

**ARTICLE 3  
ZONING DISTRICTS**

**11-301. ZONING DISTRICTS**

For the purpose of regulating and restricting the use of land and the erection, construction, reconstruction, alteration, moving or use of buildings, structures of land, all lands within, and all lands two miles beyond and adjacent to, the corporate limits of Kimball, are hereby divided into twelve (12) districts as follows:

District A	Agricultural District
District RR	Rural Residential District
District R-1	Single-Family Residential District
District R-3	Multi-Family Residential District
District R-4	Residential Mobile Home Park District
District C-1	Central Business District
District C-2	Light Commercial District
District C-4	Commercial Services District
District C-5	Heavy Commercial District
District I-1	Light Industrial District
District I-2	Heavy Industrial District
District GCE	Golf Course Estate District

**11-302. DISTRICT MAP ADOPTED**

Boundaries of the districts, as enumerated in Article 3 of these regulations, are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the Zoning District Map; and said map, and all the notations, references and information shown thereon is hereby made as much a part of these Regulations as if the same were set forth in full herein. The City Planning Commission shall keep on file in their offices an authentic copy of said map, and all changes, amendments, or additions thereto.

When definite distances in feet are not shown on the Zoning District Map, the district boundaries are intended to be along existing street, alley or platted lot lines, or extensions of the same, and if the exact location of such lines is not clear, it shall be determined by the Zoning Administrator, due consideration being given to location as indicated by the scale of the Zoning District Map.

### **11-303. DISTRICT A - AGRICULTURE**

Intent: The intent of the this district is to recognize the transition between agricultural uses of the land and communities; to encourage the continued use of that land which is suitable for agriculture, but limit any land uses that may be a detriment to normal community expansion.

11-303.1. PERMITTED USES. The following shall be permitted as uses by right:

1. Farm/Ranch, excluding any expansion of existing or development of animal feeding operation and confinement facilities
2. Grazing of livestock as part of a farm/ranch operation, but no more than one animal unit per acre.
3. One-family dwelling, including a mobile home, as a primary or secondary residence if inhabited by a person or persons directly engaged in the agricultural production of the property.
4. One-family dwelling existing at the time of adoption of this ordinance not directly involved in agriculture.
5. One-family dwelling parcels of land less than 10 acres existing at the time of adoption of this ordinance.
6. Tree Nurseries & non-retail greenhouses associated with a farm operation.

11-303.2. CONDITIONAL USES. A building or premises may be used for the following purposes in the Agricultural District, if a conditional use permit for such use has been obtained in accordance with Article 6 of these Regulations.

1. Auto salvage and junk yards, providing that no burning of waste material shall be permitted, and the entire storage or salvage yard shall be screened with a solid fence or wall not less than eight (8) feet in height.
2. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the Council, after report of Kimball Planning Commission, deems reasonably necessary for public convenience or welfare
3. Cemeteries, mausoleums, or crematories for the disposal of the human dead
4. Golf driving ranges, commercial or illuminated.
5. Gun clubs, skeet shoots or target ranges.
6. Mines or quarries, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel or similar materials; provided however, that no special use permit shall be issued until and unless the location, site plan, and method of operation, including necessary structures, have been submitted to and approved in writing by the Council after report from the Planning Commission.
7. Radio, television and microwave towers.
8. Reservoirs, wells, towers, filter beds, or water supply plants,
9. Riding stables and tracks.
10. Sewage, refuse, garbage disposal plants or sanitary landfills.
11. Wind-driven electric generators with prior approval of the City Electrical Superintendent.
12. Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property.
13. Alternative energy systems utilizing Biomass, Geothermal, Methane, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009, as amended).

11-303.3. PERFORMANCE STANDARDS

(1) Area & Bulk Regulations.

Use	Minimum Lot Size	Minimum Lot Width	Maximum # Dwelling Units	Setbacks				Maximum Height	Building Separation
				Front	Rear	Side	Side Street		
1. Farm/Ranch	3 acres	n/a	1*	50'	n/a	10'	50'	n/a	6'
2. Dwelling	3 acres	n/a	1*	50'	n/a	10'	50'	n/a	6'

- See permitted use description.

(2) Accessory Uses: Accessory uses and structures normally appurtenant to permitted uses and structures.

- Barns, silos and sheds and other buildings and property utilized by agricultural facilities normally appurtenant to the permitted uses and structures.
- Garages
- Home occupations in as permitted in Article 4.
- Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use.
- Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- Signs as permitted in Article 11.
- Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- Television, radio receiving and transmitting equipment, and satellite dishes subject to the setback provisions in 11-805.

(3) Prohibited Uses: All other uses, which are not specifically permitted or not permissible as conditional uses shall be prohibited from the Agricultural District.

11-303.4. FEEDING RESTRICTIONS

Animal Feeding Operations and confinement facilities as defined in this ordinance are prohibited within the one mile zoning boundary.

**11-304. DISTRICT RR, RURAL RESIDENTIAL**

Intent: The RR, Rural Residential, district is intended to provide a transition from agriculture and ranching to low density residential development. This district is intended to accommodate larger residential estates with accompanying agricultural uses that do not conflict with residential uses.

11-304.1 PERMITTED USES. The following shall be permitted as uses by right:

1. Animals, except the number of animals shall not exceed a density of more than 1.0 animal units per acre.
2. Bed & Breakfasts.
3. Churches.
4. Dwellings, one-family.
5. Manufactured homes subject to the following standards:
  - a. The home shall have no less than an 18 foot exterior width;
  - b. The roof shall be pitched with a minimum vertical rise of two-and-one-half inches for each 12 inches of horizontal run;
  - c. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single family construction.
  - d. The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile, rock, or metal (except galvanized or silver on color); and
  - e. The home shall have wheels, axles, transport lights, and removal towing apparatus removed.
6. Mobile homes converted to real property and meeting the requirements of number (5) above.
7. Public parks and playgrounds, including public recreation or service buildings within such parks.
8. Railroad right-of-ways not including railroad yards.
9. Stable, private.

11-304.2. CONDITIONAL USES. A building or premises may be used for the following purposes in the Rural Residential District, if a conditional use permit for such use has been obtained in accordance with Article 6 of these Regulations.

1. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the Council, after report of Kimball Planning Commission, deems reasonably necessary for public convenience or welfare.
2. Golf courses and clubhouses and uses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
3. Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the Water Superintendent.
4. Radio, television and microwave towers.
5. Reservoirs, wells, towers, filter beds, or water supply plants.
6. Wind-driven electric generators with prior approval of the City Electrical Superintendent.
7. Alternative energy systems utilizing Biomass, Geothermal, Methane, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009, as amended).
8. Kennels per Kimball Municipal Code §94.58 and §94.59.

11-304.3. PERFORMANCE STANDARDS

(1) Area & Bulk Regulations.

Use	Minimum Lot Size	Minimum Lot Width	Maximum # Dwelling Units	Setbacks				Maximum Height	Building Separation
				Front	Rear	Side	Side Street		
1. Dwelling	3 acres	150'	1	50'	50'	15'	50'	30'	6'
2. Accessory Building				50'	5'	5'	50'	30'	6'

A. Minimum Dwelling Size. 800 square feet.

(2) Permitted Accessory Uses. Accessory uses and structures normally appurtenant to permitted uses and structures.

- a. Barns, silos and sheds.
- b. Garages
- c. Home occupations in as permitted in Article 4.
- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use.
- e. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- f. Signs as permitted in Article 11.
- g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- i. Television, radio receiving and transmitting equipment, and satellite dishes subject to the setback provisions in 11-805.

(3) Prohibited Uses: All other uses, which are not specifically permitted or not permissible as conditional uses shall be prohibited from the Rural Residential District.

## **11-305. DISTRICT R-1. SINGLE FAMILY RESIDENTIAL**

Intent: The R-1, Single Family Residential, district is intended to provide a zone consisting primarily of single family dwellings but which may have recreational, religious, and educational facilities to create a balanced neighborhood. This zone is intended to accommodate older neighborhoods in the community which were developed with smaller lot sizes as well as new and more recent subdivisions of the community that were created with larger lot sizes.

11-305.1. PERMITTED USES. The following shall be permitted as uses by right:

1. Churches.
2. Dwellings, one-family.
3. Group Homes operated by authority of the Nebraska Department of Health and Human Services providing supportive services to persons with physical or cognitive mental impairments.
4. Manufactured homes subject to the following standards:
  - a. The home shall have no less than an 18 foot exterior width,
  - b. The roof shall be pitched with a minimum vertical rise of two-and-one-half inches for each 12 inches of horizontal run;
  - c. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single family construction.
  - d. The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile, rock, or metal (except galvanized or silver in color); and
  - e. The home shall have wheels, axles, transport lights, and removal towing apparatus removed.
5. Mobile homes converted to real property and meeting the requirements of number (4) above.
6. Publicly owned and operated community buildings, public museums, public libraries.
7. Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
8. Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
9. Mobile homes subject to the provisions of Kimball Municipal Code, Title XV, Chap. 151.

11-305.2. CONDITIONAL USES. A building or premises may be used for the following purposes in the Single Family Residential District, if a conditional use permit for such use has been obtained in accordance with Article 6 of these Regulations.

1. Bed & Breakfasts.
2. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the Council, after report of Kimball Planning Commission, deems reasonably necessary for public convenience or welfare.
3. Funeral homes.
4. Group homes: provided that facility is not within 1,200 feet of another group home or a home of any size which serves other populations, including but not limited to correctional homes which serve people recuperating from the effects of drugs or alcohol.
5. Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property.
6. Preschool nurseries and day care centers.
7. Two Family home (duplex)
8. Personal Storage Facility as a Primary Use in accordance with 11-305.13(3).
9. Personal Workshop as a Primary Use in accordance with 11-305.13(3).
10. Alternative energy systems utilizing Biomass, Geothermal, Methane, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009, as amended).
11. Kennels per Kimball Municipal Code §94.58 and §94.59.

11-305.3 SPECIAL USES. Keeping of animals. (**Ordinance #746, 3/21/2017**)

1. The City Council may issue a special use permit for the keeping of domestic hoofed livestock, small livestock, fowl, or other animals not otherwise prohibited or regulated by this Zoning Ordinance. Such special use permits shall be issued after placing appropriate conditions upon the permit, including the term of the permit and the conditions of confinement and care of the animal. Criteria to be considered in the issuance of the permit shall include but not be limited to noise, smell, proximity to adjacent property, the kind and number of animals, the size of animals, the facilities of the applicant, sanitation facilities and requirements, and other neighborhood considerations. The special use permit may not be transferred to another owner or property. Property owners within three hundred (300) feet of any lot line of the premises of the applicant shall be given written notice by first-class mail, not less than fifteen (15) days prior to the date of issuance of the permit. The application fee for a special use permit shall be \$50.00, which is not refundable and includes the City's cost to mail the notices to adjacent property owners.
2. A special use permit for keeping of animals may be revoked for failure to comply with the requirements stated in the special use permit. Revocation is administrative following investigation and fact-finding by the City Administrator. An appeal of the revocation may be made to the City Council, which following a public hearing that purpose, may uphold the revocation, or modify the order of the City Administrator, or repeal the revocation.

11-305.4 LOT AREA REQUIREMENTS FOR DOMESTIC HOOVED LIVESTOCK; NUMBER PERMITTED.

1. To be eligible for a special use permit for the keeping of domestic hoofed livestock, the property must have a minimum of one (1) acre devoted exclusively to fenced pasture (dry-land or irrigated), stable and corral. Animal units are defined in Article 2, 11-201.9. Young animals under four (4) months of age, or until weaned, may be kept without counting toward the allowable number of animals. With the exception of the corral area, pastures shall be planted and maintained in forage grasses.

11-305.5 ANIMALS NOT TO BE RAISED OR KEPT FOR COMMERCIAL PURPOSES.

1. No domestic hoofed livestock, small livestock or fowl shall be raised or kept for commercial purposes.

11-305.6 FENCES AND GATES.

1. Fences and gates shall be constructed in accordance with all municipal ordinances and shall be suitable in design, construction and strength of materials for properly enclosing the animals to be kept. Barbed wire fences are prohibited. Electrical fences, defined as fences that transmit an electrical charge in any fashion that will shock an animal or human if the fence is touched, are permitted only if they are constructed as a second fence on the inside perimeter of an outer fence that is not electrically charged, by commercially manufactured, non-conductive "stand-offs," in such a manner that the electrified fence is not less than six (6) inches inside the perimeter of the primary outer fence. Electrified fences shall have a commercially manufactured AC or DC controller capable of producing a "shock" within the range of 0.32 joules to 8.17 joules. At least one (1) commercially available warning sign, facing outward from the primary fence, and warning that the inner fence is electrified, shall be attached to the electrified fence for each one hundred fifty (150) lineal feet of fencing. Warning signs shall be legible from beyond the primary fence and shall be maintained in good repair. Fences that consist of a buried transmitter wire that operates in conjunction with animal collars designed to transmit a shock to the animal if it attempts to go past the wire boundary, also known as "invisible fences" are not defined herein as electrical fences and are permitted.

11-305.7 MINIMUM AREA OF CORRALS.

1. Although the entire lot may be fenced, a corral must be provided where domestic hoofed livestock will normally be penned and given supplementary feed. The corral shall be adequate in size for the

number of animals involved and shall not exceed twenty-five percent (25%) of the gross lot acreage or one-quarter (1/4) acre, whichever size is smaller.

11-305.8. SHELTER REQUIREMENTS FOR DOMESTIC HOOFED LIVESTOCK.

- To be eligible for a special use permit for keeping of domestic hoofed livestock, the property owner must provide a manmade shelter from the elements (heat, cold, wind, and moisture) for the animals. The shelter shall be maintained in a clean condition and be well-ventilated with no drafts. A “run-in shelter” or “loafing shed” shall provide not less than one hundred (100) square feet of covered area for each animal kept on the property. Ceilings in shelters and box stalls shall be high enough to allow horses to move their heads up and down fully. Box stalls, if provided, shall be sized adequately for the size of animal to be sheltered. When provided, access doors to box stalls shall be a minimum of four (4) feet in width and eight (8) feet in height. Exceptions to the above-stated minimum standards may be allowed by the City Council as determined appropriate during the granting of a special use permit.

11-305.9. SANITATION.

- The grounds, bases and floors of lots, pens, cages, stables and corrals shall be cleaned not less frequently than weekly by removal of manure and other material soiled by animal wastes. Every place, property or premises in the City where any domestic hoofed livestock, small livestock, fowl or household pet is kept shall be clean, sanitary and free of obnoxious odors and shall be maintained in such a manner as will effectively prevent reproduction of flies in or about such places or premises. Other than a light spread of manure which may be applied on lawns, gardens or pastures for fertilizing purposes, manure shall not be kept on any property for any purpose, or kept in any place for later use, but shall be either plowed under or removed by the owner.

11-305.10. CORRAL DRAINAGE.

- Drainage facilities or improvements in corral areas must be approved by the City before construction. Animal or fowl waste shall not be allowed to wash into any drainage facility, such as a lake or ditch, that will pollute water or to accumulate on the property in pooled standing water so as to create a health hazard or nuisance.

11-305.11. ABATEMENT OF UNCLEAN CONDITIONS.

- If any of the premises are not kept in a clean and sanitary condition or become dangerous or detrimental to human health, the City Administrator or other designated employee shall have the power to declare such premises a nuisance and the same shall be abated as such.

11-305.12. AUTHORITY TO ENTER PROPERTY.

- The City Administrator or other designated employee may enter upon or into any lot, house or other building or premises, with proper respect for the occupant’s constitutional rights, to examine the same and to ascertain whether any such nuisance exists, and shall be free from any action of liability on account thereof.

11-305.13. PERFORMANCE STANDARDS

(1) Area & Bulk Regulations.

Use	Minimum Lot Size	Minimum Lot Width	Maximum # Dwelling Units	Setbacks				Maximum Height	Building Separation
				Front	Rear	Side	Side Street		
1. Principle Structure	6,000 sq.ft.	75'	1	25'	5'	5'	15'	B	6'
2. Accessory Structure				25'	5' See note 1.	5'	20'		6'

- Ten (10) feet is required for garage access from an alley.



- A. Maximum Lot Coverage. 40% of total lot area
- B. Maximum Height: 2 stories, not including attic rooms.

(2) Permitted Accessory Uses. Accessory uses and structures normally appurtenant to permitted uses and structures.

- a. Fences as permitted in Article 9.
  - b. Home occupations as defined in Article 4.
  - c. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use.
  - d. One detached garage located in the rear yard. Total floor space of all attached and detached garages shall not exceed 2,000 square feet. Garages and other accessory off-street parking structures located in all residential districts shall not be of greater square footage or height than the principal residence and shall be constructed of similar materials and colors and be in character and scale with existing neighborhood construction.
  - e. One detached structure located on an area adjacent to the property if the structure meets the performance standards for an accessory structure.
  - f. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
  - g. Signs as permitted in Article 11.
  - h. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in Section 11-805.
  - i. For smaller residential lots:  
Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed one hundred and fifty (150) square feet in size, or unenclosed areas which are accessory to a principal Nonresidential Use not exceeding two hundred (200) square feet in area.
  - j. For larger residential lots:  
Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 500 square feet and maximum lot coverage does not exceed 40% of the total lot area.
  - k. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
  - l. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
  - m. Television, radio receiving and transmitting equipment, and satellite dishes subject to the setback provisions in Section 11-805.
- (3) Special Performance Standards for Conditional Uses as Specified in 11-305.2.8 and 11-305.2.9
- a. Outdoor storage shall not be permitted.
  - b. Commercial activity shall not be permitted.
  - c. Sidewalls shall not exceed 14 feet in height
  - d. Building shall not exceed 20 feet in height
  - e. Building shall meet setbacks established in Section 11-305.13(1)
  - f. Building shall meet offsets established in Section 11-305.13(1)
  - g. If Principle Building is not a dwelling the building shall be located toward the rear of the property to allow for a future dwelling.
  - h. Building footprint shall not exceed 20% of the lot on which such building lies.
  - i. Building must be constructed with a material and style consistent with neighborhood structures.
  - j. Building shall be permanently anchored to the ground.
  - k. With the exception of an access lane to building, the undeveloped portions of the lot shall be landscaped with grass or other suitable vegetation.
  - l. If building falls into disrepair, the owner shall either remove building or have building adequately repaired within 90 days of receiving notice from the City of Kimball.
  - m. No activity shall take place that disrupts the integrity of this residential district.

(4) Prohibited Uses: All other uses, which are not specifically permitted or not permissible as conditional uses shall be prohibited from the Single Family Residential District.

### **11-307. DISTRICT R-3, MULTI-FAMILY RESIDENTIAL**

Intent: The R-3, Multi-Family Residential, district is intended to provide a zone consisting primarily of carefully designed medium and/or high density housing types, but which may have recreational, religious, and educational facilities to create a balanced neighborhood. Housing complexes constructed in the zone should create a transition from low density to higher intensity land uses and should encourage affordable housing, especially for young families, moderate to low income families and the elderly.

11-307.1. PERMITTED USES. The following shall be permitted as uses by right:

1. Apartment houses or other multiple family dwellings.
2. Churches.
3. Dwellings, one-family.
4. Dwellings, two-family.
5. Group Homes operated by authority of the Nebraska Department of Health and Human Services providing supportive services to persons with physical or cognitive mental impairments.
6. Manufactured homes subject to the following standards:
  - a. The home shall have no less than an 18 foot exterior width;
  - b. The roof shall be pitched with a minimum vertical rise of two-and-one-half inches for each 12 inches of horizontal run;
  - c. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single family construction.
  - d. The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile, rock, or metal (except galvanized or silver in color); and
  - e. The home shall have wheels, axles, transport lights, and removal towing apparatus removed.
7. Mobile homes converted to real property and meeting the requirements of number (6) above.
8. Nursing, convalescent or senior citizens homes.
9. Publicly owned and operated community buildings, public museums, public libraries.
10. Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
11. Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
12. Railroad right-of-ways, not including railroad yards.

11-307.2. CONDITIONAL USES. A building or premises may be used for the following purposes in the Multi-Family Residential District, if a conditional use permit for such use has been obtained in accordance with Article 6 of these Regulations.

1. Bed & Breakfasts.
2. Boarding and lodging houses.
3. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the Council, after report of Kimball Planning Commission, deems reasonably necessary for public convenience or welfare.
4. Funeral homes.
5. Group homes: provided that facility is not within 1200 feet of another group home or a home of any size which serves other populations, including but not limited to correctional homes which serve people recuperating from the effects of drugs or alcohol.
6. Hospitals and sanitariums.
7. Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property.
8. Preschool nurseries and day care centers.

9. Alternative energy systems utilizing Biomass, Geothermal, Methane, Hydropower, Solar and/or Wind sources in conformance with “Net Metering” per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009, as amended).
10. Kennels per Kimball Municipal Code §94.58 and §94.59.

11-307.3. PERFORMANCE STANDARDS

(1) Area & Bulk Regulations

Use	Minimum Lot Size	Minimum Lot Width	Maximum # Dwelling Units	Setbacks				Maximum Height	Building Separation
				Front	Rear	Side	Side Street		
1. Dwelling (SF)	6,600 sq.ft.	60'	1	25'	25'	5'	15'	30'	6'
2. Duplex	3,500 sq.ft.	60'	2	25'	25'25'	5'	15'	30'	6'
3. Dwelling (MF)	2,000 sq.ft.	60'	n/a	25'		5'	15'	35'	6'
4. Accessory Bldg.					5' See Note 1.	5'	20'		6'

1. Ten (10) feet is required for garage access from an alley.
  - A. Minimum Dwelling Size. 570 square feet per unit if the unit is larger than a two-family dwelling; 750 square feet per unit if a two-family unit is constructed; and 800 square feet for each single-family unit is constructed.
  - B. Lot Coverage. 40% of total lot area.

(2) Permitted Accessory Uses. Accessory uses and structures normally appurtenant to permitted uses and structures.

- a. Fences as permitted in Article 9.
- b. Home occupations as defined in Article 4.
- c. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use.
- d. One detached garage per dwelling unit located in the rear yard and not to exceed 800 square feet. Garages and other accessory off-street parking structures located in all residential districts shall not be of greater square footage or height than the principal residence and shall be constructed of similar materials and colors and be in character and scale with existing neighborhood construction.
- e. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- f. Recreation areas - including tenant use swimming pool, and minor recreation buildings, tenant trash collection centers, power generators, vending machines for tenant use and other similar uses.
- g. Signs as permitted in Article 11.
- h. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in Section 11-805.
- i. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed one hundred and fifty (150) square feet in size, or unenclosed areas which are accessory to a principal Nonresidential Use not exceeding two hundred (200) square feet in area.
- j. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- k. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.

- I. Television, radio receiving and transmitting equipment, and satellite dishes subject to the setback provisions in Section 11-805.

(3) Prohibited Uses: All other uses, which are not specifically permitted or not permissible as conditional uses shall be prohibited from the Multi-Family Residential District.

## **11-308. DISTRICT R-4. RESIDENTIAL MOBILE HOME PARK**

Intent: The R-4 Residential Mobile Home Park district is intended to provide for the location of mobile homes on rented lots that may, or may not, conform to lot size requirements of more traditional single family residential subdivisions and which may accommodate mobile, or modular, homes in a less restrictive manner than the traditional single family residential subdivision.

11-308.1. PERMITTED USES. The following shall be permitted as uses by right:

1. Churches.
2. Dwellings, one-family.
3. Group Homes operated by authority of the Nebraska Department of Health and Human Services providing supportive services to persons with physical or cognitive mental impairments.
4. Mobile homes on rented lots.
5. Mobile homes located on individually owned lots shall be permitted within residential mobile home parks subject to the following provisions:
  - a. Mobile homes located on individually owned lots shall be served by independent connection to municipal water and sanitary sewer lines.
  - b. The sale of an unplatted lot or space within a mobile home park shall be approved by the Planning Commission and City Council in compliance with statutory requirements for the subdivision of land.
  - c. Mobile homes or modular homes placed on individually owned lots shall be placed upon basements or permanent perimeter foundations complying with the Uniform Building Code, as may be amended by the Kimball City Council.
  - d. The minimum area of an existing tract in a mobile home park shall be 4,000 sq.ft. in order to transfer ownership.
6. Other permanent facilities in conjunction with owning and operating a park.
7. Publicly owned and operated community buildings, public museums, public libraries.
8. Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
9. Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
10. Railroad right-of-ways, not including railroad yards.
11. Recreational vehicle.

11-308.2. CONDITIONAL USES. A building or premises may be used for the following purposes in the Residential Mobile Home Park District, if a conditional use permit for such use has been obtained in accordance with Article 6 of these Regulations.

1. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the Council, after report of Kimball Planning Commission, deems reasonably necessary for public convenience or welfare.
2. Group homes: provided that facility is not within 1200 feet of another group home or home of any size which serves other populations, including but not limited to correctional homes which serve people recuperating from the effects of drugs or alcohol.
3. Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property.
4. Preschool nurseries and day care centers.
5. Alternative energy systems utilizing Biomass, Geothermal, Methane, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009, as amended).
6. Kennels per Kimball Municipal Code §94.58 and §94.59.

11-308.3. PERFORMANCE STANDARDS

(1) Area & Bulk Regulations.

Use	Minimum Lot Size	Maximum # Dwelling Units	Setbacks *	Mobile Home Separations**	Maximum Height
			Front		
1. Dwelling (SF)	none	none			
a. Rented Lot	n/a	1/lot	25'		1 story
b. Owned Lot	4,000 sq.f.t	1/lot	25'		1 story

\* A twenty-five foot (25') setback shall be maintained from all exterior property lines in addition to the twenty-five foot (25') front yard requirement.

\*\* Mobile Home Separations:

End to End: 6'  
 End to Side: 8'  
 Side to Side: 10'

- A. Minimum Dwelling Size.
  - 1 bedroom - 570 sq.ft.
  - 2 bedroom - 700 sq.ft.
  - 3 bedroom - 850 sq.ft.
  - 4 bedroom - 1,020 sq.ft.
- B. Lot Coverage. 30% of total lot area.
- A. Skirting. The entire undercarriage and wheel assembly shall be screened from the view by means of a nonflammable skirting material of metal or concrete construction that shall extend from the mobile home pad to the floor level.
- B. Single and double-wide mobile homes, located in District R-4, on rented lots, may be placed upon basements or permanent foundations or, as a minimum, shall meet tie-downs, anchorage, pier and footing requirements of the Department of Defense Publication TR-75, which is hereby adopted by reference as if printed in the ordinance.

(2) Permitted Accessory Uses. Accessory uses and structures normally appurtenant to permitted uses and structures.

- a. Fences as permitted in Article 9.
- b. Home occupations as defined in Article 4.
- c. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use.
- d. One detached garage located in the rear yard on owned lots. Total floor space of all attached and detached garages shall not exceed 2,000 square feet. Garages and other accessory off-street parking structures located in all residential districts shall not be of greater square footage or height than the principal residence and shall be constructed of similar materials and colors and be in character and scale with existing neighborhood construction.
- e. Recreation areas - including tenant use swimming pool, and minor recreation buildings, tenant trash collection centers, power generators, vending machines for tenant use and other similar uses.
- f. Signs as permitted in Article 11.
- g. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in Section 11-805.
- h. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed one hundred and fifty (150) square feet in size, or unenclosed areas which are accessory to a principal Nonresidential Use not exceeding two hundred (200) square feet in area.

- j. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- k. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- l. Television, radio receiving and transmitting equipment, and satellite dishes subject to the setback provisions in Section 11-805.

(3) Prohibited Uses: All other uses, which are not specifically permitted or not permissible as conditional uses shall be prohibited from the Residential Mobile Home Park District.



**11-309. DISTRICT C-1, CENTRAL BUSINESS DISTRICT**

Intent: The C-1, Central Business district is intended to provide a zone that will accommodate low impact retail and service businesses in those areas of the community that were traditionally developed with no building setback requirements.

11-309.1 PERMITTED USES. The following shall be permitted as uses by right:

1. Bed and Breakfasts.
2. Building supply stores (indoor display and storage only).
3. Eating and drinking establishments.
4. Health facilities such as spas.
5. Hotels, motels and other lodging facilities.
6. Lodges and fraternal orders.
7. Medical, professional and governmental offices.
8. Parking lots and facilities.
9. Printers and newspapers.
10. Public libraries, utility facilities and parks.
11. Repair shops - indoor only and not including repair facilities which could be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
12. Retail and wholesale sales establishments, not including adult book stores.
13. Service establishments such as banks, credit unions, salons, dry cleaners and laundries.
14. Single and multi-family dwellings above the first floor of commercial establishments.
15. Theaters, not including adult theaters.

11-309.2. CONDITIONAL USES. A building or premises may be used for the following purposes in the Central Business District, if a conditional use permit for such use has been obtained in accordance with Article 6 of these Regulations.

1. Radio, television and microwave towers.
2. Automobile dealer lots and repair services.
3. Commercial storage units.
4. Light manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
5. Alternative energy systems utilizing Biomass, Geothermal, Methane, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009, as amended).
6. Other uses clearly associated with the intent of the C-1, Central Business District.

**11-309.3. PERFORMANCE STANDARDS**

(1) Area & Bulk Regulations.

Use	Minimum Lot Size	Minimum Lot Width	Setbacks				Maximum Height
			Front	Rear	Side	Side Street	
1. Principle Structure	none	none	0	a	b	0'	35'
2. Accessory Structure	n/a	n/a	0	a	b	0'	35'

- a. No rear yard required if adjacent to an alley, otherwise there shall be a ten (10) foot setback.
- b. No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a Residential District a side yard of not less than seven (7) feet shall be provided.

(2) Permitted Accessory Uses. Accessory uses and structures normally appurtenant to permitted uses and structures.

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartments for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. Television, radio receiving and transmitting equipment, and satellite dishes subject to the setback provisions in Section 11-805 and not exceeding sixty (60) feet in height.
- d. Off-street loading serving a principal use. All off-street loading shall be located on the same lot as the principal use. See Article 10.
- e. Signs as permitted in Article 11.
- f. Fences as permitted in Article 9.
- g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- i. Open area devoted to decorative paving, courts, and other similar uses, located on the same lot as the principal use.
- j. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed one hundred and fifty (150) square feet in size, or unenclosed areas not exceeding two hundred (200) square feet in area.

(3) Prohibited Uses: All other uses, which are not specifically permitted or not permissible as conditional uses shall be prohibited from the Central Business District.

**11-310. DISTRICT C-2, LIGHT COMMERCIAL**

Intent: The C-2, Light Commercial, district is intended to provide a zone for the conduct of low impact commercial businesses that can not comply with the use restrictions of the C-4 Commercial Services District, and which provide open yards, or setbacks, unlike the C-1 Central Business District.

The low impact developments desired include businesses where activities are carried on primarily indoors, and where minimal outdoor storage takes place except for the sale of consumer ready products.

**11-310.1. PERMITTED USES.** The following shall be permitted as uses by right:

1. Automobile services stations - full service or self service.
2. Bed and Breakfasts.
3. Building supply stores (indoor display and storage only).
4. Convenience stores, with or without dispensing gasoline.
5. Eating and drinking establishments.
6. Health facilities such as spas.
7. Hotels, motels and other lodging facilities.
8. Lodges and fraternal orders.
9. Medical, professional and governmental offices.
10. Parking lots and facilities.
11. Printers and newspapers.
12. Public libraries, utility facilities and parks.
13. Repair shops - indoor only and not including repair facilities which could be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
14. Retail and wholesale sales establishments, not including adult book stores.
15. Service establishments such as banks, credit unions, salons, dry cleaners and laundries.
16. Single and multi-family dwellings above the first floor of commercial establishments.
17. Theaters, not including adult theaters.
18. Kennels per Kimball Municipal Code §94.58 and §94.59.

**11-310.2. CONDITIONAL USES.** A building or premises may be used for the following purposes in the Light Commercial District, if a conditional use permit for such use has been obtained in accordance with Article 6 of these Regulations.

1. Radio, television and microwave towers.
2. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the Council, after report of the Planning Commission, deems reasonably necessary for public convenience or welfare.
3. Other uses clearly associated with the intent of the C-2, Light Commercial District.
4. Trucking companies, truck fueling and repair services (not including trailer washout facilities)
5. Alternative energy systems utilizing Biomass, Geothermal, Methane, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009, as amended)

**11-310.3. PERFORMANCE STANDARDS**

(1) **Area & Bulk Regulations.**

Use	Minimum Lot Size	Minimum Lot Width	Setbacks				Maximum Height
			Front	Rear	Side	Side Street	
1. Principle Structure	none	none	25	10	a	20'	35'
2. Accessory Structure	n/a	n/a	25	10	a	20'	35'

- a. There shall be a side yard on each side of a building not less than ten (10) percent of the width of the lot; except that such side yard shall not be less than five (5) feet and need not be more than fifty (50) feet.

(2) Permitted Accessory Uses. Accessory uses and structures normally appurtenant to permitted uses and structures.

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. Television, radio receiving and transmitting equipment, and satellite dishes subject to the setback provisions in Section 11-805 and not exceeding sixty (60) feet in height.
- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See Article 10.
- e. Signs as permitted in Article 11.
- f. Fences as permitted in Article 9.
- g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- i. Open area devoted to decorative paving, courts, and other similar uses, located on the same lot as the principal use.
- j. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed one hundred and fifty (150) square feet in size, or unenclosed areas which are accessory to a principal Nonresidential Use not exceeding two hundred (200) square feet in area.

(3) Prohibited Uses: All other uses, which are not specifically permitted or not permissible as conditional uses shall be prohibited from the Light Commercial District.

**11-312. C-4 COMMERCIAL SERVICES DISTRICT**

INTENT: The C-4, Commercial Services district is intended to preserve land adjacent to primary highway interchanges for the development of businesses that cater to the traveling public. This district is not intended to serve as a general retail area for businesses primarily engaged in the provision of services or sale of retail goods to local residents.

11-312.1. PERMITTED PRINCIPLE USES & STRUCTURES. The following shall be permitted as uses by right.

1. Automobile services stations - full service or self service.
2. Convenience stores, with or without dispensing gasoline.
3. Restaurants including drive-in restaurants.
4. Eating and drinking establishments.
5. Hotels, motels and other lodging facilities.
6. Professional and office buildings.
7. Any use of a research, repairing, manufacturing, fabricating, processing, assembling, or storage nature so long as the use is conducted entirely within enclosed buildings and does not produce offensive noise, odor, dust, etc.
8. Truck fueling & repair services (not including trailer washing facilities).
9. Kennels per Kimball Municipal Code §94.58 and §94.59.
10. Utility and service facilities.

11-312.2. CONDITIONAL USES. A building or premises may be used for the following purposes in the Commercial Services District, if a conditional use permit for such has been obtained in accordance with Article 6 of these Regulations.

1. Open recreational vehicle parks, operated for profit or otherwise.
2. One-family dwelling, including a mobile home, as a primary residence if inhabited by a person or persons directly engaged in the management of the recreational vehicle park.
3. Other uses clearly associated with the C-4, Commercial Services District.
4. Alternative energy systems utilizing Biomass, Geothermal, Methane, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009, as amended)

11-312.3. PERFORMANCE STANDARDS

(1) Area & Bulk Regulations

Use	Minimum Lot Size	Minimum Lot Width	Setbacks				Maximum Height
			Front	Rear	Side	Side Street	
1. Principle Structure	none	none	50'	a	b	25'	35'
2. Accessory Structure	n/a	n/a	50'	a	b	25'	35'

- a. A 5' rear yard is required unless abutting any residential district in which case a 20' rear yard shall be provided.
- b. A 10' side yard shall be required unless abutting any residential district in which case a 20' side yard shall be provided.

(2) Maximum Lot Coverage

No lot shall be covered by buildings and/or parking areas in excess of 85% of the total land area available. Land shall not be deemed covered if used for growing grass, shrubs, trees, plants or flowers, or if covered by decorative gravel's or wood chips, or if otherwise suitably landscaped.

(3) Permitted Accessory Uses. Accessory uses and structures normally appurtenant to permitted uses and structures.

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. Television, radio receiving and transmitting equipment, and satellite dishes subject to the setback provisions in Section 11-805 and not exceeding sixty (60) feet in height.
- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See Article 10.
- e. Signs as permitted in Article 11.
- f. Fences as permitted in Article 9.
- g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- i. Open areas devoted to decorative paving, swimming pools, and other similar uses located on the same lot and directly associated with the principal use.
- j. Storage and service areas and buildings serving a principal use on the same lot.
- k. Automatic bank teller machines.

(4) Landscaping/Screening Requirements

Landscaping shall be provided on all development sites according to the regulations set forth in Article 10.

(5) Prohibited Uses: All other uses, which are not specifically permitted or not permissible as conditional uses shall be prohibited from the Commercial Services District.

**11-313. C-5 HEAVY COMMERCIAL DISTRICT**

INTENT: The C-5, Heavy Commercial district is intended to provide a location for businesses that due to their nature require outdoor storage of supplies and equipment, may be aesthetically unpleasant and require screening, and which do not easily conform to permitted commercial uses in other zoning districts.

11-313.1. PERMITTED PRINCIPLE USES & STRUCTURES. The following shall be permitted as uses by right.

1. Contractor yards/facilities; including general, plumbing, masonry and other.
2. Rental storage units and warehousing.
3. Recycling facilities.
4. Agricultural product storage.
5. Bus, truck and vehicle parking/storage lots.
6. Kennels per Kimball Municipal Code §94.58 and §95.49.

11-313.2. CONDITIONAL USES. A building or premises may be used for the following purposes in the Heavy Commercial District, if a conditional use permit for such use has been obtained in accordance with Article 6 of these Regulations.

1. Other uses clearly associated with the C-5, Heavy Commercial District.
2. Retail associated with the primary business conducted on the premises. Retail area shall not to exceed 25% of facility.
3. Alternative energy systems utilizing Biomass, Geothermal, Methane, Hydropower, Solar and/or Wind sources in conformance with “Net Metering” per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009, as amended)

11-313.3. PERFORMANCE STANDARDS

(1) Area & Bulk Regulations

Use	Minimum	Minimum	Setbacks				Maximum
	Lot Size	Lot Width	Front	Rear	Side	Side Street	Height
1. Principle Structure	none	none	25'	a	b	15'	35'
2. Accessory Structure	n/a	n/a	25'	a	b	15'	35'

- a. A 5' rear yard is required unless abutting any residential district in which case a 20' rear yard shall be provided.
- b. A 10' side yard shall be required unless abutting any residential district in which case a 20' side yard shall be provided.

(2) Maximum Lot Coverage

No lot shall be covered by buildings and/or parking areas in excess of 85% of the total land area available. Land shall not be deemed covered if used for growing grass, shrubs, trees, plants or flowers, or if covered by decorative gravel's or wood chips, or if otherwise suitably landscaped.

(3) Permitted Accessory Uses. Accessory uses and structures normally appurtenant to permitted uses and structures.

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.

- c. Television, radio receiving and transmitting equipment, and satellite dishes subject to the setback provisions in Section 11-805 and not exceeding sixty (60) feet in height.
- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See Article 10.
- e. Signs as permitted in Article 11.
- f. Fences as permitted in Article 9.
- g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- i. Open areas devoted to decorative paving, swimming pools, and other similar uses located on the same lot and directly associated with the principal use.
- j. Storage and service areas and buildings serving a principal use on the same lot.
- k. Automatic bank teller machines.

(4) Landscaping/Screening Requirements

Landscaping shall be provided on all development sites according to the regulations set forth in Article 10.

(5) Prohibited Uses: All other uses, which are not specifically permitted or not permissible as conditional uses shall be prohibited from the Heavy Commercial District.



**11-315. DISTRICT I-1. LIGHT INDUSTRIAL**

Intent: The I-1, Light Industrial district is intended to accommodate most assembly, fabricating and processing activities which would generally not be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.

11-315.1. DISTRICT I-1, PERMITTED USES. The following shall be permitted as uses by right.

1. Manufacturing, processing, fabrication, or assembling of any commodity except junk or salvage.
2. Warehousing, wholesaling and storage of any commodity except junk or salvage.
3. Freight terminals and parcel services.
4. Offices.
5. Public utility facilities.
6. One residential dwelling or mobile home which shall be used exclusively by watchmen or custodians of industrially-used property in industrially-zoned districts provided that yard and other requirements of this Ordinance shall be met for the residential dwelling or mobile home as though it were on an individual R-1 zoned lot.
7. Private Storage Units as defined in Article 2.
8. Structures such as communications towers & poles.
9. Retail associated with the manufacturing, processing, fabrication or assembling of any commodity of the business. Retail area not to exceed 25% of facility.
10. Kennels per Kimball Municipal Code §94.58 and §95.49.

11-315.2. CONDITIONAL USES. A building or premises may be used for the following purposes in the Light Industrial District, if a conditional use permit for such use has been obtained in accordance with Article 6 of these Regulations.

1. Amusement parks, commercial baseball or athletic fields, race tracks, circuses, carnivals or fairgrounds.
2. Drive-in Theaters.
3. Golf driving ranges, commercial or illuminated.
4. Reservoirs, wells, towers, filter beds, or water supply plants.
5. Wind-driven electric generators with prior approval of the City Electrical Engineer.
6. Other uses clearly associated with the intent of the I-1, Light Industrial District.
7. Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property.
8. Retail not associated with the manufacturing, processing, fabrication or assembling of any commodity of the business. Retail area not to exceed 25% of facility.
9. Alternative energy systems utilizing Biomass, Geothermal, Methane, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009, as amended)

11-315.3. PERFORMANCE STANDARDS

(1) Area & Bulk Regulations.

Use	Minimum Lot Size	Minimum Lot Width	Setbacks				Maximum Height
			Front	Rear	Side	Side Street	
1. Principle Structure	none	none	50'	a	b	25'	35'
2. Accessory Structure	n/a	n/a	50'	a	b	25'	35'

- a. A 5' rear yard is required unless abutting any residential district in which case a 20' rear yard shall be provided.
- b. A 10' side yard shall be required unless abutting any residential district in which case a 20' side yard shall be provided.

(2) Permitted Accessory Uses. Accessory uses and structures normally appurtenant to permitted uses and structures.

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. Television, radio receiving and transmitting equipment, and satellite dishes subject to the setback provisions in Section 11-805 and not exceeding sixty (60) feet in height.
- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See Article 10.
- e. Signs as permitted in Article 11.
- f. Fences as permitted in Article 9.
- g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- j. Storage and service areas and buildings serving a principal use on the same lot.

(3) Additional Performance Standards:

1. All operations shall be conducted within a fully enclosed building.
2. All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that said materials, products or equipment are not visible at human eye level within three hundred (300) feet of the property line.
3. The noise level shall not exceed 70 dB(a) at any point along the property line, as certified by letter or affidavit from an engineer.
4. Smoke or particulate matter shall not be perceptible at the property line. Dust, fly ash, radiation, gases, heat, glare or other effects which are obviously injurious to humans or property at the property line shall be prohibited.
5. No use shall be permitted or so operated as to produce or emit:
  - a. Vibration or concussion perceptible without instruments at the property line.
  - b. Industrial wastes shall be of such quantity and nature as not to overburden the public sewage disposal facilities, are not detrimental to normal plant operations or corrosive and damaging to sewer pipes and installations or to cause odor or unsanitary effects beyond the property line.
  - c. Fire Hazard. All flammable substances involved in any activity established in this district shall be handled in conformance with any additional regulations that may from time to time be adopted by the City Council.
  - d. Odor. The emission of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious.
  - e. Gases. The gases sulfur dioxide and hydrogen sulfide shall not exceed 5 parts per million, carbon monoxide shall not exceed 25 parts per million, and nitrous fumes shall not exceed 5 parts per million. All measurements shall be taken at the property line.
  - f. Glare and Heat. All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the lot line to the extent of raising the temperature of air or materials more than 5 degrees Fahrenheit.

(4) Prohibited Uses: All other uses, which are not specifically permitted or not permissible as conditional uses shall be prohibited from the Light Industrial District.

## **11-316. DISTRICT I-2, HEAVY INDUSTRIAL**

Intent: The I-2, Heavy Industrial district is intended to accommodate assembly, fabricating and processing activities which could generate vibration, noise, dust, fumes, gas, odor or smoke. However, no activities that by nature of their operation would be detrimental to the general health, safety and welfare of the general public will be permitted.

11-316.1. DISTRICT I-2, PERMITTED USES. The following shall be permitted as uses by right:

1. Manufacturing, processing, fabrication, or assembling of any commodity.
2. Warehousing, wholesaling and storage of any commodity.
3. Freight terminals and parcel services.
4. Offices.
5. Public utility facilities.
6. One residential dwelling or mobile home which shall be used exclusively by watchmen or custodians of industrially-used property in industrial-zones provided that yard and other requirements of this Ordinance shall be met for the residential dwelling or mobile home as though it were on an individual R-1 zoned lot.
7. Private Storage Units as defined in Article 2.
8. Structures such as communications towers & poles.
9. Bus, truck and vehicle parking/storage lots.
10. Dog pounds, kennels and animal shelters per Kimball Municipal Code §94.58 and §95.49.
11. Warehousing and bulk commodity product storage.
12. Retail associated with the manufacturing, processing, fabrication or assembling of any commodity of the business. Retail area not to exceed 25% of facility.

11-316.2. CONDITIONAL USES. A building or premises may be used for the following purposes in the Heavy Industrial District, if a conditional use permit for such use has been obtained in accordance with Article 6 of these Regulations.

1. Auto salvage and junk yards, providing that no burning of waste material shall be permitted, and the entire storage or salvage yard shall be screened with a solid fence or wall not less than eight (8) feet in height.
2. Gun clubs, skeet shoots or target ranges
3. Mines or quarries, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel or similar materials; provided, however, that no special use permit shall be issued until and unless the location, site plan, and method of operation, including necessary structures, have been submitted to and approved in writing by the Council after report from the Planning Commission.
4. Refuse dumps.
5. Reservoirs, wells, towers, filter beds, or water supply plants.
6. Sewage, refuse, garbage disposal plants or sanitary fills.
7. Other uses clearly associated with the intent of the I-2, Heavy Industrial District.
8. Adult book stores and theaters.
9. Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the Water Superintendent.
10. Retail not associated with the manufacturing, processing, fabrication or assembling of any commodity of the business. Retail area not to exceed 25% of facility.
11. Alternative energy systems utilizing Biomass, Geothermal, Methane, Hydropower, Solar and/or Wind sources in conformance with "Net Metering" per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009, as amended)

11-316.3. PERFORMANCE STANDARDS

(1) Area & Bulk Regulations.

Use	Minimum	Minimum	Setbacks				Maximum
	Lot Size	Lot Width	Front	Rear	Side	Side Street	Height
1. Principle Structure	none	none	50'	a	b	25'	35'
2. Accessory Structure	n/a	n/a	50'	a	b	25'	35'

- a. Fifteen feet, except that a setback of not less than fifty (50) feet shall be provided along all federal and state highways.
- b. No rear yard required if adjacent to an alley, otherwise there shall be a fifteen (15) foot setback.

(2) Permitted Accessory Uses. Accessory uses and structures normally appurtenant to permitted uses and structures.

- a. Food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, flagpoles, cooling towers, and other similar uses.
- b. Storage of goods sold by a principal commercial activity, or used in or produced by a principal manufacturing activity engaged in by the same firm on the same lot.
- c. Television, radio receiving and transmitting equipment, and satellite dishes subject to the setback provisions in Section 11-805 and not exceeding sixty (60) feet in height.
- d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See Article 10.
- e. Signs as permitted in Article 11.
- f. Fences as permitted in Article 9.
- g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- i. Open area devoted to decorative paving, courts, and other similar uses, located on the same lot as the principal use.
- j. Storage and service areas and buildings serving a principal use on the same lot.

(3) Additional Performance Standards.

- 1. Smoke, dust, particulate matter, odor, heat, or other effects shall not be produced which will be obviously harmful or injurious to humans or property beyond the property line and would meet minimum State of Nebraska Department of Environmental Control Air Quality Standards.
- 2. Noise produced shall not exceed 80 dB(A) at the property line.
- 3. When viewed from immediately abutting residentially zoned property, all storage of material, products or equipment shall be within a fully enclosed building or in an open yard so screened that said materials, products or equipment are not visible at human eye level within three hundred (300) feet of the property line.
- 4. No use shall be permitted or so operated as to produce or emit:
  - a. Vibration or concussion perceptible without instruments at the property line.
  - b. Industrial wastes shall be of such quantity and nature as not to overburden the public sewage disposal facilities, are not detrimental to normal plant operations or corrosive and damaging to sewer pipes and installations or to cause odor or unsanitary effects beyond the property line.
  - c. Fire Hazard. All flammable substances involved in any activity established in this district shall be handled in conformance with any additional regulations that may from time to time be adopted by the City Council.

- d. Odor. The emission of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious.
- e. Gases. The gases sulfur dioxide and hydrogen sulfide shall not exceed 5 parts per million, carbon monoxide shall not exceed 25 parts per million, and nitrous fumes shall not exceed 5 parts per million. All measurements shall be taken at the property line.
- f. Glare and Heat. All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the lot line to the extent of raising the temperature of air or materials more than 5 degrees Fahrenheit.

(4) Prohibited Uses: All other uses, which are not specifically permitted or not permissible as conditional uses shall be prohibited from the Heavy Industrial District.

**11-317. DISTRICT GCE – GOLF COURSE ESTATES**

INTENT: The GCE, Golf Course Estates district is intended to establish a residential zone which will allow the development of a golf course and a residential living environment as a joint use with a variety of single family housing types while preserving the value and quality which are customarily appurtenant to and associated with a golf course/open area development.

11-317-1. DISTRICT GCE, PERMITTED USES. The following shall be permitted as uses by right:

1. Single family detached and single family attached (not more than six {6} dwellings attached in one cluster) dwellings.
2. Independent and assisted living facilities for elderly and disabled (not to include or to be interpreted as rest homes, nursing homes or group care homes).
3. Golf courses and activities appurtenant to and customarily associated with a golf course which would include but not be limited to: driving range, golf cart storage and repair facilities, pro-shop, club house, restaurant (provided it is included in the same building as the club house or pro-shop), snack food services, rest rooms and starter facilities.
4. Accessory structures and uses normally appurtenant to the permitted uses.

11-317-2. CONDITIONAL USES. A building or premises may be used for the following purposes in the Golf Course Estates District, if a conditional use permit for such use has been obtained on accordance with Article 6 of these Regulations.

1. Home Occupations.
2. Public utility facilities.
3. Temporary subdivisions sales offices and signs and model home display areas.
4. Alternative energy systems utilizing Biomass, Geothermal, Methane, Hydropower, Solar and/or Wind sources in conformance with “Net Metering” per Nebraska State Statutes §70-2001 to §70-2005 (August 30, 2009, as amended).
5. Kennels per Kimball Municipal Code §94.58 and §94.59.

11-317-3. PERFORMANCE STANDARDS

(1) Area & Bulk Regulations.

Use	Minimum Lot Size	Minimum Lot Width	Maximum # Dwelling Units	Setbacks				Maximum Height	Building Separation
				Front	Rear	Side	Side Street		
1. Principle Structure	11,500 sq.ft.	90'	1	25'	25'	8'	25'	35'	5'
2. Accessory Structure					5' See Note 1	5'	25'(B)	18'	5'

1. Ten (10) feet is required for garage access from an alley.
  - A. Maximum Lot Coverage. 40% of total lot area.
  - B. No accessory buildings shall be allowed in the required front yard or side yard facing a street.
  - C. No fences shall be allowed in the required front yard or a required side yard which faces a street in the GCE Golf Course Estates district.

(2) Permitted Accessory Uses. Accessory uses and structures normally appurtenant to permitted uses and structures.

- a. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use.

- b. One detached garage located in the rear yard. Total floor space of all attached and detached garages shall not exceed 2,000 square feet. Garages and other accessory off-street parking structures located in all residential districts shall not be of greater square footage or height than the principal residence and shall be constructed of similar materials and colors and be in character and scale with existing neighborhood construction.
- c. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- d. Signs as permitted in Article 11.
- e. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in Section 11-805.
- f. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- g. Television, radio receiving and transmitting equipment, and satellite dishes subject to the setback provisions in Section 11-805.

(3) Prohibited Uses: All other uses, which are not specifically permitted or not permissible as conditional uses shall be prohibited from the Golf Course Estates District.