

ORDINANCE NO. 8321

AN ORDINANCE OF THE CITY OF KEARNEY, NEBRASKA TO AMEND SECTION 13-104 "RESIDENTIAL USE TYPES" OF CHAPTER 13 "USE TYPES" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO REMOVE 'OR MORE' FROM THE USE TYPE DEFINITION; TO AMEND SECTION 13-105 "CIVIC USE TYPES" OF CHAPTER 13 "USE TYPES" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO ADD ADMINISTRATIVE OFFICES AND FELLOWSHIP SOCIAL HALL, AND REMOVE EXCLUSIONS AND PROPERTY TAX EXEMPTION STATEMENT FOR THE USE TYPE DEFINITION; TO AMEND SECTION 46-104 "SUPPLEMENTAL USE REGULATIONS: CIVIC USES" OF CHAPTER 46 "SUPPLEMENTAL USE REGULATIONS" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO ADD ACCESSORY USES AND FLOOR AREA PERCENTAGE PERMITTED WITH A RELIGIOUS ASSEMBLY USE TYPE TO SUPPLEMENTAL USE REGULATIONS; TO AMEND TABLE 14-1 "USE MATRIX" OF CHAPTER 14 "ZONING DISTRICT REGULATIONS" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO ADD SECTION 46-104 D. TO THE SUPPLEMENTAL REGULATIONS COLUMN IN THE RELIGIOUS ASSEMBLY ROW IN TABLE 14-1; TO AMEND SECTION 15-102 "SITE DEVELOPMENT REGULATIONS" OF CHAPTER 15 "DISTRICT AG, AGRICULTURAL DISTRICT" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO REMOVE NON-ACTIVE REGULATORS, REDUCE LOT AREA AND WIDTH, MODIFY MINIMUM YARDS, INCREASE MAXIMUM HEIGHT FOR OTHER PERMITTED USES AND MODIFY REGULATOR REFERENCE FROM NOTES; TO AMEND SECTION 16-101 "PURPOSE" OF CHAPTER 16 "DISTRICT RR-1, RURAL RESIDENTIAL DISTRICT (RURAL STANDARDS)" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO REMOVE UNNECESSARY STATEMENTS; TO AMEND SECTION 16-102 "SITE DEVELOPMENT REGULATIONS" OF CHAPTER 16 "DISTRICT RR-1, RURAL RESIDENTIAL DISTRICT (RURAL STANDARDS)" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO REMOVE NON-ACTIVE REGULATORS, INCREASE LOT AREA, REDUCE LOT WIDTH AND ADD NOTE REGARDING WELLHEAD PROTECTION AREA; TO AMEND SECTION 18-101 "PURPOSE" OF CHAPTER 18 "DISTRICT RR-2, RURAL RESIDENTIAL DISTRICT (INTERMEDIATE STANDARDS)" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO REMOVE DEVELOPMENT LIMITATION TEXT AND ADD CLARIFICATION LANGUAGE; TO AMEND SECTION 18-102 "SITE DEVELOPMENT REGULATIONS" OF CHAPTER 18 "DISTRICT RR-2, RURAL RESIDENTIAL DISTRICT (INTERMEDIATE STANDARDS)" OF THE CODE OF THE CITY OF KEARNEY, NEBRASKA; TO REMOVE NON-ACTIVE REGULATORS; INCREASE LOT AREA; MODIFY MINIMUM YARDS; ADD NOTE REGARDING WELLHEAD PROTECTION AREA AND NDEQ APPROVAL NOTE; TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE CODE OF THE CITY OF KEARNEY; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith AND TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL AND EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

Section 1. That Section 13-104 “Residential Use Types” of Chapter 13 “Use Types” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

13-104 - RESIDENTIAL USE TYPES

Residential use types include uses providing wholly or primarily non-transient living accommodations. They exclude institutional living arrangements providing twenty-four (24) hour skilled nursing or medical care, forced residence, or therapeutic settings.

