

Memorandum



To: Planning Commission Members
CC:
From: Marcus Baker, City Planner
Date: 11/9/2007
Re: Revisions to the Zoning Ordinance

Agenda Item 4A: Proposed Revisions to City of La Vista Zoning Ordinance - Section 5.13 I-1 Light Industrial, Section 5.14 I-2 Heavy Industrial, Section 2.02 Definitions, and Section 7.16 Performance Standards for Industrial Uses

Revisions have been made to these sections of the Zoning Ordinance to create more generalized categories of uses; clarify and / or define uses and standards; and allow a greater diversity of services in the Industrial Zoning Districts. These revisions are shown in a preliminary draft, which are currently under review by City Staff. A more refined version will be available for Planning Commission review in the near future. At this time, no action is needed from the Planning Commission.

Staff Recommendation Item 4A: Recommend continuance of the proposed revisions.

Section 5.13 I-1 Light Industrial.

5.13.01 Intent: It is the intent of the Light Industrial District Regulations to provide standards for area suitable for some limited industrial uses and services, including some retail businesses, wholesaling, and storage activities; to preserve land for the expansion of the basic economic activities; to free these areas from intrusion by avoid incompatible land uses, to serve that these areas should be served with adequate transportation facilities, and that user of this land to conduct activities that create prevent or low to moderate mitigate hazards to adjacent properties.

5.13.02 Permitted Uses:

- 5.13.02.01 Animal specialty services, except veterinary
- 5.13.02.02 Assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials.
- 5.13.02.03 Automotive rental / leasing and automobile parking services
- 5.13.02.04 Automotive services, except repair
- 5.13.02.05 Business services
- 5.13.02.06 Facilities for building construction contractors
- 5.13.02.07 Landscape and horticultural services
- 5.13.02.08 Medical and dental Laboratories.
- 5.13.02.09 Manufacture and assembly of electrical and electronic appliances.
- 5.13.02.10 Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
- 5.13.02.11 Manufacture of light sheet metal products including heating and ventilation equipment.
- 5.13.02.12 Miscellaneous repair services, not including automotive
- 5.13.02.13 Printing, publishing business, and allied industries.
- 5.13.02.14 Stone and monument works.
- 5.13.02.15 Public local distribution and main transmission utilities Electric, gas and sanitary services, not including collection and disposal of solid waste or hazardous waste.
- 5.13.02.16 General warehousing and public self-storage wholesale businesses.
- 5.13.02.17 Building materials yards with enclosed and screened storage areas.
- 5.13.02.18 Highway maintenance yards or buildings.
- 5.13.02.19 Self storage units.
- 5.13.02.20 Veterinarian or animal hospitals.
- 5.13.02.21 Outdoor storage facilities.
- 5.13.02.22 Personal services
- 5.13.02.23 Testing Laboratories
- 5.13.02.24 Travel agencies
- 5.13.02.25 Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)
- 5.13.02.26 Special and vocational educational and training facilities. (Ordinance No. 950, 3-1-05)
- 5.13.02.27 Veterinary Services, not including livestock.
- 5.13.02.28 Wholesale trade of non-durable goods

5.13.03 Permitted Conditional Uses

- 5.13.03.01 Household furniture, furnishings, and equipment store
- 5.13.03.02 Hardware, lawn and garden supply store
- 5.13.03.03 Lumber and other building materials dealer
- 5.13.03.04 Outdoor display of merchandise
- 5.13.03.05 Radio, television and communication towers and transmitters, as per Section 7.11.
- 5.13.03.06 Fertilizer transmission lines.
- 5.13.03.07 Utility substations, terminal facilities, and reservoirs.
- 5.13.03.08 Auction Sales.
- 5.13.03.09 Construction and heavy equipment sales and service.
- 5.13.03.10 Farm-implement sales and service.
- 5.13.03.11 Research facilities.
- 5.13.03.12 Truck terminal and dock facilities to include truck washing.
- 5.13.03.13 Auto body repair.
- 5.13.03.14 Live in quarters used by live in watchman or custodians during periods of construction or when necessary as an accessory to permitted use.
- 5.13.03.15 Cabinetry millwork.

