

ORDINANCE NO. 8781

AN ORDINANCE OF THE CITY OF KEARNEY, NEBRASKA TO AMEND SECTION 46-103 "SUPPLEMENTAL USE REGULATIONS: RESIDENTIAL USES" OF CHAPTER 46 "SUPPLEMENTAL USE REGULATIONS" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO ADD SUBSECTIONS "F" AND "J" AND UPDATE FORMATTING; TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE CODE OF THE CITY OF KEARNEY; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith AND TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL AND EFFECTIVE DATE OF THIS ORDINANCE.

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BE IT ORDAINED BY THE VICE-PRESIDENT AND CITY COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

Section 1. That Section 46-103 "Supplemental Use Regulations: Residential Uses" of Chapter 46 "Supplemental Use Regulations" of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

46-103 SUPPLEMENTAL USE REGULATIONS: RESIDENTIAL USES

- A. *Downtown and Group Residential in CBD District.*
1. Multi-Story Buildings: Downtown and Group Residential uses are permitted in the CBD District only on levels above street level. A unit or units meeting ADA compliance may be developed at street level. The street-level portion of the building adjacent to the street must remain non-residential, subject to uses permitted within the CBD zoning district.
 2. One-Story Buildings: Buildings with one story may be developed into residential units, so long as the street-adjacent facades remain non-residential and are preserved for permitted uses within the CBD zoning district. More than 60% of the building's total square footage must remain as non-residential. Doorways and entrances may be placed on street adjacent facades that lead to hallways or lobbies for residential units. Circulation areas (hallways, doorways, landings, and lobbies) for residential use may not be counted toward the non-residential square footage requirement.
- B. *Group Residential.* Group residential uses, when permitted, are subject to the requirements set forth in Table 46-1.

Table 46-1
Group Residential Density

Zoning District	Maximum Number of Unrelated Persons in Structure	Minimum Floor Area per Resident (square feet)
R-2	10	200
R-3	20	250
R-4	40	200
ND-1	6	400

C-1, C-2, C-3 and CBD	20	250
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C. *Mobile Home Parks in the RM District.* Mobile Home Parks and mobile home residential use are permitted in the RM District. Such use may be configured in a Mobile Home Park or Mobile Home Subdivision. Following the effective date of this Ordinance, no mobile home shall be located outside of a Mobile Home Park or Mobile Home Subdivision. A Mobile Home Park is subject to compliance with the following regulations:

1. Certification:
 - a. A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements shall be required of all Mobile Home Parks.
 - b. The Building Official is authorized to perform an annual inspection of any Mobile Home Park to ensure compliance with these regulations.
2. Minimum and Maximum Area: A Mobile Home Park shall be considered to be one (1) zoned lot. The minimum contiguous area of a Mobile Home Park shall be one hundred thousand (100,000) square feet.
3. Density Requirements:
 - a. The maximum gross density of a Mobile Home Park shall be ten (10) units per acre.
 - b. The minimum size of an individual mobile home space shall be four thousand (4,000) square feet for single-wide mobile home units and five thousand (5,000) square feet for double-wide mobile home units.
 - c. Each mobile home space shall have a width of at least forty (40) feet and a length of at least seventy-five (75) feet.
4. Site Development Standards:
 - a. Setbacks: Each Mobile Home Park shall have a minimum perimeter setback of thirty-five (35) feet from adjacent non-residential uses and fifty (50) feet from adjacent residential uses. No space for a dwelling unit or any other structure shall be permitted in the required setback.
 - b. Setback landscaping: All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Chapter 48. Screening shall be provided in conformance with Section 48-106 for any common property line with another non-residential use.
 - c. Impervious Coverage: Impervious coverage for a Mobile Home Park shall not exceed fifty percent (50%) of the total site area.
 - d. Open Space: Each Mobile Home Park shall provide a minimum of four hundred (400) square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.
 - e. Separation Between Mobile Home Units: The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be twenty (20) feet.
 - f. Separation and Setbacks for Accessory Buildings: An accessory building on a mobile home space shall maintain a minimum rear and side yard setback of five (5) feet. A minimum distance of ten (10) feet shall be provided between any mobile home and an unattached accessory building.
5. Street Access and Circulation Requirements:

- a. *Access to Public Street:* Each Mobile Home Park must abut and have access to a dedicated public street with a right-of-way of at least sixty (60) feet. Direct access to a mobile home space from a public street is prohibited.
 - b. *Vehicular Circulation:* The Mobile Home Park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be twenty-seven (27) feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of one hundred (100) feet. No such cul-de-sacs may exceed three hundred (300) feet in length.
 - c. *Separation between Units and Circulation Areas:* The minimum distance between a mobile home unit and any attached accessory structure and the pavement of an internal street or parking area shall be ten (10) feet.
 - d. *Sidewalks:* Each Mobile Home Park shall provide a sidewalk system to connect each mobile home space to common buildings or community facilities constructed for the use of its residents; and to the fronting public right-of-way. Sidewalk width shall be at least four (4) feet.
 - e. *Street and Sidewalk Standards:* All internal streets and sidewalks shall be hard-surfaced. Electric street lighting is required along all internal streets.
 - f. *Parking Requirements:* Each Mobile Home Park must provide at least two (2) off-street parking stalls for each mobile home space.
6. Utilities:
- a. All Mobile Home Parks shall provide individual units and common facilities with an adequate, piped supply of hot and cold water for both drinking and domestic purposes; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each mobile home space.
 - b. Complete water and sewer service shall be provided within each Mobile Home Park in accordance with the Subdivision Chapter of the Unified Land Development Ordinance.
 - c. Properly spaced and operating fire hydrants shall be provided for proper fire protection within each Mobile Home Park in accordance with the Subdivision Chapter of the Unified Land Development Ordinance.
 - d. All electric, telephone, gas, and other utility lines shall be installed underground.
7. Financial Responsibility: Each application for a Mobile Home Park shall include a demonstration by the developer of financial capability to complete the project, and a construction schedule.
8. Completion Schedule: Construction must begin on any approved Mobile Home Park within one (1) year of the date of approval by the Planning Commission and City Council. Such construction shall be completed within two (2) years of approval, unless otherwise extended by the Planning Commission.
9. All other uses and provisions of the Kearney Mobile Home Park regulations are incorporated herein by reference. These provisions include tie-down and other structural requirements included in the Kearney Municipal Code.
10. All Mobile Home Parks are subject to an annual inspection by the Building Official to assure continued compliance with applicable standards.
- D. *Mobile Home Subdivisions in the RM District.*
1. Mobile Home Subdivisions shall be developed in accordance with all standards and requirements set forth in the Subdivision Chapter of the Unified Land Development Ordinance of Kearney. Site development regulations shall be the same as those required in the R-2 Zoning District. Each mobile home shall be considered a single-family detached residential unit for the purpose of determining applicable development regulations.

2. Mobile home units within Mobile Home Subdivisions shall be built in accordance with the minimum design standards of the U.S. Department of Housing and Urban Development and display a certification of such compliance. All units shall be installed on a permanent foundation with complete removal of wheels and towing packages.

E. *Retirement Residence.*

1. Maximum Floor Area Ratio is 0.5 for buildings up to and including three (3) stories, 0.6 for buildings from four (4) to six (6) stories, and 0.8 for buildings over six (6) stories. Number of living units and occupants is determined by Floor Area Ratio rather than site area per unit regulators.
2. Any action that would result in occupancy of the project by persons less than retirement age requires approval by the City Council following a recommendation by the Planning Commission.

F. *Short-Term Rental.*

1. General Requirements for Short-Term Rentals.
 - a. Short-Term Rentals can be permitted in dwelling units that meet the requirements of the residential building code.
 - b. Short-Term Rentals shall not be rented exclusively for the use of meetings, such as but not limited to, gatherings including luncheons, banquets, parties, weddings, fundraisers, or other similar gatherings.
 - c. The maximum occupancy of a Short-Term Rental shall be determined based on the number of sleeping areas multiplied by two (2) occupants. Additional occupancy may be granted for a sleeping area if it has a determined square footage to accommodate additional occupants, based on the International Property Maintenance Code occupancy calculations.
 - d. No signage is permitted.
 - e. Dwelling units in commercially zoned property may be used as Short-Term Rentals.
 - f. Smoke alarms are required and must be operational in accordance with the location and interconnect requirements outlined in the adopted International Building Code and/or International Residential Code.
 - g. Carbon monoxide detectors are required and must be operational in structures containing a fuel-burning appliance or an attached garage, in accordance with the location and interconnect requirements outlined in the adopted International Building Code and/or International Residential Code.
 - h. All sleeping areas shall have two means of egress.
 - i. No persons shall be allowed to sleep in hallways, kitchens, bathrooms, or other areas of the dwelling unit that do not qualify as a sleeping area.
 - j. The address must be clearly visible from the street at all times.
 - k. The property shall be maintained at all times in accordance with the adopted International Property Maintenance Code to ensure it is in clean, safe, and sanitary condition.
 - l. All Short-Term Rentals are required to be permitted with the City of Kearney and its extraterritorial jurisdiction.
2. Short-Term Rental Permit.
 - a. A Short-Term Rental permit is required to operate within the City of Kearney and its extraterritorial jurisdiction.
 - b. An application and approved permit shall be obtained before listing and advertising the Short-Term Rental accommodations.
 - c. Upon approval of a Short-Term Rental permit, a permit fee and/or annual renewal fee is determined by the City of Kearney's Comprehensive Fee Schedule

- d. Short-Term Rentals must pay the City of Kearney's Hotel Occupation Tax in accordance with Chapter 3, Article 18. Occupation, Business, and Other Taxes.
 - e. All Short-Term Rental permits shall expire on December 31st. Annual renewal is required and must be completed before January 31st. Renewals can be obtained by updating and confirming the application information with the Development Services Department and paying the annual renewal processing fee as set forth by the City of Kearney.
 - f. A Short-Term Rental permit can be transferred to a new applicant provided the Short-Term Rental continues to meet the general requirements and a new application is filed.
 - g. A Short-Term Rental permit issued shall not be used or represented in any manner as an endorsement by the City of Kearney, or by any department, officer, or employee thereof.
 - h. Existing Short-Term Rental properties prior to the effective date of these supplemental regulations have 60 days to become compliant or be in violation of the code.
3. Short-Term Rental Application Requirements. All residential properties wishing to operate as a Short-Term Rental shall submit an application to the Development Services Department with the following information:
- a. The name, address, phone, and email of the applicant.
 - b. Address of the property intended for use as a Short-Term Rental.
 - c. Name of an immediate contact person (phone number and email) who can respond in case of emergency or other issue and be at the property within 30-minutes.
 - d. A certified copy of the deed. Or a copy of the lease with documentation from the property owner authorizing the use of the property as a Short-Term Rental.
 - e. The applicant shall attest that the Short-Term Rental meets all the general requirements as indicated in Section 46-103, F. 1. General Requirements and confirm the occupancy.
 - f. Any additional information that may be requested by Development Services staff to validate compliance with the Unified Land Development Ordinance.
4. Issuance
- a. The Development Services Department shall review the application to determine compliance with the City code requirements. If the application provided meets the requirements, a Short-Term Rental permit will be issued.
 - b. No permit shall be issued or renewed under the following stipulations:
 - i. Incomplete application submittal, including non-payment of fees or necessary documentation.
 - ii. False or misleading information was provided.
 - iii. Three or more separate violations of the zoning code or building code within the preceding twelve months of the application's submittal.
 - iv. Outstanding balance or non-payment of the City of Kearney Hotel Occupation Tax.
 - v. Operating in such a manner that threatens the health, safety, or general welfare of the public is in direct conflict with the approved zoning or building codes.
5. Revocation or Denial of Short-term Rental Permit: The Development Services Department or its designee may revoke or deny a permit under the following conditions:
- a. The property is subject to three or more verified code complaints within a single calendar year.
 - b. The property no longer meets the General Requirements for Short-term Rental Dwellings (Section 46-103, F. 1).
 - c. The property is determined to be uninhabitable.

- d. The applicant fails to pay the renewal fee.
- 6. Appeal of Revocation or Denial of a Short-Term Rental Permit: A person aggrieved by the decision of Development Services concerning the denial of a permit for a Short-Term Rental permit or revocation of said permit shall have the right to submit an appeal to the Board of Adjustment in accordance with Chapter 59, Section 59-108 to Section 59-111.
- 7. Violation & Enforcement: Any such property owner or applicant operating a Short-Term Rental unit in violation of said Section F. Short-Term Rental and the adopted building code shall be deemed guilty of a misdemeanor, and upon conviction be subject to punishments set forth in Section 59-114 of the Unified Land Development Ordinance.

Section 2. It is the intention of the City Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Kearney, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 3. That all ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

Section 4. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of Kearney hereby declare that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

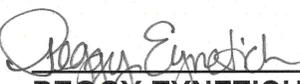
Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law and shall be published in pamphlet form by authority of the City Council.

INTRODUCED BY COUNCIL MEMBER: Buschkoetter
 PASSED AND APPROVED THIS 27TH DAY OF JANUARY, 2026.



 RANDY BUSCHKOETTER
 VICE-PRESIDENT OF THE COUNCIL

ATTEST:



 PEGGY EYNETICH
 CITY CLERK