- A. *Single-Family Residential.* The use of a site for one (1) dwelling unit, occupied by one (1) family. Mobile home units, as defined by this Section, are not a single-family residential use type.
 - 1. *Single-Family Residential (Detached):* A single-family residential use in which one (1) dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit.
 - 2. *Single-Family Residential (Attached):* A single-family residential use in which one (1) dwelling unit is located on a single lot and is attached by a common vertical wall to only one (1) other adjacent dwelling unit on another single lot.
- B. *Duplex Residential.* The use of a legally-described lot for two (2) dwelling units, each occupied by one (1) family within a single building, excluding manufactured or mobile home units, but including modular housing units.
- C. *Two-Family Residential.* The use of a site for two (2) dwelling units, each occupied by one (1) family, each in a separate building, excluding a mobile home unit.
- D. *Townhouse Residential.* The use of a site for three (3) or more attached dwelling units, each occupied by one (1) family and separated by vertical side walls extending from foundation through roof without openings. Each townhouse unit must have at least two (2) exposed exterior walls.
- E. *Multiple-Family Residential.* The use of a site for three (3) or more dwelling units within one (1) building not otherwise defined as townhouse units.
- F. *Downtown Residential.* The use of upper levels above street level of a building within the Central Business District of the City of Kearney for single or multiple family residential uses.
- G. *Group Residential.* The use of a site for the residence of more than three (3) unrelated persons, not otherwise defined as a family, in which occupants are accommodated in rooms not defined as dwelling units. Group Residential uses are limited to facilities that are officially recognized or operated by a college or university, government agency, or nonprofit organization. Typical uses include fraternity or sorority houses and dormitories not incorporated into a college and university use type.
- H. *Lodging House.* The use of a site for the residence of more than three (3) unrelated persons, not otherwise defined as a family, in which occupants are accommodated in rooms not defined as dwelling units.
- I. *Manufactured Home Residential.* Use of a site for one (1) manufactured home dwelling, as defined in Section 12-116.
- J. *Mobile Home Park.* Use of a site under single ownership for one (1) or more mobile home units. Generally, the land on which mobile homes are placed in a Mobile Home Park is leased from the owner of the facility.

- K. *Mobile Home Subdivision*. Division of a tract of land into lots that meet all the requirements of the City of Kearney's Subdivision Chapter for the location of manufactured or mobile homes on permanent foundations. Generally, a lot within a Mobile Home Subdivision is owned by the owner of the mobile home placed upon such lot.
- L. *Retirement Residence*. A building or group of buildings which provide residential facilities, provided that seventy-five percent (75%) of the residents are at least sixty (60) years of age, or households headed by a householder of at least sixty (60) years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including, but not limited to, food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one (1) or more common areas. Retirement residences may include additional health care supervision or nursing care.

Section 2. That Section 13-105 "Civic Use Types" of Chapter 13 "Use Types" of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

13-105 - CIVIC USE TYPES

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with social importance.

- A. *Administration*. Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.
- B. *Cemetery*. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery as well as pet cemeteries and pet crematoria.
- C. *Clubs*. Uses providing meeting, recreational, or social facilities for a private, nonprofit or noncommercial association, primarily for use by members and guests.
 - 1. *Clubs (Recreational)*: Clubs which provide indoor and/or outdoor athletic facilities, with or without social or meeting facilities. Typical uses include country clubs, private or nonprofit community or recreation centers, and private golf courses and driving ranges.
 - 2. *Clubs (Social)*: Clubs which provide primarily social or meeting facilities. Typical uses include private social clubs and fraternal organizations excluding restricted adult entertainment business as defined in Section 13-107.BB.
- D. *College and University Facilities*. An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.
- E. *Convalescent Services*. A use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.
- F. *Cultural Services*. A library, museum, or similar registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one (1) or more of the arts and sciences.
- G. *Day Care Home Services (Limited)*. This use type includes all classifications of day care facilities located in the provider's place of residence regulated by the State of Nebraska that operate providing care for not more than eight (8) persons plus two (2) additional school age

children during non-school hours; or, providing care for no more than four (4) babies if providing infant care ONLY. This term includes facilities licensed by the State of Nebraska Department of Health & Human Services, Division of Public Health as "Family Child Care Home I".

- H. *Day Care Home Services (General)*. This use type includes all classifications of day care facilities, located in the residence of the provider or in any other approved location, regulated by the State of Nebraska that operate providing care for not more than twelve (12) persons. A maximum of two (2) providers may be employed, according to license standards. This term includes facilities licensed by the State of Nebraska Department of Health & Human Services, Division of Public Health as "Family Child Care Home II".
- I. *Day Care Centers*. This use type includes all classifications of day care facilities, located in the provider's residence or any other approved location, regulated by the State of Nebraska that operate providing care for more than thirteen (13) or more persons. This term includes facilities licensed by the State of Nebraska Department of Health & Human Services, Division of Public Health as "Child Care Center" and/or "Preschool".

See the Nebraska Department of Health and Human Services for Day Care Licensing.

- J. *Detention Facilities*. A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.
- K. *Emergency Residential Services*. A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.
- L. *Group Care Facility*. A facility licensed or approved by the State of Nebraska or other appropriate agency, which provides for the care and short or long-term, continuous multi-day occupancy of more than three (3) unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses defined as group homes. Group Care Facilities include facilities which provide for the:
1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
 2. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder; or of mental retardation if such facility has an overnight occupancy of more than eight (8) persons.
- M. *Group Care Facility (Limited)*. A facility licensed or approved by the State of Nebraska or other appropriate agency, which provides for the care and short or long-term, continuous multi-day occupancy of more than three (3) unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses defined as group homes. Group Care Facilities include facilities which provide for the:
1. Rehabilitation from the effects of drug or alcohol abuse.
 2. Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work-release, and probationary programs.
- N. *Group Home*. A facility licensed by the State of Nebraska in which no more than eight (8) persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purpose of adaptation to living with or rehabilitation from cerebral palsy, autism, or mental retardation.
- O. *Guidance Services*. A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.

- P. *Health Care*. A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors.
- Q. *Hospital*. A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an inpatient basis, including emergency treatment, diagnostic services, training, administration, and services to patients, employees, or visitors.
- R. *Maintenance Facilities*. A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.
- S. *Park and Recreation Services*. Publicly-owned and operated parks, playgrounds, recreation facilities including publicly-owned community centers, and open spaces.
- T. *Postal Facilities*. Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service.
- U. *Primary Educational Facilities*. A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of Nebraska.
- V. *Public Assembly*. Facilities owned and operated by a public agency, charitable nonprofit, or private organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums and arenas, convention facilities, fairgrounds, incidental sales, and exhibition facilities.
- W. *Religious Assembly*. A use located in a permanent building and providing regular organized religious worship, administrative offices, fellowship/social hall, and religious education incidental thereto.
- X. *Safety Services*. Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.
- Y. *Secondary Educational Facilities*. A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of Nebraska.
- Z. *Utilities*. Any above ground structures or facilities, other than lines, poles, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land.

Section 3. That Section 46-104 “Supplemental Use Regulations: Civic Uses” of Chapter 46 “Supplemental Use Regulations” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

46-104 - SUPPLEMENTAL USE REGULATIONS: CIVIC USES

- A. *Clubs*.
 - 1. Clubs located adjacent to residential uses shall maintain a bufferyard of not less than fifteen (15) feet along the common boundary with such residential use.
- B. *Group Care Facilities and Group Homes*.
 - 1. Each group care facility or group home must be validly licensed by either the State of Nebraska or the appropriate governmental agency.

2. Group homes are permitted in the CBD District only on levels above street level except that a facility specifically designed for occupancy by disabled residents may be developed at street level, subject to approval as a Conditional Use by the Planning Commission.

C. *Day Care Homes Services and Day Care Centers.*

1. Day Care Home Services (Limited), Day Care Home Services (General), and Day Care Centers shall be restricted to hours of operation between 6:00 a.m. and 6:00 p.m. when located in a residential zone (RR-1, RR-2, R-1, R-2, R-3, R-4, RM).
2. Day Care Home Services (General) shall provide two (2) off-street parking spaces for employees and an off-street loading and unloading zone for a minimum of one (1) vehicle.
3. The parking requirements for each day care type can be found in Table 49-1: Minimum Off-Street Parking Requirements.

D. *Religious Assemblies*

Accessory uses related, but subordinate and incidental, to the primary religious assembly are allowed in the principle structure. Any combination of these accessory uses are allowed, provided they occupy no greater than forty percent (40%) of the total gross floor area of the building. The following are permitted supplemental accessory uses for religious assemblies:

1. Offices for Guidance Services
2. Preschool
3. Day Care Center
4. Common Kitchen
5. Food Bank
6. Gymnasium

Section 4. That Table 14-1 “Use Matrix” of Chapter 14 “Zoning District Regulations” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

Table
Use Matrix:

14-1

Agricultural and Residential Types

Use Types	AG	RR-1	RR-2	R-1	R-2	R-3	R-4	RM	UC	C-O
<i>Agricultural Uses</i>										
Agricultural Market	C	C	C							
Horticulture	P									
Crop Production	P									
Animal Production	P	P	P							

Confined Animal Feeding Operations											
Livestock Sales	PD										
Urban Farming	C										
Urban Farming with a Cargo Container - Farm	C										
<i>Residential Uses</i>											
Single-Family Detached	P	P	P	P	P	P	P	P	P	P	P
Single-Family Attached					P	P	P	P	P		
Duplex					P	P	P	P	P	P	P
Two-Family											
Townhouse					P	P	P		P	P	
Multiple-Family						P	P		P	P	
Downtown Residential											
Group Residential						P	PD				
Lodging House											
Manufactured Housing Residential	P	P	P	P	P	P	P	P	P	P	
Mobile Home Park									P		
Mobile Home Subdivision									P		
Retirement Residential					PD	PD	PD				

P — Permitted by right or by right subject to supplemental regulations

PD — Planned Development Required

C — Permitted by Conditional Use Permit

Blank — Use not permitted in zoning district

Table
Use Matrix:

14-1

Agricultural and Residential Types - continued

Use Types	C-1	C-2	CBD	C-3	BP	M-1	M-2	Supplemental Regulations
<i>Agricultural Uses</i>								
Agricultural Market								
Horticulture								46-102A
Crop Production								
Animal Production								46-102B
Confined Animal Feeding Operations								
Livestock Sales								
Urban Farming		C	C	C		C	C	46-102E
Urban Farming with a Cargo Container-Farm						C	C	46-102E
<i>Residential Uses</i>								
Single-Family Detached	P	P	P	P				
Single-Family Attached	C							
Duplex	P	P	P	P				
Two-Family								
Townhouse	P	P	P	P				
Multiple-Family	P	P	P	P				
Downtown Residential			P					46-103A

Group Residential	PD	PD	PD	PD				46-103B
Lodging House	PD							46-103B
Manufactured Housing Residential								
Mobile Home Park								46-103C
Mobile Home Subdivision								46-103D
Retirement Residential	PD		PD					46-103E

P — Permitted by right or by right subject to supplemental regulations

PD — Planned Development Required

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Table
Use Matrix:

14-1

Civic Use Types

[illegible]

Day Care Home Services (General)	P	P	P	P	P	C	C	C		P
Day Care Centers	P	P	P	C	C	C	C	C		P
Detention Facilities	C									
Emergency Residential	P	P	P	P	P	P	P	P	P	P
Group Care Facility						PD	PD		PD	PD
Group Care Facility (Limited)										
Group Home	C	P	P	P	P	P	P	P	P	P
Guidance Services						C	P	C	P	P
Health Care	C						P	C	P	P
Hospitals							C		C	P
Maintenance Facility	C	C								
Park and Recreation	P	P	P	P	P	P	P	P	P	P
Postal Facilities						C	C		P	P
Primary Education	P	P	P	P	P	P	P	P	P	P
Public Assembly									C	C
Religious Assembly	P	P	P	P	P	P	P	P	P	P
Safety Services	P	P	P	P	P	P	P	P	P	P
Secondary Education	C	C	C	C	C	C	P	C	P	P
Utilities	P	C	C	C	C	C	C	C	C	C

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Table
Use Matrix:

14-1

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continued

Civic Use Types - continued

Use Types	C-1	C-2	CBD	C-3	BP	M-1	M-2	Supplemental Regulations
<i>Civic Uses</i>								
Administration	P	P	P	P	P	P	P	
Cemetery								
Clubs (Recreational)	P	P	P	P	C	P	P	46-104A
Clubs (Social)	P	P	P	P	P	P	P	46-104A
College/University	P	P	P	P	P	P		
Convalescent Services	P	P	C					
Cultural Services	P	P	P	P	P	P	P	
Day Care Home Services (Limited)	P	P	P	P	P	P	P	46-104C
Day Care Home Services (General)	P	P	P	P	P	C	C	46-104C
Day Care Centers	P	P		P	P	C	C	46-104C
Detention Facilities			C	C		C	C	
Emergency Residential	P	P	P	P				
Group Care Facility	PD	PD	PD	PD				46-104B
Group Care Facility (Limited)		PD		PD	PD			
Group Home	P	P	P	P				46-104B
Guidance Services	P	P	P	P	P	P	P	
Health Care	P	P	P	P	P	P	P	

Hospitals	C	P	P	P	P	C	C	
Maintenance Facility		P	P	P	P	P	P	
Park and Recreation	P	P	P	P	P	P	P	
Postal Facilities	P	P	P	P	P	P	P	
Primary Education	P	C	C	C				
Public Assembly	C	P	P	P	C	P	P	
Religious Assembly	P	P	P	P	P	P	C	46-104D
Safety Services	P	P	P	P	P	P	P	
Secondary Education	C	P	C	P	C	C		
Utilities	C	C	C	C	C	P	P	

P — Permitted by right or by right subject to supplemental regulations

PD — Planned Development Required

C — Permitted by Conditional Use Permit

Blank — Use not permitted in zoning district

Table 14-1	-	continued
Use Matrix:		

Office Use Types

[illegible]

Auto Auction Lots										
Auto Rental/Sales										
Auto Services Limited										
Body Repair Auto Services General										
Equip Rental/Sales										
Equipment Repair										
Bed and Breakfast	P	P	P	P	P	PD	PD			P
Business Support Services										P
Business/Trade School										PD
Campground	PD									
Cocktail Lounge										P
Commercial Rec (Indoor)										
Commercial Rec (Outdoor)										
Communication Service										P
Construction Sale/Service										
Consumer Service									P	P
Convenience Storage										
Food Sales (Convenience)										
Food Sales (Limited)									P	P
Food Sales (General)										
Food Sales (Super markets)										

P — Permitted by right or by right subject to supplemental regulations

PD — Planned Development Required

C — Permitted by Conditional Use Permit

Blank — Use not permitted in zoning district

Table 14-1 - continued Use Matrix:

Commercial Use Types - continued

Use Types	C-1	C-2	CBD	C-3	BP	M-1	M-2	Supplemental Regulations
<i>Commercial Uses</i>								
Ag Sales/Service				P		P	P	
Auto Auction Lots						P	P	
Auto Rental/Sales		P		P	P	PD	PD	46-105C
Auto Services Limited		P	P	P	P	P	P	46-105A, 46-105B
Auto Services General				P		P	P	46-105A
Equip Rental/Sales				P		P	P	46-105C
Equipment Repair				PD		P	P	46-105A
Bed and Breakfast	P	P	P	P				46-105D
Business Support Services	P	P	P	P	P	P	P	
Business/Trade School		PD		PD	PD	P	P	
Campground				PD				46-105E
Cocktail Lounge		P	P	P	P	P	P	
Commercial Rec (Indoor)		P	P	P	P	P	P	
Commercial Rec (Outdoor)		PD		P		P	P	
Communication Service		P	P	P	P	P	P	
Construction Sale/Service		PD		P	P	P	P	46-105F

Consumer Service	P	P	P	P	P	P	P	
Convenience Storage				P	P	P	P	46-105G
Food Sales (Convenience)	P	P	P	P	P	P	P	49-109
Food Sales (Limited)	P	P	P	P	P			
Food Sales (General)	P	P	P	P	P			
Food Sales (Super markets)		P		P				

P — Permitted by right or by right subject to supplemental regulations

PD — Planned Development Required

C — Permitted by Conditional Use Permit

Blank — Use not permitted in zoning district

Table
Use Matrix:

14-1

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continued

Commercial Use Types - continued

[illegible]

Personal Improvement									P	P
Personal Services									P	P
Pet Services									P	P
Research Services										
Restaurants (Drive-in)										
Restaurants (General)									P	P
Restricted Business										
Retail Services (Limited)									P	P
Retail Services (Medium)									PD	PD
Retail Services (Large)										
Retail Services (Mass)										
Stables	P									
Surplus Sales										
Trade Services										
Travel Centers										
Truck Stops										
Vehicle Storage (Short-term)										
Veterinary Services (General)	P								P	P
Veterinary Services (Large Animal)	P									

P — Permitted by right or by right subject to supplemental regulations

PD — Planned Development Required

C — Permitted by Conditional Use Permit

Blank — Use not permitted in zoning district

Table
Use Matrix:

14-1

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continued

Commercial Use Types - continued

Use Types	C-1	C-2	CBD	C-3	BP	M-1	M-2	Supplemental Regulations
<i>Commercial Uses</i>								
Fuel Sales		P		p	P	P	P	49-109
Funeral Service	P	P	P	p	P			
Furniture/Appliance Stores		P	PD	p				
Gaming Facilities		P	P	p				
Kennels				p		P	P	46-105H
Laundry Services			P	p	P	P	P	
Liquor Sales		P	P	p		P		
Lodging		P	PD	p	P			
Personal Improvement	P	P	P	p	P	P	P	
Personal Services	P	P	P	p	P	P	P	
Pet Services	P	P	P	p	P	P		
Research Services	PD	P	P	p	P	P	P	
Restaurants (Drive-in)		P		p				
Restaurants (General)	P	P	P	p	P			
Restricted Adult Entertainment Business						PD	PD	46-105J
Retail Services (Limited)	P	P	P	p	P			
Retail Services (Medium)		P	P	p				28-102

Driving Range										
Railroad Facilities										
Truck Terminal										
Transportation Terminal										

Table 14-1 - continued
Use Matrix:

Parking and Transportation Use Types - continued

Use Types	C-1	C-2	CBD	C-3	BP	M-1	M-2	Supplemental Regulations
<i>Parking Uses</i>								
Off-Street Parking			PD	P	P	P	P	
Parking Structure		PD	PD	PD	PD	PD	PD	
<i>Transportation Uses</i>								
Aviation						P	P	
Driving Range					P	P	P	
Railroad Facilities						P	P	
Truck Terminal					PD	P	P	
Transportation Terminal			PD	PD	P	P	P	

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PD — Planned Development Required

C — Permitted by Conditional Use Permit

Blank — Use not permitted in zoning district

Industrial Use Types

[illegible]

[illegible]

P — Permitted by right or by right subject to supplemental regulations

PD — Planned Development Required

C — Permitted by Conditional Use Permit

Blank — Use not permitted in zoning district

Table	14-1	-	continued
Use Matrix:			

Industrial Use Types - continued

[illegible]

Vehicle Storage (Long-term)				C		P	P	46-107C
Warehousing (Enclosed)			C	C	P	P	P	
Warehousing (Open)						C	P	
<i>Miscellaneous Uses</i>								
Alternative Energy Production Devices					P	P	P	
Amateur Radio Tower	P	P	C	P	P	P	P	
Communications Tower	C	C	C	C	C	P	P	46-110
Construction Batch Plant						C	C	46-107B
Landfill (Non-Putrescible)							PD	46-111A
Landfill (Putrescible)								46-111A
Therapeutic Riding						C	C	46-107D
LWECS					PD	PD	PD	46-111B
SWECS	P	P		P	P	P	P	46-111C

P — Permitted by right or by right subject to supplemental regulations

PD — Planned Development Required

C — Permitted by Conditional Use Permit

Blank — Use not permitted in zoning district

Section 5. That Section 15-102 “Site Development Regulations” of Chapter 15 “District AG, Agricultural District” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

15-102 - SITE DEVELOPMENT REGULATIONS

Regulator	1-Family Units	Other Permitted Uses
Minimum Lot Area*	10 acres	20 acres

Minimum Lot Width (feet)	225	500
Minimum Yards (feet)		
Front Yard	50	50
Side Yard	25	50
Street Side Yard	50	50
Rear Yard	50	100
Maximum Height (feet)	35	45

* Note, Special provisions shall be applied to land contained in Wellhead Protection Zones, see Chapter 45.

Section 6. That Section 16-101 “Purpose” of Chapter 16 “District RR-1, Rural Residential District (Rural Standards)” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

16-101 - PURPOSE

The RR-1 District provides for the rural residential use of land, accommodating agriculture and low density residential environments. It is designed for permanent development of relatively remote areas that are beyond the reach of Kearney's foreseeable urban development pattern. RR-1 Districts do not permit comprehensive agriculture, and are intended for areas where farming is not a primary, permanent land use. Subdivisions in RR-1 Districts generally will be developed to rural standards, with gravel roads, surface drainage, and individual water and wastewater management systems. In parts of the Kearney jurisdiction with distinctive landforms, conservation development design is required to maintain the character of the land. These areas are designated by the RC, Rural Conservation Development Overlay District and are subject to special standards and planning procedures set forth in Chapter 40 of the Unified Land Development Ordinance. These standards encourage the preservation of important open space resources without reducing the density permitted the developer or property owner.

Section 7. That Section 16-102 “Site Development Regulations” of Chapter 16 “District RR-1, Rural Residential District (Rural Standards)” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

16-102 - SITE DEVELOPMENT REGULATIONS

Regulator	1-Family Units	Other Permitted Uses
Minimum Lot Area	3 acres	3 acres

Minimum Lot Width (feet)		
Minimum Yards (feet)		
Front Yard	50	50
Side Yard	25	25
Street Side Yard	50	50
Rear Yard	50	50
Maximum Height (feet)	35	35

* Note: Special provisions shall be applied to land contained in Wellhead Protection Zones, see Chapter 45.

Section 8. That Section 18-101 “Purpose” of Chapter 18 “District RR-1, Rural Residential District (Rural Standards)” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

16-101 - PURPOSE

The RR-2 District provides for the low-density residential use of land, accommodating limited agriculture as an interim use, low density residential environments, and compatible civic uses. It is designed for residential subdivisions areas surrounding Kearney's corporate limits. Because of their proximity to the City, subdivisions in RR-2 Districts may be required to meet City standards for infrastructure development, with gravel or paved roads and surface drainage. They may be provided with City or individual water supply and will use either community or individual wastewater systems. Subdivision design should generally be capable of transitioning to higher densities, if urban services become available in the future. In parts of the Kearney jurisdiction with distinctive landforms, conservation development design is required to maintain the character of the land. These areas are designated by the RC, Rural Conservation Development Overlay District and are subject to special standards and planning procedures set forth in Chapter 40 of the Unified Land Development Ordinance.

Section 9. That Section 18-102 “Site Development Regulations” of Chapter 18 “District RR-1, Rural Residential District (Rural Standards)” of the Code of the City of Kearney, Nebraska, is hereby amended to read as follows:

18-102 - SITE DEVELOPMENT REGULATIONS

Regulator	1-Family Units	Other Permitted Uses
Minimum Lot Area	1.75 acres*	3.0 acres
Minimum Lot Width (feet)	100	100

Minimum Yards (feet)		
Front Yard	40	40
Side Yard	15	15
Street Side Yard	40	40
Rear Yard	30	30
Maximum Height (feet)	35	35
Maximum Building Coverage	20%	20%
Maximum Impervious Coverage	30%	30%

* Note: Special provisions shall be applied to land contained in Wellhead Protection Zones, see Chapter 45.

* Any proposed subdivision with lots smaller than 3 acres and having individual well and septic systems is subject to review and compliance by Nebraska Department of Environmental Quality prior to platting.

Section 10. It is the intention of the City Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Kearney, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 11. That all ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

Section 12. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of Kearney hereby declare that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 13. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law and shall be published in pamphlet form by authority of the City Council.

INTRODUCED BY COUNCIL MEMBER _____
PASSED AND APPROVED THIS 12TH DAY OF FEBRUARY, 2019.

ATTEST:

**LAUREN BRANDT,
CITY CLERK**

**STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR**