

ORDINANCE NO. 726

AN ORDINANCE AMENDING ORDINANCE NO 490, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF GOTHENBURG, NEBRASKA, DEFINING INCONSPICUOUS HOME OCCUPATION; ESTABLISHING STANDARDS FOR INCONSPICUOUS HOME OCCUPATION; AND PROVIDING FOR INCONSPICUOUS HOME OCCUPATION AS A SPECIAL USE IN CERTAIN RESIDENTIAL DISTRICTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA AS FOLLOWS:

Section 1. Article 3 of the zoning ordinance of Gothenburg, Nebraska, Ordinance No. 490 is hereby amended by adding the following definition:

Section 303.23.1 INCONSPICUOUS HOME OCCUPATION: An occupation or activity carried on solely within the dwelling (and not in an outbuilding) by a member of the family residing in said dwelling, which occupation or activity is incidental and secondary to the residential occupancy of said dwelling. Such occupation shall not change the residential character of the dwelling, not infringe upon the rights of neighboring residents to enjoy a peaceful occupancy of their home. Specifically excluded are any out door storage, display or merchandise, equipment, or machinery. Outbuildings may not be used for any purpose whatsoever and no individual who is not a resident of the dwelling may be employed in any inconspicuous home occupation.

Section 2. Article 5, Section 502.04 is hereby amended to read as follows:

PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the R-1 residential district if a special permit for such use has been obtained in accordance with Article 7 of this Ordinance.

1. Public and quasi-public uses of an educational, recreational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; churches, parsonages, and other religious institutions;

2. Public uses of any administrative, public service or cultural type including city, county, state or federal administrative centers and court, libraries, police and fire stations and other public buildings, structures, and facilities;

3. Expansion or nonconforming uses;

4. Electrical distribution substations, gas regulator stations, communication equipment buildings, public service pumping stations, and /or elevated pressure tanks;

5. Inconspicuous home occupation.

Section 3. The zoning ordinance of the City of Gothenburg is hereby amended by adding

Section 615.01 as follows:

1. Home occupations shall not occupy more than thirty (30) percent of the total floor area of the dwelling which the inconspicuous home occupation is located. Thirty (30) percent shall be calculated by including all storage of merchandise, machinery, equipment and waiting rooms.

2. The inconspicuous home occupation shall not increase traffic in the area where located, and shall not require any additional parking spaces.

3. There shall be no offensive noise, vibration, smoke, dust, order, heat or glare noticeable beyond the confines of the dwelling. No manufacturing of any nature whatsoever shall be allowed in a dwelling which qualifies for an inconspicuous home occupation.

4. The inconspicuous home occupation shall be carried on by the inhabitants living in the dwelling. No other person may be employed in such occupation

5. No signage shall be allowed to be displayed on the exterior of the dwelling.

6. No exterior storage shall be allowed on the premises of material or equipment used as a part of the inconspicuous home occupation.

7. the inconspicuous home occupation shall not create demand for more than two (2) additional parking spaces. All such additional parking must be accommodated without an intrusion on any required setbacks of front yard, rear yard or side yard. All parking accommodations shall be subject to the review of the planning commission and the City Council.

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Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall become effective from and after its passage, approval and publication as required by law.

Passed and approved this 20th day of April, 1999.

CITY OF GOTHENBURG,
DAWSON COUNTY, NEBRASKA

BY Larry Franzen
Larry Franzen, Mayor

ATTEST:

Connie Stull
Connie Stull, City Clerk

APPROVED AS TO FORM:

Michael L. Bacon
Michael L. Bacon
City Attorney