- 5.13.03.16 ~~Automotive dealers and gasoline service stations~~ Service station with minor automobile repair services (Ordinance No. 872, 10-15-02)
- 5.13.03.17 ~~Automotive repair shops~~ Tire store and minor automobile repair service. (Ordinance No. 872, 10-15-02)
- 5.13.03.18 Sale of recreational vehicles, including boats and jet skis
- ~~5.13.03.19 Totally enclosed, automated and conveyor style car washes. (Ordinance No. 909, 6-17-03)~~
- 5.13.03.20 Indoor recreational facility. (Ordinance No. 918, 10-6-03)

5.13.04 Permitted Accessory Uses

- 5.13.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.13.04.02 Parking as permitted in Section 7.05 through 7.09.
- 5.13.04.03 Signs allowed in Section 7.01 through 7.04.
- 5.13.04.04 Temporary buildings and uses incidental to construction work that will be removed upon completion or abandonment of the construction work.
- 5.13.04.05 Landscaping as required by Section 7.17.

5.13.05 Height and Lot Requirements:

- 5.13.05.01 The height and minimum lot requirements shall be as follows:

Use	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	20,000 10,000	100	35' ¹	30'	25'	45'	65%
Permitted Conditional Uses	20,000 10,000	100	35' ¹	30'	25'	45'	65%

¹ 35' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of sixty (60) feet.

5.13.06 Use Limitations:

- 5.13.06.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in ~~any required yard~~ within fifteen (15 ~~30~~) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.17.04.
- 5.13.06.02 No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
- 5.13.06.03 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

5.13.07 Performance Standards:

- See Section 7.16 of the Supplemental Regulations.

Section 5.14 I-2 Heavy Industrial.

5.14.01 Intent: It is the intent of the Heavy Industrial District Regulations to provide standards for industrial uses and services, including area suitable for some limited industrial manufacturing, wholesaling and storage activities; to preserve land for the expansion of the basic economic activities; to free these areas from intrusion by avoid incompatible land uses; to serve that these areas should be served with adequate transportation facilities; and that user of this land conduct activities that create low to moderate to prevent or mitigate hazards to adjacent properties.

Adult Entertainment Facilities are included in this Zoning District. The intent of the La Vista Zoning Ordinance is not to prohibit these uses but to regulate the secondary effects of these uses within the community.

5.14.02 Permitted Uses:

- 5.14.02.01 All permitted uses allowed in I-1 Zoning District;
- 5.14.02.02 Assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials.
- 5.14.02.03 Facilities for heavy construction contractors
- 5.14.02.04 Laboratories.
- 5.14.02.05 Manufacturing of apparel, textile mill products, furniture and fixtures, transportation equipment, and assembly of electrical and electronic appliances equipment and components.
- 5.14.02.06 Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
- 5.14.02.07 Manufacture of light sheet metal products including heating and ventilation equipment.
- 5.14.02.08 Manufacturing of food and kindred products, limited to bakery items, dairy products, sugar and confectionary products, and beverages
- 5.14.02.09 Printing and publishing business.
- 5.14.02.10 Stone and monument works. Manufacturing stone, clay, glass and concrete products.
- 5.14.02.11 Public local distribution and main transmission utilities.
- 5.14.02.12 Warehouses and wholesale businesses.
- 5.14.02.13 Building materials yards with enclosed and screened storage areas.
- 5.14.02.14 Highway maintenance yards or buildings.
- 5.14.02.15 Self storage units.
- 5.14.02.16 Bottling works.
- 5.14.02.17 Dairy products processing.
- 5.14.02.18 Veterinarian or animal hospitals.
- 5.14.02.19 Ice Plant.
- 5.14.02.20 Laundry and dry cleaning plant.
- 5.14.02.21 Manufacturing, compounding, processing, packaging or treatment of articles or merchandising from previously prepared materials such as bone, cloth, aluminum, cork, fiber, leather, glass, plastic, paper, stones, tin, rubber, and paint.
- 5.14.02.22 Millwork; veneer, plywood and structural wood products manufacturing woodwork.
- 5.14.02.23 Storage of farm and agricultural products.
- 5.14.02.24 Tire retreading and recapping.
- 5.14.02.25 Processing of food products.
- 5.14.02.26 Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)
- 5.14.02.27 Special and vocational educational and training facilities. (Ordinance No. 950, 3-1-05)
- 5.14.02.28 Transportation services
- 5.14.02.29 Trucking and courier services, except air
- 5.14.02.30 Veterinary Services, including livestock
- 5.14.02.31 Wholesale trade of durable goods

5.14.03 Permitted Conditional Uses

- 5.14.03.01 All Conditional Uses permitted in I-1 Zoning District
- 5.14.03.02 Radio, television and communication towers and transmitters, as per Section 7.11.
- 5.14.03.03 Fertilizer transmission lines.
- 5.14.03.04 Utility substations, terminal facilities, and reservoirs.
- 5.14.03.05 Auction Sales.
- 5.14.03.06 Construction and heavy equipment sales and service.

- 5.14.03.07 ~~———— Farm implement sales and service.~~
- 5.14.03.08 ~~———— Research facilities.~~
- 5.14.03.09 ~~———— Truck terminal and dock facilities to include truck washing.~~
- 5.14.03.10 ~~———— Auto body repair.~~
- 5.14.03.11 Auto Salvage.
- 5.14.03.12 ~~Central mixing~~ Batch plant for concrete, asphalt, or paving material.
- 5.14.03.13 Scrap and salvage yard.
- 5.14.03.14 Storage of bulk petroleum products.
- 5.14.03.15 ~~———— Storage or processing of non-hazardous material.~~
- 5.14.03.16 *The manufacturing, compounding, processing, extruding, painting, coating and assembly of steel, metal, vinyl, plastic, paper and similar products and related outdoor and indoor storage activities. (Ordinance No. 855, 3-5-02)*
- 5.14.03.17 ~~———— Service station with minor automobile repair services. (Ordinance No. 872, 10-15-02)~~
- 5.14.03.18 ~~———— Tire store and minor automobile repair service. (Ordinance No. 872, 10-15-02)~~
- 5.14.03.19 Adult Entertainment establishments.
 1. No Adult business shall be closer than 500 feet to any similar use and no closer than 500 feet to a residential district / use, religious uses, educational uses and recreational uses. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the point on the property line of such other adult business, residential district / use, religious use, educational uses and recreational use. In addition, no Adult establishment shall be located within the Gateway Corridor Overlay or within 500 feet of said Overlay Corridor.
 2. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
 3. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
 4. No adult business shall be open for business between the hours of one am and six a.m.
 5. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
 6. Such use shall not impair an adequate supply of light and air to surrounding property.
 7. Such use shall not unduly increase congestion in the streets or public danger of fire and safety.
 8. Any explicit signs shall not be seen from any point off-premises.
 9. Such use shall not diminish or impair established property values in adjoining or surrounding property.
 10. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of La Vista, Nebraska.
 11. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, and the location, size and number of signs.
 12. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of eighteen (18) years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
 13. Prohibited Activities of Adult Businesses
 - A. No adult business shall employ any person less than eighteen (18) years of age.

- B. No adult business shall furnish any merchandise or services to any person who is under eighteen (18) years of age.
- C. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.
- D. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

5.14.03.19 ~~——— Totally enclosed, automated and conveyor-style car washes (Ordinance No. 909, 6-17-03)~~

5.14.04 Permitted Accessory Uses

- 5.14.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.14.04.02 Parking as permitted in Section 7.05 through 7.09.
- 5.14.04.03 Signs allowed in Section 7.01 through 7.04.
- 5.14.04.04 Temporary buildings and uses incidental to construction work which will be removed upon completion or abandonment of the construction work.
- 5.14.04.05 Live-in quarters used by live-in watchman or custodians during periods of construction.
- 5.14.04.06 Landscaping as required by Section 7.17.

5.14.05 Height and Lot Requirements:

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

Max. Lot Coverage	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	40,000 10,000	<u>150</u>	35' ¹	30'	25'	45'	75%
Permitted Conditional Uses	40,000 10,000	<u>150</u>	35' ¹	30'	25'	45'	75%

¹ 35' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of sixty (60) feet.

5.14.06 Use Limitations:

- 5.14.06.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in ~~any required yard within fifteen (15 30)~~ feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.17.04.
- 5.14.06.02 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

5.14.07 Performance Standards:

See Section 7.16 of the Supplemental Regulations.

