

ORDINANCE 1018

AN ORDINANCE AMENDING TITLE XV, CHAPTER 152, AMENDING SECTION 152.076 OF THE GOTHENBURG CODE OF ORDINANCES; AMENDING PROVISIONS FOR PROCEDURES; 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 152.076 of the Gothenburg Code of Ordinances is hereby amended to read as follows:

§ PROCEDURES.

(A) *General.* The application shall be in writing, filed with the City Clerk, state the proposed location and use of the property, and other relevant matters as may be requested by the City Council. Upon receipt of the application, the City Clerk shall forward the application to the Planning Commission for its recommendation. Upon hearing, the Planning Commission shall forward its recommendation to the City Council, as soon as is practicable. Upon hearing, the City Council may allow or deny the application in whole or in part, or prescribe conditions for the use of the property. No special use permit shall become effective until after separate public hearings are held by both the Planning Commission and the City Council in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the purpose, time, and place of the hearing shall be given by publication thereof in a paper of general circulation.

(B) *Notice.* In addition to the publication of the notice herein prescribed, a notice of the purpose, time, and place of the hearing shall be posted in a conspicuous place on or near the property on which the action is pending. The notice shall not be less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. The posted notice shall be so placed upon the premises so that it is easily visible from the street nearest the premises, and shall be so placed at least ten days prior to the date of each hearing. If the record title owners of any lots included in the proposed change be nonresidents of the municipality, then a written notice of the hearing shall be mailed by certified mail to them addressed to their last known address at least ten days prior to the hearing.

(C) *Criteria.* Except as otherwise provided herein, no special use permit shall be granted by the City Council, without an affirmative vote of a majority of all members of the City Council and unless the proposed use is found to:

- (1) Be compatible with and similar to the use permitted in the district;

- (2) Not be a matter which should require rezoning of the property;
- (3) Not be detrimental to adjacent property;
- (4) Not tend to depreciate the value of the surrounding structures or property;
- (5) Be compatible with the stated intended use of the district;
- (6) Not change the character of the district; and
- (7) Be in accordance with the comprehensive plan.

(D) *Protest against the special use permit.* In case of a protest against the special use permit, signed by the owners of 20% or more either of the area of the lots included in the proposed change, or of those immediately adjacent on the sides and in the rear thereof extending 300 feet therefrom, and of those directly opposite thereto extending 300 feet from the street frontage of the opposite lots, the special use permit shall not become effective except by the favorable vote of three-fourths of all the members of the City Council.

(E) *Expansion of nonconforming uses.* In all districts, a special permit may be granted to authorize the issuance of a building permit to permit the enlargement, extension, conversion, reconstruction, or structural alteration of any building located upon premises, uses of which constitute a nonconforming use. In consideration of applications for special permits, the following criteria shall be given specific consideration:

- (1) Effects on adjacent property, traffic, city utility service needs;
- (2) Density of land use zoning for the subject property and adjacent property; and
- (3) The degree of hardship upon the applicant which would be caused by failure to grant a permit.

(F) *Short-term Rentals.* The following additional regulations shall apply as minimum requirements for granting special use permits for short-term rentals in the R-1 and R-2 Residential Districts:

- (1) Parking as required in § 152.047;
- (2) Signs as required in § 152.056;
- (3) A maximum length of stay per guest visit shall not exceed thirty (30) consecutive days;
- (4) Occupants of a short-term rental shall not sleep in areas that include hallways, kitchen or bathrooms. A sleeping area for occupants shall be a habitable space within a dwelling that contains at least one operable emergency escape and rescue opening (egress window);
- (5) The use of a short-term rental for the following is prohibited:
 - (1) Housing sex offenders;
 - (2) Operating a structured sober living home or similar enterprise;
 - (3) Selling illegal drugs;
 - (4) Selling alcohol or another activity that requires a permit or license under the Nebraska Liquor Control Act, or
 - (5) Operating a sexually oriented business; and
 - (6) Any person making available a short-term rental unit shall provide contact information to all renters for someone who can respond on behalf of the licensee and reach the short-term rental until within 45 minutes in case of an emergency or other issue.
- (7) Occupancy of a portion of the short term rental by the owner shall not be required.

(G) *Bed and breakfast guest houses.* The following additional regulations shall apply as minimum requirements for granting special use permits for bed and breakfast guest houses in the R-1 and R-2 Residential Districts:

- (1) Parking as required in § 152.047;
- (2) Signs as required in § 152.056;
- (3) A maximum of four rooms or suite of rooms are available for use as transient lodging; and
- (4) The remainder of the dwelling shall be used and occupied as a residence by the host family.

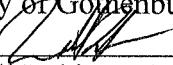
(H) *Special use permits; expirations.* Every permit issued by the City Council under the provisions of this section shall expire, if the special use authorized by the permit is not commenced within 365 days from the date of the approval of the permit; or if the special use authorized by the permit is suspended or abandoned for a period of 365 days after the special use has commenced. For the purposes of commencement in regard to a new special use permit, this shall mean any work towards use of the permit (including the application for a building permit; construction of a new building and/or remodeling of an existing building; or any work that shows significant progress towards the use of the permit). This section shall apply to all special use permits issued after July 19, 2005.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall become effective after its posting and publication as provided by law. Passed and approved this 17th day of January, 2023.

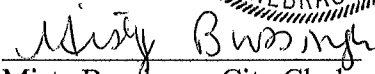


City of Gothenburg,



Will Rahjes, Mayor

ATTEST:



Misty Bussinger, City Clerk

APPROVED AS TO FORM:



Michael L. Bacon, City Attorney