday.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 8 OF THE CITY PERSONNEL POLICY AND PROCEDURES MANUAL REGARDING HOLIDAYS.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska, has determined that a need exists to make changes to the existing La Vista City Personnel Policy and Procedures Manual as adopted on December 20, 2005; and

WHEREAS, it is being proposed that Subsection 8.3 in the manual regarding holidays be amended to allow Juneteenth to be observed as a holiday; and

WHEREAS, it is the desire of the City Council to amend Section 8 of the Personnel Policy and Procedures Manual to incorporate the change to the above listed subsection.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the existing La Vista City Personnel Policy and Procedures Manual adopted on December 20, 2005, is hereby amended to reflect the proposed change to Subsection 8.3 as submitted at the City Council meeting.

PASSED AND APPROVED THIS 6TH DAY FEBRUARY OF 2024.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

SECTION VIII: EMPLOYEE BENEFITS

ADOPTED:	RESOLUTION NO. 96-012	AMENDED:	RESOLUTION NO. 07-100
DATE:	FEBRUARY 6, 1996	DATE:	SEPTEMBER 18, 2007
AMENDED:	RESOLUTION NO. 01-140	AMENDED:	RESOLUTION NO. 07-128
DATE:	OCTOBER 2, 2001	DATE:	DECEMBER 18, 2007
AMENDED:	RESOLUTION NO. 02-128	AMENDED:	RESOLUTION NO. 09-072
DATE:	DECEMBER 3, 2002	DATE:	AUGUST 4, 2009
AMENDED:	RESOLUTION NO. 03-072	AMENDED:	RESOLUTION NO. 14-017
DATE:	AUGUST 19, 2003	DATE:	FEBRUARY 18, 2014
AMENDED:	RESOLUTION NO. 04-126	AMENDED:	RESOLUTION NO. 20-118
DATE:	DECEMBER 21, 2004	DATE:	DECEMBER 1, 2020
READOPTED:	RESOLUTION NO. 05-159	AMENDED:	RESOLUTION NO. 23-001
DATE:	DECEMBER 20, 2005	DATE:	JANUARY 3, 2023

8.1 **Request for Leave:** An employee wishing to take any type of leave shall first submit a Request for Time Off form to the department head and/or City Administrator for approval. This requirement applies to all types of leave.

(1) **Sick Leave for Employees Hired Before January 1, 2005 Who Have Not Elected to Waive Their Eligibility for Emergency Sick Leave:**

Full-time regular employees shall accrue entitlement to paid sick leave at the rate of ten (10) hours for each full calendar month of employment. Full-time regular employees shall be allowed to accrue unused sick leave from previous years to a maximum of 880 sick leave hours. An employee shall be credited with one (1) hour of annual vacation leave for each eight (8) hours of sick leave which would otherwise be earned but for the maximum allowable accumulation of sick leave, unless the employee elects to waive his/her eligibility for sick leave.

Earned sick leave may be used for absence necessitated by illness, injury or quarantine. Employees may use sick leave as accrued during the initial probationary period. Paid sick leave may also be used to keep medical or dental appointments. Paid sick leave may also be used for illness in the immediate family to a maximum of five (5) work days in each calendar year.

Paid sick leave shall be used by employees in quarter hour increments (.25/hr.). No full-time non-exempt employee shall be allowed paid sick leave until the department head has approved the sick leave and certified the employee's request to the City Administrator for approval. No full-time exempt employee shall be allowed paid sick leave until the City Administrator has approved the sick leave request. Any full-time employee claiming paid sick leave may be required by the department head and/or the City Administrator to provide a certificate signed by a physician stating the nature and extent of illness.

Paid sick leave shall not be allowed in advance of accumulation. Abuse of paid sick leave may result in disciplinary action. All cases of possible sick leave abuse shall be investigated.

Emergency Sick Leave: All paid sick leave days which would otherwise be earned but for the 880 hours maximum allowable accumulation shall be credited to emergency sick leave accounts

established for full-time exempt and full-time non-exempt employees, less any time of the employee credited to vacation leave (namely eight (8) hours of sick leave time which would otherwise be earned but for the maximum allowable accumulation shall be credited as one (1) hour vacation time for the employee and seven (7) hours credited to the appropriate emergency sick leave account). There are two separate emergency sick leave accounts, one for all full-time exempt employees and one for all full-time non-exempt employees. There are not separate accounts for each individual exempt or non-exempt employee. The accounts are only inclusive of hours contributed by current, eligible employees. Emergency sick leave may be allowed to any regular full-time exempt or non-exempt employee after the employee has exhausted his/her individual paid vacation leave, personal leave and sick leave. Allowance of use of the appropriate emergency sick leave account is granted by the emergency sick leave committee for that account.

The emergency sick leave committee for exempt and non-exempt employees shall consist of the City Clerk, the Finance Director, and the requesting employee's Department Head. If the requesting employee is a Department Head, the City Administrator shall participate in the emergency sick leave committee. Employees are required to complete and sign a Sick Bank Request Form and a HIPAA waiver.

The emergency sick leave committee shall regulate the use of emergency sick leave from the reserve. Only employees meeting the established criteria will be processed through the emergency sick leave committee. Prior to allowing use from the reserve, the committee must determine that the applicant has exhausted his/her individual paid vacation, personal, and sick leave accrual and that an emergency situation exists as defined herein. The committee shall determine the number of hours of emergency sick leave to be granted and shall report the same to the City Council and City Administrator. No employee having less than 880 hours of accrued individual sick leave may contribute sick leave hours to an emergency sick leave account.

An "emergency situation" is a set of circumstances respecting which the appropriate committee determines that an employee, due to serious illness, serious injury or other serious medical, physical or mental condition of the employee, reasonably has an extraordinary need for more time off than he or she has available in any form of paid leave days, and that the employee has previously been conscientious and judicious in the use of his or her paid sick leave. It does not include any illness or injury that typically would be expected to cause the employee to be unable to work a duration of less than five weeks (35 consecutive calendar days).

Provisions of the Worker's Compensation law shall apply where illness or injury occurs on the job.

A full time regular employee who is not a member of the Fraternal Order of Police collective bargaining unit would have had to submit a written request to the City Clerk prior to January 31, 2005, to waive their eligibility for emergency sick leave. Upon submission of said written request, the employee became subject to subsection 8.1(2) for all accrual and payout of sick leave.

- (2) Sick Leave For Employees Hired Prior to January 1, 2005 Who Have Elected to Waive Their Eligibility for Emergency Sick Leave and For Employees Hired On or After January 1, 2005:

Full-time regular employees shall accrue entitlement to paid sick leave at the rate of ten (10) hours for each full calendar month of employment. Full-time regular employees shall be allowed to accrue unused sick leave from previous years to a maximum of 880 sick leave hours. Unless otherwise established by a collective bargaining agreement, no sick leave accrual or vacation credits are earned by any employee at the maximum of 880 accrued and unused sick leave hours.

Earned sick leave may be used for absence necessitated by illness, injury or quarantine. Employees may use sick leave as accrued during the initial probationary period. Paid sick leave may also be used to keep medical or dental appointments. Paid sick leave may also be used for illness in the immediate family to a maximum of five (5) work days in each calendar year.

Paid sick leave shall be used by employees in quarter hour increments (.25/hr.). No full-time non-exempt employee shall be allowed paid sick leave until the department head has approved the sick leave and certified the employee's request to the City Administrator for approval. No full-time exempt employee shall be allowed paid sick leave until the City Administrator and/or the department head has approved the sick leave request. Any full-time employee claiming paid sick leave may be required by the department head and/or the City Administrator to provide a certificate signed by a physician stating the nature and extent of illness.

Paid sick leave shall not be allowed in advance of accumulation. Abuse of paid sick leave may result in disciplinary action. All cases of possible sick leave abuse shall be investigated.

Emergency Sick Leave: In lieu of an emergency sick leave program, employees in this category are eligible for an alternate sick leave payout schedule as outlined in Section 7.21, Termination Pay.

Provisions of the Worker's Compensation law shall apply where illness or injury occurs on the job.

(3) Vacation Leave: All full-time employees and permanent part-time employees working a minimum of twenty (20) hours per week shall earn paid vacation time as provided herein with the exception of employees subject to the paid vacation leave provisions of the La Vista FOP contract or the Public Works employees' contract.

Exempt Employees: During the first year of employment, all full-time exempt employees shall earn eighty (80) hours of paid vacation time per year. No vacation may be taken until the employee has successfully completed six months of continuous employment with the City. For continuous employment with the City thereafter, an additional eight (8) hours of paid vacation time is earned at the beginning of each calendar year for each additional year of service. All paid vacation time is accrued on a bi-weekly basis. The total paid vacation time earned per year shall not exceed 26 days (208 hours).

Non-exempt Employees: During the first year of employment all full-time non-exempt employees shall earn forty-eight (48) hours of paid vacation time. No vacation may be taken until the employee has successfully completed six months of continuous employment with the City. Starting the second year of continuous employment, paid vacation time will be earned at a rate of 88 hours per year. For continuous employment with the City thereafter, an additional eight (8) hours of paid vacation time is earned at the beginning of each calendar year for each additional year of service. All paid vacation

time is accrued on a bi-weekly basis. The total paid vacation leave earned per year shall not exceed 23 days (184 hours).

Permanent Part-Time Employees: After successful completion of six (6) months of continuous employment, permanent part-time employees who work a minimum of twenty (20) hours per week shall earn forty (40) hours of paid vacation time per year. All paid vacation time is accrued on a bi-weekly basis. The total paid vacation time earned per year shall not exceed 5 days (40 hours).

Exempt, Non-exempt, and Permanent Part-Time Employees shall be allowed to accrue unused vacation leave from previous years to a maximum of 220 hours.

Use of Vacation Leave:

- (a) Vacation leave may be scheduled or taken only with the approval of the employee's department head and/or the City Administrator.
- (b) Vacation leave will only be approved if it will not be disruptive to the work schedule of the departments concerned and/or the operations of the City.
- (c) Upon satisfactory completion of six months of continuous employment, regular full-time employees and permanent part-time employees shall be entitled to begin using earned vacation leave. Vacation shall be used in quarter hour increments (.25/hr.). Use of vacation leave in increments of less than four hours must be approved at least forty-eight (48) hours in advance and may be taken only at the beginning or at the end of the employee's work day.
- (d) If a day designated as a paid holiday for the employee falls during an employee's vacation, the day shall not be charged as vacation time. An employee who leaves the employment of the City shall be compensated for vacation leave earned and accrued as provided herein.

(4) Personal Leave and Funeral Leave:

- (a) **Personal Leave:** A permanent regular full-time employee shall be eligible for two (2) days of paid personal leave per City fiscal year, beginning after the successful completion of six months of continuous service with the City. Personal leave shall not be accrued, and personal leave not used by the end of the final full pay period in the fiscal year (September) for which it is allowed shall be forfeited; provided, however, that the City Administrator may allow a new employee an extension of time within which to use personal leave time, not to exceed six (6) months after the eligibility date.
- (b) **Family Funeral Leave:** A permanent regular full-time employee shall be eligible for paid leave to attend the funeral of a member of the immediate family of the employee, up to but not exceeding five (5) days. An employee may request family funeral leave for a relative not included in the definition of "immediate family". These requests will be considered by Department Heads who shall have the authority to grant or deny said leave. Funeral leave shall not be granted for any other purpose and shall not be accrued. Eligibility begins after the successful completion of six months of continuous service with the City.

- (c) Non-Family Funeral Leave: A permanent regular full-time employee may be allowed paid leave to attend the funeral of an acquaintance/friend. Such leave shall not exceed four (4) hours per funeral, or twelve (12) hours per calendar year. In all cases, the employee must describe his/her relationship with the deceased. Department head and/or City Administrator approval is required for non-family funeral leave. Eligibility begins after the successful completion of six months of continuous service with the City.
- (d) Personal Leave and Funeral Leave shall be used in quarter hour increments (.25/hr.).

(5) **Military Leave of Absence:**

- (a) **Military Leave Pay**
 - (1) State of Nebraska Non-Emergency Active Service: See Subsection 7.23(1) of this Manual.
 - (2) State of Nebraska Emergency Active Service: See Subsection 7.23(2) of this Manual.
 - (3) In any case in which this Personnel Manual or Nebraska law require the City to pay an employee respecting an absence due to military service, the calculation will be made based upon the actual number of hours of City work and City pay actually missed by the employee on the actual day(s) the employee was absent due to such military service. The foregoing shall apply whether the employee's absence is for nonemergency military service requiring the City to pay the employee full City pay for up to a certain number of hours in any one calendar year or whether the employee's absence is for a state of emergency leave of absence requiring the City to pay only the difference between the state active service base pay actually earned and the City pay the employee would have earned had the employee not been absent. See Section 7.23 of this Manual.
- (4) **Federal Service.**
 - (A) Employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve or Coast Guard Reserve may take Military Leave when ordered into or employed in the military service of the United States (i.e., the federal government). See Section 7.23 of this Manual.
 - (5) Continuation of an employee's pay by the City during periods of Military Leave is governed by Section 7.23 of this Manual.
 - (6) The intention of the above Military Leave pay provisions is to assure that employees receive all pay due to them under Sections 55-160 and 55-161 of the Nebraska Revised Statutes. The City does not pay employees with respect to periods of Military Leave, except as provided in such statutes or as otherwise required by law.
- (b) **Reemployment After Military Leave**

- (1) All employees who take Military Leave (other than for State of Nebraska emergency active service, which is addressed in the next subparagraph) are entitled to reinstatement on return from Military Leave lasting not longer than five years (except to the extent a longer period of leave may be required by federal or Nebraska law), if they gave timely notice of the active duty service (unless precluded from doing so by military necessity) and make application for reinstatement within the time and in the manner required by law. Reinstatement may be denied under this subparagraph if (A) the employee was released from military service with a disqualifying discharge or under other than honorable conditions, (B) the City's circumstances have so changed as to make such reemployment impossible or unreasonable [an example would be a reduction in work force or position elimination that would have caused the employee to lose employment], or (C) the City employment left by the employee for military service was for a brief, nonrecurrent period and the employee had no reasonable expectation such employment would continue indefinitely or for a significant period. [See Neb. Rev. Stat. Section 55-161 and 38 U.S.C. Section 4304 and 4312(a) and (d).]
- (2) Employees called to State of Nebraska emergency active service, as described in Subsection 7.23(2) of this Manual, shall be entitled to reinstatement upon release from such State of Nebraska emergency active service, if they promptly return to City employment on release from such military service.
- (3) Time spent on Military Leave shall be counted as service to the City for computing seniority in the event layoff situations arise. An employee who is reemployed by the City on timely return from Military Leave is entitled to the seniority and other rights and benefits determined by seniority that the employee had on the commencement of the Military Leave plus the additional seniority and rights and benefits that the employee would have attained if the employee had remained continuously employed without taking Military Leave. [See Neb. Rev. Stat. Section 55-161 and 38 U.S.C. Section 4316.]
- (4) If the City position vacated by the employee taking Military Leave no longer exists at the time the employee seeks to timely return to work for the City, the employee shall be entitled to re-employment in another existing position of the same class, if such re-employment does not necessitate the laying off of another employee with greater seniority.
- (5) An employee returning from Military Leave may be employed at the same step of the salary range attained when granted a Military Leave. The employee may be eligible for a merit pay increase upon completion of one (1) year of service, which shall include the time between the employee's last merit increase and the date the employee's Military Leave commenced.
- (6) An employee having accrued vacation on departing the service of the City to take Military Leave may elect to be paid such accrued vacation, on departure for Military Leave, as if the employee were permanently separating from the service of the City.

(7) The foregoing provisions on Reinstatement After Military Leave set forth minimum entitlements in the situations to which they apply. In particular circumstances, the provisions of the federal Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. sections 4301 et seq., may entitle the employee to greater rights of reinstatement. The City will in each case extend to the employee the benefit which under state or federal law is more generous to the employee.

(8) The employment rights and interests of an employee who is hired for or promoted, transferred or assigned to a position, to which position an employee on Military Leave has reinstatement or reemployment rights under this Manual or by law, are subject and subordinate to such reinstatement or reemployment rights of the employee on Military Leave.

(6) **Civic Duty Leave:** If an employee is summoned or appointed to jury duty or election duty, the employee shall be entitled to Civic Duty Leave as necessitated to permit the employee to perform such civic responsibilities, if the employee gives reasonable notice to the City of such summons or appointment. (Cross Ref.: Neb. Rev. Stat. §§ 25-1640, 32-241 and 32-1517.)

For periods of Civic Duty Leave, an employee shall be paid by the City the difference between the employee's City base rate of compensation and the jury or election duty pay, other than expenses, received by the employee. An employee may elect to continue receiving his/her full rate of City compensation by notifying the City Clerk in advance that the employee agrees to remit to the City all jury or election duty pay, other than expenses, received by the employee.

(7) **Civil Emergency Leave:** A permanent full-time regular employee may apply to the City Administrator for Civil Emergency Leave when there is a state or national incident of such significance as to require a political subdivision to seek assistance of other public entities. In determining whether Civil Emergency Leave will be granted, the City Administrator will consider whether the employee's service would provide needed professional skills either as a volunteer member of a "recognized" organization or as an individual possessing the specific skills needed to respond to the civil emergency (e.g. building inspection services, clean-up services, public safety services), whether the leave would be disruptive to the work schedule of the City department concerned and/or the operations of the City of La Vista, and any other factors which the City Administrator deems relevant. While rendering services during a Civil Emergency Leave, the employee shall not be considered to be acting in the course and scope of his/her employment with the City of La Vista. If approved by the City Administrator, such leave would provide for the following:

- a. Civil Emergency Leave may be scheduled or taken only with the advance written approval of the department head concerned and the City Administrator.
- b. Civil Emergency Leave may only be taken during such time that it is not disruptive to the work schedule of the City departments concerned and/or the operations of the City of La Vista.
- c. The City Administrator shall determine the length of Civil Emergency Leave to be granted; however, in no case shall an employee be permitted more than four weeks of such leave in any one calendar year.

- d. If Civil Emergency Leave is granted, an employee would be paid by the City the difference between his/her regular rate of pay for 40 hours per week and any amount of compensation he or she receives from any other source as pay for the services rendered during such Civil Emergency Leave (not including reimbursement for travel, lodging or meal expenses). An employee may elect to continue receiving his/her full rate of pay from the City by notifying the City Clerk in advance that the employee agrees to remit to the City any amount of compensation (less expenses) he or she receives for the services rendered or by providing documentation to the City Clerk that he or she will receive no compensation (other than reimbursement of expenses) for the services rendered. The employee would continue to earn and accrue City vacation, sick, and personal leave hours at the usual rates. The employee would not be eligible for overtime pay during said leave.
- e. The employee would be maintained on the City's health, dental and life insurance coverages.
- f. The employee would not be maintained on the City's workers' compensation coverage during Civil Emergency Leave.
- g. Prior to returning to work, the employee shall be required to disclose any compensation received and/or any injury suffered in connection with the Civil Emergency Leave, in a manner prescribed by the City Administrator.

Civil Emergency Leave shall not be granted for any other purpose and shall not be accrued. Eligibility begins the date immediately following the successful completion of the initial or extended probationary period.

- (8) **Leave of Absence Without Pay:** A leave of absence without pay may be granted to a regular employee for a period not to exceed ninety (90) calendar days by the City Administrator. In considering a request for such a leave of absence, the City Administrator will consider whether the requested leave would be disruptive to the work schedule of the City department concerned and/or the operations of the City of La Vista, and any other factors which the City Administrator deems relevant. During such a leave, the employee must pay for all employee benefits the employee wishes to retain (e.g., insurance) while on leave. Upon expiration of leave of absence without pay, the employee shall return to work in the position held at the time that leave was granted. Failure without good cause to report promptly when the leave has expired shall be considered as a resignation.
- (9) **Absence Without Leave (AWOL):** Any unauthorized absence of an employee from duty without prior permission, where the circumstances allowed the employee time to request permission by telephone or otherwise, shall be deemed to be an absence without leave and may result in disciplinary action by the City Administrator. Any employee who is absent for three (3) or more days without notice and authorized leave shall be deemed to have resigned. However, the City Administrator may grant leave with or without pay if he or she determines extenuating circumstances existed.
- (10) **Family and Medical Leave:** This section implements the City's policy under the federal Family and Medical Leave Act (FMLA). An employee who has been employed by the City for at least twelve months (which need not be consecutive), and who has worked at least 1,250 hours of service during the 12 consecutive months immediately preceding the requested commencement date of family or medical leave, may be granted up to twelve weeks of family or medical leave during an

applicable 12-month period for certain family or medical reasons. An "applicable 12-month period" means the rolling 12-month period measured backward from the date the employee uses any family or medical leave.

Family or medical leave may be used:

- (a) For the birth or adoption of a child or the placement of a child with the employee for adoption or foster care;
- (b) To care for the employee's spouse, parent or child who has a serious health condition; or
- (c) When a serious health condition of the employee prohibits him/her from performing an essential function of his/her job.

If necessary, leave may be taken intermittently or on a reduced work schedule for medical care and treatment. If both spouses are employed by the City, they may only take a combined total of twelve weeks during an applicable 12-month period for the birth or adoption of a child or for placement of a child with the employee for adoption or foster care. However, each such employee will remain entitled to use the balance of his or her twelve weeks of leave during an applicable 12-month period for other circumstances qualifying for family or medical leave.

Whenever practical, the employee shall provide the City at least thirty (30) days notice of any need for family or medical leave. When such notice is not practicable, the employee shall give notice of the need for leave to the City as soon as practicable under the circumstances.

When an employee gives the City notice of the need for or requests family or medical leave, or when the City otherwise acquires notice that leave is being taken or used for purposes which qualify for family or medical leave, including absences covered by workers' compensation (if qualifying for family or medical leave), the City Clerk will provide the employee with a notice containing the information required by the FMLA regulations [29 C.F.R. Section 825.301(b)]. Such notice shall be given by the City Clerk within a reasonable time after the City receives notice of the need for or applicability of family or medical leave, and within one or two business days if feasible. Such notice shall be given by the City Clerk no less often than the first time in each six-month period that an employee gives notice of the need for family or medical leave or of facts or circumstances to which family or medical leave would apply. When possible, an employee on FMLA leave shall contact his/her supervisor weekly to update the supervisor on the status of the employee's family or medical leave and the employee's intent to return to work.

An employee may be required to provide medical certification from a health care provider in connection with a request for family or medical leave due to a serious health condition of the employee or of his/her spouse, parent or child. (Copies of the medical certification form, and of a U.S. Department of Labor "Fact Sheet" explaining the FMLA, may be obtained from the City Clerk.) At its option, the City may require a second medical opinion at the City's expense.

Normally, family or medical leave is unpaid leave. However, to the extent permitted by the FMLA and FMLA regulations, all forms of paid leave (including accrued sick leave, personal leave and

vacation leave) must be substituted for unpaid family or medical leave before unpaid leave may be taken. Paid leave which is so substituted will correspondingly reduce the employee's entitlement to unpaid family or medical leave.

On return to work at or before the expiration of the employee's entitlement to family or medical leave, the employee will be placed in the same position held previously (or an equivalent position) with the same rate of compensation and benefits. However, reinstatement may be denied under certain circumstances to a "key" employee, as defined in the FMLA and FMLA regulations.

The City will continue to provide health, life and dental insurance benefits to an employee who is on family or medical leave taken under the FMLA, provided the employee was receiving such benefits immediately prior to the FMLA leave. However, no other benefits will accrue during unpaid periods of family or medical leave. Respecting any unpaid periods of family or medical leave, the employee must reimburse the City, on a monthly basis, any costs of such insurance coverages which are normally paid by the employee while the employee is not on leave.

If an employee does not return to work for the City at or before the expiration of the employee's entitlement to family or medical leave, or informs the City that he or she does not intend to so return, the employee's insurance coverage shall cease and the employee shall reimburse the City for all insurance costs (both normally City-paid and normally employee-paid) which were incurred during periods of unpaid family or medical leave. However, if an employee does not return to work at the end of a family or medical leave due to reasons beyond the employee's control, or due to the continuation, recurrence or onset of a serious health condition which would entitle the employee to FMLA leave, the City shall not require reimbursement of normally City-paid health insurance costs incurred respecting the leave period. Only an employee who returns to work for at least thirty (30) calendar days will be considered to have "returned" to work for purposes of this paragraph.

Nothing in this Section shall be interpreted to entitle any employee to any benefit greater or more favorable to the employee than is required by the FMLA. This Section shall be interpreted consistently with 29 CFR Part 825.

8.2 **Temporary Limited Light Duty (TLD):** When the City Administrator determines that it is practicable to do so, the City Administrator in consultation with Department Heads will endeavor to identify and assign temporary limited light duty work (TLD) to an employee who is temporarily unable to perform any essential function of his or her regular position as a result of a work-related or non-work-related injury or illness. If so identified and assigned, a TLD assignment shall be temporary only and intended to enable the employee to return to his/her regular position as soon as possible.

(1) **Temporary Limited Light Duty Work Assignment.**

- a. The City will endeavor to return employees to gainful employment as soon as possible by exploring possible TLD assignments; however the City does not guarantee the availability of light-duty work.
- b. TLD assignment is not in any manner intended to be a permanent duty assignment.

- c. TLD assignment will be made only if productive work contributing to the efficient and effective operation of City government is available. A TLD assignment will not be made or continued if the City Administrator determines the assignment would unfairly require another employee to perform a substantially disproportionate share of the more difficult or least desirable types of work.
- d. If TLD work is available, any of the following arrangements may be made:
 - (1) The employee may return to his or her regular job with restrictions in duties;
 - (2) The employee may be assigned TLD work within the same department; or
 - (3) The employee may be assigned to TLD or other work in another department.
- e. If there are a limited number of TLD assignment opportunities available, employees recovering from work-related injuries or illnesses shall have assignment priority over employees recovering from non-work-related injuries or illnesses.
- f. If there is no TLD assignment available, an employee with a non-work-related injury or illness shall be required to utilize accrued sick, vacation, personal or compensatory leave time, or time off without pay if accrued leave has been exhausted. If the needs of the City require, a replacement may be hired to replace the employee and the employee, when able to return to work, shall be eligible for rehire to a then-vacant position.
- g. An employee who has reached maximum medical improvement and is determined to have a permanent disability (total or partial) that prevents the employee from performing an essential function of his or her current position shall not be eligible for assignment to or continuation of TLD work, but may be considered for transfer to a then vacant position.

(2) Procedures.

- a. An employee must submit a request to the employee's Department Head for a TLD assignment, together with a release for light duty work from the employee's physician that outlines the employee's work limitations and restrictions.
- b. The Department Head shall review the employee's limitations and restrictions and meet with the Human Resources Assistant to determine if an appropriate TLD assignment is available.
- c. Each TLD assignment must be approved by the City Administrator or his or her designee.

(3) Additional Provisions.

- a. A TLD assignment for an employee recovering from a non-work-related injury or illness shall not exceed sixty (60) calendar days. At the end of sixty calendar days, the

employee may request to use accrued sick or vacation leave or may request leave without pay.

- b. At the end of the first thirty calendar days of a TLD assignment, an employee must present a current statement from a medical doctor stating the estimated date of the employee's return to regular duty. A TLD assignment will not be continued beyond the first thirty calendar days if the employee does not provide the required medical statement.
- c. Prior to returning to full duty, the employee must provide a statement from a medical doctor that unconditionally releases the employee to perform all essential functions of the employee's position.
- d. A TLD assignment for an employee recovering from a work-related injury or illness shall not exceed one hundred eighty (180) calendar days, unless approved in advance by the City Administrator.
- e. An employee on a TLD assignment must present, not less frequently than every thirty calendar days, a current statement from a medical doctor indicating an estimated date of the employee's ability to return to full regular duty.
- f. An employee's refusal to perform a task or job duty that is consistent with (not contrary to) the employee's medical restrictions will be treated as an act of insubordination. The employee will be directed to leave the work site and, if the employee has had an opportunity to reconsider the refusal and to explain his or her position and the insubordination is nevertheless clearly established, the employee will be placed on leave without pay. The employee may be subject to further disciplinary action as deemed appropriate by the City Administrator and/or may be directed to be re-evaluated or to provide further medical documentation to determine his or her ability to perform available TLD work tasks.
- g. An employee on TLD assignment may be assigned several types of work at various and differing locations and work times, as necessitated by changing medical restrictions, by completion of available work of a particular type, or the ability of the City to provide or continue a TLD work assignment.

(4) Anything in this policy that may conflict with any provision of the Nebraska Workers' Compensation Act or any other state or federal statute shall be applied, interpreted and deemed amended so as to be consistent with such Act or statute.

8.3 **Holidays:** The following days are observed as holidays by the City of La Vista:

<u>DAY</u>	<u>WHEN OBSERVED</u>
New Year's Day	January 1
Martin Luther King Day	Second or Third Monday in January as nationally designated

Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
<u>Juneteenth</u>	<u>June 19</u>
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Fourth Thursday in November
Christmas Day	December 25

- (a) When a holiday falls on Saturday, it shall be observed on the preceding Friday. When a holiday falls on Sunday, it shall be observed on the following Monday.
- (b) All regular full-time exempt employees of the City of La Vista, except those designated to work, shall receive holidays with pay for holidays observed by the City.
- (c) All regular full-time non-exempt employees of the City of La Vista, except those designated to work, shall receive holidays with pay for holidays observed by the City according to their scheduled shift at the time of the holiday.
- (d) Due to special or emergency needs of the City, or due to an employee's work schedule and/or work assignment, a regular full-time employee may be required by the City to work on a holiday otherwise observed by the City. When this occurs, the Department Head is to make a reasonable effort to allow such an employee a different day off with pay during the same workweek. If allowing a different day off in the same workweek is not possible, and the employee therefore does not receive alternate time off in lieu of holiday time off, the employee shall be paid eight (8) hours pay in lieu of having the day off and shall also be compensated at one and one-half times his or her regular rate of pay respecting the time actually worked on the holiday recognized by the City.

If a holiday falls on a regular full-time employee's regular day off, the employee will be entitled to eight hours pay at his or her regular rate in lieu of the holiday time off, and no alternate day or time off will be allowed in lieu of such pay, except as provided otherwise in this section 8.3 (a) for holidays falling on Saturdays and Sundays (which shall mean the Saturdays and Sundays shown on the calendar and not any other days of the week which an employee considers to be his or her "Saturday" or "Sunday").

EXAMPLE: Compare a City employee (e.g. one at City Hall) who works Monday through Friday and another employee (e.g. one at the golf course) who works Wednesday through Sunday. In the case of a Monday holiday, the City Hall employee receives 40 hours of pay for 32 hours of work. The golf course employee receives 48 hours of pay for 40 hours of work. Both employees receive 8 hours of pay for 8 hours not worked.

- (e) The City Administrator may disallow holiday pay if an employee is requested to work on the holiday and does not comply with such request.

(f) No employee will be paid for a holiday unless he/she has actually worked, if scheduled, the working day immediately preceding the holiday and the working day immediately following the holiday, except where the employee is granted special advance approval for pay for the holiday by the City Administrator.

8.4 **Health and Life Insurance:** Regular full-time employees are eligible for enrollment in the group life, health and dental insurance programs maintained by the City. The employee portion of the cost of insurance programs, if any, as established by the Compensation Ordinance, shall be withheld from the employee's earnings as prescribed by the City Council. The conditions and provisions of the master insurance contracts and other plan documents concerning eligibility for coverages, costs of coverages, benefits covered or provided or excluded, limitations of coverage, waiting periods, claims processing procedures, etc., shall control over any contrary or inconsistent provisions in this Manual.

8.5 **Retirement Programs:** Regular full-time employees shall participate in the retirement program maintained by the City, except uniformed police officers. Employee contributions shall equal six percent (6%) of the employee's base monthly pay, unless a different percentage is established by the then-current compensation ordinance. The City shall contribute to the retirement program an amount equal to the minimum monthly contribution of each participating employee, unless a different percentage is established by the then-current compensation ordinance. Regular full-time employees may voluntarily contribute up to an additional 4% of their base monthly pay unless a different percentage is established by the then-current compensation ordinance; however, the City will not match the voluntary contribution. The City may also offer a voluntary 457 plan for regular permanent full-time and regular permanent part-time employees. Employee contributions to the 457 plan will be strictly voluntary and the City will not match an employee's voluntary contribution. The normal retirement age is sixty-five (65). Claims for retirement benefits shall be submitted to the City Clerk or other individual designated as administrator of the retirement program. Further information regarding the City's retirement program and vesting schedule are available from the City Clerk or his/her designee.

Retired full-time employees of the City may participate in the City's group medical insurance program, subject to the following criteria and conditions:

- (a) Authorization under state law for cities of the first class to include retirees under their group health care plans; and
- (b) The employee retires with twenty (20) consecutive years of service as a full-time employee of the City and is not separated from employment due to disciplinary discharge; and
- (c) The Mayor and City Council have authorized medical insurance coverage for full-time employees of the employee's classification and the designated medical insurer contract offers coverage to qualified retirees of employee's classification; and
- (d) The qualified retiree must be a participant in the City's applicable group medical insurance at the time of retirement; and
- (e) The qualified retiree must elect COBRA coverage for the maximum COBRA continuation period at the time of retirement; and
- (f) The qualified retiree must notify the City Clerk that he/she intends to participate in such group medical coverage OR that he/she intends to waive such coverage at least 60 days prior to the expiration of COBRA eligibility (failure of the qualified retiree to provide such notification shall bar the retiree from future participation in the City's group medical coverage); and
- (g) The qualified retiree pays 100% of the premium (cost) of such retiree medical insurance; and

- (h) The qualified retiree is not medicare or medicaid eligible; and
- (i) Any retiree coverage via the City's group medical insurance shall terminate upon the qualified retiree becoming medicare or medicaid eligible.

8.6

Worker's Compensation: Employees of the City of La Vista are covered by Worker's Compensation and the City purchases insurance to insure this risk. Worker's compensation coverage normally provides the following for employees injured while on the job: medical and hospital services, prosthetic devices, total and partial disability benefits, benefits for injuries to specific bodily members, benefits for injuries causing death, and certain occupational illnesses.

All work-related accidents and injuries must be reported in writing to the City Clerk immediately, and not later than two days after the event. Under the Nebraska Workers' Compensation Act, an employee has the right to choose a doctor to treat the employee for a work related injury. The employee may only choose a doctor who, before the injury happens, has treated the employee or the employee's spouse, child, parent, stepchild or stepparent. The doctor chosen must have records to show that such previous treatment was provided. Employees may be required to sign an authorization verifying the previous treatment. All employees shall be required to choose a doctor on the official "Form 50" of the Nebraska Workers' Compensation Court.

Under current workers' compensation law, workers' compensation does not provide any wage replacement benefits to an employee for or during the first seven calendar days of disability, even though the disability is otherwise covered by workers' compensation. During that seven days period, an employee may use his or her earned but unused paid sick leave, personal leave or vacation leave to the extent necessary to avoid or reduce interruption of income. [After a disability absence covered by workers' compensation has continued for six weeks or longer, workers' compensation will retroactively pay the employee wage replacement benefits for the first seven calendar days period to the extent provided by law. To the extent (but only to the extent) workers' compensation retroactively makes such a payment to the employee for the first seven calendar days of disability and such payment would reduce the amount of the sick leave, personal leave or vacation leave that the employee would have needed to use during those first seven days to avoid interruption of income during those seven days, the City will restore to the employee the excess sick leave, personal leave or vacation leave used by the employee during the first seven days. First Example: If workers' compensation retroactively pays the employee two-thirds (the equivalent of 26.66 hours) of the employee's normal weekly wages for the first seven calendar days of disability, and the employee initially used 40 hours of vacation during those seven days to avoid interruption of income, the City will restore 26.66 hours of vacation to the employee. The employee needed to use the other 13.34 hours of the 40 hours of vacation leave, plus the 26.66 hours equivalent paid by workers' compensation, to avoid interruption of income. Second Example: If workers' compensation retroactively pays the employee two-thirds (the equivalent of 26.66 hours) of the employee's normal weekly wages for the first seven calendar days of disability, and the employee initially used 25 hours of sick leave during the seven days period and had no other earned but unused sick leave, vacation leave or personal leave available to him or her during those first 7 calendar days, the City will restore 11.66 hours of sick leave to the employee. The employee needed to use the other 13.34 hours of the 25 hours of sick leave, plus the 26.66 hours equivalent paid by workers' compensation, to avoid interruption of income.]

Following the first seven calendar days of workers' compensation-covered disability, the employee may use his or her earned but unused paid sick leave, personal leave or vacation leave, until such leaves are exhausted, to the extent necessary to avoid or reduce interruption of income. This means that those types of leave may be used in such amounts as will be sufficient, when combined with workers' compensation benefits received by the employee, to represent total monthly payments to the employee equal to the employee's monthly rate of base pay. After earned but unused paid sick leave, personal leave and vacation leave have been exhausted, the employee will receive only the workers' compensation benefits to which he or she may be entitled by law (unless the employee is eligible to apply for an allowance of emergency sick leave and the appropriate emergency sick leave committee grants the employee an allowance from the emergency sick leave account administered by such committee).

State statutes currently require that a sworn police officer suffering a temporary disability in the line of duty be paid his/her full wages ("City Wage Continuation") during continuance of the temporary disability for not more than twelve months or until the disability has been determined to have become permanent, whichever is earlier. Any workers' compensation benefits received by the officer during that period are deducted from the City Wage Continuation. In addition, all earned but unused paid sick leave, personal leave and vacation leave must be used to supplement the workers' compensation benefit and offset any wage loss before City Wage Continuation begins. [Cross Ref. Neb. Rev. Stat. §§ 16-1011 and 16-1012.]

8.7 **Rest Periods:** Scheduled rest periods are designated by the department head with the approval of the City Administrator, and may be changed by the department head as needs of City business may dictate, except that any permanent change in the schedule must also be approved by the City Administrator. A fifteen (15) minute rest period shall generally be allowed to all employees during each four (4) hours of work.

8.8 **Health and Wellness Incentive Program:** To encourage employee productivity, the La Vista Safety Committee may develop and maintain a Health and Wellness Incentive Program for full-time and permanent part-time employees with rules and regulations subject to the approval of the City Administrator. Such voluntary program may include nominal incentives for participation as annually funded through the budget process, including T-shirts, ball caps and certificates for "time off" from work. If earned via participation in the Health and Wellness Incentive Program and subject to the established rules and regulations, an employee may receive not more than one such time off certificate, each six months, for not more than eight hours of time off and such certificate shall contain restrictions for use, and may not be accumulated over time nor exchanged or "cashed in" for wages.

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 6, 2024 AGENDA

Subject:	Type:	Submitted By:
ENGINEERING SERVICES AGREEMENT – QUIET ZONE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAT DOWSE CITY ENGINEER

SYNOPSIS

A resolution has been prepared to authorize a professional services agreement with Felsburg, Holt & Ullevig (FHU), for engineering services related to Federal Railroad Administration Quiet Zone safety reporting requirements in an amount not to exceed fee of \$9,400.

FISCAL IMPACT

The FY23/FY24 Biennial Budget provides funding for these services.

RECOMMENDATION

Approval.

BACKGROUND

Federal Railroad Administration regulations require that quiet zones established with Supplementary Safety Measures have periodic evaluations and reports filed every 4.5 to 5 years after their establishment. The La Vista Quiet Zone, which involves the BNSF crossings at 126th Street, West Giles Road, and 132nd Street, was established on March 24, 2014, and subsequently reaffirmed on March 26, 2019. An update and report must be submitted by March 26, 2024. FHU has been instrumental in providing assistance to gain the initial approval and subsequent reaffirmation of the quiet zone and has the expertise necessary to provide these services to maintain compliance.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH FELSBURG, HOLT, & ULLEVIG FOR THE REVIEW OF THE LA VISTA QUIET ZONE SUPPLEMENTARY SAFETY MEASURES.

WHEREAS, the City desires to enter into a professional services agreement with Felsburg, Holt & Ullevig (FHU) for the review of the La Vista Quiet Zone Supplementary Safety Measures; and

WHEREAS, the FY23/FY2024 Biennial Budget includes funding for the proposed services and related costs; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure council approval prior to authorizing any purchases over \$5,000;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby authorize the Mayor to execute a professional services agreement with Felsburg, Holt, & Ullevig for the review of the La Vista Quiet Zone Supplementary Safety Measures.

PASSED AND APPROVED THIS 6TH DAY OF FEBRUARY 2024.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk



January 16, 2024

Mr. Pat Dowse, PE
City Engineer
City of La Vista
9900 Portal Road
La Vista, NE 68128

RE: La Vista Quiet Zone
Periodic Update Services

Dear Pat,

Per your request, Felsburg Holt & Ullevig (FHU) is submitting this proposal for services to review the approximately one-mile La Vista Quiet Zone on the BNSF corridor in Sarpy County with associated railroad crossing safety measures for continued compliance with the Final Rule 49 CFS (Sec. 222.47).

General Background

The Use of Locomotive Horns at Highway-Rail Grade Crossings; Final Rule 49 CFS (Sec. 222.47) requires each quiet zone established with Supplementary Safety Measures (SSMs) to have periodic updates 4.5-5 years after their establishment. This is an affirmation by the local authority in writing to the Federal Railroad Administration (FRA) that the quiet zone continues to conform to the requirements of the Final Rule.

According to our records, the La Vista Quiet Zone was established on March 24, 2014, and re-affirmed on March 26, 2019. This means the quiet zone should be updated by March 26, 2024.

FHU will assist the City of La Vista and Sarpy County in retaining the Quiet Zone along the BNSF mainline. We will review the initial quiet zone construction plans, conduct a field visit of each crossing to determine if crossing conditions have changed, both in terms of geometrics and traffic control.

FHU will review the current DOT website for inventory and crash information. We will conduct 24-hour traffic counts, draft new inventory sheets with updated information, and prepare a Notice of Affirmation for retaining the existing quiet zone.

This work will include the three crossings of the BNSF in the La Vista Quiet Zone at:

- 126th Street, DOT # 916752G, MP 029.217
- West Giles Road, DOT # 073039E, MP 029.629
- South 132nd Street, DOT # 073036J, MP 029.739

The Supplementary Safety Improvements (SSMs) at each of the highway-railroad crossings will be reviewed per the FRA's Final Rule for establishing Quiet Zones. We will also review each crossing improvement for conformance with recent Quiet Zone requirements, determinations, waivers, and interpretations by BNSF, NDOT, and FRA. We will identify any potential issues as part of our base services, and if needed, would be willing to assist the City and County in resolving any necessary compliance actions as supplemental services.

We have based our fee estimates on the following Scope of Services including preparation of draft documents for the City of La Vista and Sarpy County to submit to the BNSF, FRA, Amtrak, and NDOT.

Project Scope of Services

This scope of services is for the periodic review of the La Vista Railroad Quiet Zone covering the crossings of the BNSF at 126th Street, West Giles Road, and S. 132nd Street respectively. This Scope of Services assumes that FHU provides the necessary documentation for the City of La Vista and Sarpy County to coordinate with the FRA, BNSF, Amtrak, and NDOT.

The tasks below describe the engineering services to be provided by Felsburg Holt & Ullevig (FHU) to the City of La Vista and Sarpy County for maintaining the La Vista Quiet Zone in Sarpy County. This scope of services consists of the reviewing existing documents, conducting site visits, and preparing notices to the agencies.

TASK 1. Project Management

- a. Project Management – Mark Meisinger, the FHU Project Manager will serve as point of contact, maintain project schedule and budget, and provide regular progress reports with invoices.

TASK 2. Meetings

- a. Kick-Off Meeting - FHU will attend a kick-off meeting with La Vista and Sarpy County staff at the initiation of the project. No Public Information Meetings are planned as part of this scope.

TASK 3. Document and Field Review

- a. FHU will review the FRA website for existing inventory data and crash records.
- b. FHU will examine the as-built plans and Notices of Quiet Zone Establishment for compliance with the latest FRA regulations and interpretations.
- c. FHU will conduct an on-site field review and measurements for condition of the Supplementary Safety Measures and related traffic control.
- d. FHU will conduct 24-hour traffic counts at each crossing.

TASK 4. Submittals

- a. FHU will prepare the Notice of Affirmation to Retain an Existing Quiet Zone, Chief Executive Officer(s) Statements, and updated inventory sheets for each crossing in appropriate form for submittal to the BNSF, FRA, and NDOT.
- b. FHU will address comments or modifications required after review by the City of La Vista and Sarpy County prior to the submittal to BNSF, FRA and NDOT. Should comments be provided by these agencies that would require modifications to the submittal package, FHU will address those comments and provide a revised version of the documents to the City of La Vista for resubmittal to BNSF, FRA and NDOT.
- c. As a supplemental service, FHU would also be available for consultation and submittals with agencies regarding potential compliance issues at our standard hourly rates.

Project Schedule

We understand that time is of the essence and have developed a schedule to complete the periodic update as quickly and efficiently as possible. Upon receipt of a signed agreement, FHU will begin working on this assignment. We will complete and submit the draft documents for the La Vista Quiet Zone within 30 calendar days after holding the kick-off meeting. This schedule is based on a period of 5 working days for the City to provide the documents listed above after the Notice to Proceed.

Project Fee Estimate

We propose to conduct these services on a Cost Plus Fixed Fee basis, with other direct costs, such as printing reimbursed at a rate of 1.1 times actual cost. At our standard hourly rates, we estimate that the services associated with reviewing the crossing safety measures could be completed for a maximum fee of **\$9,400**. This amount would be established as a "not to exceed" limit beyond which no charges could be made without the City and County's prior written approval. Our "Letter Agreement Standard Provisions" (**Attachment A**) are attached hereto and are incorporated into this agreement. A detailed fee schedule (**Attachment B**) is also included that shows the assumptions included within our fee estimate for the services.

We appreciate the opportunity to provide this service to the City of La Vista and Sarpy County. We look forward to assisting you in the retention of both the safety and quality of life provided by the La Vista Quiet Zone. If you have any questions, please contact Mark by email at mark.meisinger@fhueng.com or by phone at 402.708.9175.

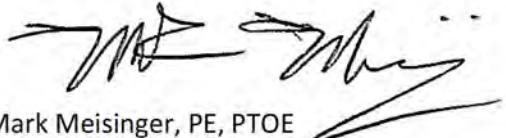
Sincerely,

FELSBURG HOLT & ULLEVIG



Kyle A. Anderson, PE, PTOE
Executive Vice President

Accepted By


Title
Date
Mark Meisinger, PE, PTOE
Project Manager

Letter Agreement Standard Provisions

A. SERVICES BY THE CONSULTANT

The **CONSULTANT** agrees to perform all services, hereunder, using reasonable skill and judgment in accordance with applicable professional standards. **CONSULTANT** agrees to keep the **CLIENT** informed on its progress through periodic reports, and to maintain accurate records relating to its services for this project.

The **CONSULTANT** agrees to provide, directly or by association with such other Consultants or Contractors as it may deem necessary to further the interest of the **CLIENT**, the basic services as described in the Scope of Work provided in the signed Letter Proposal or Letter Agreement.

B. RESPONSIBILITIES OF THE CLIENT

The **CLIENT** shall provide and make available to the **CONSULTANT**, for his use, all maps, property descriptions, surveys, previous reports, historical data, and other information within its knowledge and possession relative to the services to be furnished hereunder. Data so furnished to the **CONSULTANT** shall remain the property of the **CLIENT** and will be returned upon completion of its services.

The **CLIENT** shall make provisions for the **CONSULTANT** to enter upon public and private properties as required for the **CONSULTANT** to perform its services hereunder.

C. EXTRA WORK

The **CLIENT** may desire to have the **CONSULTANT** perform work or render services other than those provided in Scope of Work. This will be Extra Work. Work shall not proceed until so authorized by the **CLIENT**. Payment for all work under this Agreement shall be on an hourly basis plus expenses in accordance with the attached rate schedule. Charges for outside services, expenses, and subconsultant work will be billed at 1.10 times the invoice amount.

D. TIME OF BEGINNING AND COMPLETION

Execution of the Letter Proposal is authorization by the **CLIENT** for the **CONSULTANT** to proceed with the work (Time of Beginning). The original Time of Completion is as noted in the Letter Agreement.

E. PAYMENT

Unless otherwise provided herein, **CONSULTANT** shall submit monthly invoices for Basic, Additional or Special Services and for Reimbursable Expenses each month for work that has been performed. If hourly, invoices will be based on labor and expenses incurred. If lump sum, invoices will be based on the percentage of work completed.

Payments not made within 60 days of the billing date shall bear interest at the rate of 1% per month which is an annual interest rate of 12%. If any portion of, or an entire account remains unpaid 90 days after billing, the **CLIENT** shall pay all costs of collection, including reasonable attorney's fees.

F. DELAYS

If the **CONSULTANT** is delayed at any time in the progress of work by any act or neglect of the **CLIENT** or its agents, employees or contractors, or by changes in the work, or by

extended reviews by the **CLIENT**, fire, unavoidable casualties, or by any causes beyond the **CONSULTANT'S** control, the time schedule shall be extended for a reasonable length of time, and **CONSULTANT'S** compensation may be subject to renegotiation for increased expenses due to escalation of prices, extended services, rework, and/or other expenses incidental to such delays.

G. OWNERSHIP OF DOCUMENTS

All drawings, specifications, reports, records, and other work products developed by the **CONSULTANT** associated with this project are instruments of service for this project only and shall remain the property of the **CONSULTANT** whether the project is completed or not. The **CONSULTANT** shall furnish originals or copies of such work product to the **CLIENT** in accordance with the services required hereunder. Reuse of any of the work product of the **CONSULTANT** by the **CLIENT** on an extension of this project or on any other project without the written permission of the **CONSULTANT** shall be at the **CLIENT'S** risk and the **CLIENT** agrees to defend, indemnify, and hold harmless the **CONSULTANT** from all claims, damages, and expenses including attorney's fees arising out of such unauthorized reuse by the **CLIENT** or by others acting through the **CLIENT**. Any reuse or adaptation of the **CONSULTANT'S** work product shall entitle the **CONSULTANT** to equitable compensation.

H. INSURANCE

During the course of the services, the **CONSULTANT** shall maintain Workmen's Compensation Insurance in accordance with the Workmen's Compensation laws of the State of Nebraska; Professional Liability Insurance with a minimum coverage of \$1,000,000 per occurrence, \$2,000,000 aggregate; Automobile Liability with a combined single limit coverage of \$1,000,000; and Commercial General Liability of \$1,000,000 per occurrence, \$2,000,000 aggregate. Upon request, the **CONSULTANT** shall provide certificates of insurance to the **CLIENT** indicating compliance with this paragraph.

I. TERMINATION

Either the **CLIENT** or the **CONSULTANT** may terminate this Agreement at any time with or without cause upon giving the other party fourteen (14) calendar days prior written notice. The **CLIENT** shall within sixty (60) calendar days of termination pay the **CONSULTANT** for all services rendered and all costs incurred up to the date of termination, in accordance with the compensation provisions of this contract.

J. DISPUTES

Any claim, dispute, or other matter in question between the **CLIENT** and the **CONSULTANT**, arising out of or relating to either's obligations to the other under this Agreement, shall, if possible, be resolved by negotiation between the **CLIENT'S** representative and the **CONSULTANT** Principal-in-Charge for the Project. **CLIENT** and **CONSULTANT** each commit to seeking resolution of such matters in an amicable, professional, and expeditious manner. If a matter cannot be resolved by these parties, no later than thirty (30) calendar days after either party submits an issue in writing for resolution,

representatives from executive management of the **CLIENT** and **CONSULTANT** shall attempt to resolve the matter through additional good faith negotiations. If resolution cannot be reached within an additional thirty (30) calendar days, the **CLIENT** and **CONSULTANT** agree that all such unresolved disputes shall be submitted to nonbinding mediation.

Pending final resolution of the dispute, the **CONSULTANT** shall proceed diligently with the performance of the Basic Services as described in Article A, as directed by the **CLIENT**, and the **CLIENT** shall continue to pay the undisputed payments due to the **CONSULTANT** for such services in accordance with the payment provisions of this Agreement.

K. GOVERNING LAW

Unless otherwise agreed in writing, this Agreement and the interpretation thereof shall be governed by the law of the State of Nebraska.

L. SUCCESSORS AND ASSIGNS

The **CLIENT** and the **CONSULTANT** each binds itself and its partners, successors, executors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party with respect to all covenants of this Agreement. Neither party shall assign or transfer its interest in this Agreement without the written consent of the other.

M. EXTENT OF AGREEMENT

This Agreement represents the entire and integrated agreement between the parties and supersedes all prior negotiations and representations. Nothing herein shall be deemed to create any contractual relationship between the **CONSULTANT** and any other consulting business, or contractor, or material supplier on the project, nor obligate it to furnish any notices required under other such contracts, nor shall anything herein be deemed to give anyone not a party to this Agreement any right of action against a party which does not otherwise exist without regard to this Agreement.

N. NOTICES

All notices and instructions given by either party to the other shall be in writing, and shall be deemed to be properly served if delivered to the address of record shown below, or if deposited in the United States Mail properly stamped with the required postage and addressed to such party at the address in the Letter Proposal or Letter Agreement. The date of service of a notice sent by mail shall be deemed to be the day following the date on which said notice is so deposited. Either party hereto shall have the right to change its address by giving the other party written notice thereof.

O. ACCURACY OF SERVICES AND LIMITATION OF LIABILITY

The **CONSULTANT** shall use reasonable professional skill and judgment in providing the services, hereunder, but does not warrant that such services are without errors and/or omissions. If, during the authorized use and prudent interpretation of documents or advice furnished by the **CONSULTANT**, an error or omission is discovered within a reasonable time, the **CONSULTANT** shall be responsible for correction of any work which must be removed or altered to meet the project requirements, provided the **CONSULTANT** is given a

reasonable opportunity to make remedial recommendations and to correct or arrange for the correction of the work itself. The **CONSULTANT** will not be liable for the cost of procurement of work or services performed in correcting such errors and/or omissions where such work or services result in a value to the Project over and above that which the original work or services provided.

In providing opinions of probable construction cost, the **CLIENT** understands that the **CONSULTANT** has no control over costs or the price of labor, equipment, or materials, or the Contractor's method of pricing, and that the opinions of probable construction costs provided herein are to be made based on the **CONSULTANT'S** qualifications, and experience. The **CONSULTANT** makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs.

The **CONSULTANT** agrees, to the fullest extent permitted by law, to indemnify and hold the **CLIENT** harmless from any damage, liability or cost (including reasonable attorneys' fees and costs of defense) to the extent caused by the **CONSULTANT'S** negligent acts, errors or omissions in the performance of professional services under this Agreement and those of his or her subconsultants or anyone for whom the **CONSULTANT** is legally liable.

The **CLIENT** agrees, to the fullest extent permitted by law, to indemnify and hold the **CONSULTANT** harmless from any damage, liability or cost (including reasonable attorneys' fees and costs of defense) to the extent caused by the **CLIENT'S** negligent acts, errors or omissions and those of his or her contractors, subcontractors or consultants or anyone for whom the **CLIENT** is legally liable, and arising from the project that is the subject of this Agreement. **CLIENT'S** amount of indemnity or costs incurred in providing the indemnity shall be limited to the same amount as the **CONSULTANT'S** liability is listed below.

As negotiated as a part of this Agreement, to the fullest extent permitted by law, and notwithstanding any other provision of this Agreement, the total liability, in the aggregate, of the **CONSULTANT** and the **CONSULTANT'S** officers, directors, partners, employees, agents and subconsultants, to the **CLIENT** and anyone claiming by, through or under the **CLIENT**, for any and all claims, losses, costs or damages of any nature whatsoever arising out of, resulting from or in any way related to the Project or the Agreement from any cause or causes, including but not limited to the negligence, professional errors or omissions, strict liability, breach of contract or warranty, express or implied, of the **CONSULTANT** or the **CONSULTANT'S** officers, directors, employees, agents or subconsultants, or any of them, shall not exceed the total amount of \$100,000.

Upon execution of the Letter Agreement or Letter Proposal, the **CLIENT** thereby agrees to the terms of these Special Provisions.

Railroad Quiet Zone 4.5-5 Year Affirmation

Attachment B

City of La Vista, Sarpy County, NE

1/16/2024

Felsburg Holt & Ullevig

ACTIVITIES	Person Hours By Task						Fee
	PR	PM	Engr.	Sr. Des.	Admin.	Total	
1- Project Management	1	3			1	5	\$1,375
2- Kick-Off Meeting Obtain Background Data, Plans & Traffic Counts		3	1			4	\$1,050
3- Document & Crossing Field Review Review Construction Plans (3) Review Crossings On-Site for Compliance Review FRA Inventory & Crash Records		1	3			4	\$670
		4	4			8	\$1,720
		1	3			4	\$670
							<u>\$3,060</u>
4- Coordination City, FRA, BNSF, Amtrak & NDOT Review RQZE Documents & Agreements Prepare QZ Affirmation & Executive Statement Update Inventory Sheets	1	1	3			4	\$670
		1	4			6	\$1,130
		2	3			5	\$980
							<u>\$2,780</u>
TOTAL HOURS	2	16	21		1	40	\$8,265
Billing Rates	\$340.00	\$310.00	\$120.00	\$200.00	\$105.00		
Total Salaries	\$680	\$4,960	\$2,520	\$0	\$105		<u>\$8,265</u>

DIRECT PROJECT EXPENSES

ITEM

Traffic Counts			\$1,000
Mileage- (10 miles FHU Omaha - La Vista) 1 trip	10	\$0.670	\$7
Printing, Postage/Shipping - Certified Mail	1	\$50.00	\$50
Misc		\$78	\$78
TOTAL DIRECT PROJECT EXPENSES			<u>\$1,135</u>

MAXIMUM AMOUNT PAYABLE	\$9,400
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