

# Memorandum



**To:** Planning Commission

**From:** Christopher Solberg, City Planner

**Date:** 3/9/2015

**Re:** Public Hearing regarding text amendments to Sections 5.05, 5.10, and 5.11 in regards to Animal Specialty Services and Kennels

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Through staff's regular review of the zoning ordinance it was concluded that amendments to the regulations were warranted in consideration of Animal Specialty Services. This use is commonly allowed within select commercial uses in other communities and staff's review has concluded that the C-1 Shopping Center Commercial and C-2 General Commercial districts should allow for this use.

The proposed amendments allow for Animal Specialty Services without dog runs to be permitted within the two commercial districts. The same use with dog runs would be allowed with a Conditional Use Permit as well.

Staff is also recommending the removal of kennels as an allowed use in the TA Transitional Agriculture district.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission should review the proposed changes and recommend approval to City Council.

**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 5.10 C-1 Shopping Center Commercial.**

**5.10.01 Intent:** This district adds certain design standards in comparison to zoning districts located along 84<sup>th</sup> Street and at the intersection of 96<sup>th</sup> and Giles Road. They are designed to promote:

- 5.10.01.01 Safe traffic circulation on and off and across the highway.
- 5.10.01.02 A high quality of design and site planning.
- 5.10.01.03 Flexibility in development in order to provide an attractive, viable employment corridor.

This district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

**5.10.02 Permitted uses:**

- 5.10.02.01 *Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment. (Ordinance No. 950, 3-1-05)*
- 5.10.02.02 Child care center.
- 5.10.02.03 Dance studio, not including uses defined in Adult Establishment.
- 5.10.02.04 Meeting hall, not including uses defined in Adult Establishment.
- 5.10.02.05 Museum, art gallery.
- 5.10.02.06 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
  - 1. Apparel shop.
  - 2. Appliance store.
  - 3. Antique store.
  - 4. Automobile parts and supply store.
  - 5. Bakery shop (retail).
  - 6. Barber and Beauty shop.
  - 7. Bicycle shop.
  - 8. Book store, not including uses defined in Adult Establishment.
  - 9. Brew-on premises store.
  - 10. Camera store.
  - 11. Communication services.
  - 12. Computer store.
  - 13. Confectionery.
  - 14. Dairy products sales.
  - 15. Drug store.
  - 16. Dry cleaning and laundry pickup.
  - 17. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
  - 18. Food Sales (Limited).
  - 19. Food Sales (General).
  - 20. Floral shop.
  - 21. Mortuary.
  - 22. Furniture store or showroom.
  - 23. Gift and curio shop.
  - 24. Gunsmith.
  - 25. Hardware store.
  - 26. Hobby, craft, toy store.
  - 27. Jewelry store.
  - 28. Liquor store.
  - 29. Locksmith.
  - 30. Meat market, retail.
  - 31. Music retail store.
  - 32. Newsstands, not including uses defined in Adult Establishment.
  - 33. Paint store.

34. Pet shop.
35. Photographer.
36. Picture framing shop.
37. Reservation center.
38. Restaurants, cafes and fast food establishments.
39. Second hand stores.
40. Shoe store.
41. Sporting goods.
42. Stamp and coin stores.
43. Tailors and dressmakers.
44. Tanning salon.
45. Travel agencies.
46. Video store, not including uses defined in Adult Establishment.
47. Social club and fraternal organizations, not including uses defined in Adult Establishment.
48. Telephone exchange.
49. Telephone answering service.
50. Public overhead and underground local distribution utilities.
51. *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*
- ~~51.~~52. *Animal Specialty Services, provided there is no overnight boarding of animals or outdoor exercise areas.*

#### **5.10.03 Permitted Conditional Uses:**

- 5.10.03.01 Recreational establishments.
- 5.10.03.02 Department Store.
- 5.10.03.03 Variety store, not including uses defined in Adult Establishment.
- 5.10.03.04 Amusement arcades.
- 5.10.03.05 Brew Pubs.
- 5.10.03.06 Coffee Kiosks.
- 5.10.03.07 Micro breweries when in conjunction with a restaurant.
- 5.10.03.08 Automated Teller Machines when not within the interior of a primary use.
- 5.10.03.09 Theater, indoor, not including uses defined in Adult Establishment.
- 5.10.03.10 Bowling center.
- 5.10.03.11 Business or trade school.
- 5.10.03.12 Commercial greenhouse.
- 5.10.03.13 Mail order services.
- 5.10.03.14 Pinball or video games business.
- 5.10.03.15 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 5.10.03.16 Totally enclosed, automated and conveyor-style car washes.
- 5.10.03.17 Convenience store with limited fuel sales.
- 5.10.03.18 Garden supply and retail garden center.
- 5.10.03.19 Outdoor storage in conjunction with another primary use.
- 5.10.03.20 Pet Health Services, provided the following:
  1. Said use is totally enclosed within a building.
  2. Said services shall be provided for dogs, cats, birds, fish, and similar small animals customarily used as household pets.
  3. Typical uses include animal veterinary clinics with overnight boarding, only if medically necessary, not exceeding 48 hours.
  4. Grooming shall only be associated with medical appointment.
  5. This excludes uses for livestock and other large animals and uses for general grooming, dog bathing and clipping salons.
- 5.10.03.21 *Self-storage units, provided:*
  1. *Storage unit is an extension of an existing self-storage unit or facility.*
  2. *The topography and access of the property will limit the development of identified commercial uses.*
  3. *No outdoor storage.*

4. Unit or facility provides perimeter fencing in accordance with this ordinance and a vegetative screen of at least six (6) feet in height and twenty (20) feet in width to any adjacent residential zoned property.
5. Lighting on site shall not be directed at or allowed to shine on any residential zoned property.
6. Applications for self-storage units under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its affect on surrounding property and shall include a site plan defining the areas to be developed with buildings and/or structures, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls and fences, the location and type of landscaping, and the location, size and number of signs.
7. Such use shall not be located adjacent to the intersection of two or more arterial streets.
8. The property shall have at least one boundary line that is adjacent to other property that is zoned I-1 Light Industrial or I-2 Heavy Industrial.
9. Such use shall not include storage of explosives or hazardous materials and shall be in accordance with the intent, purpose and spirit of this ordinance and the Comprehensive Development Plan of La Vista, Nebraska.

**(Ordinance No. 954, 7-5-05)**

5.10.03.22 Event center, provided:

1. A conditional use permit would need to include specifics to the design and operation of the proposed center and individual activities, including, but not limited to, a detailed site plan and floor plan, a complete list of appointed or designated managers for each event at the center, and a complete description and duration of each event submitted to the city prior to each event.
2. Lighting on site shall not be directed at or allowed to shine on any residential zoned property.
3. Buildings utilized as event centers shall be accompanied by evidence concerning the feasibility of the proposed request and its affect on surrounding property and shall include a site plan defining the areas to be developed with buildings and/or structures, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls and fences, the location and type of landscaping, and the location, size and number of signs.
4. All signage shall comply with the City's established regulations.

**(Ordinance No. 955, 7-19-05)**

5.10.03.23 [Animal Specialty Services including overnight boarding of animals and outdoor exercise areas.](#)

**5.10.04 Permitted Accessory Uses:**

- 5.10.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.10.04.02 Parking as allowed in Section 7.05 through 7.09.
- 5.10.04.03 Signs allowed in Section 7.01 through 7.04.
- 5.10.04.04 Landscaping as required by Section 7.17.

**5.10.05 Permitted Temporary Uses**

Temporary Uses require a permit from the City of La Vista and shall be valid only for a specific amount of time as indicated on said permit. *All platted lots or tracts of land may have a maximum number of four (4) temporary uses per calendar year. Such uses shall not last more than two (2) weeks per use, except as provided for hereafter.* **(Ordinance No. 998, 7-18-06)**

- 5.10.05.01 Temporary greenhouses.
- 5.10.05.02 Temporary structures as needed for sidewalk and other outdoor sales events.
- 5.10.05.03 Fireworks stands, provided the criteria are met as established by the City through separate Ordinances.

- 5.10.05.04 Buildings and uses incidental to construction work *are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed. (Ordinance No. 998, 7-18-06)*
- 5.10.05.05 Temporary structure for festivals or commercial events.

**5.10.06 Height and Lot Requirements:**

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

<i>Uses</i>	<b>Lot Area (SF)</b>	<b>Lot Width</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>	<b>Max. Height</b>	<b>Max. Lot Coverage</b>
Permitted Uses	-	150'	25' <sup>1</sup>	10'	25'	45'	60%
Permitted Conditional Uses	-	150'	25' <sup>1</sup>	10'	25'	45'	60%

<sup>1.</sup> 25' 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 fifty (50) feet.

**5.10.07 Use Limitations:**

- 5.10.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district.
- 5.10.07.02 Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.17.04.
- 5.10.07.03 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.

## **Section 5.11 C-2 General Commercial District**

**5.11.01 Intent:** The General Commercial District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

### **5.11.02 Permitted Uses:**

- 5.11.02.01 *Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment. (Ordinance No. 950, 3-1-05)*
- 5.11.02.02 Child care center.
- 5.11.02.03 Dance studio, not including uses defined in Adult Establishment.
- 5.11.02.04 Meeting hall, not including uses defined in Adult Establishment.
- 5.11.02.05 Museum, art gallery.
- 5.11.02.06 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
  - 1. Apparel shop.
  - 2. Appliance store.
  - 3. Antique store.
  - 4. Automobile parts and supply store.
  - 5. Bakery shop (retail).
  - 6. Barber and Beauty shop.
  - 7. Bicycle shop.
  - 8. Book store, not including uses defined in Adult Establishment.
  - 9. Brew-on premises store.
  - 10. Camera store.
  - 11. Communication services.
  - 12. Computer store.
  - 13. Confectionery.
  - 14. Dairy products sales.
  - 15. Drug store.
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- 39. Restaurants, cafes and fast food establishment.
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- 47. Video store, not including uses defined in Adult Establishment.
- 48. Social club and fraternal organizations, not including uses defined in Adult Establishment.
- 49. Telephone exchange.
- 50. Telephone answering service.
- 51. Theater, indoor, not including uses defined in Adult Establishment.
- 52. Public overhead and underground local distribution utilities.

53. *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*

~~53-54.~~ *Animal Specialty Services, provided there is no overnight boarding of animals or outdoor exercise areas.*

#### **5.11.03 Permitted Conditional Uses:**

- 5.11.03.01 Recreational establishments.
- 5.11.03.02 Variety store, not including uses defined in Adult Establishment
- 5.11.03.03 Amusement arcades.
- 5.11.03.04 Bowling center.
- 5.11.03.05 Brew Pubs.
- 5.11.03.06 Micro breweries when in conjunction with a restaurant.
- 5.11.03.07 Coffee Kiosks.
- 5.11.03.08 Automated Teller Machines when not within the interior of a primary use.
- 5.11.03.09 Business or trade school.
- 5.11.03.10 Garden supply and retail garden center.
- 5.11.03.11 Commercial greenhouse.
- 5.11.03.12 Mail order services.
- 5.11.03.13 Pinball or video games business.
- 5.11.03.14 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 5.11.03.15 Totally enclosed, automated and conveyor-style car washes.
- 5.11.03.16 Convenience store with limited fuel sales.
- 5.11.03.17 Residences in conjunction with the principal use when located above the ground floor.
- 5.11.03.18 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.11.03.19 Car wash.
- 5.11.03.20 Retail building material sales; provided that the following minimum standards are present:
  - 1. All lumber shall be enclosed with the primary structure.
  - 2. All year round landscaping materials shall be enclosed within the primary structure.
  - 3. All outdoor storage shall be temporary and shall comply with the provisions for Temporary Uses, as per this Ordinance.
- 5.11.03.21 Service station with minor automobile repair services.
- 5.11.03.22 Tire store and minor automobile repair service.
- ~~5.11.03.225.11.03.23~~ *Animal Specialty Services including overnight boarding of animals and outdoor exercise areas.*

#### **5.11.04 Permitted Temporary Uses**

Temporary Uses require a permit from the City of La Vista and shall be valid only for a specific amount of time as indicated on said permit. *All platted lots or tracts of land may have a maximum number of four (4)*



*temporary uses per calendar year. Such uses shall not last more than two (2) weeks per use, except as provided for hereafter. (Ordinance No. 998, 7-18-06)*

- 5.11.04.01 Temporary greenhouses.
- 5.11.04.02 Temporary structures as needed for sidewalk and other outdoor sales events.
- 5.11.04.03 Fireworks stands, provided the criteria are met as established by the City through separate Ordinances.
- 5.11.04.04 Buildings and uses incidental to construction work *are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed. (Ordinance No. 998, 7-18-06)*
- 5.11.04.05 Temporary structure for festivals or commercial events.

**5.11.05 Permitted Accessory Uses**

- 5.11.05.01 Buildings and uses customarily incidental to the permitted uses.
- 5.11.05.02 Parking as permitted in Section 7.05 through 7.09.
- 5.11.05.03 Signs allowed in Section 7.01 through 7.04.
- 5.11.05.04 Landscaping as required by Section 7.17.

**5.11.06 Height and Lot Requirements:**

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

<i>Uses</i>	<b>Lot Area (SF)</b>	<b>Lot Width</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>	<b>Max. Height</b>	<b>Max. Lot Coverage</b>
Permitted Uses	10,000	-	25' <sup>1</sup>	15'	15'	45'	60%
Permitted Conditional Uses	10,000	-	25' <sup>1</sup>	15'	15'	45'	60%

<sup>1</sup> 25' 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 fifty (50) feet.

**5.11.07 Use Limitations:**

- 5.11.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) 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 7.14.04.
- 5.11.07.02 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.