

ORDINANCE 1047

AN ORDINANCE AMENDING TITLE XV, CHAPTER 152, SECTIONS 152.022, 152.023, 152.025, 152.025.1, 152.047 AND 152.076, ADDING SHORT-TERM RENTALS TO PERMITTED SPECIAL USES IN R-3, R-4, C-2 AND C-3 ZONES; ESTABLISHING PARKING REGULATIONS FOR SHORT-TERM RENTALS; ADDING ZONES R-3, R-4, C-2 AND C-3 TO ZONING DISTRICTS WITH REGULATIONS FOR SHORT-TERM RENTALS; REPEALING ALL 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 152.022 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) Short-Term Rentals

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

(10) 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) *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 2. TITLE XV, CHAPTER 152, Section 152.023 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;
- (7) Short-Term Rentals; and
- (8) 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 Neb. RS 70-2001 to 70-2005.

(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 3. TITLE XV, CHAPTER 152, Section 152.025 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;

(6) Short-Term Rentals; and/or

(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 Neb. RS 70-2001 to 70-2005.

(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 4. TITLE XV, CHAPTER 152, Section 152.025.1 is hereby amended to read as follows:

§ 152.025.1 C-3 COMMERCIAL/STORAGE DISTRICT.

(A) *Intent.* The C-3 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 § 152.025.1(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) Short-Term Rentals

(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 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 5. TITLE XV, CHAPTER 152, Section 152.047 is hereby amended to read as follows:

§ 152.047 PARKING REGULATIONS.

(A) The minimum of off-street parking places to be provided on lots in all districts except C-1, Central Business District, shall be as shown in the following list:

Use	Parking Spaces Required
Single- and two-family dwellings	1.0 per dwelling unit
Rooming houses, dormitories, convalescent homes	0.4 times the maximum lawful number of occupants
Multi-family dwellings	1.5 per dwelling unit
Hotels	1.0 per room in addition to spaces required for restaurant facilities
Mobile homes	1 per mobile home
Retail stores and service	1 per 350 square feet of floor space establishments and outdoor sales space
Offices	1 per 400 square feet of floor space
Other commercial and industrial uses	0.75 times the maximum number industrial uses of employees on the premises at any one time
Bed and breakfast guest house and Short Term Rental	1 space per 2 rental guest rooms

(B) Where calculation in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

(1) In Districts R-1, R-2, R-3, and R-4, required off-street parking shall be provided on the lot on which is located the use to which the parking pertains. In other districts, parking may be provided either on the same lot or on an adjacent or other lot, provided the lot on which the use requiring them is located are not separated by more than 300 feet at their closest points, measured along a street or streets.

(2) Where off-street parking is located on a lot other than the lot occupied by the use which requires it, site plan approval for both lots is required.

Section 6. TITLE XV, CHAPTER 152, Section 152.076 is hereby amended to read as follows:

§ 152.076 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, R-2 R-3, R-4, C-2 and C-3 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 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:

(a) Housing sex offenders;

(b) Operating a structured sober living home or similar enterprise;

(c) Selling illegal drugs;

(d) Selling alcohol or another activity that requires a permit or license under the Nebraska Liquor Control Act; or

(e) Operating a sexually oriented business.

(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 unit 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 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. This ordinance shall become effective after its passage, and publication as provided by law.

Dated: August 19, 2025



CITY OF GOTHENBURG, NEBRASKA

Verlin Janssen

Verlin Janssen, Mayor

ATTEST:

Misty Bussinger
Misty Bussinger, Clerk

Approved as to form:

Michael L. Bacon
Michael L. Bacon, Attorney