

ORDINANCE ~~2017~~ 941

AN ORDINANCE AMENDING TITLE XV, CHAPTER 152, AMENDING SECTIONS 152.018, 152.019, 152.020, 152.021, 152.022, 152.023, 152.024, 152.025, 152.026, 152.027 AND 152.029 OF THE GOTHENBURG CODE OF ORDINANCES REVISING THE DEFINITION OF SPECIAL PERMITTED USES IN THE FOLLOWING ZONING DISTRICTS: AG, AG-1 RESIDENTIAL AGRICULTURAL, R-1 RESIDENTIAL DISTRICT, R-2 RESIDENTIAL DISTRICT, R-3 RESIDENTIAL DISTRICT, R-4 RESIDENTIAL DISTRICT, C-1 CENTAL BUSINESS DISTRICT, C-2 HIGHWAY COMMERCIAL DISTRICT, I-1 LIGHT INDUSTRIAL/STORGE/WAREHOUSE DISTRICT, I-2 INDUSTRIAL DISTRICT AND P PUBLIC USE DISTRICT BY REVISING THE DEFINITION OF ALTERNATIVE ENERGY SYSTEMS; REPEALING ALL ORDINANCES OR PARTS OF ORDINACES 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 152.018 of the Gothenburg Code of Ordinances is hereby amended to read as follows:

§ 152.018 AG GENERAL AGRICULTURAL DISTRICT.

(A) *Intent.* This district is intended primarily for application to rural areas of the city, which are generally characterized by extensive or intensive agricultural uses of land.

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

(1) Any form of agriculture including the raising of crops, horticultural uses, animal husbandry, poultry husbandry, but excluding commercial auction yards and barns and livestock confinement facilities/operations;

(2) Single-family and mobile home dwellings;

(3) Bulk grain storage, both publicly or privately owned or managed; and

(4) Irrigation and flood control projects.

(C) *Permitted accessory uses and structures.* The following accessory uses and structures shall be permitted:

(1) Accessory uses and structures normally appurtenant to the permitted uses and structures, and to uses and structures permitted as exceptions;

(2) Home occupations, which comply with the provisions of § 152.055.

(3) One-family residences including mobile homes for farm residence or adjacent to farm residences for relatives or farm workers; and

(4) Roadside stands for the sale of agricultural produce grown on the site.

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

(1) Airports and heliports, including crop dusting strips;

(2) Agricultural service establishment primarily engaged in performing agricultural, animal husbandry, or horticultural services on a fee or contract basis; agricultural product milling and processing; establishments engaged in performing services such as crop dusting, fruit picking, grain cleaning, harvesting, and plowing; farm equipment service and repair;

(3) Public utility and public service structures, including electric transmission lines and distribution substations, and gas regulator stations;

- (4) Public and private open recreational facilities, operated for profit or otherwise;
- (5) Public and quasi-public uses of an educational or religious type;
- (6) Community facilities and institutions, including cemeteries, hospitals, private, noncommercial clubs and lodges;
- (7) Public uses of an administrative, public service, or cultural type;
- (8) Sewage treatment plants for primary and secondary treatment; public and private sanitary landfills in conformance with § 152.062; gravel plants and asphalt or concrete batch plants;
- (9) Irrigation wells, waste retention pits, and silage bunkers;
- (10) One single-family rental unit, when the same is rehabilitated or created in an existing structure. Provided, however, no special use permit shall authorize a subdivision thereof;
- (11) Commercial kennels;
- (12) **Alternative energy systems not exceeding 25KW which utilizes biomass, geothermal, hydropower, solar and/or wind sources in conformance with "Net Metering" as defined in §§ 70-2001 to 70-2005 R.R.S.**

(13) Alternative energy systems that exceed 25 KW and are recognized by the Federal Energy Regulatory Commission as a Qualifying Facility (QF). The system shall not adjoin any residential zone; and

(14) Salvage or junk yards which comply with the provisions of § 152.061.

(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 General Agricultural District.

(F) *Special regulations.* Provision must be made for disposal of manure and other organic wastes in the manner as to avoid pollution of ground water or any lake or stream.

