



21-50
TX21002

Introduce: 5-24-21

ORDINANCE NO. 21073

1 AN ORDINANCE amending Sections 27.02.090 and 27.02.200 to make explicit that
2 hotels or motels are a commercial use and to define short-term rental; Amending Section 27.06.070
3 Household Living Use Group Table to add short-term rentals as a conditional use in certain
4 districts; and amending 27.62.040 Household Living Use Group to add conditions required for
5 short-term rentals; and repealing Sections 27.02.090, 27.02.200, 27.06.070, and 27.62.040 as
6 hitherto existing.

7 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

8 Section 1. That Section 27.02.090 of the Lincoln Municipal Code be amended to
9 read as follows:

10 **27.02.090 H.**

11 **Hazardous Materials.** Hazardous materials shall mean substances defined by the
12 Secretary of Transportation in (49 U.S.C. 5103) and those materials listed in the Hazardous
13 Materials Table 49 CFR 172.101.

14 **Health Care Facility, Non-Residential.** Non-residential health care facility shall mean a
15 building or structure that generally includes an office environment, outpatient services and little to
16 no permanent residential component but which may allow for a stay in the facility by patients
17 receiving care for more than 24 hours. These facilities shall be licensed or approved by the state
18 or an appropriate agency, if required. A hospital is an example of a non-residential health care
19 facility.

20 **Health Care Facility, Residential.** Residential health care facility shall mean a building
21 or structure that is to be used in a residential nature, licensed or approved by the state or an

1 appropriate agency, if required. Residential health care facility could include but would not be
2 limited to the following types of facilities: Assisted Living, Nursing Care, Memory Care,
3 Convalescent Home, Hospice Home, Group home for 16 or more people and Intermediate Care,
4 and may include independent living units.

5 **Heritage Center.** Heritage center shall mean one or more buildings and open space within
6 which an historically significant era or activity is displayed. The retail sale of crafts and other
7 works and the provision of entertainment, but not a full-scale amusement park, may be included
8 as part of a heritage center if they are complementary to the displayed era or activity.

9 **Home Occupation.** Home occupation shall mean any occupation or activity carried on
10 within a dwelling unit or accessory building by a person or persons residing on the premises, which
11 occupation or activity is incidental and secondary to the residential occupancy and does not change
12 the residential character thereof. The regulations pertaining to home occupations can be found in
13 Section 27.70.010.

14 **Hospital.** Hospital shall mean a facility where diagnosis, treatment, medical care,
15 obstetrical care, nursing care, or related services are provided on an outpatient basis or on an
16 inpatient basis for a period of more than twenty four consecutive hours to persons who have an
17 illness, injury, or deformity or to aged or infirm persons requiring or receiving convalescent care.
18 A hospital may include accessory offices of medical societies, offices of charitable public health
19 associations and private office space for the practice of medicine and dentistry under a license
20 from the Department of Health of the State of Nebraska; provided, that any such private offices
21 for the practice of medicine and dentistry shall be located on the hospital premises and the doctors
22 and dentists involved therein must be on the staff of the hospital.

1 **Hotel or Motel.** Hotel or motel shall mean a facility offering transient lodging
2 accommodations to the general public and which also may provide additional services, such as
3 food establishments, meeting rooms, entertainment, or recreational opportunities. Hotels or Motels
4 are a commercial use.

5 **Housing for the Physically Handicapped.** Housing for the physically handicapped shall
6 mean any dwelling in which each occupied dwelling unit is occupied by at least one person who
7 has a physical handicap. A physical handicap is a mobility impairment which requires certain
8 construction design features for ingress, egress, and freedom of movement within the premises.
9 Such impairment shall be expected to be permanent or of long or indefinite duration. Such design
10 features include but are not limited to ground level construction, level entrances, wider doorways,
11 adjustable counters, roll-in showers, lower electrical switches, higher outlets, and lever-type
12 hardware.

13 Section 2. That Section 27.02.200 of the Lincoln Municipal Code be amended to
14 read as follows:

15 **27.02.200 S.**

16 **Salvage Material.** See definition in Chapter 5.41.

17 **Salvage Operation and Salvage Material.** See definition in Chapter 5.41.

18 **Salvage Yard.** Salvage yard shall mean any salvage operation, recycling center, or
19 recycling processing center where any wrecking, dismantling, or holding of salvage material or
20 recycling of recyclables as defined in Chapter 5.41 is wholly or partially outside a building for
21 more than 30 days.

1 **Satellite College.** Satellite college shall mean a post-secondary educational institution
2 whose main campus is located on another premises or in another city. Uses consist primarily of
3 classrooms and offices. Student housing is not considered customary or accessory.

4 **School.** School shall mean an institution where instruction is given and shall include the
5 following institutions: Academies, Private College, Private School, Satellite College, Vocational
6 Schools.

7 **Service and Repair Facility.** Service and/or Repair Facility shall mean a facility that
8 performs routine maintenance or repair work. Such facilities would include but not be limited to
9 repair and maintenance of home and office equipment, electrical appliances, radios, televisions,
10 lawn and garden equipment repair, appliance, bicycle, electrical, furnace shops, and rental
11 equipment. Service and repair facility does not include the service or repair of motorized vehicles.

12 **Sexually Oriented Live Entertainment Establishment.** Sexually oriented live
13 entertainment establishment shall mean any commercial establishment that as a substantial or
14 significant portion of its business features or provides any of the following:

- 15 (a) Persons who appear showing specified anatomical areas.
- 16 (b) Live performances that are distinguished or characterized by an emphasis on the
17 exposure, depiction, or description of specific anatomical areas or the conduct or
18 simulation of specified sexual activities.

19 Sexually oriented live entertainment establishment shall not include any theater, concert hall, art
20 center, museum, or similar establishment which is primarily devoted to the arts or theatrical
21 performances and in which any of the circumstances contained in this section were permitted or
22 allowed as part of such art exhibits or performances.

1 **Short-Term Rental.** The rental of all or a portion of a residential dwelling for
2 accommodations for a length of stay per guest visit of no more than 30 consecutive days. Short-
3 term rental does not include rental of a dwelling unit for meetings including, but not limited to,
4 luncheons, banquets, parties, weddings, fund raisers, or other similar gatherings for direct or
5 indirect compensation. Short-term rentals are a residential use. They do not include accessory
6 uses associated with hotels or motels such as food establishments, meeting rooms, or recreational
7 facilities.

8 **Sign.** (See definition of Sign in 27.69.020).

9 **Small Batch Concrete Dispensing Unit.** Small batch concrete dispensing unit shall mean
10 a machine or device with a mixing chamber with a capacity no greater than one-fourth of a cubic
11 yard and mixing materials are totally enclosed.

12 **Social Hall.** Social hall shall mean a building or premises available for rent on a daily
13 basis to be used for social, educational, or civic gatherings, including, but not limited to, charitable
14 fund raising events, wedding receptions, family reunions, educational seminars, neighborhood
15 meetings, or similar events.

16 **Solar Energy Conversion System (SECS).** Solar Energy Conversion System means any
17 device, such as a solar panel or solar collector or any combination thereof, which collects and
18 converts solar energy to a form of usable energy.

19 **Solar Energy Conversion System (Large).** Large Solar Energy Conversion System shall
20 mean a solar energy conversion system intended to be used primarily to provide off-site power,
21 with a rated capacity over 100 kilowatts (kW), and is the primary use on a lot or premises.

1 **Solar Energy Conversion System (Small).** Small Solar Energy Conversion System shall
2 mean a solar energy conversion system intended to be used primarily to provide off-site power,
3 with a maximum rated capacity of 100 kilowatts (kW), and is the primary use on a lot or premises.

4 **Solar Screen.** Solar screen shall mean a device attached to a building to provide shading
5 for glazed areas thereof.

6 **Specified Anatomical Areas.** Specified Anatomical Areas shall mean:

7 (a) Less than completely and opaquely covered human genitals; pubic region; anus; or
8 female breast below a point immediately above the top of the areolae, but not
9 including any portion of the cleavage of the female breast exhibited by a dress,
10 blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is
11 not exposed.

12 (b) Human male genitals in a discernibly turgid state, even if completely and opaquely
13 covered, or any device covering that, when worn, simulates male genitals in a
14 discernibly turgid state.

15 **Specified Sexual Activities.** Specified Sexual Activities shall mean any of the following:

16 (a) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or
17 female breasts.

18 (b) Sex acts normal or perverted, actual or simulated, including intercourse, oral
19 copulation, or sodomy.

20 (c) Masturbation, actual or simulated.

21 (d) Human genitals in a state of sexual stimulations, arousal, or tumescence.

22 (e) Excretory functions as part of or in connection with any of the activities set forth in
23 (a), (b), (c), or (d) above.

1 **Story.** Story shall mean that portion of a building included between the upper surface of
2 any floor and the upper surface of the floor next above, except that the top-most story shall be that
3 portion of the building included between the upper surface of the topmost floor and the ceiling or
4 roof above. If the finished floor level directly above a basement, cellar, or unused under-floor
5 space is more than six feet above grade as defined herein for more than fifty percent of the total
6 perimeter, or is more than twelve feet above the ground elevation at any point, such basement,
7 cellar, or unused underfloor space shall be considered as a story.

8 **Street.** Street shall mean all property acquired or dedicated to the public and accepted by
9 the appropriate governmental agencies for street purposes, and property that has been commonly
10 used or dedicated to be used for street purposes prior to November 2, 1953.

11 **Street Centerline.** Street centerline shall mean a line midway between street lines except
12 under conditions specified in Section 27.72.170.

13 **Street Line.** Street line shall mean a dividing line between a lot, tract, or parcel of land
14 and a contiguous street.

15 **Structure.** Structure shall mean anything constructed or erected, the use of which requires
16 permanent location on the ground or attachment to something having a permanent location on the
17 ground. Poles used for the support of wires and appurtenant equipment for supplying public utility
18 services shall not be considered as buildings or structures under this title.

19 **Structural Alteration.** Structural alteration shall mean any change in the supporting
20 members of a building, such as bearing walls, columns, beams, or girders, or any complete
21 rebuilding of the roof or the exterior walls.

22 Section 3. That Section 27.06.070 of the Lincoln Municipal Code be amended to
23 read as follows:

1 **27.06.070 Household Living Use Group.**

2 Characteristics: The Household Living Use Group is characterized by the residential
 3 occupancy of a dwelling unit by a household living independently. Tenancy is generally arranged
 4 on a month-to-month basis or for a longer period. Such uses include, but are not limited to, single
 5 and two family dwellings, townhouses, and multifamily dwellings units. Housing with paid
 6 supervision or care for residents is included under the Group Living Use Group.

7 Use Group Table:

| Uses | AG | AGR | R1 | R2 | R3 | R4 | R5 | R6 | R7 | R8 | O1 | O2 | O3 | RT | B1 | B2 | B3 | B4 | B5 | H1 | H2 | H3 | H4 | I1 | I2 | I3 |
|--|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| Apartment hotels | S | S | S | S | S | S | S | S | P | P | P | C | | | C | C | C | P | P | | | | | | | |
| Connection of a single family dwelling | S | S | S | S | S | S | S | S | S | S | | | | | | | | | | | | | | | | |
| Dwellings for caretakers, resident watchmen, and supervisory personnel employed and residing on premises | | | | | | | | | | | | | | | P | P | P | P | P | P | P | P | P | P | P | P |
| Accessory Dwellings for domestic employees | S | S | | | | | | | | | | | | | | | | P | | | | | | | | |
| Elderly and Retirement Housing | | | S | S | S | S | S | S | S | S | S | S | P | S | S | S | S | P | S | | | | | | | |
| Housing for the Handicapped | | | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | P | S | | | | | | | |
| Mobile home courts | | | S | S | S | S | | | | | | | | | | | | | | | | | | | | |
| Mobile home subdivisions | | | S | S | S | S | | | | | | | | | | | | | | | | | | | | |
| Multiple family dwellings | S* | S* | S* | S* | S* | S* | P | P | P | P | P | C | P | | C | C | C | P | P | | | | | | | |
| Short-Term Rentals | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| Single-family dwellings | P | P | P | P | P | P | P | P | P | P | P | C | P | P | C | C | C | P | P | | | | | | | |
| Single-family dwelling with detached accessory dwelling | | | C | C | C | C | | | | | | | | | | | | | | | | | | | | |
| Townhouses | S | S | S | S | S | S | P | P | P | P | P | C | P | | C | C | C | P | P | | | | | | | |
| Two-family dwellings | S | S | P | P | P | P | P | P | P | P | P | C | P | P | C | C | C | P | P | | | | | | | |
| All other uses in this Use Group | P | P | P | P | P | P | P | P | P | P | P | | P | P | | | | P | P | | | | | | | |

* Multiple dwellings (not including those approved as a permitted special use under a community unit plan) lawfully existing in this district on the effective date of this title or on the effective date of a change of district boundaries from another zoning district to this district shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61. Notwithstanding any provision to the contrary, any enlargement, extension or reconstruction of such multiple dwellings shall be limited to no more than the number of dwelling units licensed with Building and Safety on the effective date of this title or on the effective date of the change in district boundaries.

8 Section 4. That Section 27.62.040 of the Lincoln Municipal Code be amended to
 9 read as follows:

1 **27.62.040 Household Living Use Group.**

2 A building or premises may be used for the following use types as a permitted conditional
3 use in the designated zoning districts and in compliance with the conditions of approval applicable
4 for that use type.

5 (a) Dwellings are allowed in the O-2, B-1, and B-3 zoning districts under the following
6 conditions:

- 7 (1) Dwellings shall only be permitted above or below the first story of a building;
8 (2) The first story of the building shall be used for a nondwelling use allowed in
9 the district, except that first floor dwellings shall be permitted in buildings that
10 were originally constructed for a residential use prior to November 1, 1997.

11 The first floor nondwelling use shall not:

- 12 A. be an accessory use to the residential use;
13 B. be a parking lot or garage;

14 (3) The first story of the building shall not have more than twenty percent of its
15 height below grade.

16 (b) Dwellings are permitted in the B-2 zoning district when stated as an allowed use as part of
17 a use permit.

18 (c) The main use of a lot for a single-family dwelling and an accessory dwelling is allowed in
19 the R-1 through R-4 zoning districts under the following conditions:

20 (1) The area of the lot must meet the required minimum lot area per family for two-
21 family dwellings as set forth in Table 27.72.020(a) for the zoning district the
22 lot is located in.

23 (2) The accessory dwelling shall comply with the following requirements:

1 (i) The total square footage of the accessory dwelling shall not exceed the
2 lesser of 40% of the total square footage of the main building or 800 square
3 feet.

4 (ii) The cumulative area of a detached accessory dwelling and any other
5 accessory buildings on the lot shall not exceed the R-1 through R-8
6 maximum allowable area for accessory buildings on single-family
7 residential lots or tracts in Table 27.72.120(d).

8 (iii) The accessory dwelling shall have no more than one bedroom.

9 (3) The owner of the lot is required to live on the property but may reside in either
10 the main building or in the accessory dwelling.

11 (4) The accessory dwelling shall share utility connections with the main building.

12 (5) The accessory dwelling shall comply with the height regulations of the district
13 the dwelling is located in, provided that such accessory dwelling shall be no
14 taller than the main building.

15 (6) The accessory dwelling shall meet the required setbacks for the main building,
16 provided that any detached accessory dwelling shall be set back at least 60 feet
17 beyond the front lot line, except for corner lots.

18 (7) One parking stall is required for the accessory dwelling in addition to the
19 required parking for the single-family dwelling use of the main building.

20 (8) The property shall be subject to a deed restriction stating that the accessory
21 dwelling shall not be sold separate from the main building.

1 (d) Beginning on August 1, 2021 and continuing thereafter the use of a dwelling for a short-
2 term rental is allowed in the AG, AGR, R-1 through R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-
3 3, B-4, B-5, H-1, H-2, H-3, and H-4 districts under the following conditions:

4 1. The operator holds a valid license from the Department of Building & Safety as
5 required in Chapter 5.39.

6 1-2. The maximum number of persons who may occupy the short-term rental is calculated
7 as the total number of sleeping areas on the licensed premises multiplied by two, up
8 to a maximum of 12 persons as described in Section 5.39.020.

9 2-3. In the R-1 through R-8 zoning districts no more than 10% of the total dwelling units
10 in a multi-family premises may be used or registered as short-term rentals.
11 Regardless of the 10% cap, a multi-family premises may have at least one short term
12 rental.

13 3-4. No signs are permitted for short-term rentals in the AG, AGR, and R-1 through R-8
14 zoning districts.

15 5. An accessory dwelling may be used as a short-term rental if conditions (1) through
16 (4) are met.

17 Section 5. That Sections 1 through 4 of this Ordinance are consistent with the
18 obligation of the City to promote the public health, safety, and general welfare of the community.

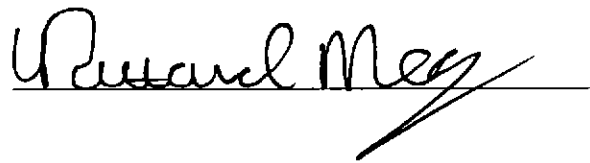
19 Section 6. That Sections 27.02.090, 27.02.200, 27.06.070, and 27.62.040 of the
20 Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

21 Section 7. This ordinance shall be published, within fifteen days after the
22 passage hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or
23 posted on the official bulletin board of the City, located on the wall across from the City Clerk's

1 office at 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice
2 of passage and such posting to be given by publication one time in the official newspaper by the
3 City Clerk. This ordinance shall take effect and be in force from and after its passage and
4 publication or after its posting and notice of such posting given by publication as herein and in the
5 City Charter provided.

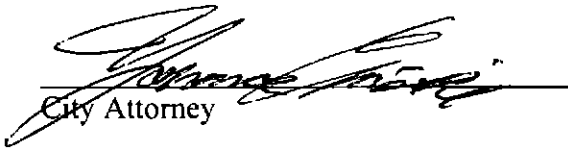
Introduced by:

See further Council
Proceedings on next page.

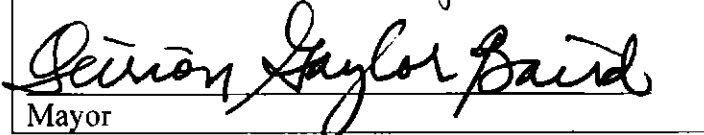


Richard Mey

Approved as to Form & Legality:



City Attorney

Approved this 18th day of June, 2021:

Mayor

PASSED
JUN 14 2021
BY CITY COUNCIL

21-50

6/14/2021 Council Proceedings:

MEGINNIS Motion to Amend No. 1 to amend Bill No. 21-50 by striking the following language from the Ordinance introduced on May 24, 2021 found on page 11, lines 9 -21.

Seconded by Beckius and carried by the following vote: AYES: Beckius, Meginnis, Raybould, Washington; NAYS: Bowers, Shobe, Ward.

MEGINNIS Moved to withdraw Motion to Amend No. 2 for Bill No. 21-50.

MEGINNIS Motion to Amend No. 3 to amend Bill No. 21-50 by replacing the Ordinance introduced on May 24, 2021 with the Substitute Ordinance attached hereto.

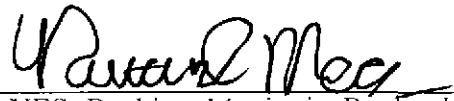
Seconded by Beckius and carried by the following vote: AYES: Beckius, Bowers, Meginnis, Raybould, Shobe, Ward, Washington; NAYS: None

21-50

MOTION TO AMEND NO. 1

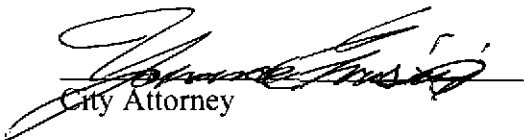
I hereby move to amend Bill No. 21-50 by striking the following language from the Ordinance introduced on May 24, 2021 found on page 11, lines ~~9-16~~ 9-21. ^{AP}

Introduced by:



AYES: Beckius, Meginnis, Raybould,
Washington; NAYS: Bowers, Shobe, Ward.

Approved as to Form and Legality:


City Attorney

Requested by: Councilmen Richard Meginnis

Reason for Request: Removes the 600 ft spacing requirement.

ADOPTED

JUN 14 2021

BY CITY COUNCIL

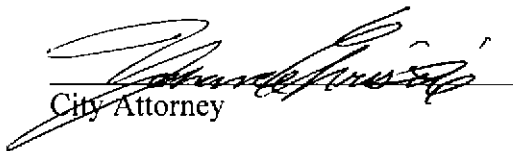
21-50

MOTION TO AMEND NO. 2

I hereby move to amend Bill No. 21-50 by striking the following language from the Ordinance introduced on May 24, 2021 found on page 12, lines 1-3.

Introduced by:

Approved as to Form and Legality:


City Attorney

Requested by: Councilmen Richard Meginnis

Reason for Request: To remove the 10% cap.

WITHDRAWN

6.14.2021

(DATE)

21-50

MOTION TO AMEND NO.3

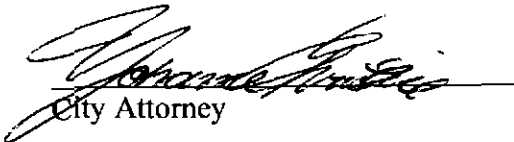
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Introduced by:



AYES: Beckius, Bowers, Meginnis, Raybould, Shobe, Ward, Washington; NAYS: None

Approved as to Form and Legality:


City Attorney

Requested by: Councilmen Richard Meginnis

Reason for Request: To establish a 10% STR Cap for multi-family properties in residential districts only.

ADOPTED

JUN 14 2021

BY CITY COUNCIL

VOID

21-50
TX21002

Introduce: 5-24-21

ORDINANCE NO. 21073

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8 performs routine maintenance or repair work. Such facilities would include but not be limited to
9 repair and maintenance of home and office equipment, electrical appliances, radios, televisions,
10 lawn and garden equipment repair, appliance, bicycle, electrical, furnace shops, and rental
11 equipment. Service and repair facility does not include the service or repair of motorized vehicles.

12 **Sexually Oriented Live Entertainment Establishment.** Sexually oriented live
13 entertainment establishment shall mean any commercial establishment that as a substantial or
14 significant portion of its business features or provides any of the following:

15 (a) Persons who appear showing specified anatomical areas.

16 (b) Live performances that are distinguished or characterized by an emphasis on the
17 exposure, depiction, or description of specific anatomical areas or the conduct or
18 simulation of specified sexual activities.

19 Sexually oriented live entertainment establishment shall not include any theater, concert hall, art
20 center, museum, or similar establishment which is primarily devoted to the arts or theatrical
21 performances and in which any of the circumstances contained in this section were permitted or
22 allowed as part of such art exhibits or performances.

1 **Short-Term Rental.** The rental of all or a portion of a residential dwelling for
2 accommodations for a length of stay per guest visit of no more than 30 consecutive days. Short-
3 term rental does not include rental of a dwelling unit for meetings including, but not limited to,
4 luncheons, banquets, parties, weddings, fund raisers, or other similar gatherings for direct or
5 indirect compensation. Short-term rentals are a residential use. They do not include accessory
6 uses associated with hotels or motels such as food establishments, meeting rooms, or recreational
7 facilities.

8 **Sign.** (See definition of Sign in 27.69.020).

9 **Small Batch Concrete Dispensing Unit.** Small batch concrete dispensing unit shall mean
10 a machine or device with a mixing chamber with a capacity no greater than one-fourth of a cubic
11 yard and mixing materials are totally enclosed.

12 **Social Hall.** Social hall shall mean a building or premises available for rent on a daily
13 basis to be used for social, educational, or civic gatherings, including, but not limited to, charitable
14 fund raising events, wedding receptions, family reunions, educational seminars, neighborhood
15 meetings, or similar events.

16 **Solar Energy Conversion System (SECS).** Solar Energy Conversion System means any
17 device, such as a solar panel or solar collector or any combination thereof, which collects and
18 converts solar energy to a form of usable energy.

19 **Solar Energy Conversion System (Large).** Large Solar Energy Conversion System shall
20 mean a solar energy conversion system intended to be used primarily to provide off-site power,
21 with a rated capacity over 100 kilowatts (kW), and is the primary use on a lot or premises.

1 **Solar Energy Conversion System (Small).** Small Solar Energy Conversion System shall
2 mean a solar energy conversion system intended to be used primarily to provide off-site power,
3 with a maximum rated capacity of 100 kilowatts (kW), and is the primary use on a lot or premises.

4 **Solar Screen.** Solar screen shall mean a device attached to a building to provide shading
5 for glazed areas thereof.

6 **Specified Anatomical Areas.** Specified Anatomical Areas shall mean:

7 (a) Less than completely and opaquely covered human genitals; pubic region; anus; or
8 female breast below a point immediately above the top of the areolae, but not
9 including any portion of the cleavage of the female breast exhibited by a dress,
10 blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is
11 not exposed.

12 (b) Human male genitals in a discernibly turgid state, even if completely and opaquely
13 covered, or any device covering that, when worn, simulates male genitals in a
14 discernibly turgid state.

15 **Specified Sexual Activities.** Specified Sexual Activities shall mean any of the following:

16 (a) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or
17 female breasts.

18 (b) Sex acts normal or perverted, actual or simulated, including intercourse, oral
19 copulation, or sodomy.

20 (c) Masturbation, actual or simulated.

21 (d) Human genitals in a state of sexual stimulations, arousal, or tumescence.

22 (e) Excretory functions as part of or in connection with any of the activities set forth in
23 (a), (b), (c), or (d) above.

1 **Story.** Story shall mean that portion of a building included between the upper surface of
2 any floor and the upper surface of the floor next above, except that the top-most story shall be that
3 portion of the building included between the upper surface of the topmost floor and the ceiling or
4 roof above. If the finished floor level directly above a basement, cellar, or unused under-floor
5 space is more than six feet above grade as defined herein for more than fifty percent of the total
6 perimeter, or is more than twelve feet above the ground elevation at any point, such basement,
7 cellar, or unused underfloor space shall be considered as a story.

8 **Street.** Street shall mean all property acquired or dedicated to the public and accepted by
9 the appropriate governmental agencies for street purposes, and property that has been commonly
10 used or dedicated to be used for street purposes prior to November 2, 1953.

11 **Street Centerline.** Street centerline shall mean a line midway between street lines except
12 under conditions specified in Section 27.72.170.

13 **Street Line.** Street line shall mean a dividing line between a lot, tract, or parcel of land
14 and a contiguous street.

15 **Structure.** Structure shall mean anything constructed or erected, the use of which requires
16 permanent location on the ground or attachment to something having a permanent location on the
17 ground. Poles used for the support of wires and appurtenant equipment for supplying public utility
18 services shall not be considered as buildings or structures under this title.

19 **Structural Alteration.** Structural alteration shall mean any change in the supporting
20 members of a building, such as bearing walls, columns, beams, or girders, or any complete
21 rebuilding of the roof or the exterior walls.

22 Section 3. That Section 27.06.070 of the Lincoln Municipal Code be amended to
23 read as follows:

1 **27.06.070 Household Living Use Group.**

2 **Characteristics:** The Household Living Use Group is characterized by the residential
 3 occupancy of a dwelling unit by a household living independently. Tenancy is generally arranged
 4 on a month-to-month basis or for a longer period. Such uses include, but are not limited to, single
 5 and two family dwellings, townhouses, and multifamily dwellings units. Housing with paid
 6 supervision or care for residents is included under the Group Living Use Group.

7 **Use Group Table:**

| Uses | AG | AGR | R1 | R2 | R3 | R4 | R5 | R6 | R7 | R8 | O1 | O2 | O3 | RT | B1 | B2 | B3 | B4 | B5 | H1 | H2 | H3 | H4 | I1 | I2 | I3 |
|--|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| Apartment hotels | S | S | S | S | S | S | S | S | P | P | P | C | | | C | C | C | P | P | | | | | | | |
| Connection of a single family dwelling | S | S | S | S | S | S | S | S | S | S | | | | | | | | | | | | | | | | |
| Dwellings for caretakers, resident watchmen, and supervisory personnel employed and residing on premises | | | | | | | | | | | | | | | P | P | P | P | P | P | P | P | P | P | P | P |
| Accessory Dwellings for domestic employees | S | S | | | | | | | | | | | | | | | | P | | | | | | | | |
| Elderly and Retirement Housing | | | S | S | S | S | S | S | S | S | S | S | P | S | S | S | S | P | S | | | | | | | |
| Housing for the Handicapped | | | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | P | S | | | | | | | |
| Mobile home courts | | | S | S | S | S | | | | | | | | | | | | | | | | | | | | |
| Mobile home subdivisions | | | S | S | S | S | | | | | | | | | | | | | | | | | | | | |
| Multiple family dwellings | S* | S* | S* | S* | S* | S* | P | P | P | P | P | C | P | | C | C | C | P | P | | | | | | | |
| Short-Term Rentals | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| Single-family dwellings | P | P | P | P | P | P | P | P | P | P | P | C | P | P | C | C | C | P | P | | | | | | | |
| Single-family dwelling with detached accessory dwelling | | | C | C | C | C | | | | | | | | | | | | | | | | | | | | |
| Townhouses | S | S | S | S | S | S | P | P | P | P | P | C | P | | C | C | C | P | P | | | | | | | |
| Two-family dwellings | S | S | P | P | P | P | P | P | P | P | P | C | P | P | C | C | C | P | P | | | | | | | |
| All other uses in this Use Group | P | P | P | P | P | P | P | P | P | P | P | | P | P | | | | P | P | | | | | | | |

* Multiple dwellings (not including those approved as a permitted special use under a community unit plan) lawfully existing in this district on the effective date of this title or on the effective date of a change of district boundaries from another zoning district to this district shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61. Notwithstanding any provision to the contrary, any enlargement, extension or reconstruction of such multiple dwellings shall be limited to no more than the number of dwelling units licensed with Building and Safety on the effective date of this title or on the effective date of the change in district boundaries.

8 Section 4. That Section 27.62.040 of the Lincoln Municipal Code be amended to
 9 read as follows:

1 **27.62.040 Household Living Use Group.**

2 A building or premises may be used for the following use types as a permitted conditional
3 use in the designated zoning districts and in compliance with the conditions of approval applicable
4 for that use type.

5 (a) Dwellings are allowed in the O-2, B-1, and B-3 zoning districts under the following
6 conditions:

- 7 (1) Dwellings shall only be permitted above or below the first story of a building;
8 (2) The first story of the building shall be used for a nondwelling use allowed in
9 the district, except that first floor dwellings shall be permitted in buildings that
10 were originally constructed for a residential use prior to November 1, 1997.

11 The first floor nondwelling use shall not:

- 12 A. be an accessory use to the residential use;
13 B. be a parking lot or garage;

14 (3) The first story of the building shall not have more than twenty percent of its
15 height below grade.

16 (b) Dwellings are permitted in the B-2 zoning district when stated as an allowed use as part of
17 a use permit.

18 (c) The main use of a lot for a single-family dwelling and an accessory dwelling is allowed in
19 the R-1 through R-4 zoning districts under the following conditions:

20 (1) The area of the lot must meet the required minimum lot area per family for two-
21 family dwellings as set forth in Table 27.72.020(a) for the zoning district the
22 lot is located in.

23 (2) The accessory dwelling shall comply with the following requirements:

1 (i) The total square footage of the accessory dwelling shall not exceed the
2 lesser of 40% of the total square footage of the main building or 800 square
3 feet.

4 (ii) The cumulative area of a detached accessory dwelling and any other
5 accessory buildings on the lot shall not exceed the R-1 through R-8
6 maximum allowable area for accessory buildings on single-family
7 residential lots or tracts in Table 27.72.120(d).

8 (iii) The accessory dwelling shall have no more than one bedroom.

9 (3) The owner of the lot is required to live on the property but may reside in either
10 the main building or in the accessory dwelling.

11 (4) The accessory dwelling shall share utility connections with the main building.

12 (5) The accessory dwelling shall comply with the height regulations of the district
13 the dwelling is located in, provided that such accessory dwelling shall be no
14 taller than the main building.

15 (6) The accessory dwelling shall meet the required setbacks for the main building,
16 provided that any detached accessory dwelling shall be set back at least 60 feet
17 beyond the front lot line, except for corner lots.

18 (7) One parking stall is required for the accessory dwelling in addition to the
19 required parking for the single-family dwelling use of the main building.

20 (8) The property shall be subject to a deed restriction stating that the accessory
21 dwelling shall not be sold separate from the main building.

1 (d) Beginning on August 1, 2021 and continuing thereafter the use of a dwelling for a short-
2 term rental is allowed in the AG, AGR, R-1 through R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-
3 3, B-4, B-5, H-1, H-2, H-3, and H-4 districts under the following conditions:

4 1. The operator holds a valid license from the Department of Building & Safety as
5 required in Chapter 5.39.

6 2. The maximum number of persons who may occupy the short-term rental is calculated
7 as the total number of sleeping areas on the licensed premises multiplied by two, up
8 to a maximum of 12 persons as described in Section 5.39.020.

9 3. In the AG, AGR, and R-1 through R-8 zoning districts, the distance between the
10 proposed short-term rental and any other existing such use measured from property
11 line to property line is not less than ~~600 feet~~. For multi-family uses, the spacing will
12 be measured from the perimeter boundary of the premises. Multi-family uses with
13 100 or more total dwelling units on the premises are exempt from the ~~600-foot spacing~~
14 ~~requirement~~. If an accessory dwelling is used as a short-term rental, the main building
15 is prohibited from use as a short-term rental if it is within ~~600 feet~~ of the accessory
16 dwelling.

17 i. The distance requirements described in this subsection shall be waived for
18 short-term rentals which become licensed by the Department of Building &
19 Safety under Chapter 5.39 between August 1, 2021 and September 1, 2021.
20 Nonrenewal or revocation of said license will result in relinquishment of this
21 distance waiver and distance requirements will be applied to future use.

1 4. No more than 10% of the total dwelling units in a multi-family premises may
2 be used or registered as short-term rentals. Regardless of the 10% cap, a multi-
3 family premises may have at least one short term rental.

4 5. No signs are permitted for short-term rentals in the AG, AGR, and R-1 through
5 R-8 zoning districts.

6 6. An accessory dwelling may be used as a short-term rental if conditions (1)
7 through (5) are met.

8 Section 5. That Sections 1 through 4 of this Ordinance are consistent with the
9 obligation of the City to promote the public health, safety, and general welfare of the community.

10 Section 6. That Sections 27.02.090, 27.02.200, 27.06.070, and 27.62.040 of the
11 Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

12 Section 7. This ordinance shall be published, within fifteen days after the
13 passage hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or
14 posted on the official bulletin board of the City, located on the wall across from the City Clerk's
15 office at 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice
16 of passage and such posting to be given by publication one time in the official newspaper by the
17 City Clerk. This ordinance shall take effect and be in force from and after its passage and
18 publication or after its posting and notice of such posting given by publication as herein and in the
19 City Charter provided.

Introduced by:



AYES: Beckius, Bowers, Meginnis, Raybould,
Shobe, Ward, Washington; NAYS: None

Approved as to Form & Legality:


City Attorney

PASSED
JUN 14 2021
BY CITY COUNCIL

Approved this ___ day of _____, 2021:

Mayor

PLANNING DEPARTMENT SUMMARY REPORT

TITLE: Text Amendment 21002 – Amend two sections of the Lincoln Municipal Code to make explicit that hotels and motels are a commercial use and to define short-term rentals; amend Household Living Use Group Table to add short-term rentals as a conditionals use, and add conditions required for short-term rentals.

PLANNING COMMISSION RECOMMENDATION: Approval (5-0: Campbell, Edgerton, Ryman Yost, Beckius and Corr voting 'yes'; Ball, Finnegan, Joy and Scheer absent.)

APPLICANT: Planning Director

OPPONENTS: 6 individuals testified in opposition during the hearing.

STAFF RECOMMENDATION: Approval.

REASON FOR LEGISLATION:

Revisions are proposed by the City of Lincoln to the zoning regulations, Title 27 of the Lincoln Municipal Code regarding short-term rentals. A short-term rental would be defined as a residential use lasting up to 30 days per guest visit. The proposed zoning standards would apply within the City of Lincoln and the 3-mile extraterritorial zoning jurisdiction beyond City limits. Currently, short-term rentals are not directly addressed in the code.

The amendment would establish short-term rentals as a conditional permitted residential use with conditions including a minimum 600 foot spacing between properties licensed as short-term rentals and modified spacing standards for multi-family dwellings. Also proposed is a 4-week open licensing period during which current operators could apply for a license and not be required to meet the spacing. All short-term rental operators would be required to obtain an annual license from the Building and Safety Department and attest that the dwelling meets certain life safety criteria.

DISCUSSION / FINDINGS OF FACT:

1. A public hearing was held on this proposed text amendment before the Planning Commission on May 12, 2021.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on pp.2-5, concluding that the proposal is the result of a public input process that began in January 2020 and considered viewpoints from a broad range of stakeholders including operators, neighbors, landlords, and others. The amendment is intended to address the major concerns from the standpoints of zoning, land use, health and safety and the potential impacts of short-term rentals on neighborhoods. At the same time, the regulations allow for this industry to occur in Lincoln and surrounding areas. The text amendment for zoning and the associated licensing process will provide clear standards for life safety, monitoring and enforcement. The applicant/staff presentation is found on pp.19-20.
3. There was no testimony in support/neutral to this application. Testimony in opposition is found on pp.20-22. In addition, two public comments were provided in opposition, which can be found on pp.26-29.
4. Planning Commission discussion with staff is found on pp.22-23.
5. On May 12, 2021, the Planning Commission voted 5-0 to recommend approval of this proposed text amendment.

SUMMARY REPORT PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: May 17, 2021

REVIEWED BY: David R. Cary, Director of Planning

DATE: May 17, 2021



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT
 FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER
Text Amendment #21002

FINAL ACTION?
No

PLANNING COMMISSION HEARING DATE
May 12, 2021

RELATED APPLICATIONS
Changes to Titles 3 and 5 of the
Lincoln Municipal Code for Taxes and
Licensing

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

Revisions are proposed by the City of Lincoln to the zoning regulations, Title 27 of the Lincoln Municipal Code regarding short-term rentals. A short-term rental would be defined as a residential use lasting up to 30 days per guest visit. The proposed zoning standards would apply within the City of Lincoln and the 3-mile extraterritorial zoning jurisdiction beyond City limits. Currently, short-term rentals are not directly addressed in the code.

The amendment would establish short-term rentals as a conditional permitted residential use with conditions including a minimum 600 foot spacing between properties licensed as short-term rentals and modified spacing standards for multi-family dwellings. Also proposed is a 4-week open licensing period during which current operators could apply for a license and not be required to meet the spacing. All short-term rental operators would be required to obtain an annual license from the Building and Safety Department and attest that the dwelling meets certain life safety criteria.

JUSTIFICATION FOR RECOMMENDATION

The proposal is the result of a public input process that began in January 2020 and considered viewpoints from a broad range of stakeholders including operators, neighbors, landlords, and others. The amendment is intended to address the major concerns from the standpoints of zoning, land use, health and safety and the potential impacts of short-term rentals on neighborhoods. At the same time, the regulations allow for this industry to occur in Lincoln and surrounding areas. The text amendment for zoning and the associated licensing process will provide clear standards for life safety, monitoring and enforcement.

STAFF CONTACT

Rachel Jones, (402) 441-7603 or
rjones@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed amendment meets the goals of the Comprehensive Plan to support a variety of housing types and their appropriate distribution across the City, integration of varied housing types within neighborhoods, encouraging predictable development patterns, and discouraging negative impacts to neighborhood character.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 7.2 - Neighborhoods & Housing Guiding Principles

- Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.
- Preserve areas designated for multi-family and special needs housing in approved plans to support a distributed choice in affordable housing.
- Provide safe and decent affordable and special needs housing for low- and moderate-income households.

ANALYSIS

1. The text amendment would establish new regulations for short-term rentals. **Short-term rentals would be defined as the rental of all or a portion of a residential dwelling for accommodations for a length of stay per guest visit of no more than 30 consecutive days.** Short-term rentals are considered a residential use. They would not include rental of a dwelling unit for the sole purpose of holding meetings or gatherings. They also do not include accessory uses typical of hotels.
2. The amendment is proposed by the Lincoln-Lancaster County Planning Department to improve the review process by adding conditions of approval for the facilities and changing the zoning approval process. Changes to the zoning definitions are also proposed to distinguish short-term rentals from hotel uses. The set of changes to the Municipal Code encompass changes to the zoning, licensing and tax regulations. The proposed changes are the result of a comprehensive public input process that began with the first public input phase beginning in January 2020.
3. This text amendment is specific to the zoning changes. The other two titles, regarding licensing and taxation, will be voted upon by the City Council along with final hearing and action on the zoning changes. These titles are provided for information purposes at the end of the staff report. They are not before the Planning Commission for public hearing and review, but are provided to help inform how the overall short term rental regulation process would work.
4. The estimated number of short-term rentals operating in Lincoln varies between about 180 and 200 unique rentals. City of Lincoln zoning regulations currently allow this use as a home occupation in residential zoning districts and by right in commercial districts. The home occupation requires the resident of the dwelling to be present during the rental period and limits the area of the dwelling that can be rented to no more than 20% of the total floor area, among other restrictions. Short-term rentals are not specifically mentioned in the code and are regulated today based on a legal interpretation. Based on a preliminary review, many of the short-term rentals operating in residential areas do not comply with the current zoning regulations. Specifically, many rent out the whole house rather than 20% or less.
5. Legislative Bill (LB) 57 was approved in March 2019 by the Nebraska Legislature. LB57 prevents municipalities from prohibiting Short-Term Rentals. It limits the regulations that municipalities can impose on them but allows for regulations to address typical zoning matters as well as issues such as noise, property maintenance, fire and building codes. LB57 also allows sales and occupation taxes to be collected on short-term rentals. The short-term rental effort by the City is in response to LB57 as well as to provide clear local standards for this use in accordance with State Law. The proposed text amendment is consistent with the obligation of the City to promote the public health, safety, and general welfare of the community in adopting a zoning code, including the uses and locations of residential property, and is consistent with the goal of allowing short term rentals as set forth in LB57.
6. The text amendment went through a public input process that included two public comment periods, one in January-February 2020 and a second in February-April 2021, two open house meetings, an online questionnaire, the Mayor's Neighborhood Roundtable, and meetings with a small focus group of short-term rental operators. Staff from the Planning, Building and Safety, Finance Departments and the City Attorney's Office collaborated to develop the proposals and consider public feedback. It is important to note that while everyone who participated

in the process may not fully agree with every provision, the result is a compromise that strives to address as many comments as possible.

7. A discussion draft with initial proposed changes was made available for public comment on January 6, 2020 to gauge community sentiment towards short-term rentals. Public open houses were held on January 21 and 29, 2020. A variety of perspectives were shared at the open houses and other means. A number of comments were received on the initial draft in opposition to the primary residency requirement that was initially suggested and would have required the dwelling to be the host's primary residence. Many felt it was too restrictive for operators who want to rent dwellings other than their home. Comments were also received in support of the requirement from neighborhood representatives and those living near short-term rentals who felt it was important for protecting quality of life.
8. Following the open houses and comment period, a revised draft was released on February 8, 2021 to address the comments and reach a compromise. The most significant change to the original discussion draft was elimination of the primary residency requirement. Instead, minimum spacing of 600 feet between licensed short-term rentals is proposed. The spacing is discussed in more detail later in this staff report. In addition, a maximum occupancy was proposed of 2 persons per sleeping area, up to a maximum of 12 persons.
9. The spacing is intended to reduce the overall impact of short-term rentals on a particular block, street or neighborhood by limiting the number of dwellings within that area that could be operated as short-term rentals. The 600-foot dimension corresponds to approximately two standard blocks. Several other communities nationwide have adopted spacing regulations including Las Vegas, Nevada; Louisville, Kentucky; Buena Park, California; Wilmington, NC; and Salida, Colorado. The other communities that use a distance measurement for spacing range between 300 and 660 feet, so the proposed 600 foot spacing for Lincoln is in keeping with what other communities have done. A 600-foot spacing corresponds to about two standard City blocks. Spacing ensures that short-term rentals do not dominate any one area, block or street, resulting in a disruption to the existing neighborhood character. Spacing also disperses the land use impacts of short-term rentals.
10. The proposal would add short-term rentals as a conditional use under the Household Living Use Group. Short-term rentals would be allowed in all zoning districts except the I-1, I-2, and I-3 Industrial Districts. The I-1 through I-3 districts do not allow residential uses due to the potential hazards posed by industrial uses. Conditional uses are not required to obtain a special permit or other zoning approval. If a short-term rental met all conditions, the operator could proceed with applying for a license.

The draft includes several conditions that short-term rentals would be required to follow:

- a. **License** - The operator must hold a valid annual license from the Building and Safety Department.
- b. **Occupancy** - The maximum number of persons who may occupy the short-term rental would be two persons per sleeping area, up to a maximum of 12 persons. A child would be counted as a person under this scenario. A sleeping area can include legal bedrooms and other rooms in a dwelling that met egress standards. Sleeping areas would not include hallways, kitchens, or bathrooms. The number of short-term rentals advertised for over 12 persons are few. This cap serves as an additional way to limit the overall land use impacts on adjacent properties.
- c. **Spacing Between Licensed Short-Term Rentals** - Spacing would be measured from the property line or premises. Spacing would only apply in the AG Agriculture, AGR Agricultural Residential and R-1 through R-8 Residential zoning districts. The reason for limiting the spacing standard to those districts is that short-term rentals have the most potential to cause negative impacts on other dwellings rather than commercial uses. Spacing would not apply in the commercial zoning districts. Commercial districts often allow hotels, among other commercial land uses and should be less impacted.

Developments approved under Community Unit Plans (CUPs), Planned Unit Developments (PUDs), Use Permits, and other zoning applications serving as preliminary plats, would follow the underlying zoning for short-term rentals. An amendment to the CUP, PUD, Use Permit, etc. would not be required to allow for short-term rentals if the zoning conditions are met.

During the first 4 weeks after licensing begins, it is proposed to have an open application period during which current operators could apply for a license and would not be required to meet spacing. This provision is intended primarily to allow existing short-term rentals that would not meet the proposed spacing to be licensed. The current short-term rentals in the Lincoln area would have begun operating without concern for the proposed spacing. Some operators have invested considerable costs. The open application period allows a fair method of determining how licensing is allowed for those existing locations that do not meet spacing. Over time, as licenses not meeting the spacing may expire, the locations will further conform to the spacing standard.

After the four-week period ends, all new licenses issued would need to meet the spacing. If a license issued during the open application period were revoked or not renewed, the operator would not be able to obtain a new license unless spacing was met.

Spacing for Single and Two-Family Dwellings

A spacing of at least 600 feet would be required between licensed single-family and two-family short-term rental properties in the applicable zoning districts. Someone could not operate a short-term rental on a property that was within 600 feet of an existing licensed short-term rental. Spacing is appropriate to ensure that short-term rentals do not dominate any one area, block or street, disrupting the neighborhood character. If one side of a two-family dwelling were used as a short-term rental, the other side could not be used as a short-term rental because it would not meet the spacing.

Spacing for Multi-Family Dwellings

Multi-family uses would also be required to meet spacing to surrounding licensed short-term rentals, except that multi-family uses with 100 or more dwellings on the premises would be exempted from meeting the 600-foot spacing.

Multi-family projects over 100 units are primarily on larger sites with greater setbacks. The exception avoids a scenario where a large multi-family complex was disqualified from renting any of their units short-term based on a single house within 600 feet that was operating as short-term rental. The larger multi-family complexes are typically self-contained for parking and other land use impacts than smaller and/or standalone multi-family uses that are more integrated within the neighborhoods. Apartment projects with over 100 units are primarily found in newer areas. These projects were planned in advance with appropriate buffers and closer to arterial streets. An analysis of the multi-family uses south of Downtown was done to determine the impacts of the 100-unit exemption for spacing. Only one multi-family use with 100 or more units was identified. All other multi-family uses in that area in the applicable zoning districts would need to meet the spacing.

No multi-family uses would be required to meet spacing internal to their premises. The premises could include multiple buildings and adjacent lots under common ownership. However, a cap of no more than 10% of the total dwelling units on the premises could be used or licensed as short-term rentals. Despite the 10% cap, all multi-family premises would be allowed at least one short-term rental as long as spacing was met.

- d. **Signs** - No signs would be permitted for the short-term rental in the AG, AGR and R zoning districts.
 - e. **Accessory Dwellings** - An accessory dwelling could be used as a short-term rental if the above conditions are met. If an accessory dwelling were rented as a short-term rental, it would prohibit the main dwelling from also being rented as a short-term rental if the main building were within 600 feet.
11. A minimum parking requirement for short-term rentals was considered but ultimately not included. There are a variety of parking circumstances possible for different types of short-term rentals affected by factors such as the frequency of rentals, size of the dwelling, number of renters, and number of vehicles. Some rentals will generate more parking demand than others. If areas within a single dwelling were rented out as multiple listings, those could also have higher parking demand but would be rare. Given the spacing, the impacts of parking along will be distributed. Even with the 4-week open application period, it is not anticipated to have a major concentration of short-term rentals in any one area. Requiring minimum parking or submission of a parking exhibit with every short-

term rental would be burdensome to most rentals which should be able to accommodate parking on their own site. It is not anticipated that the parking demand for most short-term rental units will exceed what the use demands today.

12. A licensing process has been created which will be administered by the Building and Safety Department. The draft changes to Title 5 are provided for information purposes at the end of the staff report but are not being reviewed by the Planning Commission. Following adoption of the changes, every short-term rental operator will need to register and obtain an approved annual license in order to operate a short-term rental on a given property. Existing short-term rental operators would have to obtain a license to continue operating legally.

License renewal would be on an annual basis to ensure the information stays current and re-affirm that life safety standards are met including smoke alarms, carbon monoxide detectors, egress for sleeping areas, visible street numbers, appliances in working order, and contact information must be provided to all renters for someone who can respond on behalf of the licensee and reach the short-term rental within 45 minutes in case of an emergency or other issue. The license could be revoked for failure to satisfy the conditions or if the premises is the subject of three or more verified complaints of noise or other disturbance in the course of a calendar year. There is not proposed to be any standard inspections of short-term rentals.

13. Related changes to the tax provisions would amend Title 3 of the Lincoln Municipal Code to revise the definition of "Hotel" to include all short-term rentals. The draft changes to Title 3 are provided for information purposes at the end of the staff report but are not being reviewed by the Planning Commission. Currently, the tax only applied to those renting 3 or more rooms. It will be the operator's responsibility to track and pay this tax as well as any other taxes. The tax amendment will create a more equitable circumstance for taxing of hotels and short-term rentals.
14. There is the potential for short-term rentals to impact housing affordability in some communities, particularly where there is a large tourist industry. The City of Lincoln has approximately 126,009 total dwelling units in the city limits. Approximately 68,845 of those are single family detached dwelling units. There are estimated to be about 180 to 200 short-term rental units in the City of Lincoln. The number of dwelling units used as short-term rentals therefore represents up to .16% of the total units City-wide. The majority but not all of the rentals are single family detached units. Even if the number of short-term rental listings grew over time, it would continue to represent a small portion of total units. However, many of the short-term rentals listings are in older neighborhoods which tend to contain more affordable housing units. The City should carefully monitor this trend as any reduction in affordable housing affects the long-term housing goals in the Comprehensive Plan and Lincoln Affordable Housing Coordinated Action Plan.
15. If this proposal is adopted by the City Council in June, then the tentative implementation date for the zoning, licensing and tax changes to go into effect is August 1, 2021 to allow sufficient time to put in place the licensing and administration processes. The effective date may be subject to change depending on the timing of the public hearing schedule and final vote.

Prepared by

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Date: May 4, 2021

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ORDINANCE NO. 21073

AN ORDINANCE: Text Amendment 21002, request of the Planning Dept. Director, to amend Lincoln Municipal Code Sections 27.02.090 and 27.02.200 to make explicit that hotels or motels are a commercial use and to define short-term rental; amending Section 27.06.070 Household Living Use Group Table to add short-term rentals as a conditional use in certain districts; and amending 27.62.040 Household Living Use Group to add conditions required for short-term rentals; and repealing Sections 27.02.090, 27.02.200, 27.06.070, and 27.62.040 as hitherto existing.

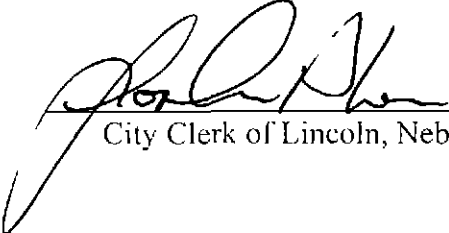
Read First Time May 17, 2021
Read Second Time June 7, 2021
Read Third Time June 14, 2021
Passed June 14, 2021
Published in Lincoln Journal Star
on June 25, 2021

CERTIFICATE

State of Nebraska)
) ss
County of Lancaster)

I, the undersigned, City Clerk of the City of Lincoln, Nebraska, do hereby certify that the within ordinance is the original Ordinance No. 21073 as passed by the City Council of said City, as indicated above, and as approved by the Mayor of said City and as the same appears of record in my office and is now in my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska this 14 day of June, 2021.


City Clerk of Lincoln, Nebraska