- 2.02.22 **AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES** shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residence of hired men, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.
- 2.02.23 **AGRICULTURE** shall mean the use of land for agricultural purposes, of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use. Agricultural use shall not be construed to include any parcel of land of less than twenty acres or any non-agricultural commercial or industrial development.
- 2.02.24 **AIRPORT** shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.
- 2.02.25 **AIRPORT HAZARD ZONE** consists of Operation Zones, Approach Zones, Turning Zones and Transition Zones. The outer boundary of the Hazard Zone is composed of a series of connected tangents and simple curves that also constitute the outer boundaries of the Approach and Turning Zones.
- 2.02.26 **ALLEY** shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this regulation related to frontage on a dedicated street.
- 2.02.27 **ALTERATION** shall mean any change, addition or modification in construction or occupancy of an existing structure.
- 2.02.28 **ALTERATION, STRUCTURAL** (see Structural, alteration)
- 2.02.29 **AMENDMENT** shall mean a change in the wording, context, or substance of this Regulation, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.
- 2.02.30 **AMUSEMENT ARCADE** shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.
- 2.02.31 **AMUSEMENT PARK** shall mean a facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.
- 2.02.32 **ANIMAL HOSPITAL** (see Hospital, animal)
- 2.02.33 **ANIMALS, DOMESTIC** (see Household pet)
- 2.02.34 **ANIMAL SPECIALTY SERVICES** – shall refer to establishments primarily engaged in pet grooming, bathing, daycare, training and obedience courses, and similar services. Does not include veterinary services or overnight boarding kennels.
- 2.02.35 **ANTENNA** shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (Also, see Satellite Dish Antenna and Tower.)
- 2.02.36 **ANTIQUE SHOPS** shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, belonging to the past, at least 30 years old.

- 2.02.53 **AUTOMOBILE SALES** shall mean the storage and display for sale or lease of more than two motor vehicles or any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten or more sold or leased during the course of a calendar year, and where repair or body work is incidental to the operation of the new or used vehicle sales or leasing. Automobile sales includes all motor vehicle retail sales and leases including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (Also, see Auction Sales) (**Ordinance No. 891, 2-04-03**)
- 2.02.54 **AUTOMOBILE PARKING SERVICES** shall refer to establishments primarily engaged in the temporary parking of automobiles, usually on a hourly, daily, or monthly contract or fee basis. Extended storage of non-operable vehicles shall be excluded. (See also Standard Industrial Classification (SIC) Description for 7521, published by the U.S. Department of Labor.)
- 2.02.55 **AUTOMOBILE WRECKING YARD** shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.
- 2.02.56 **BAR** shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Also, see Nightclub)
- 2.02.57 **BASEMENT** shall mean a building space partly underground, and having at least one-half (1/2) of its height, measuring from its floor to its ceiling, above the average adjoining finished ground grade line.
- 2.02.58 **BEACON** shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
- 2.02.59 **BED and BREAKFAST INN** shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.
- 2.02.60 **BEDROOM** shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.
- 2.02.61 **BERM** shall mean a raised form of earth to provide screening or to improve the aesthetic character.
- 2.02.62 **BEST INTERESTS OF COMMUNITY** shall mean interests of the community at large and not interest of the immediate neighborhood.
- 2.02.63 **BILLBOARD** (see Sign, Billboard)
- 2.02.64 **BLOCK** shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, unplatted land, City-County boundaries, or adjoining property lines.
- 2.02.65 **BLOCK FRONTAGE** shall mean that section of a block fronting on a street between two intersecting streets or other block boundary.
- 2.02.66 **BOARD OF ADJUSTMENT** shall mean that board that has been created by the city and which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations.
- 2.02.67 **BOARDING OR ROOMING HOUSE** shall mean a building containing a single dwelling unit and provisions for not more than five (5) guests, where lodging is provided with or without meals for compensation.
- 2.02.68 **BREW-ON PREMISES STORE** shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

- 2.02.81 **BUILDING INSPECTOR** shall mean the Building Inspector of the City of La Vista, Nebraska.
- 2.02.82 **BUILDING PRINCIPAL** shall mean a building within which the main or primary use of the lot or premises is located. (Also, see Principal Use)
- 2.02.83 **BUILDING SETBACK LINE** shall mean the minimum of distance as prescribed by this regulation between any property line and the closest point of the building line or face of any building or structure related thereto.
- 2.02.84 **BUSINESS SERVICES** shall mean establishments primarily engaged in rendering services to business establishments on a contract or fee basis, such as advertising, credit reporting, collection of claims, mailing, reproduction, stenographic, news syndicates, computer programming, photocopying, duplicating, data processing, services to buildings, and help supply services. (See also Standard Industrial Classification (SIC) Major Group 73, published by the U.S. Department of Labor.)
- 2.02.85 **CAMPGROUND** shall mean a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles and which primary purpose is recreational, having open areas that are natural in character.
- 2.02.86 **CAR WASH** shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles, not including semi-trailer tractors, buses, and commercial fleets.
- 2.02.87 **CAR WASH, INDUSTRIAL** shall mean a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.
- 2.02.88 **CARPORT** shall mean a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.
- 2.02.89 **CELLAR** shall mean a building space having more than one-half (1/2) of its height below the average adjoining grade lines.
- 2.02.90 **CEMETERY** shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.
- 2.02.91 **CHANNEL** shall mean the geographical area within either the natural or artificial banks of a watercourse or drainway.
- 2.02.92 **CHARITABLE** shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.
- 2.02.93 **CHILD CARE CENTER** shall mean an establishment other than a public or parochial school, which provides day care, play groups, nursery schools or education for thirteen (13) or more children under age 13, at any one time, from families other than that of the provider. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.
- 2.02.94 **CHILD CARE HOME** shall mean an operation in the provider's place of residence which serves at least four (4), but not more than eight (8) children at any one time, from families other than that of the provider. A Family Child Care Home I provider may be approved to serve no more than two (2) additional school-age children during non-school hours. A Family Child Care Home II operation may be either in the provider's own place of residence or a site other than the residence, serving twelve (12) or fewer children at any one time. In addition to these regulations, Child Care Homes shall meet all requirements of the State of Nebraska.
- 2.02.95 **CHURCH, STOREFRONT** shall mean a religious facility contained within a store or similar structure not typically used for religious activities that are now used as a meeting place for a congregation. Structures adapted for congregations include barns, stores, warehouses, old public buildings, and single-family dwellings.

- 2.02.249 **MANUFACTURED HOME SUBDIVISION** shall mean any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.
- 2.02.250 **MANUFACTURING** shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.
- 2.02.251 **MAP, OFFICIAL ZONING DISTRICT** shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the La Vista City Council.
- 2.02.252 **MASSAGE ESTABLISHMENT** shall mean any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and/or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing device. Said establishment shall comply with all state regulations as per §71-1,278 through §71-1,283, Nebr. R.R.S., 1943
- 2.02.253 **MASSAGE PARLOR** (See Adult Uses)
- 2.02.254 **MASTER FEE SCHEDULE** shall mean a fee schedule maintained by the City of La Vista and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, Subdivision, and Building Inspection activities.
- 2.02.255 **MECHANICAL EQUIPMENT** shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.
- 2.02.256 **MINI-STORAGE OR MINI-WAREHOUSE** (See Self-Service Storage Facility)
- 2.02.257 **MISCELLANEOUS REPAIR SERVICES** shall include electrical repair shops; watch, clock and jewelry repair shops; and re-upholstery and furniture repair. (See also Standard Industrial Classification (SIC) Major Group 76, published by the U.S. Department of Labor)
- 2.02.258 **MISCELLANEOUS STRUCTURES** shall mean structures, other than buildings, visible from public ways. Examples are: memorials, stagings, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, transformers, drive-up facilities.
- 2.02.259 **MIXED USE** shall mean properties where various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.
- 2.02.260 **MOBILE HOME** (See Dwelling, Mobile Home)
- 2.02.261 **MOBILE HOME PARK** (See Manufactured Home Park)
- 2.02.262 **MOBILE HOME SUBDIVISION** (See Manufactured Home Subdivision)
- 2.02.263 **MONOTONY** shall mean repetitive sameness, lacking variety and variation, and/or reiteration.
- 2.02.264 **MOTEL** (See Hotel)

- 2.02.281 **OUTDOOR ADVERTISING** shall include the definitions of "Advertising Structure" and "Sign".
- 2.02.282 **OVERLAY DISTRICT** shall mean a district in which additional requirements act in conjunction with the underlying zoning district. The original zoning district designation does not change.
- 2.02.283 **OWNER** shall mean one (1) or more persons, including corporations, who have title to the property, building or structure in question.
- 2.02.284 **PAINTBALL** shall mean all guns and other devices used for the purpose of firing pellets containing a latex paint at a person or target.
- 2.02.285 **PAINTBALL COURSE, COMMERCIAL** shall mean a commercial recreational park containing obstacle courses for the purpose of staging paintball battles. Said facility generally collects a fee, either as membership or on a visit by visit basis that allows individuals to participate in paintball activities.
- 2.02.286 **PARCEL** shall mean a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.
- 2.02.287 **PARK** shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.
- 2.02.288 **PARKING AREA, PRIVATE** shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.
- 2.02.289 **PARKING AREA, PUBLIC** shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.
- 2.02.290 **PARKING SPACE, AUTOMOBILE** shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine (9) feet by twenty (20) feet, plus such additional area as is necessary to afford adequate ingress and egress.
- 2.02.291 **PARKWAY** shall mean an arterial highway with full or partial control of access, and located within a park or ribbon of park like development.
- 2.02.292 **PERFORMANCE GUARANTEE** shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with these regulations as well as with approved plans and specifications of a development.
- 2.02.293 **PERMANENT FOUNDATION** shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.
- 2.02.294 **PERMANENT TREE PROTECTION DEVICES** shall be structural measures, such as retaining walls or aeration devices that are designed to protect the tree and its root systems throughout its lifetime.
- 2.02.295 **PERMANENTLY ATTACHED** shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.
- 2.02.296 **PERMITTED USE** shall mean any land use allowed without condition within a zoning district.
- 2.02.297 **PERSON** shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include La Vista, Nebraska.
- 2.02.298 **PERSONAL SERVICES** shall mean establishments primarily engaged in providing services generally to individuals, such as laundries, dry cleaning plants, portrait photographic studios, and beauty and barber shops. Also included are establishments operating as industrial launderers and those primarily

