

# MAYOR'S NEIGHBORHOOD ROUNDTABLE

Via Zoom Monday, February 8, 2021, 5:30 p.m.

## Meeting Notes

---

### Attendance

Sixteen residents and eight City staff attended.

Tracy Corr – 40th & A NA  
Richard Piersol -- Country Club NA  
Greg Baker -- Everett NA  
Paula Baker – Everett NA  
Pat Stear – Hartley NA  
Geri Cotter – Irvingdale NA  
Fred Frytag -- Witherbee NA  
Lindsay Limbaugh – Community Learning Ctrs.  
Jon Carlson -- Mayor's Office  
Rachel Jones - Planning Department  
Chris Connolly City Attorney's Office  
Elizabeth Elliot – LTU Director

Gloria Eddins – Clinton CO  
Karen Dienstbier – Eastridge NA  
Andy Gueck – Indian Village NA  
Dennis Hecht – Meadowlane RA  
Keith Roland – University Place CO  
Russell Miller – Witherbee NA  
Bill Vocasek – West A NA  
Dan Marvin - Urban Development  
Wynn Hjermstad – Urban Development Dept  
Sean Stewart – Building & Safety  
Steve Henrichsen – Planning  
Mayor Gaylor Baird

### Welcome and Introductions

Tracy Corr, Chair, began the meeting with introductions. Karen Dienstbier volunteered to take notes.

### Mayor Gaylor Baird's Opening Remarks:

1. More funds are available to stop evictions. Between \$1.9 million and \$13 million will be available to help with rent and utilities. Neighborhood Roundtable participants are asked to help get the word out regarding the money so that it can be used.
2. COVID vaccines are now available for Lincoln residents. The distribution begins with older adults 80 yr. and older. On Friday, Feb. 5<sup>th</sup> 4,800 seniors were given their first doses of the vaccine. Check the City website for more information on the rollout of the vaccines.
3. Mayor Gaylor Baird mentioned that the state determines the amount of vaccine that is given to Lincoln. The CDC and the State determine who gets it. The registrations are picking up with more people signing up the shots.
4. Snow removal efforts – the Mayor spoke too about the efforts to clear the streets after the big snowstorm at the beginning of February. The city has hired a number of independent contractors to plow the residential streets leaving city crews to keep clear main arterials. The crews worked 12 hour shifts to get the streets open. Although the independent crews did a good job there were some missed streets (see Announcements, below, for more discussion about snow removal. Using the independent crews allowed the city to begin plowing the residential streets 37 hours before they would have been able to if just using the city plows.  
If you have feedback about the snow plowing in your area you can go to Up Link on the city website to leave your comments.

**Short Term Rentals – Steve Henrichsen, Development Review Manager, and Rachel Jones, Planner, Lincoln-Lancaster County Planning Department [See Attachment.](#)**

After our discussions with the Planning Department a year ago, holding several open house meetings with the public, and taking comments from its residents, the City is now ready to roll out its revised draft plan for short term rentals in the city and the 3 mile limit outside the city (The article in the Lincoln Journal Star on Feb. 9, 2021 discusses all aspects of the plan). Steve mentioned that one of the requirements the Roundtable participants thought would be helpful was to have the owners renting the dwellings live on the premises at least part of the year as is required in some states. This was one of the requirements shot down by the owners of the properties. We were reminded that

Lincoln can only be proactive in setting regulations for short term rentals. The state legislature passed a law last year requiring cities to offer the service if there is a request for them. Lincoln can only set down the regulations for the short-term rentals.

The Revised Draft regulation changes will be available beginning Feb. 8<sup>th</sup> at [lincoln.ne.gov](http://lincoln.ne.gov) (search short term rentals). Public comments can be left on the city website, which also includes details on the revised standard for zoning and licensing of short-term rentals.”

Rachel focused on the differences between a residence, a hotel, and short-term rental (STR)

1. Residence is a dwelling where someone lives for more than 30 days.
  2. Hotel is a dwelling rented for 30 days or less.
  3. STR is a residential use lasting 30 days or less.
  4. The Planning Dept is responsible for zoning, licensing, and taxation
  5. Minimum spacing of 600 ft. is proposed between STRs in R1 – R8 residential or approx. 3 – 4 city blocks.
  6. It is possible approximately 180- 200 STRs currently exist within the city limits. Existing STR's may overlap with the occasional new permits. Rachel described a situation in which this might happen using the map outlining the spacing of STRs within the city.
  7. Licensing fees are required for all STRs. And they must be approved by Building and Safety Dept. The size of the units will determine the number people who can stay in it. Bedrooms and extra sleeping areas within the dwelling will be taken into account.
- The department will be keeping an eye on the physical impact of the STRs on the neighborhoods and any complaints that are made.
  - In the revised draft plan spacing for multi-family use dwellings would require a certain number of feet from businesses or churches.
  - Multi-family premises would be allowed at least one STR, but no more than 10% of the total units on the premises could be used for STR use.
  - Single family dwelling and duplexes: only one side of the duplex could be rented as an STR.
  - A standard apartment building could not have more than 10% of rentals in STR.

#### **Revocation of license:**

Noise or other loud disturbances

Licensing: fee is \$150 and must be renewed annually; no grace period; operating without a license will bring in another department to make sure there is compliance.

Revised dwelling safety requirements:

Maximum of 2 persons per sleeping area; max. 12 persons based on sleeping areas and size of the rental space.

