

ORDINANCE 972

AN ORDINANCE AMENDING TITLE XV, CHAPTER 152, ESTABLISHING SECTION 152.025.1 C-3 COMMERCIAL/STORAGE DISTRICT; AMENDING SECTION 152.064 OF THE GOTHENBURG CODE OF ORDINANCES; 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 152.025.1 of the Gothenburg Code of Ordinances is hereby adopted to read as follows:

**§ 152.025 C-3 COMMERCIAL/STORAGE DISTRICT.**

(A) *Intent.* The C-3 way Commercial/Storage District is intended primarily for application in areas abutting R-2, R-3, and R-4 districts in accord with policies of the comprehensive plan.

(B) *Permitted principal uses and structures.* All commercial property located within the C-3 Commercial/Storage District, shall meet design standards in § 152.064. The following shall be permitted as uses by right, except as provided for under: §152.025 (E):

- (1) Local commercial establishments providing services and supplies to the community and local trade area, and
- (2) Local commercial establishments providing storage facilities, and
- (3) Private garages or other non-residential buildings.

(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; however no Accessory Use shall exceed the front and rear yard requirements;

(D) *Permitted special uses.* A building or premises may be used for the following purposes in the C-3 Commercial/Storage 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 Neb. RS 70-2001 to 70-2005.

(E) *Conditions for both permitted and special uses.* Notwithstanding the requirements of §§ 152.075 and 152.076, the following regulations shall apply as minimum requirements for granting any permit in the C-3 Commercial/Storage District:

- (1) No use shall be permitted which shall allow retail sales on the premises, and
- (2) Open storage of materials 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 Zoning Administrator, or in the case of a special permit by the City Council; to be objectionable 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.

A permitted use that is denied under this section by the Zoning Administrator may be appealed to the Board of Adjustment.

(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.* A minimum rear yard of not less than a depth of 20 feet is required.
  - (c) *Side yard.* The minimum side yard shall be ten feet.
- (3) *Maximum lot coverage* 35%.
- (4) *Maximum height.* No structure shall exceed 35 feet.

(G) *Design standards.* All commercial property located within the C-3 Commercial/Storage District shall meet design standards in § 152.064.

Section 2. Title XV, Chapter 152, Section 152.064 of the Gothenburg Code of Ordinances is hereby amended to read as follows:

**§ 152.064 COMMERCIAL DESIGN STANDARDS.**

(A) Compliance with all codes and ordinances adopted by the city is required. All property located within the core of downtown Gothenburg, defined as the area between Avenue "D" and Avenue "G", from 8th Street (Highway 30) to 11th Street, shall meet the following design standards. Street facing facades are limited to the following:

- (1) *Facade elements.* Materials used for street facing facades building shall be similar to those used on adjacent buildings. Primary construction materials historically used in the downtown shall be used similarly in new construction as follows:

(a) *Brick*: Varying colors, sizes and textures of brick exhibited in existing buildings.

(b) *Wood*: Best utilized for architectural elements such as pilasters, cornices or decorative raised panels and trim. The use of wood as a general siding material is discouraged due to maintenance requirements.

(c) *Concrete block*: Best utilized in combination with other materials such as brick or stone. The use of concrete block as the only building material is strongly discouraged.

(d) *Metal flashing and architectural elements*: Metal, painted or exposed, utilized as architectural elements such as "pressed tin" cornices and moldings.

(e) *Structural steel*: Exposed structural pre-formed steel fulfills aesthetic purposes at lintels and columns in a manner similar to existing historic structures.

(f) *Stucco*: Any materials similar in texture and perception are recommended only as an accent element to a facade. Although a couple of buildings are nearly 100% stucco covered today, it was not the historically accurate facade exterior. Modern buildings should utilize stucco in combination with other materials.

(B) All other areas in the C-1, C-2 and C-3 Districts that are not located within the core of downtown Gothenburg, as above, shall have at a minimum a three and one-half foot high base comprised of non-reflective exterior siding which is or simulates wood, stucco, or masonry on the street facing facades. This shall also apply to any C-3 District in which a side façade is adjacent to any zone designated as R. Non-reflective exterior siding comprised of metal, aluminum or vinyl siding or preformed panels can be utilized above the base on the exterior of street facing facades. However, metal siding shall utilize concealed fasteners to install the siding to the building.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective after its posting and publication as provided by law.

Passed and approved this 21<sup>st</sup> day of May, 2019.

City of Gothenburg,

Joyce E. Hudson  
Joyce Hudson, Mayor

ATTEST:

Brandi Kloeping  
Brandi Kloeping, City Clerk

APPROVED AS TO FORM:

Michael L. Bacon, City Attorney