- 2.02.448 **TOWER** shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna)
- 2.02.449 **TOWNHOUSE** shall mean a one-family dwelling unit, with a private entrance, which part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.
- 2.02.450 **TRAILER, AUTOMOBILE** shall mean a vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.
- 2.02.451 **TRANSPORTATION SERVICES** shall mean establishments providing services incidental to transportation, such as forwarding, packing, crating, or other means of preparing goods for shipping. (See also Standard Industrial Classification (SIC) Industry Group 473 and description 4783, published by the U.S. Department of Labor.)
- 2.02.452 **TRUCK REPAIR** shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one (1) ton and buses but excluding pickups and other vehicles designed for the transport of under eight (8) passengers.
- 2.02.453 **UPZONING** shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single family residential district to a multiple family residential district.
- 2.02.454 **USE, BEST** shall mean the recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes health, safety and general welfare.
- 2.02.455 **USE, HIGHEST** shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.
- 2.02.456 **USE, PRINCIPAL** shall mean the main use of land or structure, as distinguished from an accessory use. (Also, see Building, Principal)
- 2.02.457 **USED MATERIALS YARD** shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards".
- 2.02.458 **UTILITARIAN STRUCTURE** shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.
- 2.02.459 **UTILITY EASEMENT** shall mean the same as "Easement".
- 2.02.460 **UTILITY HARDWARE** shall mean devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.
- 2.02.461 **UTILITIES, OVERHEAD OR UNDERGROUND "LOCAL DISTRIBUTION" SYSTEM OF** shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall be limited to include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.

closest point of the structure including its foundation and anchorage's, nor shall the solar panel be located in the required side yard or front yard.

- 7.15.02 **Structural Requirements:** The physical structure and connections to existing structures shall conform to the applicable La Vista building codes.
- 7.15.03 **Plot Plan:** The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
- 7.15.04 **Permit Fee:** A permit fee is required. This permit fee shall be paid prior to the issuance of the building permit. The amount of the fee shall be as established in the Master Fee Schedule.
- 7.15.05 **Preexisting Solar Panels:** Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to September 18, 1985, pursuant to a valid building permit issued by the City, may continue to be utilized so long as it is maintained in operational condition.

Section 7.16 Performance Standards for Industrial Uses

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

- 7.16.01 **Physical Appearance:** All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the outdoor storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition. However, allowable storage or display shall be visually screened from public roadways and residential properties.
- 7.16.02 **Fire hazard:** No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the City of La Vista.
- 7.16.03 **Noise:** No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume *or in excess of eighty (80) decibels, whichever is greater. (Ordinance No. 858, 3-5-02).* Noise shall be measured at the property line, ~~and when the level of such noise cannot be determined by observation with the natural senses, with~~ a suitable instrument ~~may be used and measurement may include breakdowns into a reasonable number of frequency ranges.~~
- 7.16.04 **Sewage and Liquid Wastes:** No operation shall be carried on which involves the discharge of waste into a stormsewer, water course surface water, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are ~~nor shall hazardous waste, detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations, be dumped into wastewater sewerage.~~
- 7.16.05 **Air Contaminants:**
- 7.16.05.01 Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one (1) four (4) minute period in each one-half (1/2) hour. Light colored contaminants of such a capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
- 7.16.05.02 Particulate matter ~~of dust~~ as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit, except for a period of four (4) minutes in any one-half (1/2) hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit.