
ZONING ORDINANCE

CITY OF BEATRICE, NEBRASKA

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ARTICLE ONE – BASIC PROVISIONS

101 Title

This Ordinance shall be known as the Zoning Ordinance of the City of Beatrice.

102 Jurisdiction

The provisions of this Ordinance shall be applicable to lands within the corporate limits of the City of Beatrice and the territory located within two (2) miles beyond and adjacent to the corporate limits of the City of Beatrice.

103 Purpose

The purposes of the Zoning Ordinance are to:

- a. Serve the public health, safety and general welfare of the city and its jurisdiction.
- b. Classify property in a manner that reflects its suitability for specific uses.
- c. Provide for sound, attractive development within the city and its jurisdiction.
- d. Encourage compatibility of adjacent land uses.
- e. Protect environmentally sensitive areas.
- f. Further the objectives of the Comprehensive Development Plan for the City of Beatrice.

104 Consistency with Comprehensive Development Plan

The City of Beatrice intends that this Zoning Ordinance and any amendments to it shall be consistent with the City's Comprehensive Development Plan. Should this Ordinance become inconsistent with the adopted Comprehensive Development Plan because of subsequent amendments to that plan, it is the City's intent to amend this ordinance to bring it into conformance with the plan.

105 Conflicting Provisions

The Zoning Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Zoning Ordinance conflicts with any other provision of the Zoning Ordinance, any other Ordinance of the City of Beatrice, or any applicable State or Federal law, the more restrictive provision shall apply.

106 Relief from Other Provisions

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special use permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

107 Severability of Provisions

If any chapter, section, subsection, clause, or phrase of this Zoning Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE TWO – DEFINITIONS

201 Purpose

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Ordinance. The meaning and construction of words as set forth shall apply throughout the Zoning Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

202 General Construction of Language

The following general rules of construction apply to the text of the Zoning Ordinance:

A. Headings

Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, or intent of any provision of the Zoning Ordinance.

B. Illustration

In the case of any real or apparent conflict between the text of this Ordinance and any illustration explaining the text, the text shall apply.

C. Shall and May

"Shall" is always mandatory. "May" is discretionary.

D. Tenses and Numbers

Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

E. Conjunctions

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items or provisions apply.
2. "Or" indicates that the connected items or provisions may apply singly or in any combination.
3. "Either...or" indicates that the connected items or provisions shall apply singly but not in combination.

F. Referenced Agencies

Unless otherwise indicated, all public officials, bodies, and agencies referred to in this Chapter are those of the City of Beatrice.

203 Definitions of Terms

For the purposes of this Zoning Ordinance, certain terms and words are hereby defined. Certain sections contain definitions which are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meanings or meanings implied by their context shall apply.

204 A

1. Abutting: Having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.
2. Accessory Structure: A structure which is incidental to and customarily associated with a specific principal use or building on the same site.
3. Accessory Use: A use which is incidental to and customarily associated with a specific principal use on the same site.
4. Addition: Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
5. Agent of Owner: Any person showing notarized written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
6. Alley: A public right of way which is used as a secondary means of access to abutting property.
7. Alteration: Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
8. Attached: Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; or archway.

205 B

1. Base District: A district established by this Ordinance to prescribe basic regulations governing use and site development. No more than one base district shall apply to the same portion of a site.
2. Beginning of Construction: The initial incorporation of labor and materials within the foundation of a building or structure.
3. Block Face: The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, lakes, or the city limits of Beatrice.

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4. Bufferyard: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
 5. Building: A structure having a roof and built to provide shelter, support, or enclosure for persons or property.
 6. Building Coverage: The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
 7. Building Line: The outer boundary of a building established by the location of its exterior walls, along with any adjustments permitted by Article Seven.
 8. Building Official: The Chief Building Inspector or his/her designee, responsible for supervision and operation of the building and land use regulations of the City of Beatrice.
 9. Business Center: A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

206 C

1. Certificate of Occupancy: An official certificate issued by the Building Official or his/her designee, indicating conformance with the zoning regulations and other applicable ordinances of the city and authorizing legal use of the premises for which it is issued.
2. Change of Use: The replacement of an existing use by a new use.
3. City: The City of Beatrice, Nebraska.
4. City Council: The City Council of Beatrice, Nebraska.
5. Collector Street: A street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.
6. Commission: The Planning and Zoning Commission of the City of Beatrice.
7. Common Area: An area held, designed, and designated for common or cooperative use within a development.
8. Common Development: A development under the control of a single owner or management entity, planned and developed as a single unified project. Projects defined as Common Developments may not be divided by a public street, alley, or other public right-of-way.
9. Compatibility: The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
10. Comprehensive Plan: The duly adopted Comprehensive Development Plan for the City of Beatrice.
11. County: Gage County, Nebraska.

207 D

1. Density: The amount of development per specific unit of a site.
2. Detached: Fully separated from any other building or jointed to another building in such a manner as not to constitute an enclosed or covered connection.
3. Drive-in Services: Uses which involve the sale of products or provision of services to occupants in vehicles.
4. Driveway: A permanently surfaced area providing vehicular access between a street and an off-street parking or loading area.
5. Dwelling Unit (or Housing Unit): A building or portion of a building arranged for an intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.

208 E

1. Easement: A privilege or right of use granted on, above, under, or across a particular tract of land by one owner to another owner, a utility, or any other agency.
2. Enclosed: A roofed or covered space fully surrounded by walls.

209 F

1. Family: One or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, no more than 3 of whom may be unrelated. The following persons shall be considered related for the purpose of this title:
 - (a) Persons related by blood, marriage, or adoption;
 - (b) Persons residing with a family for the purpose of adoption;
 - (c) Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska.
 - (d) Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska.
 - (e) Person(s) living with a family at the direction of a court.
2. Federal: Pertaining to the Government of the United States of America.
3. Floor Area Ratio: The quotient of gross floor area divided by gross site area.
4. Frontage: The length of a property line of any one premises abutting and parallel to a public street.

210 G

1. Grade: The horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.
2. Gross Floor Area: The total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, air spaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

211 H

1. Height: The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip, shed, or gambrel roofs. Where a building is located on a slope, height shall be measured from the average grade level adjacent to the building.
2. Home Occupation: An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.

212 I

1. Impervious Coverage: The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

213 J

214 K

215 L

1. Landscaped Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to, grass, trees, shrubs, vines, groundcover, and other organic plant material; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.
 - (a) Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
 - (b) Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.
2. Loading Area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.

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3. Lot: A parcel of real property with a separate and distinct number or other designation shown on a plat, record or survey, parcel map, or subdivision map recorded in the office of the Gage County Register of Deeds. When a lot is used together with one or more contiguous lots in a common development, all of the lots used, including any lots used for off-street parking, shall be considered a single lot for purposes of this Zoning Ordinance. A lot shall have a minimum frontage of 20 feet, except as provided in an approved Planned Unit Development.
 - (a) Corner Lot: A lot located at the intersection of two streets or on two segments of a curved street forming an angle of no more than 135 degrees.
 - (b) Double Frontage Lot: A lot, other than a corner lot, having frontage on two streets.
 - (c) Interior Lot: A lot other than a corner lot.
 4. Lot Area: The total horizontal area within the lot lines of a lot.
 5. Lot Depth: The average horizontal distance between the front and rear lot lines.
 6. Lot Line: The lines bounding a lot as herein defined.
 - (a) Front Lot Line: For an interior lot, the lot line separating the lot from the street. For a corner lot, the shorter lot line abutting a street or the line designated as the front lot line on a subdivision plat or parcel map. For a double frontage lot, the lines separating the lot from both streets.
 - (b) Rear Lot Line: The lot line which is opposite and most distant from the front lot line.
 - (c) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
 7. Lot Width: The horizontal distance between the side lot lines, measured at the two points of intersection between the line of the required front yard setback and the side lot lines.

