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**CHAPTER 11  
CITY OF KIMBALL  
ZONING ORDINANCE**

**ARTICLE 1  
GENERAL PROVISIONS**

11-101. TITLE

This ordinance and any amendments thereto shall be known and may be referred to as the City of Kimball Zoning Ordinance.

11-102. JURISDICTION

This ordinance shall apply to the incorporated area of the City of Kimball, Nebraska, that portion of the area outside the City's corporate boundary which is within the one-mile area of planning and zoning jurisdiction set forth by Nebraska law, as may be amended, and the Kimball Airport and approach zones, as shown on the Zoning District Map, incorporated herein by reference.

11-103. PURPOSE

The term "Zoning Rules and Regulations" shall mean to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes; to divide the municipality into districts and to divide the area one mile beyond and adjacent to the corporate limits into districts and establish by reference to maps the boundaries of said districts for said purposes; to provide for off-street parking and loading; to provide for its administration and interpretation; to provide for definitions and for amendments to this ordinance; to provide for its endorsement and prescribing penalties for the violation of its provisions; to provide for a board of adjustment and defining its powers and duties; to provide for invalidity of a part and for repeal of other ordinances in conflict with this ordinance.

11-104. APPLICATION OF REGULATIONS

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the zoning regulations herein specified for the district in which it is located.
2. Mobile homes in other than approved parks, except as otherwise permitted by this Ordinance, are hereby declared to be nonconforming uses and subject to the restrictions and regulations applicable to such uses.
3. Mobile Homes, to Be Used As Dwellings Only. No mobile home shall be used for a purpose other than a one-family dwelling. However, a mobile home may be used as a temporary office or shelter incidental to construction on a development of the premises on which the mobile home is located during the construction or development.

## **ARTICLE 2 ZONING DEFINITIONS**

### 11-201. DEFINITIONS

For the purpose of this Ordinance, the following words and terms as used herein are defined to mean the following:

Words used in the present tense include the future; words in the singular number include the plural; and words in the plural include the singular; the word “building” includes the word “structure”; the word “shall” or the word “must” is mandatory and not directory; the term “used for” includes the meaning “designed for” or “intended for”.

1. “Accessory Building”: A subordinate building having a use customarily incident to and located on the lot occupied by the main building, or having a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building or is under an extension of the main roof, and designed as an integral part of the main building.
2. “Accessory Use”: A use of a building or land which is customarily incidental to and located on the same lot or premises as the main use of the property.
3. “Activity”: The performance of a function or operation which constitutes a use of the land.
4. “Adult Entertainment Use”: An establishment consisting of, including, or having the characteristics of any or all of the following:
  - a. Adult Bookstore – An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
  - b. Adult Cabaret – (a)An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (b) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
  - c. Adult Mini Motion Picture Theater – An enclosed building with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
  - d. Adult Motion Picture Theater - An enclosed building with a capacity for more than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
5. “Agriculture”: The employment of the land for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and by the grazing, feeding, breeding, management, and sale of livestock, poultry, fur-bearing animals, or honey bees, and by dairying and the sale of dairy products.
6. “Alley”: A minor way which is used primarily for utility services and vehicular service access to the back or side of properties otherwise abutting on or adjacent to a street; affording only a secondary means of access to abutting property.
7. “Alteration”: Any addition, removal, extension or change in the location of any exterior wall of a main building or accessory building.
8. “Animal Feeding Operation”: (Formerly Feedlot) A lot, yard, corral, building or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter or the sale of

products derived from such animals. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze.

9. "Animal Unit": For purposes of this ordinance, an animal unit is the term used to describe the relationship of various animals that are being held or fed. Slaughter steers and heifers are assigned the base unit of 1.0. The following multipliers are used in determining animal units:

Category	Animal Units
Slaughter steers and heifers	1.0
Cow-Calf	1.3
Dairy cattle	1.4
Horse	0.75
Swine	0.4
Sheep	0.4
All fowl	0.05

10. "Apartment": A room or a suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.

11. "Apartment House": A building arranged, intended, or designed for residence of more than two families.

12. "Apartment Hotel": An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

13. "Basement": A story below the first story as defined under "Story", counted as a story for height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premises.

14. "Block": A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Zoning Administrator shall determine the outline of the block.

15. "Boarding House or Lodging House": A building other than a hotel, occupied as a single-housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

16. "Building": An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building except that two buildings connected by a breezeway shall be deemed one building.

17. "Child Care Center": A facility which is or should be licensed by the Nebraska Department of Health and Human Services under the authority of Sections 71-1908 through 71-1918, Revised Statutes of Nebraska, as provided and defined under Title 474 of the Nebraska Administrative Code, Chapter 6, Section 002.

18. "Child Care Home": A private home providing care (for children) for compensation. No person shall operate a Child Care Home for four (4) or more children without being licensed by the Nebraska Department of Health and Human Services under the authority of Sections 71-1908 through 71-1918, Revised Statutes of Nebraska.

19. "Club, Private": A building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons or otherwise listed and enumerated persons

20. "Condominium": The individual fee ownership of a defined space or dwelling unit within a multi-unit structure.

21. "Contributing Floor Area": The total floor area designed for tenant occupancy and exclusive use; including basements, mezzanines, and upper floors, if any, but excluding stairways, restrooms and mechanical equipment rooms, expressed in square feet measured from the centerline of joint partitions, and from the exterior surface of outside walls.
22. "Court": An open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building and lot lines on which walls are allowable.
23. "Curb Level": The mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the highest.
24. "Deck:" An open area, without a permanent roof, usually attached to or part of and with direct access to or from a building.
25. "Drive-In Establishment": Any restaurant, financial institution or product vending enterprise where the patron does not enter and remain within a building during the transaction of his business. Food vending establishments where the food is not normally consumed within a building, or where facilities are provided for eating outside a building, shall be included in this definition
26. "Dwelling": A building or portion thereof, designed exclusively for permanent residential occupancy, including one-family, two-family and multiple dwellings, boarding and lodging houses, apartment houses and apartment hotels, and manufactured houses but not hotels, motels, mobile homes, house trailers or recreational vehicles.
27. "Dwelling, One-Family": A detached building, arranged, intended, or designed for occupancy by one family.
28. "Dwelling, Two-Family": A building arranged, intended or designed for occupancy by two families.
29. "Dwelling, Multiple": A building or portion thereof, arranged, intended or designed for occupancy by three or more families, including apartments houses, row houses, townhouses and apartment hotels.
30. "Facility": A facility is a structure, open area, or other physical contrivance or object.
31. "Family": Throughout this ordinance the word family when applied to any R-1 zoned area shall be defined as follows:
- One (1) or more persons who are related by blood, adoption, or marriage, except persons placed with persons in a home licensed by the State Department of Health and Human Services, living together and occupying a single housekeeping unit with single kitchen facilities, or not more than five (5) unrelated persons living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities.
32. "Farm/Ranch": An area of land containing at least ten contiguous acres which are used for agriculture.
33. "Floor Area": The total of the horizontal area of all floors including basements and cellars, below the roof and within the surfaces of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls.
34. "Garage, Private": An accessory building which is used primarily for the storage of motor vehicles by the tenants of the building or buildings on the premises.
35. "Garage, Repair": A building or portion thereof, designed or used for the care or repair of motor vehicles, which is operated for commercial purposes.

36. "Garage, Commercial": A building or portion thereof, designed or used for storage, sale, or hiring of motor vehicles for commercial purposes.

37. "Garage, Community": A building or portion thereof, used in lieu of private garages within a block or portion of a block.

38. "Garage, Storage": A building or portion thereof, except those defined as a private, a repair, or a community garage providing storage for more than four (4) motor vehicles.

39. "Grade": The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building

40. "Group Home": A facility licensed by the State of Nebraska in which at least four but not more than eight persons not including resident Clerks or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training or counseling for the purposes of adaptation to living with, or rehabilitation from cerebral palsy, autism, or mental retardation." (LB 525, 1980)

41. "Height of Building or Structures": The vertical distance measured from the highest of the following three levels:

- a. From the street curb level.
- b. From the established or mean street grade in case the curb has not been constructed.
- c. From the average finished ground level adjoining the building if it sets back from the street line; to the level of the highest point of the roof beams of flat roofs or inclining not more than one inch (1-in) to the foot, or to the mean height level of the top of the main plates and highest ridge for other roofs.

42. "Height of Yard or Court": The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

43. "Home Occupation": Any occupation, activity, or accessory use of a non-residential nature conducted in a dwelling unit by a member or members of the immediate family residing therein and not employing more than one person not a resident of the dwelling. Such use must be clearly incidental and secondary to the use of the dwelling purposes.

44. "Hotel": A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than twelve sleeping rooms and no provisions for cooking in individual rooms.

45. "Junkyard": Any area where waste, discarded or salvaged, is bought, sold, exchanged, baled, or packed, disassembled, or handled, including the dismantling or "wrecking" of automobiles or other vehicles or machinery, house wrecking yards, used lumber yards and places or yards of storage of structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.

46. "Junk, Waste, or Scrap Materials": Old, used, second-hand, worn, or discarded manufactured materials including but not limited, to scrap iron and other metals, paper and related products, rags, rubber tires and other automotive parts, and glass bottles.

47. "Landfill/Municipal Solid Waste Disposal Area": A Landfill or Municipal Solid Waste Disposal Area shall mean a publicly or privately owned discrete area of land or excavation that receives household waste, alone or in combination with other types of wastes such as commercial solid waste, industrial waste, nonhazardous sludge, or conditionally exempt small quantity generator waste, and which is not a land application unit, surface impoundment, injection well, or waste pile. For the purposes of these regulations, the term "landfill" may be used interchangeably with this term. These facilities must be authorized by the Nebraska Department of Environmental Quality under Title 132 – Integrated Solid Waste Management Regulations.

48. "Landing:" An area at the top or bottom of a one or more steps, or placed intermittently within a series of steps in such size and dimension as may be required by a building code.
49. "Landscaping": Includes but is not limited to trees, shrubs, ground covers, perennials, annuals, and other materials such as mulch, rocks, waterfalls, sculpture, art walls, fences underground irrigation system and street furniture.
50. "Loading Space, Off-Street": Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.
51. "Lot": A parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this Ordinance, and having its principal frontage upon a public street or approved place. A lot as used herein may consist of one or more platted lots, or tract or tracts, as conveyed, or parts thereof.
52. "Lot, Corner": A lot abutting upon two or more streets, at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Inspector.
53. "Lot Coverage": The portion of a lot that is occupied by buildings or structures, including accessory buildings and structures but not including driveways and uncovered patios at ground level.
54. "Lot, Interior": A lot whose side lines do not abut upon any street.
55. "Lot, Through": An interior lot having frontage on two streets.
56. "Lot in Separate Ownership at the time of the Passage of this Ordinance": A lot the boundary lines of which along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the Register of Deeds of Kimball County on or before the date of the adoption of this Ordinance.
57. "Lot Line": The lines bounding a lot as defined herein.
58. "Lot Line, Front": The boundary between a lot and the street on which it fronts.
59. "Lot Line, Rear": The boundary line which is opposite and most distance from the front street line; except that in the case of uncertainty the Building Inspector shall determine the rear line.
60. "Lot Line, Side": Any lot boundary not a front or rear line thereof. A side line may be party line, a line bordering on an alley or place or a side street line.
61. "Lot Depth": The mean horizontal distance from the front street line to the rear line.
62. "Lot Width": The horizontal distance between side lines, measured at the front building line.
63. "Mobile Home": A movable or portable structure constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately tow-able but designed to be joined into one integral unit. (LB 91-1976)
64. "Mobile Home Park": Any single, planned contiguous development, lot, area, piece, parcel or plot of ground, park or site of at least five (5) acres in area wherein ten (10) or more lots have been designated and improved, the purpose of which shall be residential mobile home. A house trailer space or mobile home space means a plot of ground within a Mobile Home Park designed for the accommodation of one mobile home, complete with a pad, all utility hookups, and sufficient off street parking.

65. "Modular/Manufactured Housing Unit":
- a. A factory-built structure which is to be used as a place for human habitation which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Housing and Urban Development; or
  - b. A modular housing unit as defined in Section 71-1557 bearing the seal of the Department of Health. The term "manufactured home" shall not include a mobile home.
66. "Motel": A building containing one or more sleeping rooms to be rented on a daily basis, primarily to the motoring public, together with parking area, recreation space, vending machines, but not including restaurants, clubs, or other retail sales.
67. "Motor Hotel": A building containing twenty-five (25) or more sleeping rooms for the traveling public, and including restaurant facilities, and other accessory uses.
68. "Net Metering": A utility policy for customers in which a property owner utilizes one or a combination of alternative energy sources including Wind, Solar, Geothermal, Biomass, or Methane, to generate a portion or all of their electrical energy needs for their home or business. If the property owner is able to generate more power than needed for the home or business, the local utility company is required by Nebraska Law to purchase the "extra" or excess electrical power from the property owner.
69. "Nursing Home": Any structure used or occupied by persons recovering from illness or suffering from infirmities of old age.
70. "Non-Conforming Use, Building or Yard": A use, building or yard, which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated. It is a legal non-conforming use if established prior to the passage of this Ordinance.
71. "Parking Space, Off-Street": For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.
72. "Parking Lot": An area consisting of three or more vehicle parking spaces together and access to a street or alley and permitting ingress and egress for a vehicle, provided that there shall be no storage of vehicles for the purpose of sale or resale in any residential district.
73. "Parking Lot Improvements": Includes any upgrades, alterations, additions, or reconstruction made to an off-street parking lot including drainage, curbing, digging, compacting, installation of additional parking spaces, lighting or landscaping.
74. "Parking Lot Maintenance": The upkeep and maintenance of any off-street parking lot including scraping, repacking, bringing in more gravel or rock, chip-sealing, and landscaping. May also include overlaying, sealing, painting, or sweeping of hard surfaced lots.
75. "Patio or Terrace:" A level, landscaped and/or surfaced area directly adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof.
76. "Personal Storage Facility." Any non-commercial building or structure used for the storage of vehicles, boats, trailers, or any other property that is owned by the same owner of such structure.
77. "Personal Workshop." Any non-commercial building or structure that is used to make or repair items for personal recreation and wherein such items are not sold to other persons.
78. "Place": An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

79. "Porch:" A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air-conditioned and when the percentage of window to wall area is less than 50 percent.

80. "Principal Activity": An activity which fulfills a primary function of an establishment, institution, household, or other entity.

81. "Principal Building": A main building or other facility which is designed for or occupied by a principal activity.

82. "Private Storage Unit": Leased or rented facilities for the storage of personal property, such as cars, boats, campers, other recreational equipment, furniture, or other personal property, by individuals. Storage of commercial or industrial raw materials, commodities, or products is not permitted nor is storage of salvage items or junk, or any type of hazardous material.

83. "Office Buildings": A building designed for or used as the offices of professional, commercial, industrial, religious, institutional, public or semi-public persons or organizations, provided no goods, wares or merchandise shall be prepared or sold on any premises except that a portion of an office building may be occupied and used as a drug store, barber shop, cosmetologist shop, cigar stand or newsstand, when such uses are located entirely within the building with no entrance from the street.

84. "Recreational Vehicle": A vehicular type structure, primarily designed as temporary living quarters for travel, recreational, camping, or vacation use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-propelled. The term recreational vehicle shall include travel trailer, camping trailer, truck camper, and motor home.

85. "Recycling Center": A facility which accepts salvage material limited to paper, aluminum foil, containers made of glass, plastic, metal, aluminum, and paper; and similar household wastes. No hazardous material as defined by state and federal law is accepted. There is no wrecking or dismantling of salvage material and no salvage material is held outside a building.

86. "Signs": Any words, numerals, figures, devices, designs or trademarks by which information is made known to the public outside a building.

87. "Special Use": A special use is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

88. "Square Footage": Square footage shall be determined from the measurements on a plot plan or site plan which shall provide the dimensions of the structure or property. Such dimensions for purposes of determining square footage of structures shall be from the exterior surface of outside walls.

89. "Stable, Private": An accessory building for the keeping of horses, ponies, mules or cows, owned by occupants of the premises, and not kept for remuneration, hire or sale.

90. "Stable, Public": A stable other than a private or riding stable as defined herein.

91. "Stable, Riding": A structure in which horses, or ponies, used exclusively for pleasure riding or driving, or housed, boarded, or kept for remuneration, hire or sale.

92. "Story": A portion of a building between the surface of any floor and the surface of the floor next above it, provided that the following shall not be deemed a story:

- a. A basement or cellar if the finished floor level directly above is not more than six feet above the average adjoining elevation of finished grade.
- b. An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such space.

93. "Street": A thoroughfare which affords principal means of access to property abutting thereon.

94. "Street Line": The dividing line between the dedicated street right-of-way and the abutting property line.
95. "Structure": Any facility which is constructed or erected, and which is located on the ground or is attached to something having location on the ground.
96. "Structural Alterations": Any alteration involving a change in or addition to the supporting members of a building, such as bearing walls, columns, beams or girders.
97. "Surface Material": Hard surface shall mean an all-weather surface consisting of asphalt, concrete, paving rock or brick. Gravel shall mean loose fragments of rock or pebbles. Dirt shall mean un-surfaced area free of vegetation.
98. "Temporary Housing Units": Include travel trailers, campers or self-contained motor homes not exceeding eight (8) feet in width, nor thirty-two (32) feet in length.
99. "Townhouse": One of a group or row of not less than two (2) nor more than twelve (12) attached, single family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. For the purpose of the side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.
100. "Use." Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or structure, or on a tract of land.
101. "Variance": Relief from a variation of the provisions of these regulations, other than Use Regulations, as applied to a specific piece of property, as distinct from rezoning, as further set out hereinafter in Powers and Duties of the Board of Adjustment.
102. "Vehicle": A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides to transport persons or property, or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy, or wagon.
103. "Wind Energy Conversion System (Commercial)": A wind energy conversion system under common or aggregated ownership or operating control that includes substations, MET towers, cables/wires and other building accessories, whose main purpose is to supply electricity to off-site customers.
104. "Wind Energy Conversion System (Small)": A wind energy conversion system which has a rated capacity of up to Twenty-Five (25) kilowatts and which is incidental and subordinated to another use of the same parcel. A system is considered a small wind energy system only if it supplies electrical power for site use, except that when a parcel on which the system is installed also received electrical power supplied by a utility company, access electrical power generated and not presently needed for onsite use may be sold back to the utility company. *(25 Kilowatt limit approved by the Kimball Planning Commission and City Council may be increased to a maximum of 100 Kilowatts with Nebraska State Legislature authorization by future amendment)*
105. "Yard": Open space that is unobstructed except as specifically permitted in this ordinance and that is located on the same lot as the principal building.
106. "Yard, Front": A yard the full width of the lot extending from the front line of the main building to the front line of the lot.
107. "Yard, Rear": A yard between the rear lot line and the rear line of the main building and the side lot lines.
108. "Yard, Side": A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

**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 HOOFED 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.

**ARTICLE 4  
HOME OCCUPATIONS**

**11-401. MINOR AND MAJOR HOME OCCUPATIONS**

General Home Occupation Regulations:

1. That such uses are located in a primary dwelling which shall clearly be the dwelling used by a person as his or her private residence.
2. That no more than one person other than members of the family household is employed
3. Any additional traffic and/or parking shall not adversely affect the residential character of the neighborhood, unduly impede surrounding traffic flows, or create hazardous or unsafe conditions in the neighborhood.
4. All home occupations must comply with sign regulations contained in Article 11.

**11-402. MINOR HOME OCCUPATIONS:**

Uses classified as "minor home occupations" shall be permitted in all zoning districts which allow single family residences. No permit is required. The following regulations shall apply to all "minor" home occupations:

- a. Such use shall be conducted entirely within a dwelling or an accessory building and carried on by the inhabitants thereof and no others.
- b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emissions of sounds, odors, or vibrations which carry beyond the premises.
- c. No more than 25% of the total floor area of the dwelling may be used for home occupation.
- d. No storage or display of goods shall be visible from outside the structure.
- e. No explosive or combustible material shall be used or stored on the premise in violation of the fire codes or other applicable regulations. No activity shall be allowed which would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
- f. "Parties" for the purpose of selling merchandise or taking orders shall not be held more than four (4) times each month.
- g. Authorized minor home occupations include, but are not necessarily limited to the following: Artists and sculptors; authors and composers; home crafts for off-site sale; office facility for minister, rabbi, or priest; office facility of a salesman, sales representative, or manufacturer's representative; professional office facilities; individual tutoring; preserving and home cooking for sale off-site; individual musical instrumental instruction, provided that no instrument may be amplified in such a way as to disturb the peace and quiet of the neighborhood; telephone solicitation work; family day-care home not involving more than three children (not including the children who reside at the residence).

**11-403. MAJOR HOME OCCUPATIONS:**

Major home occupations shall be encouraged in neighborhoods in transition from one land use to another and high density neighborhoods such as R-3 residential. Single-family residential neighborhoods should, in general, be protected from major home occupations, unless it can be specifically demonstrated that such a use will have no short or long term negative impact on said neighborhood. Major home occupations may be conducted only after issuance of a permit by the zoning administrator. Permits must be reviewed annually on the last Monday in September of each year by the zoning administrator. The following regulations shall apply to major home occupations:

- a. Such use shall be conducted entirely within a dwelling or an accessory building and carried on by the inhabitants thereof. More than one person who is not a resident of the dwelling can participate in the business.

- b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use or colors, materials, construction, lighting, signs, or the emission of sounds, noises, or vibrations.
- c. No more than 50 percent of the total floor area of the dwelling may be used for home occupation.
- d. There shall be no exterior storage on the premise of materials used in the home occupation, nor of any explosive or combustible material in violation of fire codes or other applicable codes. No activity shall be allowed which would interfere with radio or television transmission in the area; nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
- e. A major home occupation that employs one outside person shall provide an additional off-street parking area reasonably adequate to accommodate needs created by the home occupation. If the applicant can demonstrate that adequate parking space exists on the street and that this will not cause an inconvenience to the neighborhood or create a traffic or pedestrian hazard, then an on-site parking area will not be required.
- f. Parties for the purpose of selling merchandise or taking orders shall not be held more often than four (4) times each month.

**ARTICLE 5  
WIND ENERGY CONVERSION SYSTEMS**

11-501. DEFINITIONS; APPLICABILITY

Whenever used in the Article, the terms defined in the following sections shall bear the meaning given them in those sections.

11-502. WIND ENERGY CONVERSION SYSTEM; WECS

The term "wind energy conversion system" means a machine that converts kinetic energy in wind into a different, usable form of energy, including a machine commonly known as a wind turbine or windmill. Unless the context clearly indicates otherwise, the term refers to all components of such a system, including, but not limited to, the tower and transmission equipment. For convenience, the term usually is abbreviated "WECS."

11-503. WECS; SITE

The term "site" means the lot or tract of land upon which a WECS is placed. It includes such a lot or tract of land whether privately or publicly owned, and regardless of whether the WECS is owned by, in possession or control of, or operated by the same person who owns or is in possession of the lot or tract of land.

11-504. WECS; SWEPT AREA

The term "swept area" means the largest area of the WECS which extracts energy from the wind stream.

11-505. WECS; TOTAL HEIGHT

The term "total height" means the aggregate height of the tower and the furthest vertical extension of any other component of the WECS.

11-506. FINDINGS; CITY COUNCIL

It is found and declared that:

- (1) Wind energy is an abundant, renewable and nonpolluting energy resource, and its conversion to electricity will reduce dependence on nonrenewable energy sources and decrease air and water pollution which may result from use of conventional energy;
- (2) Wind turbines which convert wind energy to electricity are currently available on a commercial basis from many manufacturers; and
- (3) The generation of electricity by properly sited wind turbines can be cost effective, and in many instances existing power distribution systems can be used to transmit electricity from wind generating stations to utilities or other users.

11-507. ARTICLE; PURPOSE

The purpose of this Article is to regulate the occupancy and use of lands by wind energy conversion systems for protection of the public health, safety and general welfare - including, but not limited to, that of owners and occupants of adjacent lands - in a manner that will facilitate the effective and efficient use of such systems.

11-508. HEIGHTS

The total height of a WECS shall not exceed eighty (80) feet, or the maximum height permitted by regulations of the State or the Federal Government, whichever is lesser. The minimum distance of any blade above the ground shall be fifteen (15) feet; provided, if there shall exist within a two-hundred-fifty (250) foot radius of the center point of the tower any building, structure (not including electrical transmission or distribution lines, antennas, slender or open lattice towers or open fences) or tree in excess of thirty-five (35) feet in height, the minimum distance of any blade above the ground shall be the greater of:

- (1) The sum of thirty (30) feet and the height, in feet, of the tallest of such building(s), structure(s) or tree(s); or
- (2) Such distance above the ground as the manufacturer shall recommend to assure sufficient air flow for adequate operation of the WECS.

#### 11-509. SETBACK

The tower support base of the WECS shall be located a distance from the boundary lines of the lot or tract of land, and from all aboveground utility lines, that is not less than one and one-fourth (1 1/4) times the total height of the WECS.

#### 11-510. CONDITIONAL USE PERMIT

The Planning Commission may issue a conditional use permit authorizing the erection, maintenance and operation of WECS in any zone, and modifying as to such system, as provided in this Article, zoning regulations pertaining to height, setback and other provisions of this Chapter which otherwise would apply to the system, if the Commission determines that the requirements of this Article, and of Article 6 of this Chapter, have been met.

#### 11-511. CONDITIONAL USE PERMIT APPLICATION

An application for a conditional use permit to erect, maintain and operate a WECS shall comply with the requirements for an application for a conditional use permit as described elsewhere in the municipal code and, in addition, shall include the following information:

- (1) Address and telephone number of the owner of the lot or tract of land and, if the WECS is to be erected, maintained or operated by some other person, the name, address and telephone number of such other person;
- (2) A plot plan and development plan drawn in sufficient scale and detail to clearly describe:
  - a. the property lines and physical dimensions of the proposed site, including all public streets and alleys abutting the site;
  - b. the location and total height of the WECS;
  - c. the location, dimensions and types of all major existing structures and uses of the site;
  - d. the location of all aboveground utility lines and other WECS's on the site or within a radius from the center of the tower which is equal to one and one-half (1 1/2) times the total height of the proposed WECS;
  - e. the location and size of all buildings, structures and trees exceeding thirty-five (35) feet in height within a five-hundred (500) foot radius of the proposed WECS (for purposes of this requirement, electrical transmission and distribution lines, antennas, slender or open lattice towers and open fences are not considered structures); where applicable, the location of all transmission facilities proposed for installation;
  - f. where applicable, the location of all road and other service structures proposed as part of the installation; and

- g. the zoning districts within which are situated the lot or tract of land and adjacent lots and tracts of land.

There also shall be submitted with the application a copy of a proposed policy of liability insurance to cover loss or damage to persons and property in a minimum amount of \$1,000,000 per event and \$2,000,000 aggregate coverage. If the WECS is to be erected, maintained or operated by a person other than the owner of the lot or tract of land, the application shall be signed, also, by such other person.

#### 11-512. CONDITIONAL USE PERMIT; ARTICLE 6 REQUIREMENTS

All of the other requirements and provisions of Article 6 of this Chapter concerning proceedings on applications for a conditional use permit, the terms of such a permit, the issuance of building permits and certificates of occupancy, and the transfer of conditional use permits shall apply to a conditional use permit issued under this Article.

#### 11-513. CONDITIONAL USE PERMIT; FINDINGS; PLANNING COMMISSION; ADDITIONAL

The Planning Commission may approve a conditional use permit for a WECS if it finds, in addition to the findings required for the issuance of a conditional use permit, that the proposed use will not be detrimental to the public health, safety and general welfare.

#### 11-514. ABANDONMENT

A WECS shall be deemed abandoned if not in continuous use, except during maintenance and repair or during the temporary absence of the operator. If the Zoning Administrator shall determine that a WECS has been abandoned within the meaning of this section, he or she shall cause to be delivered or mailed to the owner of the lot or tract of land and, if the WECS was in the possession of or operated by some other person, to such other person, a written notice of such determination and that the WECS, including the tower, shall be removed within thirty (30) days after delivery or mailing of the notice. If the notice is mailed, it shall be addressed to the person being notified at the latter's last known residence address. If the WECS is not removed within the thirty (30) days after the notice is given, the City of Kimball may proceed under the nuisance or unsafe structure codes within the municipal code.

**ARTICLE 6  
CONDITIONAL USES AND SPECIAL USES**

**11-601. CONDITIONAL AND SPECIAL USE PERMITS:**

Conditional and special uses are those types of uses which, due to their nature, are determined to be more intense than the normal uses permitted within a given zoning district or where the produce, process, mode of operation or nature of business may prove detrimental to the health, safety, welfare or property value of the immediate neighborhood and its environment. Within the various zoning districts, conditional and special uses that are specifically listed in the district regulations, may be permitted only after additional requirements are complied with as established within this section.

The Kimball City Council shall approve the establishment of a conditional or special use by granting a Conditional or Special Use Permit. All requests for a Conditional or Special Use Permit shall be reviewed by the Kimball Planning Commission. The Planning Commission recommendation shall be forwarded to, considered, and acted upon by the City Council as soon as practical. Such action shall be taken at a properly advertised meeting of the City Council as required by State Statute and shall be an agenda item. Notices, hearings, and other procedures for consideration of the conditional or special use shall be those as required by State Statute and the City of Kimball.

**11-602. APPLICATION REQUIREMENTS FOR A CONDITIONAL OR SPECIAL USE PERMIT:**

An application for a Conditional or Special Use Permit shall be in writing and signed by the owner of the lot, tract of land, building or structure for which the permit is being requested. The application, which shall consist of forms and information required by the City of Kimball and which may be amended from time to time by the Kimball City Council, shall be filed with the City Clerk along with the appropriate filing fee. At a minimum the application form shall include the following:

1. General Information:
  - A. Name, address, and telephone number of the applicants.
  - B. Name, address, and authorization of the owner of the property proposed for the conditional use if different from above.
  - C. Legal description of the property under consideration.
  - D. Total acreage of the parcel under consideration.
  - E. Existing land use of the parcel under consideration.
  - F. Existing land uses of all the properties adjacent to said property.
  - G. Signatures of the applicant and fee owners or their authorized legal agent.
  - H. A certified list of the names, addresses and the corresponding Parcel Identification Number assigned by the Kimball County Assessor of the surface owners of the property within three hundred (300) feet of the property subject to the applicant. The source of such records shall be the records the Kimball County Assessor.
2. A detailed description of the proposed operation and use shall be supplied including the following:
  - A. Type of use for which the application is being made.
  - B. Proximity of the proposed use to residential structures.
  - C. A statement explaining that the proposal is consistent with the Kimball Comprehensive Plan.
  - D. A statement which explains that the proposal is consistent with the intent of the district in which the use is located.
3. A vicinity map depicting the location of the proposed use related to roads, surrounding land uses and structures.
4. A site plan of the conditional or special use area depicting the location and extent of the proposed use and measures to lessen the impact of the use.

#### 11-603. MINIMUM REQUIREMENTS.

A Conditional or Special Use Permit shall not be granted unless specific written findings of fact directly based upon the particular evidence presented support the following conclusions:

1. The proposed conditional or special use complies with all applicable provisions of these regulations including intensity of use regulations, yard regulations and conditional use limitations
2. The proposed conditional or special use at the specified location will not adversely affect the welfare or convenience of the public.
3. The proposed conditional or special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
4. The nature, size and scope of the conditional or special use and its location in relation to transportation systems will not dominate the immediate neighborhood so as to prevent development and use of the neighboring property in accordance with applicable zoning regulations.
5. Off-street parking and loading will be provided as required in this chapter.
6. Adequate utility, drainage, and other necessary facilities have been or will be provided.
7. Adequate access to roads, or entrance and exit drives, will be provided and shall be so designed to prevent traffic hazards and to minimize congestion in public streets and alleys.

#### 11-604. ADDITIONAL REQUIREMENTS :

1. In granting a conditional or special use, the Planning Commission shall recommend, and the City Council may impose certain conditions, safeguards and restrictions upon the premise benefited by the conditional or special use which may be necessary to reduce or minimize any potential injurious effect of conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. Any additional requirements set by the City Council shall be filed with the application.
2. Any expansion or enlargement of a conditional or special use shall be treated as a new use and shall require a new application under the provisions of this section.
3. Ordinary repairs and maintenance may be performed upon structures associated with a conditional or special use so long as such repairs and maintenance do not have the effect of expanding or enlarging the use.
4. If the conditional or special use has not commenced within twelve months from the date of approval or is discontinued for a period of twelve consecutive months it shall be presumed inactive. The City of Kimball shall initiate an administrative hearing to consider whether to grant an extension of time to commence the use or revoke the conditional or special use. If the conditional or special use is revoked, it shall be necessary to follow the procedures and requirements of this Section in order to re-establish any conditional or special use.

#### 11-605. CITY COUNCIL APPROVAL

The Kimball City Council shall approve the Conditional or Special Use Permit if the applicant has met the requirements as set forth within this section.

#### 11-606. SPECIFIC TO THE REAL ESTATE AND APPLICANT

Conditional or Special Use Permits are specific to the real estate described in the application, and to the applicant to whom the permit is issued. The permit shall be filed in the real estate records of Kimball County.

Permits shall be transferred to subsequent owners of the real estate on request if the terms of the permit are agreed to by the subsequent owner.

**ARTICLE 7  
NON-CONFORMING USES**

**11-701. NON-CONFORMING USES, DISCONTINUED**

The lawful use of a lot of record for storage purposes or advertising signs and which contains no buildings, and which use for storage or signs is not permitted by this Ordinance or by an amendment thereto, shall be discontinued within five (5) years from the date of the adoption of this Ordinance.

**11-702. NON-CONFORMING USES, CONTINUED OR CHANGED**

The lawful use of a building existing at the time of the effective date of this Ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of a more restrictive classification, or to a conforming use, such use shall not thereafter be changed to a non-conforming use of less restrictive classification.

**11-703. NON-CONFORMING USES, DUE TO CHANGE IN ZONING**

Whenever the use of a building or land becomes non-conforming through an amendment to the Zoning Ordinance or Zoning District Map, such use may be continued and if no structural alterations are made, it may be changed to another non-conforming use of a higher, more restrictive classification provided all other regulations governing the use are complied with.

**11-704. NON-CONFORMING USES, STOPPED OR DISCONTINUED**

In the event that a non-conforming use of any building or premise is discontinued, or its normal operation stopped, for a period of two (2) years, the use of the same shall thereafter conform to all regulations of the district in which it is located.

**11-705. NON-CONFORMING USES, ENLARGED**

A non-conforming use of a building may not be enlarged, extended, nor may the building be reconstructed, or altered unless such use is made to conform to the regulations of the district in which it is located, provided, however, that in case of evident hardship a building containing a non-conforming use may be enlarged an amount not greater than twenty-five (25) percent of its present ground area by variance from the Board of Adjustment after public hearing. A non-conforming use of a lot of record for storage purposes or for advertising signs, and which lot contains no buildings, shall not be extended, enlarged, or expanded.

**11-706. NON-CONFORMING USE, DESTROYED OR DAMAGED**

When a building containing a non-conforming use is damaged by fire, explosion, Act of God, or the public enemy to the extent of more than seventy-five (75) percent of its fair market value, it shall not be restored, rebuilt or repaired unless it is made to conform to the regulations of the district in which it is located. If a building containing a non-conforming use is damaged by fire, explosion, Act of God, or the public enemy to the extent of less than seventy-five (75) percent of its fair market value, it may be restored, provided such restoration is completed within one (1) year of the date of destruction and further provided that any necessary litigation shall not be counted as part of the six months allowed for restoration. The Board of Adjustment may grant variances relative to restoring such buildings provided said variances are of a minor nature such as yard, height or parking requirements and provided that the Board, after public hearing is convinced that property values in the neighborhood will not be jeopardized and that substantial justice will be done.

**ARTICLE 8  
HEIGHT AND AREA EXCEPTIONS**

**11-801. HEIGHT AND AREA EXCEPTIONS**

The regulations set by this ordinance shall be applicable to all the area within the corporate limits, and an area one mile beyond and adjacent to the corporate limits, with the same force and effect, as if such outlying area were within the corporate limits

No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

No building or other structure shall hereafter be erected or altered:

- a. To exceed the height or bulk;
- b. To accommodate or house a greater number of families;
- c. To occupy a greater percentage of lot area; and
- d. To have a narrower or smaller rear yard, front yard, side yard, or other open spaces than herein required; or in any other manner contrary to the provisions of this ordinance.

Every building hereafter erected or structurally altered shall be located on a lot, and no more than one residential building shall be located on a lot except as provided herein.

No part of a yard, or other open space, or off-street parking or loading space required in connection with any building or use for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building or use.

