

ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1069

AN ORDINANCE TO AMEND SECTIONS 5.13.02, 5.13.03, 5.14.02 AND 5.14.03 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTIONS 5.13.02, 5.13.03, 5.14.02 AND 5.14.03 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 Sections 5.13.02 and 5.13.03. Sections 5.13.02 and 5.13.03 of Ordinance No. 848 are hereby amended to read:

5.13.02 Permitted Uses: (Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)

- 5.13.02.01 *Light Manufacturing*
- 5.13.02.02 *Automotive services, except repair, towing and wrecking*
- 5.13.02.03 *Business services*
- 5.13.02.04 *Facilities for building construction contractors*
- 5.13.02.05 *Landscape and horticultural services*
- 5.13.02.06 *Medical and dental laboratories*
- 5.13.02.07 *Assembly of electrical and electronic appliances*
- 5.13.02.08 *Miscellaneous repair services, not including automotive*
- 5.13.02.09 *Printing, publishing, and allied industries*
- 5.13.02.10 *Electric, gas and sanitary services, not including collection and disposal of solid waste or hazardous waste*
- 5.13.02.11 *General warehousing*
- 5.13.02.12 *Testing laboratories*
- 5.13.02.13 *Publicly owned and operated facilities (Ordinance No. 950, 3-1-05)*
- 5.13.02.14 *Special and vocational training facilities (Ordinance No. 950, 3-1-05)*
- 5.13.02.15 *Wholesale trade of goods*

5.13.03 Permitted Conditional Uses: (Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)

- 5.13.03.01 *Animal specialty services*
- 5.13.03.02 *Automotive rental / leasing and other heavy equipment rental*
- 5.13.03.03 *Household furniture, furnishings, and equipment store*
- 5.13.03.04 *Hardware, lawn and garden supply store*
- 5.13.03.05 *Lumber and other building materials dealer*
- 5.13.03.06 *Outdoor display of merchandise*
- 5.13.03.07 *Radio, television and communication towers and transmitters, as per Section 7.11*
- 5.13.03.08 *Utility substations, terminal facilities, and reservoirs*
- 5.13.03.09 *Farm-implement sales and service*
- 5.13.03.10 *Cabinetry millwork*
- 5.13.03.11 *Gasoline service stations*
- 5.13.03.12 *Automotive repair services*
- 5.13.03.13 *Sale of recreational vehicles, including boats and jet skis*
- 5.13.03.14 *Indoor recreational facility (Ordinance No. 918, 10-6-03)*
- 5.13.03.15 *Veterinary Services, not including livestock*
- 5.13.03.16 *Self-service storage facility (Ordinance No. _____, 8-19-08)*

SECTION 2. Amendment of Sections 5.14.02 and 5.14.03. Sections 5.14.02 and 5.14.03 of Ordinance No. 848 are hereby amended to read:

5.14.02 Permitted Uses: (Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)

- 5.14.02.01 *Assembly, fabrication, packaging, and processing of products inside an enclosed building, except hazardous or toxic materials*
- 5.14.02.02 *Automotive services, except repair, towing and wrecking*
- 5.14.02.03 *Business services*
- 5.14.02.04 *Facilities for building construction contractors*
- 5.14.02.05 *Landscape and horticultural services*
- 5.14.02.06 *Medical and dental laboratories*
- 5.14.02.07 *Miscellaneous repair services, not including automotive*
- 5.14.02.08 *Printing, publishing, and allied industries*

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- 5.14.02.09 *Electric, gas and sanitary services, not including collection and disposal of solid waste or hazardous waste*
- 5.14.02.10 *General warehousing*
- 5.14.02.11 *Testing laboratories*
- 5.14.02.12 *Facilities for heavy construction contractors*
- 5.14.02.13 *Manufacturing of apparel, textile mill products, furniture and fixtures, transportation equipment, and assembly of electrical and electronic equipment and components*
- 5.14.02.14 *Manufacture of light sheet metal products including heating and ventilation equipment.*
- 5.14.02.15 *Manufacturing of food and kindred products, limited to bakery items, dairy products, sugar and confectionary products, and beverages*
- 5.14.02.16 *Manufacturing stone, clay, glass and concrete products*
- 5.14.02.17 *Millwork; veneer, plywood and structural wood products manufacturing.*
- 5.14.02.18 *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*
- 5.14.02.19 *Special and vocational educational and training facilities. (Ordinance No. 950, 3-1-05)*
- 5.14.02.20 *Transportation services*
- 5.14.02.21 *Trucking and courier services, except air*
- 5.14.02.22 *Veterinary Services, including livestock*
- 5.14.02.23 *Wholesale trade of goods*

5.14.03 Permitted Conditional Uses: (Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)

- 5.14.03.01 *Automotive rental / leasing and other heavy equipment rental*
- 5.14.03.02 *Manufacturing of food and kindred products, except bakery items, dairy products, sugar and confectionary products, and beverages*
- 5.14.03.03 *Lumber and other building materials dealer*
- 5.14.03.04 *Outdoor storage or display of merchandise*
- 5.14.03.05 *Radio, television and communication towers and transmitters, as per Section 7.11*
- 5.14.03.06 *Utility substations, terminal facilities, and reservoirs*
- 5.14.03.07 *Farm-implement sales and service*
- 5.14.03.08 *Temporary Batch plant for concrete, asphalt, or paving material, not to exceed 24 months of operations*
- 5.14.03.09 *Cabinetry millwork*
- 5.14.03.10 *Recycling center for computers, televisions and household items*
- 5.14.03.11 *Storage of bulk petroleum products*
- 5.14.03.12 *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)*
- 5.14.03.13 *Gasoline service stations*
- 5.14.03.14 *Automotive repair services*
- 5.14.03.15 *Sale of recreational vehicles, including boats and jet skis*
- 5.14.03.16 *Indoor recreational facility (Ordinance No. 918, 10-6-03)*
- 5.14.03.17 *Self-service storage facility (Ordinance No. _____, 8-19-08)*
- 5.14.03.18 *Adult Entertainment establishments.*
 1. No Adult business shall be closer than 500 feet to any similar use and no closer than 500feet 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.

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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.

SECTION 3. Repeal of Sections 5.13.02, 5.13.03, 5.14.02 and 5.14.03 as Previously Enacted. Sections 5.13.02, 5.13.03, 5.14.02 and 5.14.03 of Ordinance No. 848 as previously enacted are hereby repealed.

SECTION 4. 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 5. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

SECTION 6. This ordinance shall be published in pamphlet form and take effect as provided by law.

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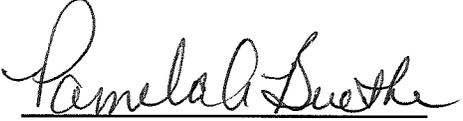
PASSED AND APPROVED THIS 19TH DAY OF AUGUST 2008.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buehe, CMC
City Clerk

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