216 M

1. Mobile Home: (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, and which does not have permanently attached to its body or frame any wheels or axles, or (b) a modular housing unit as defined in section 71-1557 of the Nebraska Revised Statutes bearing a seal in accordance with the Nebraska Uniform Standards for Modular Housing Units Act. Recreational vehicles and travel trailers are excluded from this definition.
2. Mobile Home Park: A unified development under single ownership, providing spaces for rent or lease for the placement of mobile home units. Mobile Home Parks usually include common areas and facilities for management, recreation, laundry, utility services, storage, and other services.
3. Mixed Use Building: A building or structure that incorporates two or more use types within it.

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4. Mixed Use Development: A single development which incorporates two or more use types within its site boundaries. (Ord. No. 94-69 Sec. 1, 4-3-95; Ord. No. 98-43 Sec. 1, 8-3-98)

217 N

1. Nonconforming Development: A building, structure, or improvement which does not comply with the provisions of this Zoning Ordinance but which complied with applicable regulations at the time of construction.
2. Nonconforming Use: A lawful use of land which does not comply with the provisions of this Zoning Ordinance but which complied with applicable regulations at the time the use was established.
3. Nuisance: An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

218 O

1. Open Space: Area included on any site or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials.
2. Overlay District: A district established by this Ordinance to prescribe special regulations to be applied to a site only in combination with a base district.
3. Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

219 P

1. Parcel: A distinct, contiguous piece of land that may or may not be a subdivided, legally described lot.
2. Parking Facility: An area on a lot or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures.
3. Parking Spaces: An area on a lot or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall". Each parking space must have a means of access to a public street.
4. Permitted Use: A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.
5. Planned Unit Development: A development of a parcel of land or an aggregation of contiguous parcels of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

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6. Premises: A tract of land consisting of one or more lots or sites which are contiguous and under common ownership or control.
 7. Private Garage: A building for the storage of motor vehicles where no repair or service facilities are maintained and where no motor vehicles are kept for rental or sale.
 8. Property Line: The line separating parcels under different ownerships or between different developments.

220 Q

221 R

1. Recreational Vehicle: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers, campers, motor coach homes, converted buses and trucks, boats, and boat trailers.
2. Regulation: A specific requirement set forth by this Zoning Ordinance which must be followed.
3. Remote Parking: A supply of off-street parking at a location not on the site of a given development.

222 S

1. Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, vegetation, berms, or other features.
2. Setback: A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and setting forth the nearest that a building line may come to that lot line.
3. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
4. Site: The parcel of land to be developed or built upon. A site may encompass a single lot, a portion of a lot, or a group of lots developed as a common development. A site must be in one base district, and cannot be separated by a public street or alley.
5. Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.
6. Special Use Permit Use: A use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Special use permit uses are allowed in a zoning district only at the discretion of and with the explicit permission of the Planning and Zoning Commission.

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7. State: The State of Nebraska.
 8. Street: A right of way, dedicated to public use, which affords a primary means of access to the abutting property.
 9. Structure: Any object constructed or built, the use of which requires location on the ground or attachment to something located on the ground. This definition excludes poles used for the support of wires and appurtenant equipment necessary for the supply or distribution of public utilities.

223 T

1. Townhouse: Three or more adjacent dwelling units separated by vertical sidewalls in a townhouse structure, each with independent front and rear access to the outside, and neither above nor below any other dwelling unit.
2. Townhouse Structure: A building formed by three or more contiguous townhouse dwelling units with common or abutting walls.

224 U

1. Use: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

225 V

1. Value: The estimated cost to replace a structure in kind, based on current replacement costs.

226 W

227 X

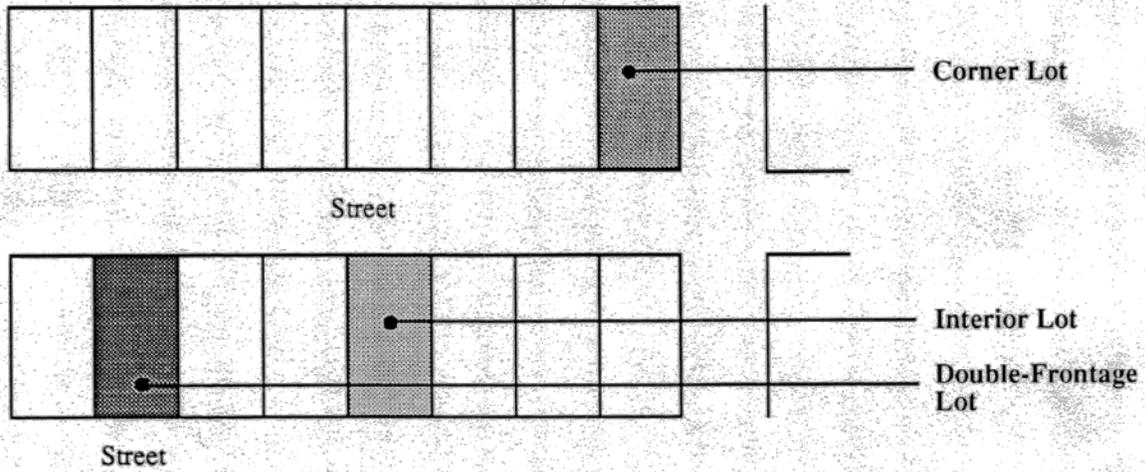
228 Y

1. Yard: A required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by this Zoning Ordinance.
 - (a) Front Yard: A required yard extending the full width of a lot, between the front lot line and the front setback line.
 - (b) Rear Yard: A required yard extending the full width of a lot, between the rear lot line and the rear setback line.
 - (c) Interior Side Yard: A required yard extending the depth of a lot from the front to rear lot lines, between the interior side lot line and the side setback line.
 - (d) Street Side Yard: On a corner lot, a required yard extending the depth of a lot from the front to rear lot lines, between the street side lot line and the street side setback line.

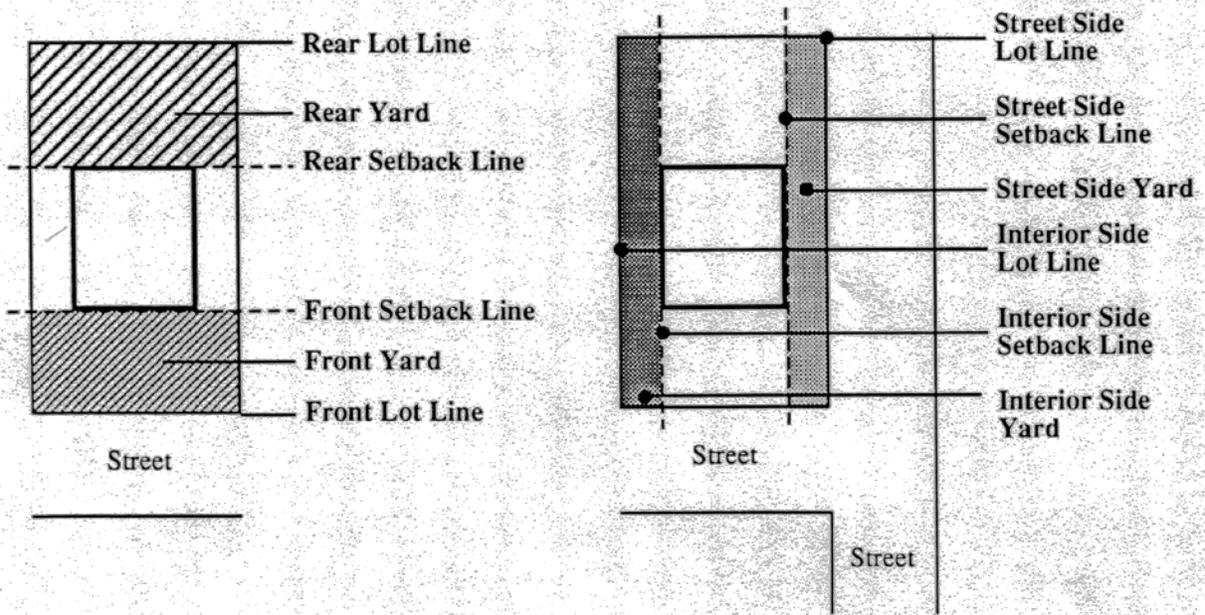
229 Z

1. Zone Lot: A parcel of land in single ownership that is large enough to meet the minimum zoning requirements of its zoning district; and can provide such yards and other open spaces that are required by the district regulations.
2. Zoning District: A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Ordinance.