(G) *Minimum lot requirements.*

(1) The minimum lot area for single-family dwellings shall be ten acres; or five acres from an existing farmstead as defined in § 152.003 in which a residence and outbuildings, if any, is to be split off from farmland and said home was constructed prior to June 1, 2012.

(2) The minimum lot area for uses prescribed as special uses shall be five acres, subject to approval of the City Council.

(H) *Minimum yard requirements.*

(1) *Front yard.* There shall be a minimum front yard of not less than a depth of 75 feet from the centerline of a federal aid-primary or federal aid-secondary designated street or highway or 35 feet from the property line, whichever is greater. On all other streets or highways there shall be a minimum front yard of not less than a depth of 60 feet from the centerline of the street or highway or 25 feet from the property line, whichever is greater; and further, these yard requirements shall apply to any yard abutting a public street or highway regardless of the lot being an interior or corner lot.

(2) *Rear yard.* There shall be a minimum yard of not less than a depth of 50 feet.

(3) *Side yard.* Side yards shall not be less than 15 feet.

(4) *Distance between structures.* The minimum distance between principal structures used for human habitation shall be 90 feet.

(I) *Maximum height.* No limitations, except as provided for in § 152.030.

Section 2. 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 not exceeding 25KW which utilizes biomass, geothermal, hydropower, solar and/or wind sources in conformance with "Net Metering" as defined in §§ 70-2001 to 70-2005 R.R.S.**

(8) Alternative energy systems that exceed 25 KW and are recognized by the Federal Energy Regulatory Commission as a Qualifying Facility (QF). The system shall not adjoin any residential zone; and

(9) 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. Title XV, Chapter 152, Section 152.020 of the Gothenburg Code of Ordinances is hereby amended to read as follows:

§ 152.020 R-1 RESIDENTIAL DISTRICT.

(A) *Intent.* This district is intended to provide residential use with a gross density of two to three dwelling units per acre.

(B) *Permitted principal uses and structures.* All residential property located within the R-1 Residential District, shall meet design standards in § 152.063. The following shall be permitted as uses by right:

- (1) Single-family dwellings;
- (2) Manufactured homes which comply with the provisions of § 152.058; and
- (3) Group homes.

(C) *Permitted accessory uses and structures.* The following accessory uses and structures shall be permitted: accessory uses and structures normally appurtenant to the permitted principal uses and structures and to permitted special uses and structures permitted as exceptions, when in accordance with the provisions of § 152.041.

(D) *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 the use has been obtained in accordance with §§ 152.075 and 152.076:

- (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 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) Electrical distribution substations, gas regulator stations, communication equipment buildings, public service pumping stations, and/or elevated pressure tanks;
- (4) Inconspicuous home occupation, which comply with the provisions of § 152.055;

- (5) Bed and breakfast guest houses;
- (6) 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
- (7) Child care centers that are located within buildings that are permitted or currently grandfathered as uses as defined in division (D)(1) above.
- (8) Alternative energy systems not exceeding 25KW which utilizes biomass, geothermal, hydropower, solar and/or wind sources in conformance with "Net Metering" as defined in §§ 70-2001 to 70-2005 R.R.S.**

(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 R-1 Residential District.

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

	Lot Area (sq. ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Dwelling, single-family	12,000 feet*	85 feet	25 feet	10 feet	Smaller of 30 feet or 20% of depth	35 feet
Other permitted uses	12,000 feet	85 feet	25 feet	10 feet	Smaller of 30 feet or 20% of depth	35 feet

Notes:

* Single-family dwellings and vacant platted lots in existence within the R-1 Residential District as of January 20, 2014 are exempt from the minimum lot area and width requirements. As long as the yard setbacks and height requirements are met; the dwellings may continue as permitted principle structures and not be classified as structures on non-conforming lots of record. Dwellings planned to be constructed on lots platted after January 20, 2014 shall meet all requirements of the above table.

(G) *Maximum lot coverage.* 35%.

(H) *Design Standards.* All residential property located within the R-1 Residential District, shall meet design standards in § 152.063.

Section 4. Title XV, Chapter 152, Section 152.021 of the Gothenburg Code of Ordinances is hereby amended to read as follows:

§ 152.021 R-2 RESIDENTIAL DISTRICT.

(A) *Intent.* This district is intended to provide residential uses with a gross density of three to five dwelling units per acre.

(B) *Permitted principal uses and structures.* All residential property located within the R-2 Residential District, shall meet design standards in § 152.063. The following shall be permitted as uses by right:

- (1) Single-family dwellings;
- (2) Two-family, duplex dwellings;
- (3) Multi-family dwellings and/or townhouses;
- (4) Manufactured homes which comply with the provisions of § 152.058; and
- (5) Group homes.

(C) *Permitted accessory uses and structures.* The following accessory uses and structures shall be permitted: accessory uses and structures normally appurtenant to the permitted principal uses and structures and to permitted special uses and structures permitted as exceptions, when in accordance with the provisions of § 152.041;

(D) *Permitted special uses.* A building or premises may be used for the following purposes in the R-2 Residential 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 educational, recreational, or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, private nonprofit schools, churches, parsonages, and other religious institutions;

(2) Public and private charitable institutions;

(3) 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;

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

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

(6) Child care center;

(7) Bed and breakfast guest houses; and

(8) Mortuaries.

(9) **Alternative energy systems not exceeding 25KW which utilizes biomass, geothermal, hydropower, solar and/or wind sources in conformance with "Net Metering" as defined in §§ 70-2001 to 70-2005 R.R.S.**

(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 R-2 Residential District.

(F) *Height and area regulations.* The maximum height and minimum lot requirements within the R-2 Residential District shall be as follows:

	Lot Area (sq. ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Dwelling, single-family	7,500	50 feet	25 feet	10 feet	Smaller of 30 feet or 20% of depth	35 feet
Dwelling, two- family/ duplex	5,250 per family	35 feet per family	25 feet	10 feet	Smaller of 30 feet or 20% of depth	35 feet

Dwelling, multi-family	2,625 per family	70 feet	25 feet	10 feet	Smaller of 30 feet or 20% of depth ⁽¹⁾	45 feet
Other permitted uses	7,500	50 feet	25 feet	10 feet	Smaller of 30 feet or 20% of depth ⁽¹⁾	35 feet
(1) Buildings and structures exceeding one story shall provide an additional five-foot setback for every ten feet of building height above the first story.						

(G) *Maximum lot coverage.* 35%.

(H) All residential property located within the R-2 Residential District, shall meet design standards in § 152.063.

Section 5. Title XV, Chapter 152, Section 152.022 of the Gothenburg Code of Ordinances is hereby amended to read as follows:

§ 152.022 R-3 RESIDENTIAL DISTRICT.

(A) *Intent.* This district is intended to provide mixed residential uses with a gross density of five dwelling units or more per acre.

(B) *Permitted principal uses and structures.* All residential property located within the R-3 Residential District, shall meet design standards in § 152.063. The following shall be permitted as uses by right:

- (1) Single-family dwellings;
- (2) Two-family, duplex dwellings;
- (3) Multi-family dwellings and/or townhouses;
- (4) Mobile homes which comply with the standards listed in § 152.023(G);
- (5) Manufactured homes which comply with the provisions of § 152.058; and
- (6) Group homes.

(C) *Permitted accessory uses and structures.* The following accessory uses and structures shall be permitted: accessory uses and structures normally appurtenant to the permitted principal uses and structures and to permitted special uses and structures permitted as exceptions, when in accordance with the provisions of § 152.041.

(D) *Permitted special uses.* A building or premises may be used for the following purposes in the R-3 Residential 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 educational, recreational, or religious type, including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, private nonprofit schools, churches, parsonages, and other religious institutions;
- (2) Public and private charitable institutions;
- (3) 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;
- (4) Electrical distribution substations, gas regulator stations, equipment buildings, public service pumping stations, and/or elevated communications pressure tanks;

- (5) Home occupations, which comply with the provisions of § 152.055;
- (6) Child care center;
- (7) Mortuaries;
- (8) Private garage or nonresidential building and other local commercial establishments providing services and supplies to the community and local trade area; and
- (9) **Alternative energy systems not exceeding 25KW which utilizes biomass, geothermal, hydropower, solar and/or wind sources in conformance with "Net Metering" as defined in §§ 70-2001 to 70-2005 R.R.S.**

(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 R-3 Residential District.

(F) *Height and area regulations.* The maximum height and minimum lot requirements within the R-3 Residential District shall be as follows:

	Lot Area (sq. ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Dwelling, single-family	6,000	50 feet	20 feet	5 feet	Smaller of 30 feet or 20% of depth	35 feet
Dwelling, two-family/ duplex	3,750 per family	60 feet	20 feet	5 feet	Smaller of 30 feet or 20% of depth	35 feet
Dwelling, multi-family	1,500 per unit	60 feet	20 feet	10 feet	Smaller of 30 feet or 20% of depth	45 feet
Manufactured homes/ mobile homes	6,000	50 feet	20 feet	5 feet	Smaller of 30 feet or 20% of depth	35 feet

(I) *Maximum lot coverage.* 35%.

(J) *Design standards.* All residential property located within the R-3 Residential District, shall meet design standards in § 152.063.

Section 6. Title XV, Chapter 152, Section 152.023 of the Gothenburg Code of Ordinances is hereby amended to read as follows:

§ 152.023 R-4 RESIDENTIAL DISTRICT.

(A) *Intent.* This district is intended to provide residential use for mobile homes and mobile home parks.

(B) *Permitted principal uses and structures.* All residential property, with the exception of mobile homes, located within the R-4 Residential District, shall meet design standards in § 152.063. The following shall be permitted as uses by right:

- (1) Single-family dwellings;

- (2) Two-family duplex dwellings;
- (3) Multi-family dwellings and/or townhouses;
- (4) Mobile homes, which comply with the provisions of division (G) below;
- (5) Mobile home parks, which comply with the provisions of division (F) below;
- (6) Manufactured homes which comply with the provision of § 152.058; and
- (7) Group homes.

(C) *Permitted accessory uses and structures.* The following accessory uses and structures shall be permitted: accessory uses and structures normally appurtenant to the permitted principal uses and structures and to permitted special uses and structures permitted as exceptions, when in accordance with the provisions of § 152.041;

(D) *Permitted special uses.* A building or premises may be used for the following purposes in the R-4 Residential 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 educational, recreational or religious type, including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, private nonprofit schools, churches, parsonages, and other religious institutions;

(2) Public and private charitable institutions;

(3) 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;

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

(5) Home occupation, which comply with the provisions of § 152.076(E);

(6) Child care center;

(7) Private garage or nonresidential building and other local commercial establishments providing services and supplies to the community and local trade area; and/or

(8) **Alternative energy systems not exceeding 25KW which utilizes biomass, geothermal, hydropower, solar and/or wind sources in conformance with "Net Metering" as defined in §§ 70-2001 to 70-2005 R.R.S.**

(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 R-4 Residential District.

(F) *Mobile home parks.* A mobile home park may be established in this district, provided that the proposed mobile home park meets all of the following requirements:

(1) Certification of compliance with all chapters and regulations regarding mobile home park licensing, zoning, health, plumbing, electrical, building, fire prevention, and all other applicable chapters and regulations;

(2) Individual mobile home lots shall have an area of not less than 5,000 square feet for single-wide mobile homes, and 6,000 square feet for double-wide mobile homes. Each mobile home lot shall have a minimum width of 40 feet;

(3) Planting of trees and shrubs is required to the extent needed to provide for:

(a) Screening;

(b) Adequate shade; and

(c) A suitable setting for the mobile homes in the park as well as neighboring uses.

(4) A minimum of 25 feet measured from any entrance, lean-to, or other extension from the mobile home shall be maintained between mobile homes;

(5) A mobile home park shall have an area of not less than one acre, nor more than five acres, and no mobile home parking or office or service building shall be closer to a street right-of-way or other property line than 25 feet;

(6) A request for an exception shall set forth the location and legal description of the proposed mobile home park property, and a sketch of the proposed mobile home park, showing dimensions, driveways, proposed locations of mobile homes, the location of sanitary conveniences and other buildings and improvements;

(7) All mobile homes shall meet the standards specified in division (G) below, except for division (G)(1);

(8) Blocks for mobile homes in mobile home parks must be located along the full length of the frame, spaced no more than ten feet apart, and not more than five feet from the ends of the home. Blocks shall consist of a heavy concrete footer block (16 inches by 16 inches by four inches minimum), at least two standard concrete blocks, with cells aligned vertically and a concrete cap;

(9) Individually owned lots on which mobile homes are placed may be purchased within an approved mobile home park if the owner wishes to sell; and

(10) Recreational vehicles, campers, travel trailers may be located on a temporary basis not to exceed one year. The vehicles shall be exempt from skirting and tie down requirements.

(G) *Mobile homes.*

(1) All mobile homes located on individually owned private lots in R-3 or R-4 shall be replaced on a permanent foundation of concrete block or poured reinforced concrete or other comparable foundation. The height of the mobile home floor shall be no more than three feet above grade level. The tongue of the mobile home shall be removed. The area of the mobile home shall be improved to provide an adequate and approved foundation for the placement and tie-down of the mobile home, thereby securing the superstructure and the foundation against uplift, frost upheaval, sliding, rotation, or overturning. All of the above requirements must be met or in place before occupancy.

(2) Skirting of all mobile homes located within a mobile home park is required. The skirting shall not attach a mobile home permanently to the ground, but shall be sufficient to withstand wind load requirements and shall not provide a harborage for debris or rodents, nor create a fire hazard. The skirting shall be provided with removable access panels sufficient to provide easy access to all utility connection points of the mobile home and its subsequent connection to the utility risers if they are located within the skirted area.

(3) For either a permanent foundation or skirting, the mobile home shall be provided with anchors and tie-downs, such as cast-in-place concrete "dead men," eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home. The tie-downs devices shall be compatible with the foundation system provided for the mobile home such that the tie-down are designed to resist the action of frost in the same manner as the foundation system.

(4) A minimum of four anchors and tie-downs shall be placed on each full length of the frame or comply with manufacturer's recommendation, and shall be able to resist and design wind pressures. Wheels shall not be for bearing pressures.

(H) *Height and area regulations.* The maximum height and minimum lot requirements within the R-4 Residential District for single-family dwellings, two-family duplex dwellings, multi-family dwellings and/or townhouses, manufactured homes, and mobile homes located outside mobile home parks shall conform to the provisions of § 152.022(F).

(I) *Design standards.* All residential property, with the exception of mobile homes, located within the R-4 Residential District, shall meet design standards in § 152.063.

Section 7. Title XV, Chapter 152, Section 152.024 of the Gothenburg Code of Ordinances is hereby amended to read as follows:

§ 152.024 C-1 CENTRAL BUSINESS DISTRICT.

(A) *Intent.* The intent of the C-1 Central Business District is to provide a commercial area for those establishments serving the general shopping needs of the trade area and in particular, those establishments customarily oriented to the pedestrian shopper. The grouping of uses is intended to strengthen the central business area as the center of trade, service, governmental, and cultural activities.

(B) *Permitted principal uses and structures.* All commercial property located within the C-1 Central Business District, shall meet commercial design standards in § 152.064. The following shall be permitted as uses by right:

- (1) Business and professional offices;
- (2) Retail stores and service establishments which supply commodities or provide services primarily to meet the needs of residents of the trade area conducted entirely within an enclosed building; and
- (3) Dwelling units above the first story of a building.

(C) *Permitted accessory uses and structures.* The following accessory uses and structures shall be permitted: accessory uses and structures normally appurtenant to the permitted principal uses and structures and to permitted special uses and structures permitted as exceptions, when in accordance with the provisions of § 152.041;

(D) *Permitted special uses.* A building or premise may be used for the following purposes in the C-1 Central Business District if a special permit for the use has been obtained in accordance with §§ 152.075 and 152.076:

- (1) Single-family dwellings;
- (2) Two-family duplex;
- (3) Multi-family complex;
- (4) Wholesale;
- (5) Car/truck wash; and
- (6) **Alternative energy systems not exceeding 25KW which utilizes biomass, geothermal, hydropower, solar and/or wind sources in conformance with "Net Metering" as defined in §§ 70-2001 to 70-2005 R.R.S.**

(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 C-1 Business District.

(1) There shall be no manufacturing, compounding, processing, or treatment of products other than that which is clearly incidental and essential to a retail store or business, and where all products are customarily sold at retail on premises; and

(2) The uses, operations, or products are not objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.

(F) *Height and area regulations.* The maximum height and lot requirements within the C-1 Central Business District shall be as follows:

- (1) *Minimum lot area.* No limitations.

(2) *Minimum yard requirements.*

(a) *Front yard.* No limitations.

(b) *Rear and side yards.* No limitations, unless a commercial structure is located adjacent a residential lot. In these instances, there shall be a minimum rear and side yard requirement of ten feet.

(3) *Maximum height.* 45 feet.

(G) *Use limitations and utility requirements.*

(1) All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot within a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring barrier permanently maintained at least six feet in height.

(2) All businesses located within this district shall utilize municipal water, sewer, and power facilities and at the owners expense.

(H) *Design standards.* All commercial property located within the C-1 Central Business District, shall meet commercial design standards in § 152.064

Section 8. Title XV, Chapter 152, Section 152.025 of the Gothenburg Code of Ordinances is hereby amended to read as follows:

§ 152.025 C-2 HIGHWAY COMMERCIAL DISTRICT.

(A) *Intent.* The C-2 Highway Commercial District is intended primarily for application to areas along major highway entrances to the community in accord with policies of the comprehensive plan where access to the highway is afforded for the convenience of patrons traveling the highway.

(B) *Permitted principal uses and structures.* All commercial property located within the C-2 Highway Commercial District, shall meet design standards in § 152.064. The following shall be permitted as uses by right:

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

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

(C) *Permitted accessory uses and structures.* The following accessory uses and structures shall be permitted:

(1) Accessory uses and structures normally appurtenant to the permitted principal uses and structures and to permitted special uses and structures permitted as exceptions, when in accordance with the provisions of § 152.041;

(D) *Permitted special uses.* A building or premises may be used for the following purposes in the C-2 Commercial District if a special permit for the use has been obtained in accordance with §§ 152.075 and 152.076:

(1) Churches and other religious institutions;

(2) Private clubs and lodges;

(3) Public buildings and grounds;

(4) Hospital, nursing home, and other medical facilities;

(5) Public and private charitable institutions; and/or

(6) **Alternative energy systems not exceeding 25KW which utilizes biomass, geothermal, hydropower, solar and/or wind sources in conformance with "Net Metering" as defined in §§ 70-2001 to 70-2005 R.R.S.**

(E) *Conditions for special uses.* Notwithstanding the requirements of §§ 152.075 and 152.076, the following regulations shall apply as minimum requirements for granting special use permits in the C-2 Highway Commercial District:

(1) Where a site adjoins or is located across an alley from a residential district, a solid wall or fence or compact evergreen hedge six feet in height shall be located on the property line common to the districts, except in a required front yard;

(2) Open storage of materials attendant to a permitted use or special permit use shall be permitted only within an area surrounded or screened by a solid wall or fence; and

(3) No use shall be permitted, and no process, equipment, or materials shall be used, which are found by the Council to be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, noise, vibrations, illumination, glare, or unsightliness, or to involve any hazard of fire or explosion.

(F) *Height and area regulations.*

(1) *Minimum lot requirements.* The minimum lot area shall be 8,000 square feet.

(2) *Minimum yard requirements.*

(a) *Front yard.* There shall be a minimum front yard of not less than a depth of 20 feet from the property line.

(b) *Rear yard.* No limitations, unless abutting a residential district; then, the minimum rear yard shall be ten feet.

(c) *Side yard.* No limitations, unless abutting a residential district, then the minimum side yard shall be ten feet.

(3) *Maximum lot coverage.* No limitations.

(4) *Maximum height.* No structure shall exceed 45 feet.

(G) *Design standards.* All commercial property located within the C-2 Highway Commercial District, shall meet design standards in § 152.064.

Section 9. Title XV, Chapter 152, Section 152.026 of the Gothenburg Code of Ordinances is hereby amended to read as follows:

§ 152.026 I-1 LIGHT INDUSTRIAL/STORAGE/WAREHOUSE DISTRICT.

(A) *Intent.* The intent of this district is to provide space for certain commercial and a limited range of industrial uses and structures which are able to meet certain performance standards to protect nearby noncommercial and nonindustrial uses from undesirable environmental conditions. Residential and other similar uses are prohibited from this district in order to limit environmental effects associated with certain commercial and industrial uses, irrespective of their meeting performance standards.

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

(1) Wholesale, storage, and warehouse uses;

(2) Agricultural uses, except livestock confinement facilities/operations;

(3) Automobile service stations; and

(4) Any industrial use which can meet the performance standards for this district set forth in § 152.049, provided the use is not specifically prohibited.

(C) *Permitted accessory uses and structures.* The following accessory uses and structures shall be permitted:

(1) Accessory uses and structures normally appurtenant to the permitted principal uses and structures and to permitted special uses and structures permitted as exceptions, when in accordance with the provisions of § 152.041;

(2) Offices, retail stores, and watchperson's living quarters incidental to and on the same site with an industrial use.

(D) *Permitted special uses.* A building or premises may be used for the following purposes in the I-1 Light Industrial/ Storage/Warehouse District if a special permit for the use has been obtained in accordance with §§ 152.075 and 152.076:

(1) Commercial/retail outlets;

(2) Office buildings;

(3) Public buildings and grounds utilized for maintenance facilities, shops and storage of materials;

(4) Electrical distribution substations, gas regulator stations, communications equipment buildings, utility facilities, and grounds;

(5) Recycling center;

(6) Sanitary transfer station; and

(7) **Alternative energy systems not exceeding 25KW which utilizes biomass, geothermal, hydropower, solar and/or wind sources in conformance with "Net Metering" as defined in §§ 70-2001 to 70-2005 R.R.S.**

(8) **Alternative energy systems that exceed 25 KW and are recognized by the Federal Energy Regulatory Commission as a Qualifying Facility (QF). The system shall not adjoin any residential zone.**

(E) *Conditions for approving industrial uses listed in the permitted principle uses and other structures; and permitted special uses.* Notwithstanding the requirements of §§ 152.075 and 152.076, the following regulations shall apply as minimum requirements for granting special permits in the I-1 Light Industrial District:

(1) All uses shall meet or exceed the performance standards set forth in § 152.049;

(2) A use not conducted entirely within a completely enclosed structure, on a site across a street or alley from a residential district, shall be screened by a solid wall or fence or compact evergreen hedge;

(3) Where a site adjoins a residential district, a solid wall, fence, or compact evergreen hedge shall be located on the property line;

(4) Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 gallons shall not be located closer than 50 feet from any structure intended for human habitation, or closer than 200 feet from any residential district; and

(5) All open and un-landscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash, and debris.

(F) *Prohibited uses and structures.* All residential dwellings of any kind, and all other uses and structures which are not specifically permitted, or cannot meet the performance standards for industry set forth in § 152.049, shall be prohibited.

(G) *Minimum lot requirements.* The minimum lot area shall be 10,000 square feet.

(H) *Minimum yard requirements.*

(1) *Front yard.* There shall be a minimum front yard of not less than a depth of 20 feet from the property line.

(2) *Rear yard.* No limitations.

(3) *Side yard.* No limitations.

(I) *Maximum height.* No structure shall exceed 75 feet.

Section 10. Title XV, Chapter 152, Section 152.027 of the Gothenburg Code of Ordinances is hereby amended to read as follows:

§ 152.027 I-2 INDUSTRIAL DISTRICT.

(A) *Intent.* The intent of this district is to provide space for certain commercial and a wide range of industrial uses. Residential and other similar uses are prohibited from this district in order to limit environmental effects associated with certain commercial and industrial uses.

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

(1) Wholesale, storage, and warehouse uses;

(2) Agricultural uses, excluding livestock confinement facilities/operations; and

(3) Industrial and manufacturing uses which comply with appropriate state and federal regulations.

(C) *Permitted accessory uses and structures.* The following accessory uses and structures shall be permitted:

(1) Accessory uses and structures normally appurtenant to the permitted principal uses and structures and to permitted special uses and structures permitted as exceptions, when in accordance with the provisions of § 152.041;

(2) Offices, retail stores, and watchperson's living quarters incidental to and on the same site with an industrial use.

(D) *Permitted special uses.* A building or premises may be used for the following purposes in the I-2 Industrial District if a special permit for the use has been obtained in accordance with §§ 152.075 and 152.076:

(1) A sexually oriented business as defined in § 132.04 of this code may be granted as a special permitted use if granted pursuant to §§ 152.075 or 152.076;

(2) Recycling center;

(3) Sanitary landfill, in conformance with the provisions of § 152.062;

(4) Sanitary transfer station;

(5) Salvage or junk yard, in conformance with the provisions of § 152.061;

(6) Commercial kennels; and

(7) **Alternative energy systems not exceeding 25KW which utilizes biomass, geothermal, hydropower, solar and/or wind sources in conformance with "Net Metering" as defined in §§ 70-2001 to 70-2005 R.R.S.**

(8) **Alternative energy systems that exceed 25 KW and are recognized by the Federal Energy Regulatory Commission as a Qualifying Facility (QF). The system shall not adjoin any residential zone.**

(D) *Minimum lot requirements.* No limitations.

(E) *Minimum yard and height requirements.*

(1) *Front yard.* There shall be a minimum front yard of not less than a depth of 20 feet from the property line.

- (2) *Rear yard.* No limitations.
- (3) *Side yard.* No limitations.
- (4) *Maximum height.* No limitations.

(F) *Prohibited uses and structures.* All residential dwellings of any kind shall be prohibited in the I-2 Industrial District.

Section 11. Title XV, Chapter 152, Section 152.029 of the Gothenburg Code of Ordinances is hereby amended to read as follows:

§ 152.029 P PUBLIC USE DISTRICT.

(A) *Intent.* The intent and purpose of this district is to provide for essentially mapping purposes which will identify real property of one-half acre or more presently owned and used by any governmental entity, including local, state, or federal governmental units, and put to some form of public use. This district is not intended to be applied to land that is used by governmental entities on an easement or leased basis if title to the land is in private ownership.

(B) *Permitted principal uses and structures.*

(1) A building or premises owned by any governmental entity, including local, county, state, federal governmental units and their subdivisions, and in some form of public use, shall be permitted to be located in the P Public Use District. The provisions of this section shall not apply to land in private ownership, even if leased to or the subject of an easement to a governmental entity, or to describe the future location of public uses.

(2) **Alternative energy systems not exceeding 25KW which utilizes biomass, geothermal, hydropower, solar and/or wind sources in conformance with "Net Metering" as defined in §§ 70-2001 to 70-2005 R.R.S.**

(3) **Alternative energy systems that exceed 25 KW and are recognized by the Federal Energy Regulatory Commission as a Qualifying Facility (QF). The system shall not adjoin any residential zone.**

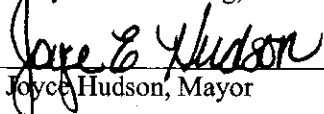
(C) *Area regulations.* The P Public Use District shall have a minimum district size of one-half acre.

Section 11. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

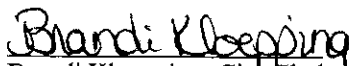
Section 12. This ordinance shall become effective after its posting and publication as provided by law.

Passed and approved this 16th day of June, 2017.

City of Gothenburg,


Joyce Hudson, Mayor

ATTEST:


Brandi Klopping, City Clerk

APPROVED AS TO FORM:



Michael L. Bacon, City Attorney