

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
AUGUST 18, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ZONING TEXT AMENDMENTS — RESIDENTIAL ZONING DISTRICTS	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and an ordinance has been prepared for Council to consider amendments to Sections 5.06, 5.07, 5.08 and 5.09 of the Zoning Ordinance regarding the R-1, R-2, R-3 and R-4 Districts.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approve.

**BACKGROUND**

A public hearing has been scheduled for Council to consider amendments to Sections 5.06, 5.07, 5.08 and 5.09 of the Zoning Ordinance regarding the R-1, R-2, R-3 and R-4 Districts.

The proposed amendments to the residential zoning districts were initiated primarily for the purpose of replacing out of date terminology for types of senior housing. Additionally, changes were made to list “group care homes” as a permitted use, and general revisions for clarity and consistency with other parts of the code.

Attached is a red-lined copy of each page of the Zoning Ordinance with the proposed amendments.

The Planning Commission held a public hearing on July 16, 2009 and recommended approval.

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### 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**

#### **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 ~~Hospitals, sanitariums, rest homes,~~ nursing **care and rehabilitation facilities, or assisted living facilities** homes, ~~elderly or retirement housing, convalescent homes, or other similar institutions, philanthropic institutions.~~
- 5.06.03.03 Churches, temples, seminaries, convents, including residences for teachers and pastors.
- 5.06.03.04 Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, ~~treatment facilities,~~ storage, equipment buildings, garages, towers, or similar public service uses.
- 5.06.03.05 Home Occupations, as per Section 7.10.
- 5.06.03.06 Child Care Center.

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

~~The following accessory uses are permitted in the R-1 Single-Family Residential District:~~

- 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.

#### **5.06.05 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. Lot Building Coverage
Single-family Dwelling (existing development <sup>1</sup> ) <sup>2</sup>	5,000	60'	30'	5'	30'	35'	35%
Single-family Dwelling (future development <sup>3</sup> ) <sup>2</sup>	7,000	70'	30'	10'	30'	35'	40%
<b>Other Permitted Uses</b>	<b>8,000</b>	<b>75'</b>	<b>25'</b>	<b>25'</b>	<b>25'</b>	<b>35'</b>	<b>25%</b>
Other <del>Permitted and</del> Conditional Uses	8,000	75'	25'	25'	25'	45'	25%
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>1</sup>

<sup>1</sup> Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and ~~attached accessory~~ structure does not exceed ~~45~~ **50**%

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

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

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

## **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)*
- 5.08.02.01 Group Care Home**

### **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 ~~Hospitals, sanitariums, rest homes, nursing care and rehabilitation facilities, or assisted living facilities homes, elderly or retirement housing, convalescent homes, or other similar institutions, philanthropic institutions;~~
- 5.07.03.04 Public utility substations, distribution centers, regulator stations, pumping ~~stations, treatment facilities,~~ 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.

### **5.07.04 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.

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

5.07.05.01		The height and minimum lot requirements shall be follows:						
	Lot Area (SF)	Lot Width	Front Yard	Side Yard <sup>3</sup>	Rear Yard	Max. Height	Max. Lot Building Coverage	
Single-family Dwelling (existing development <sup>5</sup> ) <sup>2</sup>	5,000	50'	30'	5'	30'	35'	35%	
Single-family Dwelling (future development <sup>4</sup> ) <sup>2</sup>	7,000	70'	30'	10'	30'	35'	40%	
Two-family Dwelling <sup>2</sup>	10,000	100'	30'	10'	30'	35'	40%	
Single-family attached	4,500 per unit	50' per unit	30'	10'	30'	35'	40%	



<b>Other Permitted Uses</b>	8,000	75'	30'	10'	30'	35'	30%
Other <del>Permitted and</del> Conditional Uses	8,000	75'	30'	10'	30'	45'	30%
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>1</sup>
<sup>1</sup> Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%							
<sup>2</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.							
<sup>3</sup> The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.							
<sup>4</sup> Future development shall be defined as all new subdivisions created after the adoption of Ordinance No. 848 on November 20, 2001.							
<sup>5</sup> Existing development shall be defined as existing prior to the adoption of Ordinance No. 848 and shall not include any replatting or lot splits done after the adoption of Ordinance No. 848 on November 20, 2001.							
<b>(Ordinance No. 895, 2-04-03) (Ordinance No. 968, 11-15-05)</b>							

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

**5.08.01 Intent:** The purpose of this district is to permit high density residential, ~~including single-family dwellings, two-family dwellings, and multi-family dwelling development~~ in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

### **5.08.02 Permitted Uses:**

~~5.08.02.02 Single-family detached dwellings.~~

~~5.08.02.03 Two-family, duplex, dwellings.~~

~~5.08.02.04 Single-family attached dwellings.~~

5.08.02.05 Townhouses and Condominiums.

5.08.02.06 Public and private schools.

5.08.02.07 Publicly owned and operated facilities.

5.08.02.08 Public Services.

5.08.02.09 Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)

~~5.08.02.10 Group Care Home~~

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

5.08.03.01 Multiple family dwellings.

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, treatment facilities,~~ 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.

~~Hospitals, sanitariums, rest-homes, nursing care and rehabilitation facilities, and assisted living facilities homes, convalescent-homes, or other similar institutions, philanthropic institutions;~~

~~5.08.03.08 Congregate housing, senior apartments (age restricted to 55+ years old), or continuing care retirement community.~~

### **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.

#### 5.08.05 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. Lot Building Coverage
Townhouses/Condominiums <sup>4</sup>	2,500 per unit	25' per unit	30'	10' <sup>5</sup>	30'	35'	40%
Multi-family Dwelling <sup>3</sup>	2,250 per unit	100'	30'	( <sup>1</sup> )	30'	45' <sup>1</sup>	40%
<del>Other Permitted Uses</del>	<del>8,500</del>	<del>75'</del>	<del>30'</del>	<del>10'</del>	<del>30'</del>	<del>35'</del>	<del>30%</del>
Other Permitted and Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>2</sup>

- <sup>1</sup> For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.
- <sup>2</sup> Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%
- <sup>3</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- <sup>4</sup> 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.
- <sup>5</sup> 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.

#### 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, ~~single-family dwellings, two-family dwellings, and multi-family dwelling development~~ 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 Single-family attached and detached dwellings.~~
- ~~5.09.02.03 Two-family, duplex, dwellings.~~
- 5.09.02.04 Public and private schools.
- 5.09.02.05 Publicly owned and operated facilities.
- 5.09.02.06 Child Care Home, as per Section 7.10. (*Ordinance No. 880, 11-19-02*)

#### 5.09.03 Permitted Conditional Uses:

- 5.09.03.01 Multiple family dwellings.
- 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, treatment facilities~~, 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 ~~Hospitals, sanitariums, rest homes,~~ nursing *care and rehabilitation facilities, and assisted living facilities* homes, ~~convalescent homes, or other similar institutions, philanthropic institutions.~~

**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.

**5.09.05 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. <del>Lot</del> Building Coverage
Townhouses/Condominiums <sup>4</sup>	2,500 per unit	25' per unit	30'	10' <sup>5</sup>	30'	35'	40%
Multi-family Dwelling <sup>2</sup>	2,250 per unit	100'	30'	( <sup>1</sup> )	30'	45' <sup>1</sup>	40%
<del>Other Permitted Uses</del>	<del>8,500</del>	<del>75'</del>	<del>30'</del>	<del>10'</del>	<del>30'</del>	<del>35'</del>	<del>30%</del>
Other <del>Permitted and</del> Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Accessory Buildings	-	-	50'	8'	10'	17'	10% <sup>2</sup>

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

<sup>2</sup> Provided ~~total area of accessory structures~~ for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and ~~accessory~~ structure does not exceed 50%

<sup>3</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

<sup>4</sup> 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.

<sup>5</sup> 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)**

**ORDINANCE NO. \_\_\_\_**

AN ORDINANCE TO AMEND SECTIONS 5.06, 5.07, 5.08 AND 5.09 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTIONS 5.06, 5.07, 5.08 AND 5.09 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 5.06. Section 5.06 of Ordinance No. 848 is hereby amended to read:

**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*

**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 *Nursing care and rehabilitation facilities, or assisted living facilities*
- 5.06.03.03 Churches, temples, seminaries, convents, including residences for teachers and pastors
- 5.06.03.04 Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar public service uses
- 5.06.03.05 Home Occupations, as per Section 7.10
- 5.06.03.06 Child Care Center

**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.

**5.06.05 Height and Lot Requirements:**

5.06.05.01 The height and minimum lot requirements shall be as follows:							
Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Single-family Dwelling (existing development <sup>4</sup> ) <sup>2</sup>	5,000	60'	30'	5'	30'	35'	35%
Single-family Dwelling (future development <sup>3</sup> ) <sup>2</sup>	7,000	70'	30'	10'	30'	35'	40%
Other Permitted Uses	8,000	75'	25'	25'	25'	35'	25%
Other Conditional Uses	8,000	75'	25'	25'	25'	45'	25%
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>1</sup>

- <sup>1</sup> Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%
- <sup>2</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- <sup>3</sup> Future development shall be defined as all new subdivisions created after the adoption of Ordinance No. 848 on November 20, 2001.
- <sup>4</sup> Existing development shall be defined as existing prior to the adoption of this regulation and shall not include any replatting or lot splits done after the date of original adoption.

SECTION 2. Amendment of Section 5.07. Section 5.07 of Ordinance No. 848 is hereby amended to read:

**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*

**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*
- 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.

**5.07.04 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.

**5.07.05 Height and Lot Requirements:**

5.07.05.01 The height and minimum lot requirements shall be follows:

	Lot Area (SF)	Lot Width	Front Yard	Side Yard <sup>3</sup>	Rear Yard	Max. Height	Max. Building Coverage
<i>Single-family Dwelling (existing development<sup>5</sup>)<sup>2</sup></i>	5,000	50'	30'	5'	30'	35'	35%



Single-family Dwelling ( <i>future development</i> ) <sup>1,2</sup>	7,000	70'	30'	10'	30'	35'	40%
Two-family Dwelling <sup>2</sup>	10,000	100'	30'	10'	30'	35'	40%
Single-family attached	4,500 per unit	50' per unit	30'	10'	30'	35'	40%
Other Permitted Uses	8,000	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,000	75'	30'	10'	30'	45'	30%
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>1</sup>

- <sup>1</sup> Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%
- <sup>2</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- <sup>3</sup> The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.
- <sup>4</sup> *Future development shall be defined as all new subdivisions created after the adoption of Ordinance No. 848 on November 20, 2001.*
- <sup>5</sup> *Existing development shall be defined as existing prior to the adoption of Ordinance No. 848 and shall not include any replatting or lot splits done after the adoption of Ordinance No. 848 on November 20, 2001.*

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

SECTION 3. Amendment of Section 5.08. Section 5.08 of Ordinance No. 848 is hereby amended to read:

**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*

**5.08.03 Permitted Conditional Uses:**

- 5.08.03.01 Multiple family dwellings
- 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*
- 5.08.03.08 *Congregate housing, senior apartments (age restricted to 55+ years old), or continuing care retirement community*

**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.

**5.08.05 Height and Lot Requirements:**

5.08.05.01 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
Townhouses/Condominiums <sup>4</sup>	2,500 per unit	25' per unit	30'	10' <sup>5</sup>	30'	35'	40%
Multi-family Dwelling <sup>3</sup>	2,250 per unit	100'	30'	( <sup>1</sup> )	30'	45' <sup>1</sup>	40%
Other Permitted Uses	8,500	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>2</sup>

- <sup>1</sup> For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.
- <sup>2</sup> Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%
- <sup>3</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- <sup>4</sup> 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.
- <sup>5</sup> 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.

SECTION 4. Amendment of Section 5.09. Section 5.09 of Ordinance No. 848 is hereby amended to read:

**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)*

**5.09.03 Permitted Conditional Uses:**

- 5.09.03.01 Multiple family dwellings
- 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*

**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.

**5.09.05 Height and Lot Requirements:**

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Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
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Multi-family Dwelling <sup>3</sup>	2,250 per unit	100'	30'	(1)	30'	45' <sup>1</sup>	40%
Other Permitted Uses	8,500	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Accessory Buildings	-	-	50'	8'	10'	17'	10% <sup>2</sup>

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

SECTION 5. Repeal of Sections 5.06, 5.07, 5.08 and 5.09 as Previously Enacted. Sections 5.06, 5.07, 5.08 and 5.09 of Ordinance No. 848 as previously enacted are 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 18TH DAY OF AUGUST 2009.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC  
City Clerk

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