Sleeping areas are defined as bedrooms and other spaces like a living room with a pull-out sofa. Proper egress must be maintained.

Taxes: same as hotels 4%

There is more information on the city website or by calling the department.

Question: Do B&Bs fit in to the category of STR?

Answer: No, B&Bs are already licensed and have historic preservation designation.

Question: Will there be an open application period?

Answer: Yes, go to the website for more information or phone the department.

#### **Announcements**

- **Reminder from Wynn:** Opal Doerr has retired and her replacement is now on the job. Her name is Ghazal Barakat. Neighborhood information from the City will now be coming from Ghazal.
- **Gloria Eddins:** Clinton Neighborhood Association now has a website.
- Gloria: Clinton got website
- **Pat Stear - Hartley:** Hartley has hired an attorney regarding a large apartment complex proposed in their

neighborhood and Hartley is working hard to weigh-in. Contact her if you face something similar and she can share their approach.

- **Elizabeth Elliot, Director of Lincoln Transportation and Utilities (LTU)** was invited to discuss the snow plowing situation after the first big snowstorm. For the most part, plowing was able to begin earlier than if relying exclusively on City plows, but yes, some streets were left unplowed for several days. Due to lack of GPS capability for the independent drivers, some streets were missed, but that is being remedied. Within the next few weeks each independent will have a GPS to use to make sure no streets are missed. Operators drove over 65,000 miles working 12 hour shifts, day and night
- Sometimes the plows were not substantial enough to remove all that snow. They will work with the contractors to fix it and working on upgrading equipment. This was the first test using private contractors.
- Asking UNL for help – One suggestion to help in congested areas with cars moving to one side of the street during snowstorms, is asking the university to alert their student population to comply with the city ordinance regarding parking bans on city streets.
- Remind your neighbors that City garages are open for free when parking bans occur.
- **Snow Angels Program** – Please remind your neighbors that volunteers are available to help seniors clear the snow off sidewalks and driveways. There is more information on the city website, [lincoln.ne.gov](http://lincoln.ne.gov)

### **Next Meeting / Agenda**

The next meeting is scheduled for Monday, March 8th at 5:30 p.m. via zoom.

### **Adjourn**

The meeting adjourned at 6:50 pm.

*Respectfully submitted, Karen Dienstbier*

# SHORT-TERM RENTALS

---

Neighborhood Roundtable

February 8, 2021

# What is a short-term rental? (STR)

- Temporary rental of residential rooms or homes. Includes rental of a whole house, apartment, or room(s) within a dwelling.
- Common platforms are Airbnb, VRBO and HomeAway.



**Residence** – A residential use lasting more than 30 days.

**Hotel** – A commercial use typically renting for 30 days or less.

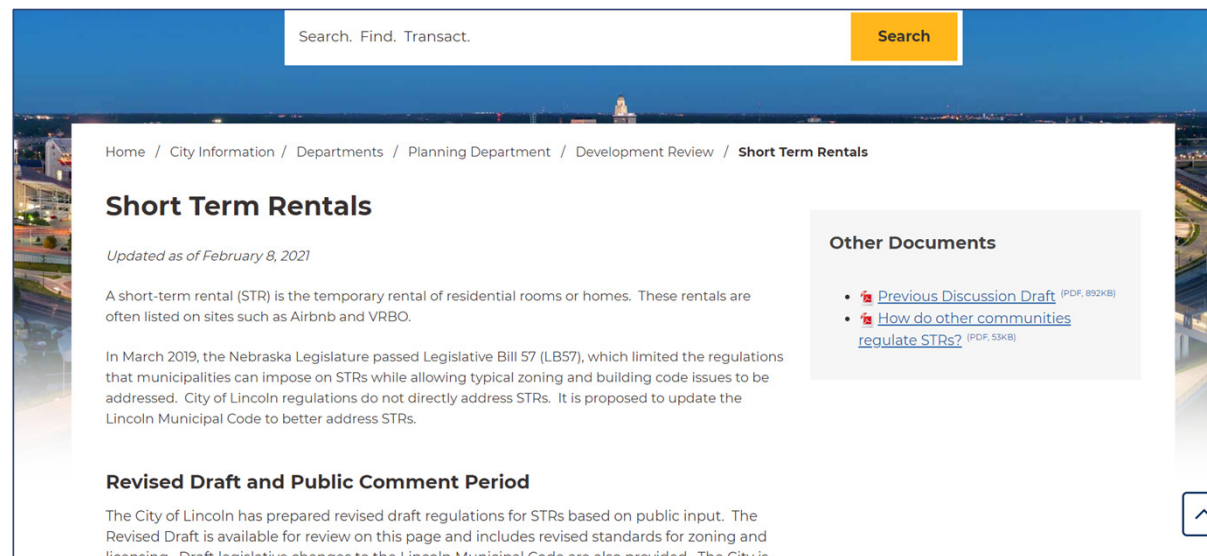
**STR** – A residential use lasting 30 days or less. Does not include typical accessory uses to hotels such as restaurants and meeting space.

# Public Process To-Date

- January 2020: Discussion Draft
  - Zoning (Primary Residency)
  - Licensing
  - Taxation
- February 2021: Revised Draft

# Website (search: short term rental)

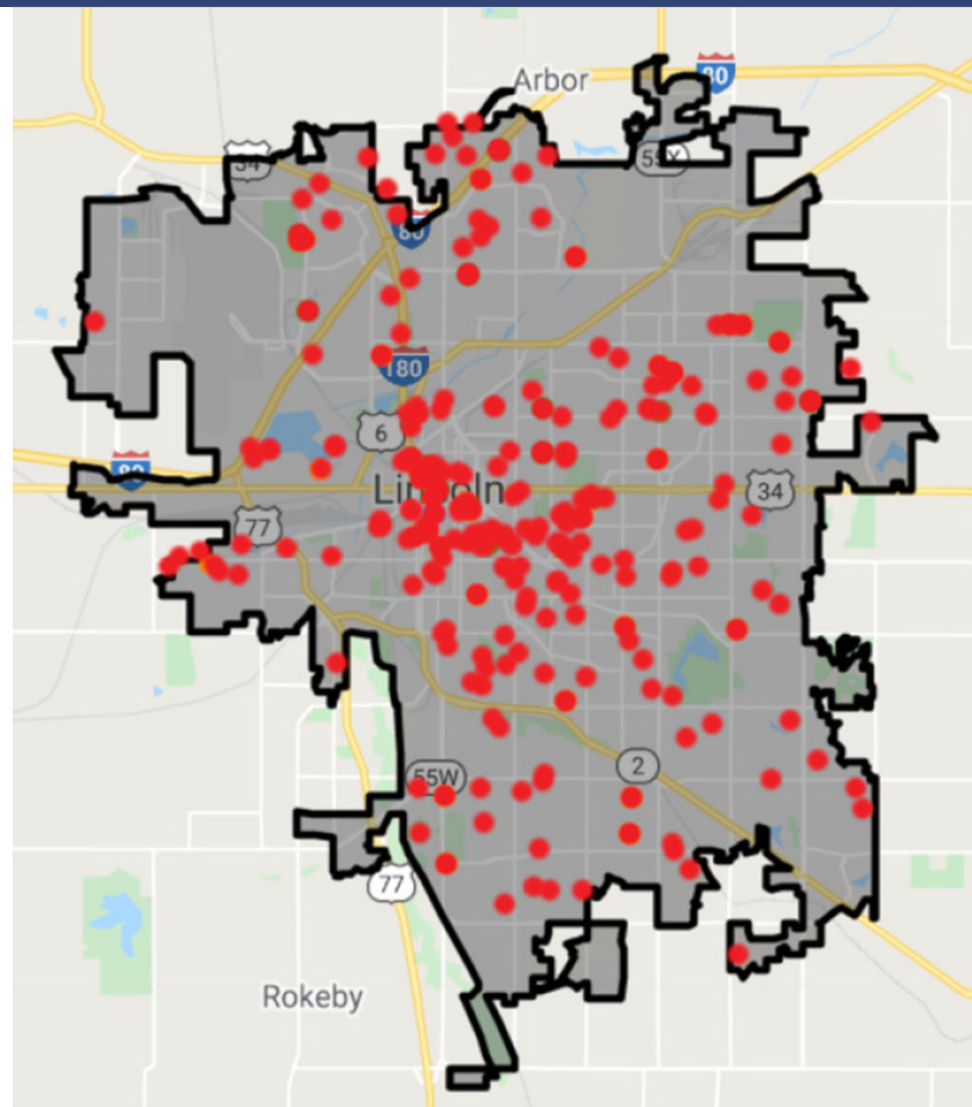
- Revised Draft
- Draft changes to LMC
- Questionnaire results+ previous documents
- ***Submit comments on Revised Draft***





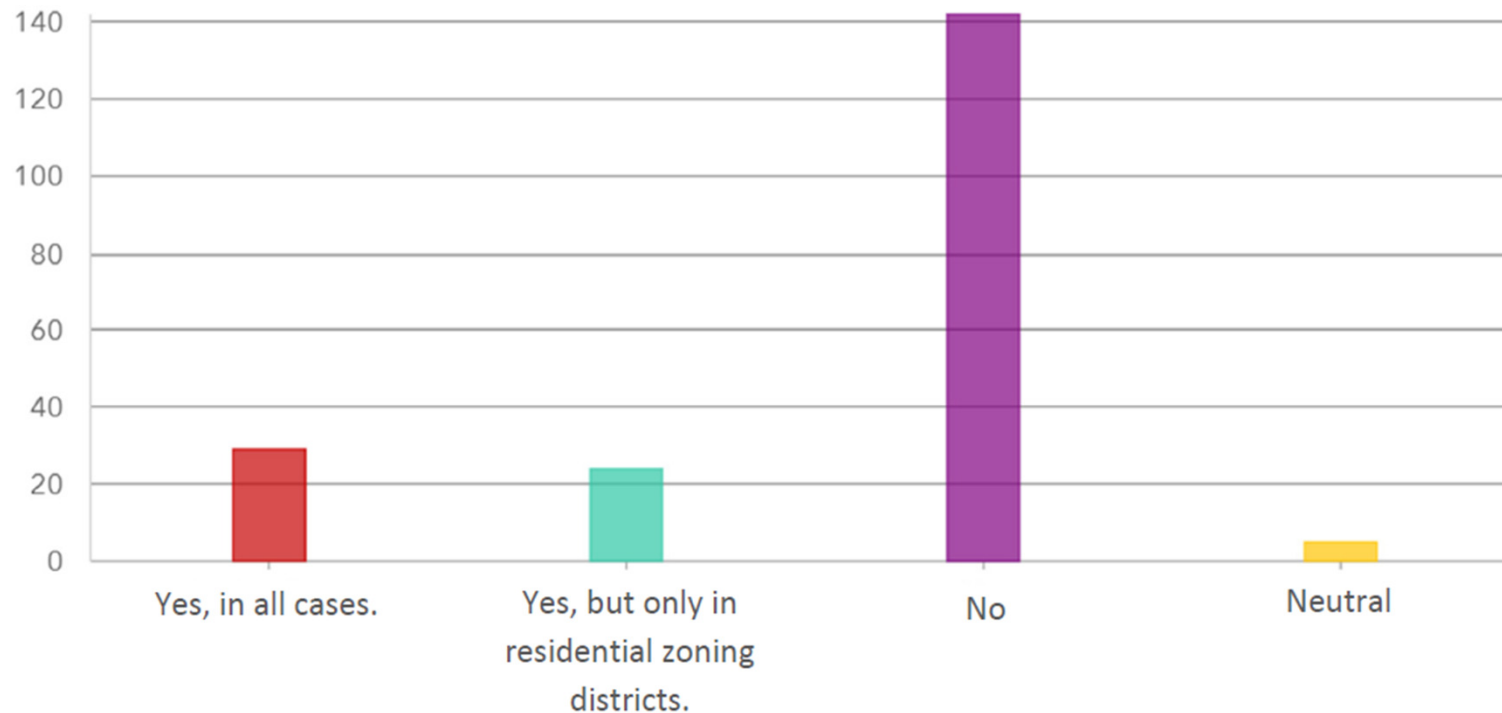
# STR Locations

180 – 200  
unique rentals

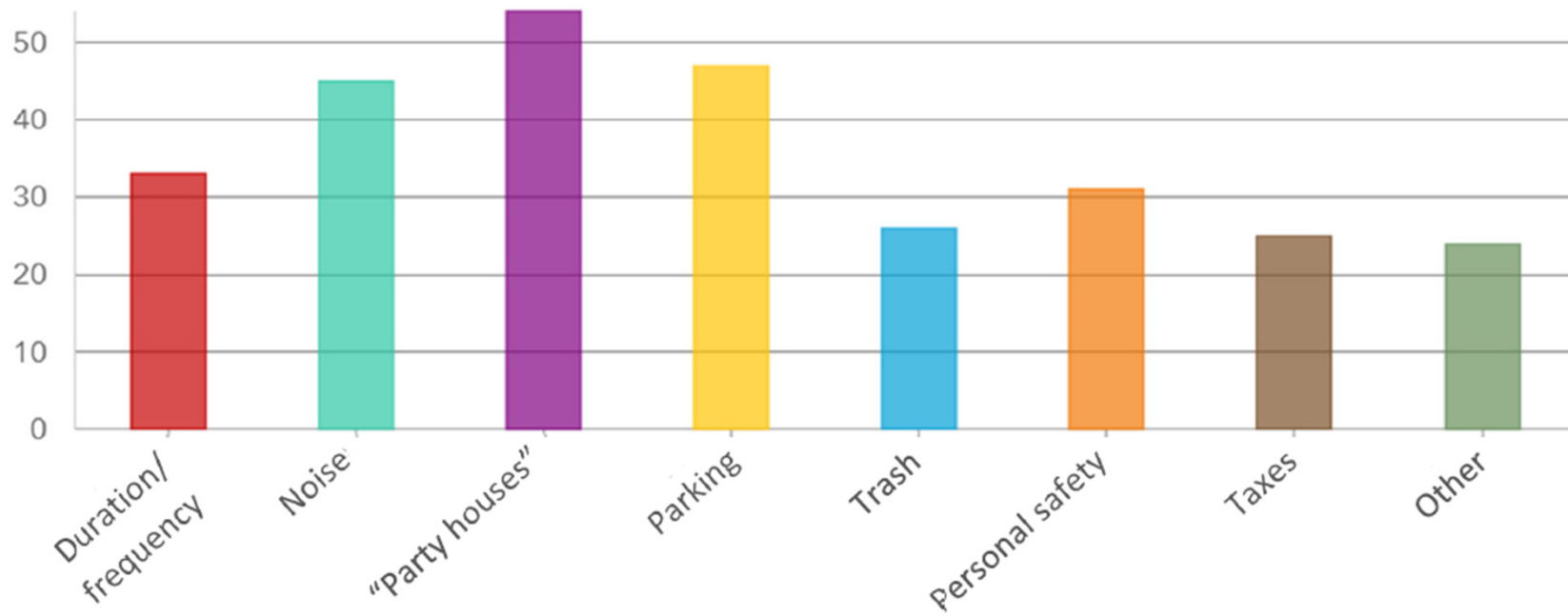


# Questionnaire Results

*Should the City of Lincoln require that the STR is the primary residence of the person operating it?*



*If you have concerns about STRs, check any of the issues below that represent your primary concerns.*



# Revised Draft



**Zoning**



**Licensing**



**Taxes**

## Draft Elements – Not Changing

- All STRs would require a license approved by the Building & Safety Department and must meet life safety and occupancy standards (including existing STRs).
- STRs are still proposed as a conditional use under the Zoning Ordinance. However, the conditions to be met have been changed with this Revised Draft.

# Revised Draft



## Zoning

**The previous requirement that the STR must be the operator's primary residence was eliminated. In its place, a minimum spacing of 600 feet is proposed between STRs.**

- Spacing would apply in R-1 - R-8 Residential, AG Agriculture, and AGR Agricultural Residential zoning districts.
- Applied differently for multi-family dwellings than for single- and two-family dwellings.
- Open application period – Allow existing operators whose STRs do not meet the 600-foot spacing to be licensed.

# Revised Draft



Zoning

## More about spacing...

- Measured from the property line.
- The standard 600-foot spacing would for single- and two-family dwellings.
- Accessory dwellings could be operated as STRs as long as they meet the spacing rules. Note: if an accessory dwelling were rented as a STR, it would prohibit the main dwelling from being an STR if within 600 feet of the accessory dwelling.

# Revised Draft



Zoning

## Spacing for Multi-Family Uses

- Measured from perimeter of the premises (could include adjacent buildings under common ownership)
- Multi-family premises must meet external spacing to nearby STRs.
- Not required to meet internal spacing within the multi-family building or complex.



# Revised Draft



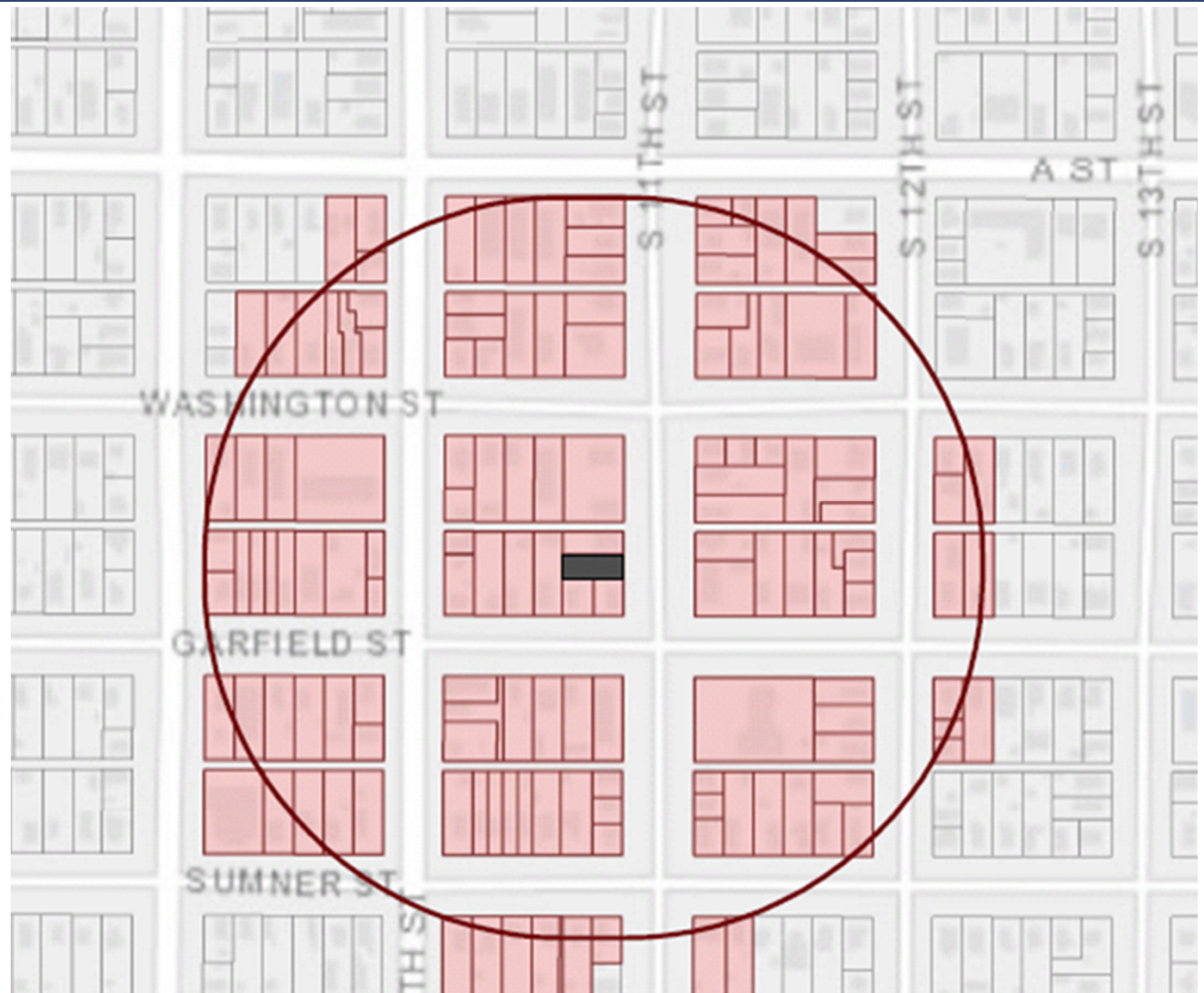
Zoning

## Spacing for Multi-Family Uses (continued)

- Each multi-family premises would be allowed at least one STR, but no more than 10% of the total units on the premises could be used as STRs.

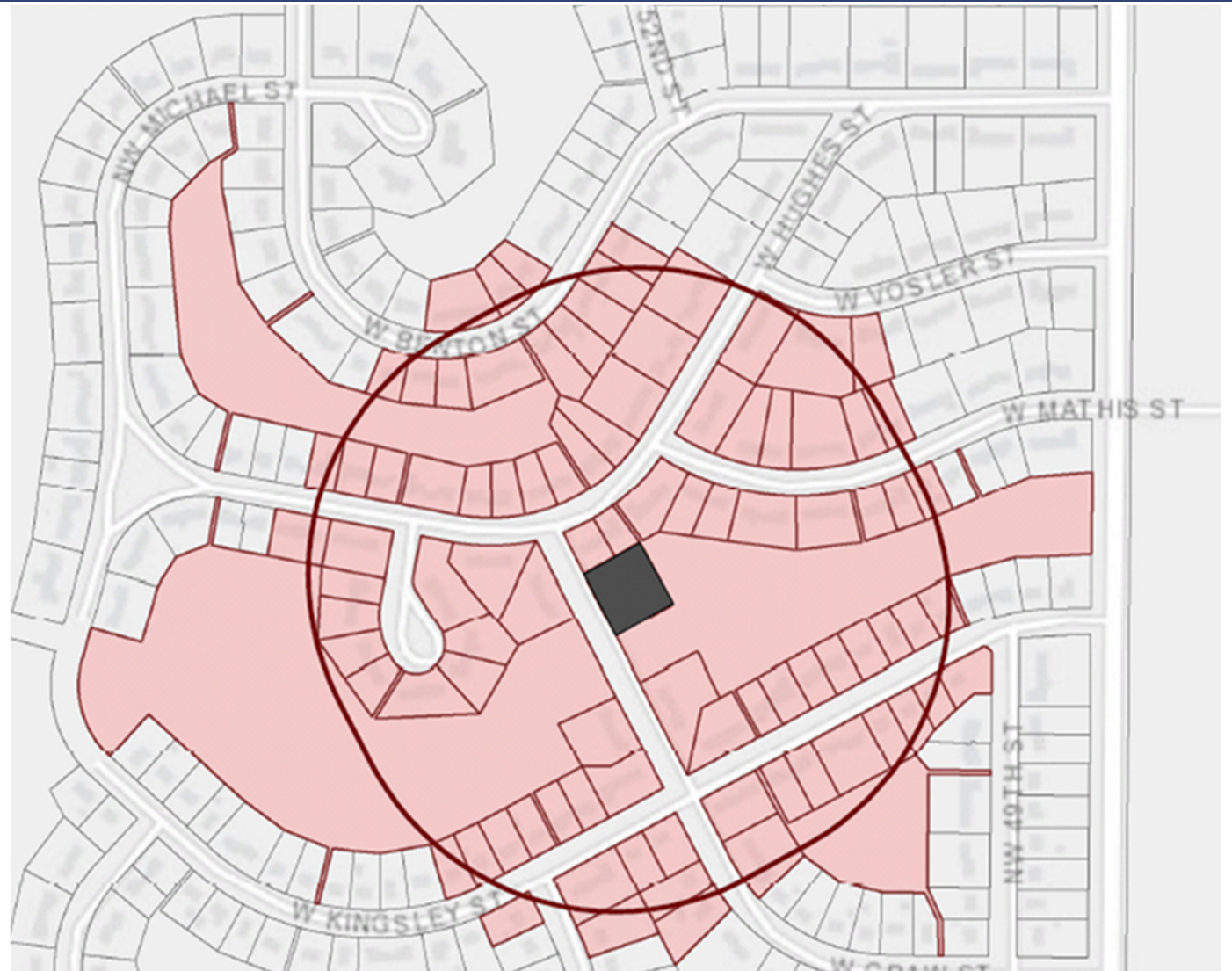
## Single Family Dwelling

Properties within a radius of 1-2 standard blocks fall within the spacing.



## Duplex / Attached Single Family Dwelling

If one side of  
the duplex is  
operated as a  
STR, spacing  
would prohibit  
the other side.

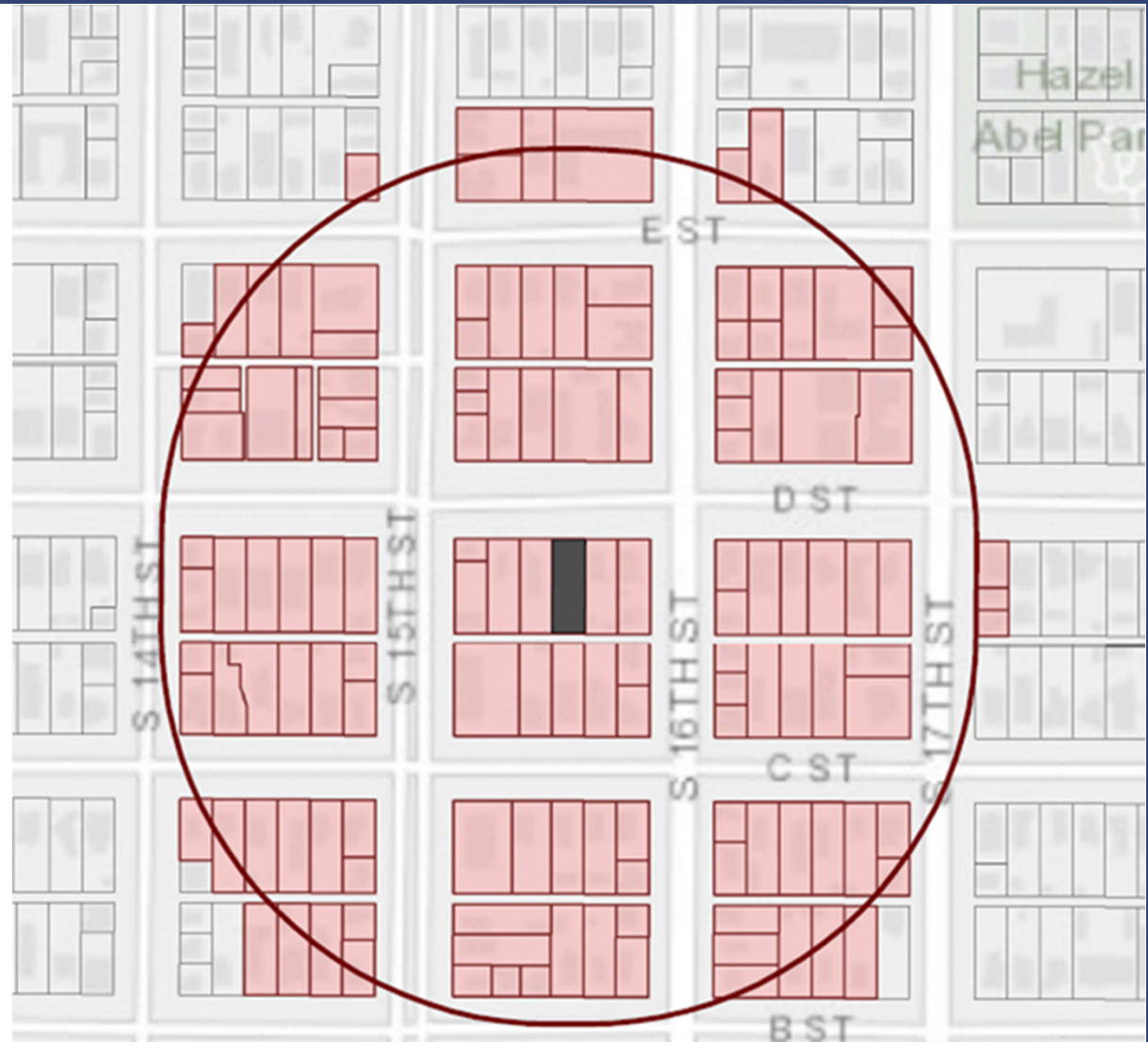




## Standalone Apartment Building

Minimum of 1  
STR allowed.

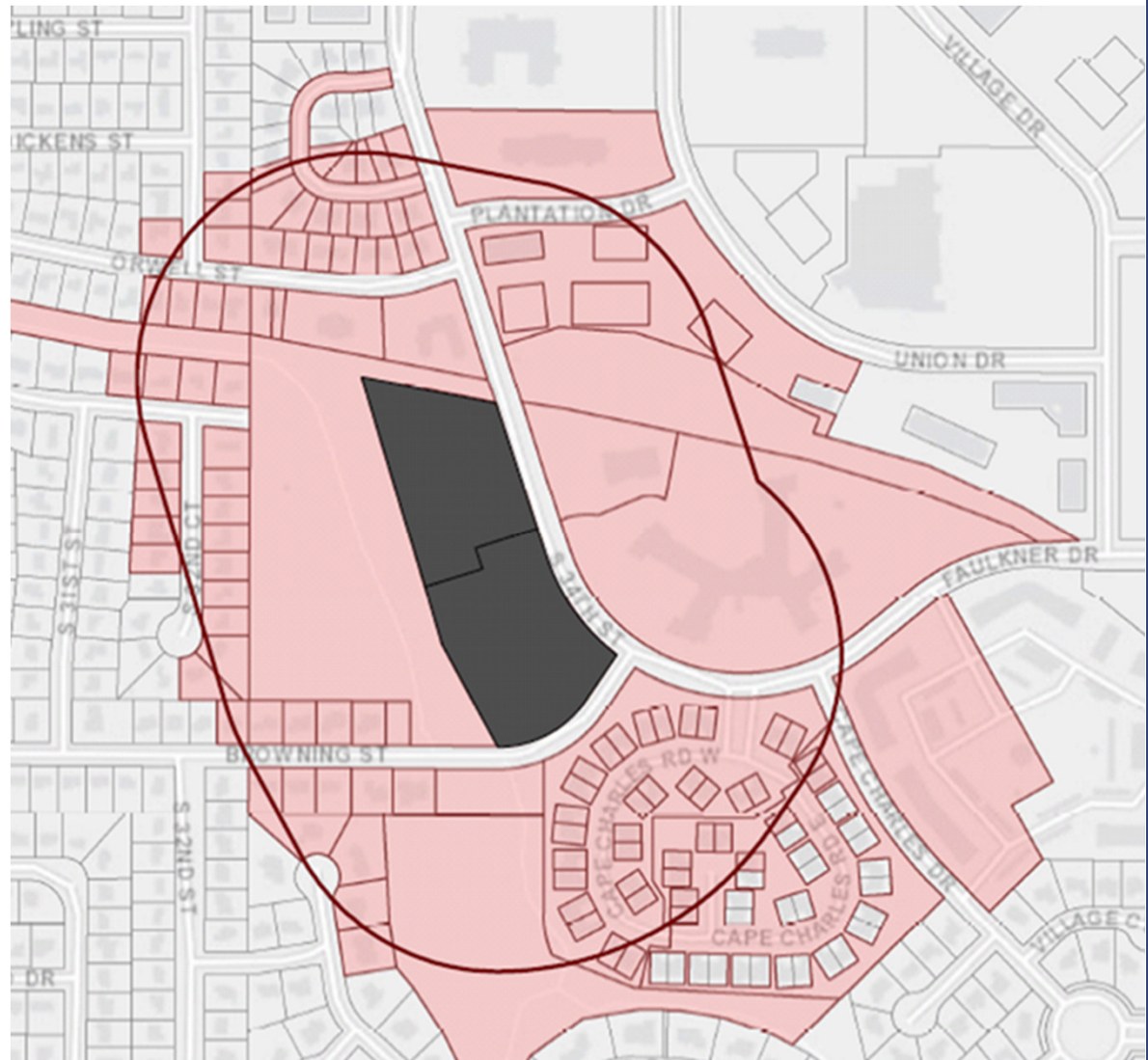
10% cap on the  
maximum STRs  
allowed within  
the building.



## Apartment Complex with Multiple Buildings

Minimum of 1 STR  
allowed.

10% cap on the  
maximum STRs  
allowed within the  
overall premises.



# Revised Draft



Licensing

- All operators would be required to obtain a license from the Building & Safety Department for each dwelling being rented.
- License could be revoked in the event of multiple City violations.
- License application fee and annual renewal.

# Revised Draft



Licensing

- The operator must affirm that the dwelling meets the basic life safety requirements such as:
  - Smoke alarms
  - Carbon monoxide detectors
  - Egress for sleeping areas
  - Electrical, HVAC, appliances, doors and windows, etc. in working order
  - Visible street address numbers
  - Max. 2 persons per bedroom/sleeping area
  - Inform renters which areas are permitted to be used for bedrooms/sleeping areas

# Revised Draft



Licensing

## What changed?

Up to 2 persons per “sleeping area” would be allowed within the dwelling, up to a **maximum of 12 persons.**

*Sleeping Area: Must be located in a habitable space that contains at least one operable emergency escape and rescue opening. Can include other rooms besides bedrooms but not hallways, kitchens, or bathrooms.*



# Revised Draft



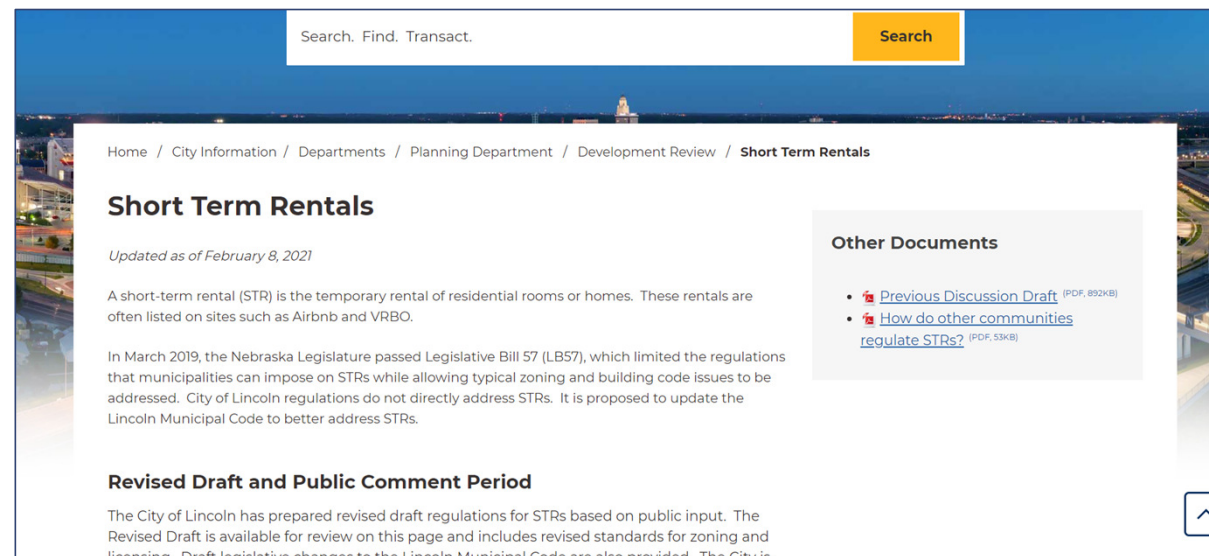
## Taxes

As a reminder, several types of taxes would apply:

- **Hotel Occupation Tax** - locally imposed tax collected by the City of Lincoln. An amendment to Title 3 of the LMC would revise the definition of “Hotel” to include STRs. If approved, Hotel Occupation Tax would be imposed on each STR listing at the rate of 4%, regardless of the number of bedrooms rented.
- In addition, the State of NE collects state and county lodging tax and local sales tax. Many larger hosting platforms already collect these taxes.

# Website (search: short term rental)

- Revised Draft
- Draft changes to LMC
- Questionnaire results+ previous documents
- ***Submit comments on Revised Draft***



## Key topics for discussion

- 600-foot spacing (Residential, AG, and AGR districts)
- 4 week open application period
- Occupancy limits (2 per sleeping area up to 12 persons)