No lot or yard existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the adoption date of this ordinance shall meet at least the minimum requirements established by this Ordinance.

All territory which may hereafter be regulated by this Ordinance because of annexation to the City shall be considered to be in the 'A' Agricultural District until otherwise classified.

**11-802. HEIGHT EXCEPTIONS**

In any district, public, or semi-public buildings, such as hospitals, hotels, churches, sanitariums or schools, either public or private, where permitted, may be erected to a height not exceeding seventy-five (75) feet, provided that such buildings shall have yards which shall be increased 3.5 feet on the northern and eastern sides for each additional foot that such buildings exceed the specified height limit as established by the regulations of the district in which such buildings are situated.

Dwellings in District R-1 may be increased in height not exceeding ten (10) feet in addition to the limitations of thirty (30) feet, as prescribed in such district, provided that the northern or eastern required side yard is increased 3.5 feet for each vertical foot above 25 feet. In no case shall such dwelling, however, exceed two (2) stories in height.

Parapet walls and false mansards shall not extend more than six (6) feet above the height limit. Flagpoles, chimneys, cooling towers, elevator bulkheads, penthouses, finials, gas tanks, grain elevators, solar collectors, stacks, storage towers, radio transmitter towers, air pollution prevention devices, ornamental towers, monuments, cupolas, domes, spires, standpipes, and necessary mechanical appurtenances may be erected as to height in accordance with existing or hereafter enacted laws affecting the same.

#### 11-803. AREA EXCEPTIONS

Area per Family: On lots where a public or community sewer is not available, the Board of Adjustment may by variance reduce the minimum lot area per family after proof by established and approved tests that the soil conditions on that lot will safely permit a smaller absorption area.

For any building providing jointly for hotel and apartment house uses, the number of families permitted in apartments by the lot area requirements per family shall be reduced in the same proportion as the total floor area devoted to hotel or non-housekeeping rooms bears to the hotel floor area devoted to both uses.

#### 11-804. YARD EXCEPTIONS

Yard exceptions: On blocks where forty (40) percent or more of the frontage on the same side of the street has been developed, excluding reverse corner lots, the front yard setback for all remaining undeveloped lots shall be determined by taking the average setback found on existing developed lots, excluding those that vary more than ten feet in depth; provided that the Board of Adjustment may permit a variance in case of hardship, or where the configuration of the ground is such as to make conformity with the front yard requirements impractical.

Where an official line has been established for future widening or opening of a street or a highway upon which a lot abuts, then the depth or width of a yard shall be measured from such official line to the nearest line of the building.

In the R-1, Single Family Zone a porch may extend 6' into a required front yard and may extend a length not exceeding the front building line of the house, but only if existing housing units on the same side of the street are constructed in a like manner.

#### 11-805. EXCEPTIONS TO REQUIRED OPENNESS OF MINIMUM YARDS AND COURTS

Every part of each required minimum yard or court shall be open and unobstructed from finished grade or, where applicable from such other specified level at which the yard or court is required, to the sky except for the facilities allowed in such yard or court by the following table. In no case shall more than 50 percent of the horizontal area or a required minimum rear yard be covered by facilities, other than trees. Where the height of facilities within minimum yards or courts is not specifically limited by the following table, such facilities shall conform to the maximum height, if any, prescribed for facilities in the zone where they are located.

ALLOWED PROJECTION INTO, OR LOCATION WITHIN, MINIMUM YARDS

Uses	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard
a) Open storage of boats, trailers, and campers.	No closer than the front of the principal residential structure.	Anywhere in above yard.	Anywhere in above yard.
b) Television, radio equipment, & satellite dishes.	Anywhere in above yard.	Anywhere in above yard.	Anywhere in above yard.
c) Garages, carports, & other accessory buildings. No part of a detached accessory building shall be located closer than 6' from the principal structure.	No closer than the required minimum front yard to the side lot line.	No closer than the principal residential structure to the front lot line; a minimum of 3' of either side lot line & 5' from the alley line.	Anywhere in the rear yard except w/in 3' of either side lot line & 5' from the alley line- where rear lot line is common to rear or side line a minimum of 3'.
d) Cornices, chimneys, planters or similar architectural features.	2'	2'	2'
e) Fire escapes.	4'	4'	4'
f) Patios.	4'	4'	Anywhere in above yard.
g) Porches, unenclosed and at ground level. Front porch may project 6' into front yard.	4'	4'	Anywhere in above yard.

Every part of required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall extend into a court more than six (6) inches nor into a minimum yard more than thirty (30) inches; and provided further that canopies or open porches having a roof area not exceeding sixty (60) square feet may project a maximum of six (6) feet into the required front or rear yard; and existing open porches extending into the required yard shall not be enclosed. Open and unroofed balconies on other than the main floor of residential buildings may extend into a required side yard.

No rear yard shall be required in Districts C-1 to I-2 inclusive on any lot used for business or industrial purposes, the rear line of which adjoins a railway right-of-way or which has a rear railway track connection.

A through lot having one end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot. No portion of a building between the floor and ceiling which is partly or fully below grade shall be occupied for residential purposes until the remainder of the building has been completed to the specifications of the Building Inspector.

Structures to have access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

Solar Energy collectors and accessory equipment used for the mounting and/or operation of such collector are exempted from specific building height requirements.

**ARTICLE 9  
FENCES AND VISION CLEARANCE**

11-901. FENCES AND VISION CLEARANCE

Upon the adoption of this Ordinance, the erection, construction, or moving of any fence shall comply with the following regulations:

11-902. FENCES AND VISION CLEARANCE, DEFINITIONS

1. Fence: Any vertical structure, other than a building or plant material which is for the purpose of obstructing visual observation, or for the purpose of obstructing pedestrian, automotive or animal movement, or for the purpose of beautification, and which is attached to the ground or to a building, but excluding retaining walls.
2. Open Fence: Split rail or 1 x 4 inch board with a maximum of three horizontal rails or boards with no vertical boards except supporting posts, or open metal fencing.
3. Closed Fence: Fences constructed in any manner other than open.

11-903. FENCES & VISION CLEARANCE, GENERAL REQUIREMENTS-RESIDENTIAL

In zoning districts R-1, and R-3 and any other residential districts which may hereafter be added, no fence shall be erected constructed, or moved except for the following types:

1. Along the front property line. An open fence not exceeding 36 inches if constructed of wood or 48 inches if of metal fencing.
2. Along the side yard common to the side street on a corner lot. Any fence constructed within twenty five (25) feet of the front property line must be an open fence meeting specifications of 11-903(1).
3. On a side lot common to two lots. An open or closed fence within 25 feet of the front property line. Such fence shall not exceed height requirements of 11-903(1).
4. Fences along all other property lines. May be open or closed and shall not exceed 6 feet in height. Such fences may turn in at the rear building line on the street side of a corner lot and at the front building line on a side lot common to two lots.
5. All fences shall be constructed of wood, metal, fiberglass, vinyl, PVC, concrete or masonry materials, shall be structurally sound, shall have a neat and finished appearance and shall be straight and true. No fence shall use electrically charged fence material in its construction.
6. Fences must be maintained in good repair. The building and zoning administrator, may order any dilapidated, dangerous, or non-conforming fence removed.

11-904. FENCES AND VISION CLEARANCE, PERMIT REQUIRED

No fence shall be erected, constructed, or moved until a building permit shall have been procured from the Building Inspector. Application for a fence building permit shall include a sketch of the lot, the location of any buildings on the lot, the proposed fence and sufficient dimensions to accurately locate these features.

11-905. VISION CLEARANCE

No shrubs, trees, bushes, or other plant material shall be planted, maintained, allowed to grow and no structure shall be erected so as to hinder vision in the vicinity of an intersection of two streets, within a sight distance triangle bounded by the edges of the roadway or the curb on the two sides and a line diagonally across the corner lot meeting the edges of the roadway or the curb 40 feet from their intersection at the corner.

To hinder vision shall be taken to mean that said plant material has leaves, needles, branches, or other foliage during any period of the year, and structures of any type as defined in the zoning ordinance exist, between levels two (2) feet and eight (8) feet above the crown of the street adjacent. Structures in Zoning District C-2 shall be exempt.

11-906. CONDITIONAL USES.

1. Fences constructed of barbed wire for utility and agriculture related purposes.

**ARTICLE 10  
OFF-STREET PARKING, SOLID WASTE COLLECTION, AND PUBLIC SIDEWALKS**

11-1001. OFF-STREET PARKING

For all buildings or structures hereafter erected, constructed, reconstructed, moved or altered, off street parking in the form of private garages, carports or open areas made available exclusively for that purpose shall be provided. However, off-street parking is not required in the C-1, Central Business District. The parking area provided for each car space shall be designed so that each space can function independently of any other space and shall meet the following minimum requirements:

11-1002. OFF-STREET PARKING, PUBLIC ALLEYS

A public alley only may be used as part of the maneuvering space required.

11-1003. OFF-STREET PARKING, ONE AND TWO FAMILY DWELLINGS

For all one and two family dwellings there shall be provided two off-street parking spaces for each family unit, such parking areas to be located on the same lot as the main building or buildings, or in a community garage in the same block. Parking in zone R-1 may be head-in from a public street.

11-1004. OFF-STREET PARKING, OTHER USES

The following table shall be used as a guideline by the Planning Commission and City Council in determining the number of off-street parking spaces required of the land use as listed:

<u>LAND USE</u>	<u>NUMBER OF SPACES</u>
Hospitals	.40 - 1.2/bed
Nursing Homes	.20 - .40/bed
Day Care	.75 - 1/employee
Industrial	.33 - .5/employee
<u>LAND USE</u>	<u>NUMBER OF SPACES</u>
Commercial Recreation	
Indoor	5 - 7/1000 gfa
Outdoor	.25 - .35/patron
Bowling	4 - 5/1000 gfa
Auditorium (Churches, Theaters, etc.)	30% of seating capacity
Taverns, Dancing	8 - 12/1000 gfa
Restaurants	
Sit-Down	8 - 11/1000 gfa
Fast-food	10 - 17/1000 gfa
Medical/Dental/Veterinary Clinic	3.5 - 5.5/1000 gfa
Wholesale, Warehouse	.33 - .5/employee
Office	
Bank/Insurance	2.5 - 3.3/1000 gfa
General Office	2.0 - 3.5/1000 gfa
Motor Vehicle Sales and Service	2.0 - 3.5/1000 gfa
Retail	
General	3 - 5/1000 gfa

Shopping Center	3 - 5.5/1000 gfa
Hotels, Motels	.3 - 1/sleep. unit

gfa = gross floor area

11-1005. SIDEWALKS, REQUIRED

All sidewalks shall be installed in conformance with City of Kimball specifications for grade and thickness. Handicap provisions for sidewalks must conform to State of Nebraska Statutes 72-1101 through 72-1124.

11-1006. ADDITIONAL PARKING REGULATIONS

All off-street parking spaces shall be paved with a Portland Cement, asphaltic concrete, paving brick or brick, the thickness of which shall be determined by the Zoning Administrator or designee due consideration being given to the likely use of the facility by heavy vehicles and the anticipated degree of use

Any off-street parking lot in C-1, C-3, and R zones must be hard surface. All required parking spaces, as defined in this Article, for passenger vehicles shall be paved in any zone. The minimal parking lot surface material in all zones shall be gravel, except C-1, C-3 and R zones.

Required off-street parking areas for three (3) or more automobiles, excluding private residential use, shall have individual spaces marked for hard surface parking lots, and shall be so designed, maintained, and regulated that no parking nor maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

All such parking areas shall be ready for use upon occupying a building except that the Zoning Administrator or designee may permit a delay, not to exceed six months, for parking surface in case of adverse weather conditions. Head-in parking from a public street or highway, excluding alleys, shall not be permitted. Ingress and egress shall be by means of paved driveways constructed in accordance with City of Kimball standards based on zoned occupancy as follows:

- R-1 through C-3, maximum width of 24 feet.  
Except one and two family dwellings are exempted  
from a maximum width requirement
- C-4 through C-6, minimum width of 30 feet.  
maximum width of 35 feet.
- I-1 through I-2, minimum width of 30 feet.  
maximum width of 40 feet.

No signs shall be permitted within the required parking areas except those necessary for the orderly parking thereon.

All parking areas, drives leading thereto, curb and drainage facilities shall be approved by the Zoning Administrator or designee, except those in R-1 district. The back of the curb of a paved parking area shall not be closer than three feet to a property line unless wheel stops are placed and maintained at the three foot line. R-1 driveways may be adjacent to and parallel with property lines. R-3 and other multi-family parking shall not be established in the required front yard setback or the front yard and side street setback on a corner lot except that parking motor vehicles shall be permitted in customary driveways of single and two-family dwellings.

The maximum number of driveways shall be one per forty feet of lot frontage.

The minimum distance between driveways shall be 12 feet except in Zones R-1 and R-3.

Spaces for the Handicapped shall be in accordance with Nebraska Statutes Section 72-1101 through 72-1124. Any lights used to illuminate the parking areas shall be so arranged to direct light away from any adjacent premise in a residential district.

The Board of Adjustment may permit the paving of fewer than the required number of spaces in cases where the immediate occupant of the premises clearly shows that fewer spaces are needed at that time provided that additional spaces sufficient to fully meet these regulations must be available for improvement and use at such time as the need may arise in the opinion of the City Council. The location and layout of both the initial spaces and the ultimate required spaces shall be shown on an accurate plan endorsed by the Board of Adjustment and kept on file by the Zoning Administrator or designee.

#### 11-1007. SOLID WASTE COLLECTION FACILITIES

Solid waste collection shall be as specified in the City of Kimball Municipal Code. Space shall be provided on the property, but not in the required front yard or side-yard setback areas, for an adequate number of solid waste containers as determined by the City Sanitation Department. Such space shall be free of any restraints from other utilities or parked vehicles and must be maintained accessible to collection trucks. In the event the property is served by a commercial solid waste disposal firm, placement of the collection containers must be approved by the City. However, this regulation is not intended to restrict the temporary placement of roll-out containers moved to the curb or alley for solid waste collection purposes.

#### 11-1008. PUBLIC SIDEWALKS

Public sidewalks are required on both sides of all streets unless differently specified by the City Council or hereafter enacted amendment to the Municipal Code.

Sidewalks shall be placed in the dedicated street right-of-way adjacent to the curb. Residential sidewalks shall not be less than four (4) feet wide. Commercial sidewalks shall be of the width specified elsewhere in the Municipal Code.

#### 11-1009. PERMIT REQUIRED

Off-street parking within the corporate boundary shall be allowable only by permit from the City Zoning Administrator. A permit is required for all creation, improvements, or alterations. The application form shall include, but is not limited to, the following:

- (1) The name and address of the applicant;
- (2) A description of the parking lot location and street name;
- (3) A statement that the applicant is the titleholder or the titleholder's agent of the property, and a description of such property;
- (4) A scale drawing of the proposed parking lot for which a parking permit is requested, including adjacent property lines, present and proposed sidewalks, and access from all streets and alleys. Drawing should designate appropriate measurements, including ingress and egress locations, landscaping, parking layout, plan for handling storm water drainage, lighting, and surface material (type, depth & subsurface preparations);
- (5) A statement of the off-street parking lot needs and purposes for the permit.

A permit fee will be required if the request is not part of a construction building permit, and will be based on the value of improvements according to the Building Department Fee Schedule as adopted by the City Council.

#### 11-1010. LANDSCAPING & SCREENING

Each unenclosed hard surface parking facility over 6,000 square feet shall provide interior landscaped area equal to no less than 5 percent of the total paved area of the parking facility. All vision clearance shall be met according to Article 11-905.

A landscaping plan must be submitted with an off-street parking permit application for all hard surface lots. Such plan shall be drawn to scale, include the entire lot or tract and shall show ground covers such as seeded or sodded areas, shade trees, shrubs and any walls or fences. Such areas and facilities as loading docks, trash bins and outside storage yards shall be screened by such trees, shrubs and fences to the extent that the appearance of the premises from adjacent streets and property is attractive and pleasing. The purpose and intent of such landscaping is to provide shade and greenery, soften architectural lines, provide maximum absorption of surface water and present an attractive appearance. Large parking lots shall be divided down into sections as appropriate for the type and size of the development.

The adequacy of the landscape plan shall be reviewed and determined by the Zoning Administrator and other City Departments as appropriate. An applicant may appeal a denial of a landscape plan to the Board of Adjustment if he/she feels that the denial is unreasonable and the Board of Adjustment shall have the final approval or denial authority. Compliance with the landscape and screening plan, as approved, is mandatory and any failure to carry out all details of said plan shall be deemed a violation of the building permit and inspection procedure.

Any commercial or industrial district parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the Zoning Administrator.

#### 11-1011. LANDSCAPING MAINTENANCE

The property owner is responsible for maintenance and/or replacement of the landscaping according to the permitted landscape plan. Dead and dying plants shall be replaced by the owner. No buildings, storage of materials, or parking shall be permitted within the landscaped area, and the landscaped area shall be maintained and kept free of all debris, rubbish, weeds and tall grass.

#### 11-1012. LIGHTING REQUIREMENTS

Lighting is required for all new off-street parking lots unless an exemption is given by the Zoning Administrator, and the purpose of the exemption be filed with the building permit. All lighting requirements will be based upon the National Electric Code and the table below.

(a) Open Parking Facilities

General Parking and Pedestrian Area				Vehicle Use Area (only)		
Level of Activity	Lux (Minimum on Pavement)	Footcandles (Minimum on Pavement)	Uniformity Ratio (Average: Minimum)	Lux (Minimum on Pavement)	Footcandles (Minimum on Pavement)	Uniformity Ratio (Average: Minimum)
High	10	0.9	4:1	22	2	3:1
Medium	6	0.6	4:1	11	1	3:1
Low*	2	0.2	4:1	5	0.5	4:1

(b) Covered Parking Facilities

Day Areas	Lux (Average on Pavement)	Footcandles (Average on Pavement)	Night		
			Lux (Average on Pavement)	Footcandles (Average on Pavement)	Uniformity Ratio (Average: Minimum)
General Parking and Pedestrian areas	54	5	54	5	4:1
Ramps and corners					
Entrance areas	110	10	54	5	4:1
	540	50	54	5	4:1

\* This recommendation is based on the requirement to maintain security at any time in areas where there is a low level of nighttime activity.

11-1013. VACANT LOTS

A vacant lot is not permitted to be used as a parking lot unless the code requirements are met for the creations of off-street parking.

11-1014. EXEMPTIONS

All off-street parking lots in existence at the time of the passage of this ordinance (**6-17-2003**) shall be considered prior existing, non-conforming parking lots. These lots shall be allowed to remain provided the use of the facility for which they are intended does not change in zoning classification and they are maintained in good condition, free of all weeds, trash, other debris, and water pools or puddles.

Additional off-street parking stall required by expansion, modification, alteration or change of use shall meet the newly adopted standards.

**ARTICLE 11  
SIGN REGULATIONS**

**11-1101. SIGN REGULATIONS, PURPOSE AND INTENT**

The sign regulations contained herein are intended to control the use of publicly visible displays in order to:

- a. Equitably regulate the privilege of displaying signs and advertising structures.
- b. Safeguard the public use and nature of public property and rights of way.
- c. Regulate and define the visual environment of the City.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Wherever the requirements of this article are at variance with the requirements of any other ordinances, the highest or most restrictive shall apply.

**11-1102. SIGN REGULATIONS, DEFINITIONS**

For the purposes of these regulations the following words shall have the meanings listed hereafter.

1. "Agricultural Product Sign": A sign displayed on any farm or ranch by the owner or other operator for the purpose of identifying such farm or ranch or advertising the products thereon.
2. "Advertising Structure": Any structure which supports or is capable of supporting any sign or advertising message as identified in this code, and may be a single pole or composed of parts joined together in some definite manner.
3. "Attached": A sign which is affixed to and totally supported by a building, and may be face mounted or projecting.
4. "Attention Attracting Device": A sign or device that flashes, blinks, revolves, rotates, swings, undulates, or otherwise attracts or is designed to attract attention through electronic changes. This definition shall not include time and temperature or electronic word message signs.
5. "Awning": A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a position against the building.
6. "Banner": A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind, excluding flags, emblems and insignia displayed for non-commercial purposes.
7. "Billboard or Poster Board Signs": A sign mounted on a semi-permanent structure and usually depicting information not directly related to the property upon which it is placed, and generally referred to as "outdoor advertising sign".
8. "Canopy": A structure, other than an awning, affixed to a building, on a horizontal plane in a non-retractable manner, and may or may not be carried by a frame which is supported by the ground.
9. "Contractor": A person, firm, individual, corporation or business engaged in the erection or repair of signs and licensed with the city as such.
10. "Detached Sign": A free-standing sign which is part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or other structure whether portable or stationary. This definition shall not include mobile signs.
11. "Directional Sign": A sign, providing no commercial message of any kind, which provides direction or instruction to guide persons to facilities to serve the public, including but not limited to those signs identifying restrooms, public telephones, public parks, museums, hospitals, auto parking areas and similar facilities.

12. "Erect": Shall mean to build, construct, attach, place, hang, suspend or affix and shall include the painting of wall signs.
13. "Illuminated Sign": A sign which uses an artificial source of light in connection with the display of such sign.. Artificial light sources include:
  - (a) Bare Bulb: Illumination of signs using unshielded bulbs.
  - (b) Direct Illumination: Illumination of signs through flood lights whose luminous surface is visible to the normally located observer.
  - (c) Flame: Use of open flame or torches.
  - (d) Flashing: Use of an intermittent light source, including the illusion of intermittence through animation or other external light sources. Electronic information signs are excluded from this definition, except for any flashing mode of these signs.
  - (e) Indirect: Use of light source whose luminous surface is not visible to the normally located observer.
  - (f) Internal: Use of a light source concealed or contained within the sign, and visible by shining through a translucent surface.
  - (g) Neon or gas tube: Use of a light source supplied by passing electricity through a tube containing neon or other gas, bent to form letters, symbols and other shapes.
14. "Gross Surface Area": The total surface area of a sign visible from the public way or area from which the sign is to be viewed and shall include only one sign face when the display faces are perpendicular to the roadway or are designed to be visible from only one side at a time.
15. "Home Occupation Sign": A non-illuminated sign allowed in association with a permitted home occupation conducted on the premises within a dwelling unit occupied by the operator of the business.
16. "Face Mounted Sign": A sign which is erected or placed in the same manner as a "Wall Sign" as hereinafter defined.
17. "Mansard": A roof projection that has an angle of more than forty-five degrees and is supported by the building wall. A mansard generally will, but may not always, extend the full length of a front building wall and may also be on a side wall.
18. "Mansard Sign": A sign which is placed parallel with the surface of a mansard roof of a building or canopy and which is a face mounted sign extending not more than twelve inches horizontally from the bottom of the roof or canopy on which it is mounted.
19. "Marquee": A permanent roof-like structure extending from the wall of a building but not actually a part of the building itself and is generally projecting on a horizontal plane.
20. "Marquee Sign": A sign attached flat against or suspended under or over the marquee or canopy of a building, but extending downward less than twelve inches therefrom.
21. "Non-conforming Sign": A non-conforming sign is a sign which was not in complete compliance with all existing laws and regulations prior to the time of adoption of these regulations and which does not adhere to one or more of the provisions of this ordinance.
22. "Off-site Sign": A sign which directs attention to a business, profession, activity, commodity, service or entertainment other than one sold, conducted, or offered upon the site or premises where such sign is located. Also referred to as off-premise sign.
23. "On-site Sign": A sign which directs attention to a business, profession, activity, commodity, service, entertainment, or attraction sold, conducted or offered on the same site where such sign is located. Also referred to as on-premise sign.
24. "Permit": Authorization issued by the municipality to an applicant to erect and maintain a conforming sign. Permit may include an initial construction permit, annual permit and electrical permit as required by Municipal Code and Electrical Laws of the State of Nebraska.
25. "Person": Any individual, firm, partnership, association, corporation, company or organization of any kind.
26. "Portable Sign": A sign not permanently affixed to the ground, building, or other permanent structure, which may be moved from place to place. Portable sign shall include what is commonly called swinger, "A" frame, sandwich, trailer mounted or free-standing signs of a temporary nature.

27. "Projecting Sign": A sign which is affixed to a building or wall and extends beyond the wall line of such building or wall at a perpendicular angle from the building or wall on which it is mounted.
28. "Real Estate Sign": A sign used to offer for sale, lease or rent the premises upon which the sign is affixed.
29. "Roof Sign": A sign erected in whole or part upon, against, or directly above the roof or parapet wall of a building.
30. "Sign": This term shall mean and include every device containing any identification, description, illustration, emblem, painting, banner, pennant or placard, illuminated or non-illuminated, which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or information.
31. "Street Intersection Vision Triangle": The triangle on a corner lot at the intersection of two streets or avenues bounded by the front and side street lot lines and a line diagonally across the corner of the lot from a point twenty-five (25) feet along each lot line from the front lot corner. The minimum clearance under a sign in this triangle shall be eight (8) feet above adjoining grade and sign supports shall be designed to minimize vision obstruction.
32. "Temporary Sign": Any sign, banner, valance or advertising display constructed of cloth; canvas, cardboard, light fabric, wallboard, or other light materials, with or without a frame, intended to be displayed for only a limited or specific period of time or event.
33. "Wall Sign": A sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located parallel to such exterior of the building wall to which the sign is attached or supported. Wall sign shall also include any signs as included within these regulations, which may be painted on the wall of a building or structure.
34. "A-frame or Sandwich Signs": Portable signs which may not exceed 30 inches in width and 54 inches in height, which may be displayed between the hours of sunrise and sunset, and which may be placed in a manner as not to impede pedestrian traffic.

#### 11-1103. SIGN REGULATIONS, GENERAL PROVISIONS

##### 11-1103.01. SIGN REGULATIONS, REGULATING FACTOR

The display of signs within the city is hereby regulated on the basis of the following factors.

- a. The type of sign
- b. The area of the sign
- c. The height of the sign
- d. The location of the sign.
- e. The zoning of the sign site.
- f. The classification of the business or activity.

In addition, certain signs may be regulated on additional factors contained within these regulations.

##### 11-1103.02. SIGN REGULATIONS, CONTRACTOR LICENSE REQUIREMENT

No person, firm or corporation, with the exception of the property owner, lessee or occupant shall erect, construct, repair, paint, or replace any sign within the Corporate Limits or the zoning jurisdiction of the municipality unless such person, firm, or corporation possesses a valid Sign Contractor, General Contractor or Repair and Maintenance Contractor License issued by the City Clerk. Application for said license shall be made upon forms provided by the City and shall be accompanied by payment of a license fee in the amount which shall be set from time to time by resolution of the City Council. No such license shall be issued unless the applicant first presents to the City Clerk a certificate of insurance, demonstrating that the applicant and his employees are covered by liability insurance with policy limits of no less than \$300,000.00, for the period of the license. The licensee shall ensure that all of his employees, agents, and subcontractors are covered by liability insurance of no less than \$300,000.00.

#### 11-1103.03. SIGN REGULATIONS, SIGN CONSTRUCTION PERMITS

Signs not legally existing or in place on the effective date of these regulations shall not hereafter be displayed, nor shall any existing sign be enlarged, relocated, changed or modified until a "sign construction permit" for the same has been issued by the City. A fee for such permit shall be paid by the applicant at the time of permit issuance, such fee to be as set by the City Council resolution. Applicants shall include the size, installed cost, design, information to be displayed, location, owner or lessee of said sign and owner of the property if not the same as the sign owner. If said sign has electrical wiring or equipment for lighting or control purposes, a separate electrical permit is required and all electrical work shall be accomplished by a licensed electrician as required by Municipal Code and State Law.

Normal sign maintenance such as electrical light relamping, repainting or cleaning shall not require a permit, nor shall a permit be required for copy changes on a sign designed for such changes without changing the sign face.

Off-site signs require State of Nebraska permits in addition to City of Kimball permits if such signs are located adjacent to or visible from the State or Federal Highway System.

#### 11-1103.04. SIGN REGULATIONS, INFORMATION AFFIXED TO SIGNS

All signs erected after the effective date of these regulations shall have stamped, or be identified with an affixed label, in a conspicuous place thereon, the permit number, date of erection and the installing firm.

#### 11-1103.05. SIGN REGULATIONS, GLARE

All signs shall be located, designed or shielded so as to prevent the casting of glare or direct light upon adjacent dedicated roadways or surrounding property.

#### 11-1103.06. SIGN REGULATIONS, NOT TO CONSTITUTE A TRAFFIC HAZARD

No sign or advertising structure shall be erected or continued to be displayed at the intersection of any street in such a manner as to obstruct free and clear vision of the Street Intersection Vision Triangle, as defined in the definition section of these regulations, or at any location where by reason of the position, shape, or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign.

Off-site signs regulated by the Federal Beautification Act and the State Department of Roads Rules and Regulations for the Control of Outdoor Advertising must comply with the fifty (50) foot setback requirement for those signs located at the intersection of a side street and a State or Federal Highway. The fifty foot setback is measured in each direction from the intersecting property line of the two streets.

#### 11-1103.07. SIGN REGULATIONS, SIGNS ON PUBLIC PROPERTY OR RIGHT-OF-WAY

No signs other than signs placed by agencies of government shall be erected on any public property except for directional signs for traffic control or other information deemed beneficial and relating to the public safety, health or welfare, unless otherwise allowed in this ordinance. On streets that are a part of the State Highway System the only signs that may be erected in the public right of way are those official signs owned and erected by the City of Kimball or the Nebraska Department of Roads.

A-frame or sandwich signs may be placed on public property or rights-of-way only in zoning districts designated as commercial or industrial, provided these signs do not impede pedestrian traffic, and otherwise comply with the Kimball Municipal Code, ordinances, resolutions and regulations.

City streets which are part of the state highway system or the federal highway system are subject to separate and additional regulation, and this section gives not state or federal permission to place such signs.

No signs shall be placed on any utility pole except for identification purposes of the utility and no sign shall be placed upon trees within the right of way of any road or street.

Exception: An existing on-site sign which extends over the right of way of any street or avenue may be maintained and a permit may be issued for construction of an on-site sign which so extends only if the sign meets the following requirements as determined by the Zoning Administrator:

- a. The sign is attached only to, and supported only by, a building that is located on a lot or tract of land zoned C-1 or where the existing building setback, at the point of the sign attachment, abuts the street or avenue right of way line.
- b. The sign is situated so that no part of the sign extends more than two-thirds (2/3) the distance between the right of way line and the rear line of the curb, or if no curb is existing, to the point where curb would be installed in compliance with adopted street or curb line if extended shall in no case be less than three (3) feet. No part of such sign shall be less than eight (8) feet above the sidewalk, provided however, that minor signs, such as address or store identification tags, not larger in area than six (6) square feet, may be attached to the lower edge of awnings, marquees or canopies providing they shall not extend to less than seven (7) feet above the sidewalk.
- c. That the sign is or will be safe and secure and will not constitute a hazard to persons or vehicles on the street, avenue or sidewalk.
- d. Any new signs installed under these exceptions shall be subject to final approval by the State Department of Roads and Federal Highway Administration approval if projecting over State or Federal Highway right of way.

#### 11-1103.08. SIGN REGULATIONS, CLEARANCE

Clearance From Electrical Power Lines, Communications Lines, and Other Surface and Underground Facilities: All signs and their supporting structures shall be located in such a way that they maintain horizontal and vertical clearance from all electrical power lines, communications lines, and surface and underground conduits for water, sewage, gas, electricity or communications lines. Such clearance from electrical lines shall be as required in the National Electrical Code or National Electrical Safety Code, whichever is the most restrictive. Other clearances shall be as deemed sufficient by the operating utility.

#### 11-1104. SIGN REGULATIONS, PROHIBITED SIGNS

The following signs are hereby expressly prohibited for erection, construction, repair, alteration or relocation within the municipality and shall be removed within ninety (90) days of the adoption of these regulations:

1. "A" frame or "sandwich sign", except as may be permitted for temporary signs.
2. Signs which imitate traffic control devices or carry the word "Stop" or those which can be confused with traffic control devices, and international or universal informational signs or symbols.
3. Portable or wheeled signs are prohibited from being located or maintained within street or avenue rights-of-way and the triangle vision area formed by the intersection of streets avenues, as defined in the definition section of these regulations.
4. Signs which are placed on or affixed to vehicles or trailers which are parked so as to be visible where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. This provision shall not include the normal lettering on trucks or other vehicles where the sign is incidental to the primary use of the vehicle.
5. Any sign that violates any provision of any law of the State of Nebraska relative to outdoor advertising.
6. Any sign which encroaches over or into any street right of way, except as permitted within these regulations.

#### 11-1105. SIGN REGULATIONS, DAMAGED, UNSAFE, UNLAWFUL ETC. SIGNS

If the Zoning Administrator finds that any sign or other advertising structure regulated herein is unsafe or insecure, is a menace to the public, is abandoned or kept in a dilapidated condition, or has been constructed or is being maintained in violation of the provisions of this chapter, he shall give written notice of such finding to the owner or permittee, by certified mail return receipt requested, stating the conditions found and reasons for finding of such violation. Such notice shall include a specified time in which corrections shall be made to bring the sign or structure into compliance. Should the permittee or owner fail to comply with such notice within the specified time stated in the notice, and if no appeal has been filed within the time so specified for an appeal, such sign or advertising structure may be removed or altered by the Zoning Administrator so as to comply. Any expense incidental to such removal or alteration shall be charged to the owner of the property on which the sign or structure is located and shall constitute a lien against said property.

A legal non-conforming sign, one which lawfully existed on the effective date of these regulations but does not fully comply with these regulations in every provisions, may be continued in operation and maintained indefinitely unless of a prohibited category, in which case it shall be removed within the prescribed ninety (90) days.

#### 11-1106. SIGN REGULATIONS, EXEMPT SIGNS

The following types or categories of signs are exempt from the permit provisions of these regulations but shall comply with the general rules pertaining to traffic hazards, intersection vision, right of way placement or other provisions which may pertain to the public welfare and safety:

- a. Directional or instructional signs which provide direction or instruction to guide persons to public facilities but contain no commercial advertising.
- b. Governmental signs for control of traffic and other regulatory purposes and signs of public service companies indicating danger and aids to service or safety.
- c. Holiday decorations or signs temporarily displayed on traditionally accepted civic, patriotic or religious holidays, providing such sign shall be removed within a reasonable time, but not exceeding thirty (30) days.
- d. Public notice signs required by governmental bodies authorized for a specific public purpose by any law or ordinance and posted by public officers or employees in their line of duty.
- e. Temporary real estate signs advertising the sale, lease or rent of the premises upon which the sign is posted. In residential areas the area of such signs shall be limited to eight (8) square feet per sign face. Such signs may be located in the street right of way between the curb and property line, provided such signs are not located within the required sight triangle on corner lots. Any sign placed in the street right of way may be removed immediately and without further notice by any City Department for utility construction or safety purposes.
- f. Temporary event signs announcing a campaign, drive, activity, or event of a civic, philanthropic, educational, or religious organization for non-commercial purposes shall be permitted subject to the provisions relative to right of way and vision obstruction and shall be removed within seven (7) days after the conclusion of the event.
- g. Temporary political signs announcing political candidates seeking public office, political parties, and or political issues contained on a ballot for an election may be located only on private property, not sooner than sixty (60) days prior to, and shall be removed within seven (7) days following the election.

#### 11-1107. SIGN REGULATIONS, ZONING DISTRICT REGULATIONS

In addition to the general provisions of these regulations signs in the following zoning districts shall be regulated as provided in this section.

11-1107.01. AGRICULTURAL (A) DISTRICT

- a. Signs as provided in 11-1107.03.
- b. One non-illuminated sign listing products, activities or services offered on the premises shall be permitted providing that such sign shall not be more than fifty (50) square feet in area of each side.
- c. Maximum height, thirty (30) feet.

11-1107.02. RURAL RESIDENTIAL (RR) DISTRICT

- a. Signs as provided in 11-1107.03.
- b. One non-illuminated sign listing products for sale which are produced on the site provided that any such sign be limited to twenty (20) square feet in area of each side.
- c. Maximum height, twenty (20) feet.

11-1107.03. RESIDENTIAL ZONES (R-1)

- a. One non-illuminated sign per building, not more than five (5) square feet in area, mounted flat against the wall of the building housing a permitted home occupation.
- b. Not more than two (2) real estate for sale or rent signs, each not containing more than eight (8) square feet of sign area per side.
- c. One illuminated, or non-illuminated sign per church or school, not more than fifty (50) square feet in area, on the premises, indicating services or activities therein provided.
- d. One non-illuminated sign per building, not more than thirty-two (32) square feet in area, showing the names of architects, engineers, builders, or contractors involved in the construction of the premises being constructed, provided such sign shall be removed within ten (10) days after completion of the structure.
- e. Maximum height for signs in these districts for other than face mounted signs shall be ten (10) feet.
- f. No permanent sign shall be installed within the site triangle of a corner lot.

11-1107.04. SIGN REGULATIONS, MULTI-FAMILY RESIDENTIAL (R-3)

- a. Signs shall be permitted as allowed in 11-1107.03.
- b. One non-illuminated sign, not more than eight (8) square feet in area shall be permitted at each major building entrance, provided such sign shall be mounted flat against the wall of said building and projecting not more than twelve (12) inches therefrom, and shall be for premise identification only.
- c. For each complex or cluster of multi-family dwellings, there shall be permitted one major identification sign not more than fifty (50) square feet in area. Such sign may be detached from the building but must conform to the setback requirement of the above residential district.
- d. Maximum height for signs in this district except for face mounted signs shall be ten (10) feet.
- e. No permanent sign shall be installed within the site triangle of a corner lot.

11-1107.05. MOBILE HOME PARKS (R-4) DISTRICT

- a. Signs shall be permitted as allowed in 11-1107.03.
- b. Mobile Home park identification sign shall be permitted as allowed in the R-3 Zone above, with the same setback requirement as the complex or cluster sign.
- c. The Mobile Home Park office must be identified with a sign limited to a total area of each side of not more than thirty-two (32) square feet.
- d. Maximum height in this district shall be ten (10) feet.
- e. No permanent sign shall be installed within the site triangle of a corner lot.

11-1107.06. SIGN REGULATIONS, C-1 CENTRAL BUSINESS DISTRICT

- a. In these districts signs of all types are permitted, subject to a maximum height of 30 feet.
- b. Signs in the C-1 district shall be subject to the street intersection vision triangle setback, as defined in the definition section of these regulations, for all signs not located a minimum of eight (8) feet above the sidewalk or grade level. Sign supports in this triangle area shall be reviewed by the City Inspector and may be approved or disapproved on the basis of traffic safety. In the C-1 district it is highly desirable to retain clear vision in the intersection vision triangle for the safety of pedestrians and motorists.
- c. Signs in the Central Business District (C-1) may also be regulated and controlled by regulations of a Downtown Improvement Board, subject to approval of the City Council as provided in the City Zoning Regulations.
- d. Signs in the Central Business District may extend over the property line as long as the sign is a minimum of eight (8) feet above sidewalk level and meets the limitations for sign overhang contained in the general provisions section of these regulations. Placement of A-frame or sandwich signs as may be otherwise allowed pursuant to the Kimball Municipal Code at Chapter 11, Section 1103.07 or elsewhere, is not prohibited by this section.
- e. The surface area on one face of any sign may not exceed 150 square feet.
- f. The total surface area of all signage shall not exceed 500 square feet.

11-1107.07. SIGN REGULATIONS, C-2 LIGHT COMMERCIAL DISTRICT

- a. In these districts signs of all types are permitted, subject to a maximum height of 30 feet.
- b. Signs in the C-2 district shall be subject to the street intersection vision triangle setback, as defined in the definition section of these regulations, for all signs not located a minimum of eight (8) feet above the sidewalk or grade level. Sign supports in this triangle area shall be reviewed by the City Inspector and may be approved or disapproved on the basis of traffic safety. In the C-2 district it is highly desirable to retain clear vision in the intersection vision triangle for the safety of pedestrians and motorists.
- c. The surface area on one face of any sign may not exceed 150 square feet.
- d. The total surface area of all signage shall not exceed 500 square feet.

11-1107.08. SIGN REGULATIONS, C-3 NEIGHBORHOOD COMMERCIAL DISTRICT

- a. Signs shall be permitted as allowed in 11-1107.03.
- b. Not more than two (2) illuminated signs, not more than twelve (12) square feet in area each, shall be permitted on each office building, provided such sign shall be attached flat against the wall of said building, projecting not more than twelve (12) inches therefrom, and shall indicate only the name of the building or the establishments housed within and shall bear no commercial message.
- c. Maximum height in this district is controlled by building height as all signs must be face mounted on the building.
- d. One non-illuminated yard sign, not more than twelve (12) square feet in area, indicating only the name of the building or establishments housed within and bearing no commercial message may be located in the front or side yard. The maximum height of such sign shall not exceed six (6) feet.
- e. No permanent sign shall be installed within the site triangle of a corner lot.

11-1107.09. SIGN REGULATIONS, C-4 COMMERCIAL SERVICES, C-5 HEAVY COMMERCIAL, I-1 LIGHT INDUSTRIAL and I-2 HEAVY INDUSTRIAL DISTRICTS

- a. In these districts signs of all types are permitted, subject to a maximum height of 50 feet, provided, however, that signs in the C-4 Commercial Services District shall have a maximum height of 100 feet.
- b. Signs in the C-4 district shall be subject to the street intersection vision triangle setback, as defined in the definition section of these regulations, for all signs not located a minimum of eight (8) feet above the sidewalk or grade level. Sign supports in this triangle area shall be reviewed by the City Inspector and may be approved or disapproved on the basis of traffic safety. In the C-4 district it is highly desirable to retain clear vision in the intersection vision triangle for the safety of pedestrians and motorists.
- c. The surface area on one face of any sign may not exceed 200 square feet, *provided*, however, the face of any sign located in C-4 Commercial Services District shall not exceed 300 square feet in surface area.
- d. The total surface area of all signage shall not exceed 600 square feet.

11-1108. SIGN REGULATIONS, REGULATORY SIGNS

- a. Regulatory signs or signs of a public safety nature such as traffic and directional signs installed and maintained by a governmental agency shall be permitted in any district.

11-1109. BOARD OF SIGN APPEALS

The City Board of Adjustment is hereby affirmed as a Sign Appeals board and all appeals shall be filed, processed and heard before the board the same as other appeals from zoning regulations.

The board shall have all authority granted under the laws establishing and regulating appeals and their disposition except the board shall have no authority to grant an appeal for occupancy or projection over a street or avenue right of way where such occupancy or projection is prohibited. Any appeal granted by the board shall not be considered final until approved by the State Department of Roads and Federal Highway Administration if such an appeal involves a sign adjacent to or visible from a road or street designated as part of the State or Federal Highway system.

11-1110. VIOLATIONS AND PENALTY

The following shall be considered violations of these regulations and shall constitute a misdemeanor and upon conviction shall be subject to a fine of up to one hundred (100) dollars. Each day such violation continues shall be considered as a separate offense:

- a. The erection, alteration, relocation or repair of a sign for another as a Sign Contractor without first obtaining or possessing a valid Sign Contractors License.
- b. The erection, alteration, relocation or repair of a sign without first obtaining the required sign construction permit or the failure to renew such permit within the requirements specified within these regulations.
- c. The erection, alteration, relocation or repair of a sign which does not comply with the requirements of these regulations.

In addition to all other remedies, the City may institute any appropriate action or proceeding to prevent, restrain, correct, or abate any violation of this article.

**ARTICLE 12  
AIRPORT ZONING REGULATIONS**

**11-1201. LOCATIONS, BOUNDARIES, ZONES AND HEIGHT RESTRICTIONS**

The vicinity of the Kimball Airport, located in Section 18, Township 14 North, Range 55 West, in Kimball County, Nebraska, from the boundaries of such airport to a distance of three (3) statute miles in all directions from the adjacent boundaries of the airport, is hereby declared an airport hazard area and is hereby zoned as follows:

**Subdivision 1. Hazard Area Description.**

The Hazard Area consists of Operation Zones, Approach Zones, Turning Zones and Transition Zones. The outer boundary of the Hazard Area is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the Approach and Turning Zones.

**Subdivision 2. Zone Description.**

- a. The Operation Zones shall be located along each existing or proposed runway landing strip or other portion of the airfield used regularly, or to be used regularly, for the landing or taking off of airplanes and shall begin or end at each end of each landing strip and 200 feet beyond the end of each runway and shall be 1000 feet in width for each instrument runway or landing strip and 500 feet in width for all other runways and landing strips.
- b. The Approach Zone shall begin at the ends of their respective Operation Zones and shall extend and expand uniformly centered along the extended centerline of the respective runway or landing strip, to the outer boundary of the Approach Zone at a rate of 30 feet of width for each 100 feet of horizontal length for the instrument runway or landing strip and 20 feet of width for each 100 feet of horizontal length for all other runways.

The Inner Area of each Approach Zone shall be that portion of the Approach Zone beginning at the end of the respective or proposed Operation Zone and extending to the intersection of the controlling glide angle with a plane 150 feet above the highest elevation of the end of the respective runway or landing strip.

The Outer Area of each Approach Zone shall be the area between the outer limit of the Inner Area of the Approach Zone and the outer limit of the Approach Zone.

- c. The Transition Zone shall be the areas bounded by the Operation Zones and the Hazard Area, the sides of the contiguous inner areas of approach zones and the outer limits of the Transition Zones; said outer limits of the Transition Zones being the intersections, at elevations of 150 feet above the highest elevation at the ends or edges of the closest runway or landing strip, or proposed runway or landing strip, of a series of contiguous planes originating from bases established by the Operation Zones of the Hazard Area and the edges of adjacent inner areas of approach zones; said planes rising from their respective bases along lines perpendicular to the centerline of the landing strip or runway at the rate of one (1) foot vertically to seven (7) feet horizontally to the lines of intersection previously referred to.
- d. The Turning Zone shall compromise all portions of the Hazard Area not contained in the Operation Zones, Approach Zones and in the Transition Zones. The outer limits of the Turning Zones shall be a series of points forming a line which is the horizontal distance of three (3) statute miles from the nearest points along the Airport property lines.

### Subdivision 3. Height Restrictions.

No building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be allowed to grow:

1. In Inner Areas of Approach Zones to a height above the elevation of the nearest point on the end or proposed end of said instrument runway or landing strip in excess of 1/50, and all other runways or landing strips in excess of 1/40 of the distance from the end of the approach zone (the end nearest the runway or landing strip) to said structure or object;
2. In the Outer Area of Approach Zones and in Turning Zones to a height in excess of 150 feet above the elevation at the end or proposed end of the nearest runway or landing strip;
3. In the Transition Zones to a height above the planes forming the transition slopes; and
4. In the existing or proposed Operations Zones to a height above the existing or proposed finished grade of said runways or landing strips or surface of the ground.

### 11-1202. LOCATION SKETCH AND ZONING MAP

The boundaries, operation zones, approach zones, transition zones, and turning zones of said airport are as indicated on the zoning map, Drawing No ZN-KB-76, dated July 13, 1976, and updated per ALP January, 13, 1987, which accompanies and is hereby made a part of these regulations, a copy of which shall at all times be on file in the office of the City Clerk, Kimball, Nebraska.

### 11-1203. PERMIT REQUIRED, EXCEPTIONS, APPLICATION FORMS, AND PERMIT FEES.

#### Subdivision 1. Permit Required.

It shall hereafter be unlawful to erect, construct, reconstruct, repair, or establish any building, transmission line, communication line, pole, tower, smokestack, chimney, wires, or other structure or appurtenance thereto of any kind or character rot h plant or replant any tree or other object of natural growth, within the boundary of the zoned area of said airport without first obtaining a "permit" from the Zoning Administrator.

#### Subdivision 2. Exceptions.

In the Outer Area of Approach Zones and within the Turning Zones, no permit shall be required for any construction or planting which is not higher than seventy-five (75) feet above the elevation of the end of the nearest runway or landing strip.

#### Subdivision 3. Application Forms.

Application for a permit as required under threes regulations shall be made upon a form to be available in the office of the City Clerk, Kimball, Nebraska, and shall indicate the approximate location, ground elevation with reference other elevation at the end of the nearest runway or landing strip and height of the proposed structure or planting. (Mean Sea Level Elevation)

#### Subdivision 4. Permit Fees.

The fee for each permit issued shall be \$2.00 and all fees received by the Administrative Agency shall be paid by him to the City Treasurer for deposit in the Airport Revenue Fund. No fee shall be charged for a permit for any construction or repair whose estimated cost is less than \$100.

#### 11-1204. NON-CONFORMING STRUCTURES.

Within the zoned area as hereinbefore defined, no non-conforming building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow, as the case may be, to a height which constitutes a greater hazard to air navigation than existed before these regulations were adopted; nor above the heights permitted by these regulations if such structure or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of 80 percent or more of their original condition, or abandoned for a period of twelve months or more. Transmission lines and communication lines as referred to in these regulations shall be interpreted to mean all poles, wires, guys and all other equipment necessary for the operation and maintenance of the same within the zone regulated.

#### 11-1205. MARKING OF NON-CONFORMING STRUCTURES.

Whenever the Administrative Agency shall determine, or shall be notified by the Joint Zoning Board of the Nebraska department of Aeronautics, that a specific non-conforming structure or object exists and has existed prior to the passage of these regulations and within the zoned area hereinbefore described at such a height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport, the owner or owners and the lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the said Administrative Agency and shall within a reasonable time permit the marking thereof by suitable lights or other signals designated by the said agency and based on the recommendations of the Nebraska department of Aeronautics. The cost of such marking shall not be assessed against the lessor of said premise.

#### 11-1206. ADMINISTRATIVE AGENCY.

The Zoning Administrator of the City of Kimball, Nebraska, shall administer and enforce these regulations, and shall be in the administrative agency provided for in Section 3-319, R.R.S. 1943, and shall have all the powers and perform all the duties of the administrative agency as provided by the Airport Zoning Act, until otherwise ordered by the Kimball Joint Airport Zoning Board.

#### 11-1207. ZONING BOARD OF ADJUSTMENT.

The Zoning Board of Adjustment of the City of Kimball, Kimball County, Nebraska, shall be the Board of Adjustment with respect to these regulations, to have and exercise the powers conferred by Section 3-320, R.R.S. 1943, and such other powers and duties as are conferred and imposed by law.

**EXHIBIT A**

The Kimball Municipal Airport Hazard Area as shown on the Department of Aeronautics Zoning Map for the Kimball Municipal Airport Drawing, No. ZN-KB-76, updated January 13, 1987, covers the following described lands:

TOWNSHIP 15 NORTH, RANGE 55 WEST OF THE 6<sup>TH</sup> P.M.

Part of SW/4	Section 34
Parts of NE/4 and the NW/4, SE/4 and SW/4	Section 33
Parts of NW/4 and NE/4 and S/2	Section 32
All	Section 31

TOWNSHIP 15 NORTH, RANGE 56 WEST OF THE 6<sup>TH</sup> P.M.

Part of S/2	Section 34
Part of NE/4, Part of NW/4 and S/2	Section 35
All	Section 36

TOWNSHIP 14 NORTH, RANGE 55 WEST OF THE 6<sup>TH</sup> P.M.

Part of NE/4, Part NW/4, Part SE/4, and SW/4	Section 3
All	Sections 4,5,6,7,8,9, 15,16,17,18,19,20, 21
Part NE/4, Part of SE/4 and W/2	Section 10
Part NE/4, Part of SE/4 and W/2	Section 22
All	Sections 28,29,30,31,32
Part of NE/4, Part of NW/4 and Part of SW/4	Section 33

TOWNSHIP 14 NORTH, RANGE 56 WEST OF THE 6<sup>TH</sup> P.M.

All	Sections 1,2 and 3
E/2	Section 9
All	Sections 10,11,12, 13,14, 15, 22, 23, 24, 25, 26, 36
E/2	Section 16
Part of NE/4 and Part of SE/4	Section 21
Part SE/4, Part of NE/4, and Part of NW/4	Section 27
Part of NE/4, Part of NW/4 and Part of SE/4	Section 35

PARTS OF CITY OF KIMBALL AS DESCRIBED AS FOLLOWS:

Parts of blocks 1, 2, 3 & 4, all of blocks 5,6,7,8,9,10,11 & 12 of Leaming's Addition  
All of Yannayon's Addition  
All of South Park Addition  
All of Rodman Court  
All of Clarkson's Addition  
All of Forsling's Addition  
All of Fairview Addition  
All of Dowd's Addition  
All of Tritt's Addition  
All of Alden's Addition  
All of Kimball Heights  
All of Huff's Addition  
All of Dowd's Second Addition  
All of Crestwood Addition  
All of Summit Park Addition  
All of Hull's Subdivision

Parts of Kimball Jr./Sr. High School, 19.818 acres in 32-15-55  
Part of Blocks 6, 7, 8, 9 and 10 Sunnyview Heights Addition  
Part of Blocks 11, 12, 13, 14, and 15 Sunnyview Heights Addition  
All of Hillcrest 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Additions  
All of Kimball County High School,

**ARTICLE 13  
POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT**

**11-1301. BOARD OF ADJUSTMENT**

The Board of Adjustment shall consist of five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for a term of three years and removable for cause by the City Council upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment. The Board of Adjustment shall adopt rules in accordance with this Ordinance and Sections 19-901 to 19-914, Laws of Nebraska. Meetings of the Board shall be held at the call of the chairman and at such times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

**11-1302. BOARD OF ADJUSTMENT, POWERS**

The Board of Adjustment shall have only the following powers:

1. to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness or structures;
2. to hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map, or for decisions upon other special questions as set out in this Ordinance, and
3. where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or such piece of property, the strict application of this Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, variance from such application so as to relieve such difficulties or hardship, if such relief may be granted without substantially impairing the intent and purpose of this Ordinance.

**11-1303. BOARD OF ADJUSTMENT, VARIANCE**

No such variance shall be authorized by the Board unless it finds that:

1. The strict application of the zoning ordinance would produce undue hardship;
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
3. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
4. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to these zoning regulations. In exercising the above-mentioned powers such Board may reverse, affirm, wholly or partly, or may modify the order, requirement, decision or determination

appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation.

#### 11-1304. BOARD OF ADJUSTMENT, APPEALS PROCEDURE

A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than eighteen inches in height and twenty-four inches in width with a white background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any office, department, or Board of the City of Kimball affected by any decision of the Building Inspector. Such appeal shall be taken within thirty (30) days by filing with the officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal in writing specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of the appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the District Court, on notice to said officer and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give public notice thereof by publication one time in a local newspaper of general circulation not less than five nor more than fifteen days prior to said hearing. The Board shall also give notice by U.S. Mail to the owners or agents of property abutting or fronting upon the property involved in the appeal.

The Board shall render its decision within thirty days of such hearing. The applicant and the officer appealed from shall be notified in writing the decision of the Board.

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, or board of the City of Kimball may present to the District Court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the Court within fifteen (15) days after the filing of the decision in the office of the Board, and thereafter proceedings shall be had thereon as provided by Section 19-912, R.R.S. Nebraska, and amendments thereto.

**ARTICLE 14**  
**INTERPRETATION, PURPOSE AND CONFLICT**

11-1401. ZONING, INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easement, covenants, or other agreements between parties, or any statute, local ordinance or regulation, except that if this Ordinance imposes a greater restriction or higher standard this Ordinance shall control.

## **ARTICLE 15 AMENDMENTS**

### **11-1501. ZONING ORDINANCE AMENDMENTS**

Procedure For Amendments To The Zoning District Map, Zoning Ordinance.

Application for amendment, revision or change of the zoning district map may be made by any person, or his agent, who owns the land sought to be rezoned. If such application is made by the owner's agent, said agent shall enter upon the application the name and current mailing address of the owner. Such application shall be made upon forms prescribed by the Planning Commission and duly filed with the City Clerk.

Applications for amendment, revision or change of any of the rules, regulations or provisions of the text of this zoning ordinance, other than the zoning district map, may be made by any interested person, on forms prescribed by the Planning Commission and duly filed with the City Clerk.

Recommendations for revision, or amendment of this ordinance, including the zoning district map, may also be made by the Planning Commission upon its own motion, for final determination by the City Council; likewise, the City Council may revise, modify or amend this ordinance, including the zoning district map, upon its own motion provided, such proposed changes shall first be submitted to the Planning Commission for recommendation and report. In either case final action thereon shall be taken only after notice and public hearing as provided.

Petitioners for rezoning or conditional use permit shall disseminate a notification petition to each property owner or occupant within three hundred (300) feet of the exterior boundary of the subject property. Said notification petition shall be on forms prescribed by the Planning Commission and shall be supplied to the petitioner by the Building and Zoning Department of the City. The petitioner shall return all petitions to the Building and Zoning Department, or shall provide a stamped self-addressed envelope for the occupant to mail the signed petition direction to the Building and Zoning office. The petitioner shall also file a notarized certification of public notification on a form prescribed by the Commission certifying that the specified owners/occupants have been duly informed as set forth above.

Upon receipt of the signed petitions and certification of notice, the Planning Commission secretary will schedule the item on the appropriate agenda and will send letters of notification to the specified owners/occupants giving notice of the date and time of the public hearing on the application not less than seven (7) days prior to the hearing date. Failure of the petitioner to properly notify the specified persons can result in the City Council denying or rescinding approval. Failure of the property owners or occupants to receive notice of meeting shall not invalidate any action taken by the Planning Commission or City Council.

An application fee shall accompany each application for rezoning, zoning amendment or conditional use permit. The application fee shall be set by resolution adopted by the City Council and may be changed from time to time by further enacted resolution. Upon receipt of said application the City Clerk shall note thereon the date of filing, and make a permanent record thereof.

Applications and supporting plans and documents filed with the City Clerk less than fifteen (15) days prior to a regular Planning Commission meeting shall be set over for hearing at the second following meeting of the Commission. Any such hearing may for good cause, at the request of the applicant or at the discretion of the Commission be continued.

Notice of such hearing shall be published in one issue of a newspaper of general circulation within the City of Kimball. Such notice to be published not more than fifteen (15) days and not less than ten (10) days prior to the date of said hearing before the Commission. Notice shall also be submitted to the Board of Education of the School District in which the property lies not less than ten (10) days prior to the date of the hearing before the Planning Commission. A notice of said hearing shall also be posted on the subject property as hereinafter provided.

Upon the final hearing of such application the Commission shall approve or deny the same and report of such action together with a recommendation for final approval or denial shall be made by the Commission to the City Council.

Before acting upon any application for amendment, the Council shall set a time and place for a hearing thereon, notice of which hearing shall be published at least one time in a newspaper of general circulation in the City of Kimball, not less than ten (10) days prior to the date of such hearing. In addition to the publication notice herein described, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width with a white or yellow background and black letters not less than one and one-half (1-1/2) inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be unlawful for anyone to remove, mutilate, destroy or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor. If the record title owners on any lots included in such proposed change be non-residents of the city, then a written notice of such hearing shall be mailed by certified mail to them addressed to their last known address at least ten (10) days prior to such hearing. These provisions in reference to notice shall not apply in the event of a proposed change in these regulations or in the district boundaries throughout the entire area of the City of Kimball, but only the requirements of Section 19-904 R.R.S. Nebraska, 1943, as amended shall apply.

In case of a protest against such revision or amendment be presented, duly signed and acknowledged by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof, extending three hundred (300) feet therefrom, and of those directly opposite thereto, extending three hundred (300) feet from the street frontage of such opposite lots, such revision or amendment shall not become effective except by the favorable vote of three fourths of all the members of the City Council.

**ARTICLE 16  
VIOLATION AND PENALTY**

11-1601. ZONING, VIOLATION AND PENALTY

The owner or agent of a building or premises in or upon which a violation of any provision of this article has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part in or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed One Hundred Dollars (\$100.00), recoverable with costs, or by imprisonment in the county jail for a term not to exceed thirty (30) days. Each and every day that such violation continues may constitute a separate offense.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the appropriate authorities of the City of Kimball in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceedings to prevent such unlawful erection, construction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure, or land.

**ARTICLE 17  
INVALIDITY OF A PART**

11-1701. ZONING, INVALIDITY OF A PART

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**ARTICLE 18  
SAVING CLAUSE**

11-1801. ZONING, SAVING CLAUSE

All rights or remedies of the City of Kimball are expressly saved as to any and all violations of previous zoning regulations or amendments thereto, of said city that have accrued at the time of the effective date of this Ordinance; and that all existing violations of previous zoning regulations which would otherwise become legal non-conforming uses under this Ordinance shall not become legal non-conforming uses under this Ordinance, but shall be violations of this Ordinance in the same manner that they were violations of prior zoning regulations.

**ARTICLE 19  
REPEAL**

11-1901. ZONING, REPEAL

All ordinances or parts of ordinances in conflict with any of the provisions of this chapter are hereby repealed insofar as the same are in conflict with the provisions hereof.

ZONING ORDINANCE AMENDMENTS:

Ordinance #746 Adopted 3/21/2017      Amend Zoning Ordinance to allow for the keeping of animals  
as a special use