

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 17, 2013 AGENDA**

Subject:	Type:	Submitted By:
ZONING TEXT AMENDMENT — TRANSITIONAL AGRICULTURE DISTRICT	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and an ordinance prepared to amend Section 5.05 of the Zoning Ordinance regarding the Transitional Agriculture District (TA).

FISCAL IMPACT

N/A.

RECOMMENDATION

Approve.

BACKGROUND

A public hearing has been scheduled to consider an amendment to Section 5.05 of the Zoning Ordinance regarding the TA District.

Through staff's regular review of the Zoning Ordinance it was concluded that the "Intent" statement of the Transitional Agriculture District was not consistent with existing property with this zoning classification. An additional amendment is proposed to the Permitted Conditional Uses in the TA District, to delete "Hospital, nursing home, assisted living, convalescent facilities" from this district in order to align the uses with the intent of the district.

The Planning Commission held a public hearing on August 15, 2013 and voted unanimously to recommend approval of the amendment.

Section 5.05 TA Transitional Agriculture District

5.05.01 Intent: The Transitional Agriculture District is established to recognize these properties as agricultural at present with the understanding that they may be suitable for development in the future. This district allows for existing agricultural properties to continue using the land in that manner for the purpose of preserving agricultural resources that are compatible with adjacent urban growth. It is not intended for commercial feedlot operations for livestock or poultry. Because the areas are not in the identified growth areas for the community, the district is designed to limit urban sprawl.

5.05.02 Permitted Uses.

- 5.05.02.01 Farming, pasturing, truck gardening, orchards, greenhouses and nurseries, including the sale of products raised on the premises, provided that no livestock feedlot or yard for more than twelve (12) animals shall be established.
- 5.05.02.02 Farm dwellings for the owners and their families, tenants, and employees.
- 5.05.02.03 Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
- 5.05.02.04 Railroads, not including switching, terminal facilities or freight yards.
- 5.05.02.05 Public overhead and underground local distribution utilities.
- 5.05.02.06 Single family dwelling.
- 5.05.02.07 Churches.
- 5.05.02.08 Hydrogenation process.
- 5.05.02.09 Public services.
- 5.05.02.10 Publicly owned and operated facilities.
- 5.05.02.11 Roadside stands offering for sale agriculture products on the premises.

5.05.03 Permitted Conditional Uses:

- 5.05.03.01 Radio, television and wireless communication towers and transmitters, as per Section 7.11.
- 5.05.03.02 Cemeteries, provided all structures are located at least one hundred (100) feet from all property lines.
- 5.05.03.03 Wastewater treatment facilities.
- 5.05.03.04 Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
- 5.05.03.05 Home occupations, as per Section 7.10.
- 5.05.03.06 Raising and care of animals for 4-H, Future Farmer of America (FFA) or other rural/school organizations.
- 5.05.03.07 Wind energy systems on tracts of more than ten (10) acres, as per Section 7.18.
- 5.05.03.09 Airports.
- 5.05.03.10 Campgrounds.
- ~~5.05.03.11 Hospital, nursing home, assisted living, convalescent facilities.~~
- 5.05.03.12 Kennels and stables.
- 5.05.03.13 Water reservoir.

5.05.04 Permitted Accessory Uses:

- 5.05.04.01 Buildings and uses customarily incidental to the permitted and conditional uses.
- 5.05.04.02 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.05.04.03 Signs as provided for in Section 7.01 through 7.04.
- 5.05.04.04 Parking as provided for in Section 7.05 through 7.09.
- 5.05.04.05 Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
- 5.05.04.06 Storage or parking of vehicles, boats, campers and trailer, as per Section 7.13.

5.05.05 Height and Lot Requirements:

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

Uses	Lot Area (Acres)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Residential Dwelling	20	660'	75'	25'	25'	35'	-
Other Permitted Uses	20	660'	75'	25'	25'	45'	-
Other Permitted Conditional Uses	20	660'	75'	25'	25'	45'	-
Accessory Buildings	-	-	100'	25'	10'	17'	-

ORDINANCE NO. ____

AN ORDINANCE TO AMEND SECTION 5.05 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.05 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Amendment of Section 5.05. Section 5.05 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.05 TA Transitional Agriculture District

5.05.01 Intent: The Transitional Agriculture District is established to recognize these properties as agricultural at present with the understanding that they may be suitable for development in the future. This district allows for existing agricultural properties to continue using the land in that manner.

5.05.02 Permitted Uses.

- 5.05.02.01 Farming, pasturing, truck gardening, orchards, greenhouses and nurseries, including the sale of products raised on the premises, provided that no livestock feedlot or yard for more than twelve (12) animals shall be established.
- 5.05.02.02 Farm dwellings for the owners and their families, tenants, and employees.
- 5.05.02.03 Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
- 5.05.02.04 Railroads, not including switching, terminal facilities or freight yards.
- 5.05.02.05 Public overhead and underground local distribution utilities.
- 5.05.02.06 Single family dwelling.
- 5.05.02.07 Churches.
- 5.05.02.08 Hydrogenation process.
- 5.05.02.09 Public services.
- 5.05.02.10 Publicly owned and operated facilities.
- 5.05.02.11 Roadside stands offering for sale agriculture products on the premises.

5.05.03 Permitted Conditional Uses:

- 5.05.03.01 Radio, television and wireless communication towers and transmitters, as per Section 7.11.
- 5.05.03.02 Cemeteries, provided all structures are located at least one hundred (100) feet from all property lines.
- 5.05.03.03 Wastewater treatment facilities.
- 5.05.03.04 Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
- 5.05.03.05 Home occupations, as per Section 7.10.
- 5.05.03.06 Raising and care of animals for 4-H, Future Farmer of America (FFA) or other rural/school organizations.
- 5.05.03.07 Wind energy systems on tracts of more than ten (10) acres, as per Section 7.18.
- 5.05.03.09 Airports.
- 5.05.03.10 Campgrounds.
- 5.05.03.12 Kennels and stables.
- 5.05.03.13 Water reservoir.

5.05.04 Permitted Accessory Uses:

- 5.05.04.01 Buildings and uses customarily incidental to the permitted and conditional uses.
- 5.05.04.02 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.

- 5.05.04.03 Signs as provided for in Section 7.01 through 7.04.
- 5.05.04.04 Parking as provided for in Section 7.05 through 7.09.
- 5.05.04.05 Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
- 5.05.04.06 Storage or parking of vehicles, boats, campers and trailer, as per Section 7.13.

5.05.05 Height and Lot Requirements:

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

Uses	Lot Area (Acres)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Residential Dwelling	20	660'	75'	25'	25'	35'	-
Other Permitted Uses	20	660'	75'	25'	25'	45'	-
Other Permitted Conditional Uses	20	660'	75'	25'	25'	45'	-
Accessory Buildings	-	-	100'	25'	10'	17'	-

SECTION 2. Repeal of Section 5.05 as Previously Enacted. Section 5.05 of Ordinance No. 848 as previously enacted is hereby repealed.

SECTION 3. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

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

SECTION 5. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 17TH DAY OF SEPTEMBER, 2013.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk