

AG 1

ORDINANCE 933

AN ORDINANCE AMENDING TITLE XV, CHAPTER 152, AMENDING SECTION 152.019 OF THE GOTHENBURG CODE OF ORDINANCES REVISING THE DEFINITION OF AG-1 RESIDENTIAL AGRICULTURAL DISTRICT PERMITTED SPECIAL USES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Title XV, Chapter 152, Section 152.019 of the Gothenburg Code of Ordinances is hereby amended to read as follows:

§ 152.019 AG 1 RESIDENTIAL AGRICULTURAL DISTRICT.

(A) *Intent.* This district is intended to provide low-density acreage residential use with a gross density of one dwelling unit per a minimum of three acres, when such individual dwelling has its own water well and sanitary disposal system.

(B) *Permitted principal uses and structures.* The following shall be permitted as uses by right:

(1) Single-family dwellings;

(2) Manufactured homes which complies with the provisions of § [152.058](#);

(3) Agricultural uses; animals, other than a maximum of five domestic animals, shall not be permitted on less than three acres. A maximum of one nondomestic animal is allowed per acre for every acre or fraction of an acre above the three acres. By way of example, no nondomestic animals shall be allowed on a parcel of less than three acres. For a parcel consisting of at least three, but less than four acres, one nondomestic animal shall be allowed. For a parcel consisting of at least four, but less than five acres, two nondomestic animals shall be allowed, and so on.

(C) *Permitted accessory uses and structures.* The following accessory uses and structures shall be permitted: accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as exceptions; provided, in addition to § [152.041](#), no accessory structure shall be closer than the required side yard of this district.

(D) *Permitted special uses.* A building or premises may be used for the following purpose in the AG 1 Residential Agricultural District if a special permit for the use has been obtained in accordance with §§ [152.075](#) and [152.076](#):

(1) Public and quasi-public uses of an education, 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 an administrative, public service or cultural type including city, county, state, or federal administrative centers and courts, libraries, police and fire stations, and other public buildings, structures, and facilities;

(3) Establishments which provide services or supply commodities primarily for the convenience of patrons traveling on highways and roads;

(4) Other local commercial establishments providing services and supplies to the community and local trade area.

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

(6) Home occupations, which comply with the provisions of § 152.055;

(7) Alternative energy systems utilizing biomass, geothermal, hydropower, solar and/or wind sources in conformance with "Net Metering" per Neb. RS §§ 70-2001 to 70-2005 (August 30, 2009, as amended). Individual or small wind energy conversion systems (SWECS) shall also be in conformance with the provisions of § 152.063; and

(8) Rural subdivisions, in which all dwellings within the subdivision utilize a shared of "community style" water well and distribution system and/or sanitary sewer lagoon and collection system in accordance with the restrictions of the Nebraska Department of Environmental Quality (NDEQ) and the Department of Health and Human Services. In which case, the minimum lot sizes may be reduced to one acre in area.

(E) *Prohibited uses and structures.* All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the AG 1 Residential Agricultural District.

(F) *Height and area regulations.* The maximum height and minimum lot requirements within the AG 1 Residential Agricultural District shall be as follows:

	Lot Area (sq. ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Dwelling, single-family	1 acre	140 feet	35 feet	15 feet	50 feet	35 feet
Other permitted uses	1 acre	140 feet	35 feet	15 feet	50 feet	35 feet

(G) *Maximum lot coverage.* 25%.

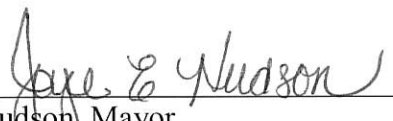
(H) *Nonconforming use for Zone AG 1.* Any nonconforming use in existence at the time of the creation of this district may be continued. Existence of a structure such as a livestock confinement facility/operation, which does not contain livestock at the time of the creation of this district, still qualifies as a nonconforming use, regardless of the length of time that the facility is in a period of non- use.

Section 3. A copy of prior Section 152.019 is attached hereto as Exhibit A and incorporated herein by this reference.

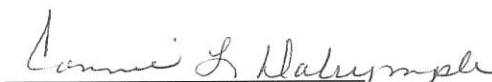
Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall become effective after its posting and publication as provided by law. Passed and approved this 15<sup>th</sup> day of November, 2016.

City of Gothenburg,

  
\_\_\_\_\_  
Joyce Hudson, Mayor

ATTEST:

  
\_\_\_\_\_  
Connie Dalrymple, City Clerk

APPROVED AS TO FORM:

Michael L. Bacon, City Attorney

Exhibit A

*attached*

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(Ord. 905, passed 1-20-2015)

Brad Morris Request

*Brad 11-1*

Planning and Zoning:

Just letting you know on the next agenda will be a request from Brad Morris. Brad owns the property circled below. The property is zoned AG-1. Brad's daughter lives on the property and they would like to put in a storage area for outdoor storage of boats and campers. This is currently not allowed under the AG-1 zoning and there is no provision for a Special Use Permit under that zoning. We discussed changing to I-1 or I-2, but would probably have to bring in the other two remaining properties, who may not want to have a zoning change. So the discussion went to changing the code to allow by Special Use Permit commercial activities in an AG-1 zone. I told Brad he could come to the next meeting to present his ideas. If the P&Z wish to make a change then a Public Hearing would need to be scheduled for both P&Z and for the City Council. This is just a "heads up" on something coming up on the next agenda. Bruce