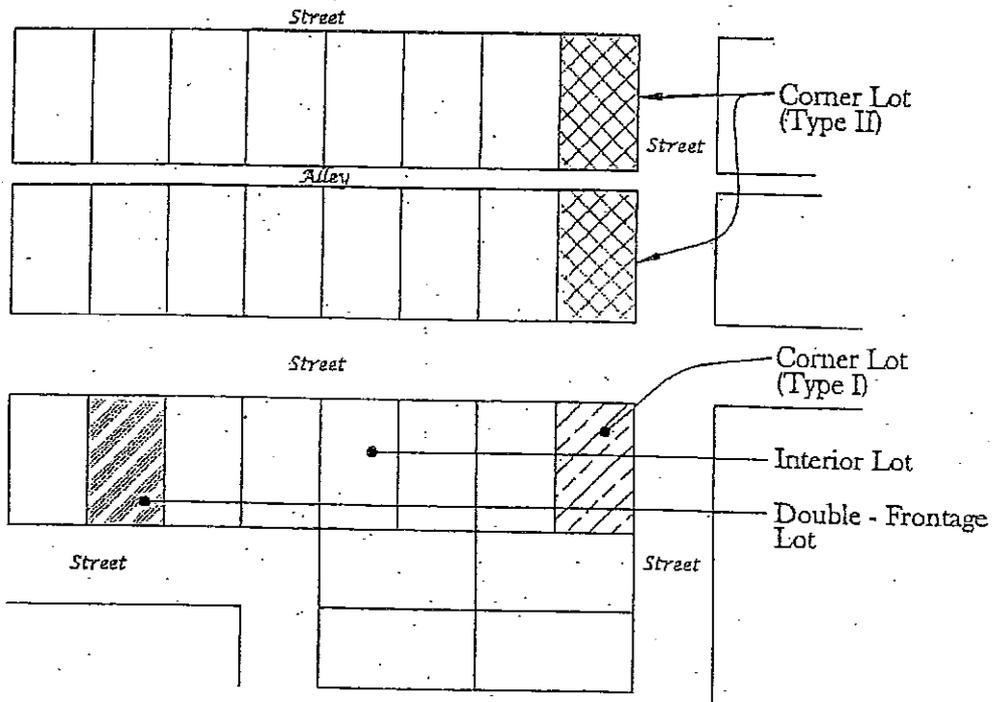
Lot Types



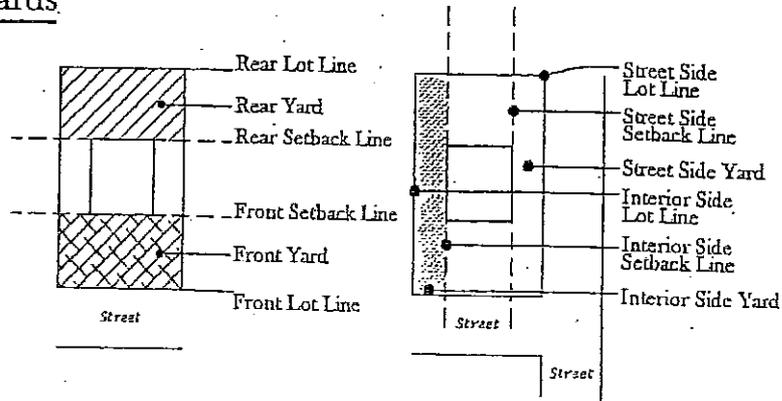
Yards



Lot Types



Yards



ARTICLE THREE – USE TYPES

301 Purpose

Article Three shall be known as the Use Types. The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. The Use Types section also provides a procedure for determining the applicable use type of any activity not clearly within any defined use type.

302 Interpretations

A. Classification of Uses

In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Building Official of the City of Beatrice shall have the authority to interpret the provisions of this Ordinance as to appropriate type. An interpretation by the Building Official may be appealed to the Board of Adjustment in accordance with the provisions of Article Thirteen. In making such interpretations, the Building Official and the Board of Adjustment shall consider the operational and physical characteristics of the use in question and shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to being exclusive lists, unless otherwise indicated.

B. Records

The Building Official shall make all such interpretations as to appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

303 Agricultural Use Types

Agricultural use types include the on-site production of plant and animal products by agricultural methods.

A. Horticulture

The growing of horticultural and floracultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

B. Crop Production

The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

C. Type I Animal Production

The raising of animals or production of animal products such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where

grazing of natural vegetation is the major feed source. Type I Animal Production shall also include confined feeding or holding facilities consisting of less than or equal to 20 feeder or fat cattle, less than or equal to 20 beef cows, less than or equal to 20 dairy cattle, less than or equal to 50 swine, less than or equal to 200 sheep, less than or equal to 300 turkeys, or less than or equal to 1,000 chickens, ducks, or geese.

D. Type II Animal Production

The confined feeding or holding of between 21 and 150 feeder or fat cattle, between 21 and 100 beef cows, between 21 and 100 dairy cattle, between 51 and 500 swine, between 201 and 2,000 sheep, between 301 and 3,000 turkeys, or between 1,001 and 10,000 chickens, ducks, or geese in buildings, lots, pens, pools, or ponds, which are normally not used for crop production or where grazing of natural vegetation is not the major feed source.

E. Type III Animal Production

The confined feeding or holding of more than 150 feeder or fat cattle, more than 100 beef cows, more than 100 dairy cattle, more than 500 swine, more than 2,000 sheep, more than 3,000 turkeys, or more than 10,000 chickens, ducks, or geese in buildings, lots, pens, pools, or ponds, which are normally not used for crop production or where grazing of natural vegetation is not the major feed source.

F. Livestock Sales

The use of a site for the receipt, temporary feeding and accommodation, and sale of livestock and poultry. Typical uses include stockyards and livestock sales pavilions.

304 Residential Use Types

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

A. Single-Family Residential

The use of a site for one dwelling unit, occupied by one family, excluding a mobile home unit.

1. Single-Family Residential (Detached): A single-family residential use in which one dwelling unit is located on one 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 dwelling unit is located on one lot and is attached by a common vertical wall to only one other adjacent dwelling unit, located on an adjacent, legally described lot.

B. Duplex Residential

The use of a site for two dwelling units, each occupied by one family within a single building on a single, legally-described lot, excluding a mobile home unit.

C. Townhouse Residential

The use of a site for three or more attached dwelling units, each occupied by one family and separated by vertical side walls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls.

D. Multiple-Family Residential

The use of a site for three or more dwelling units within one building.

E. Downtown Residential

The use of the upper levels above street level of a building within the Central Business District of the City of Beatrice for single- or multiple-family residential uses.

F. Group Residential

The use of a site for a residence by more than three unrelated persons, not defined as a family, on a weekly or longer basis.

G. Mobile Home Residential

A residential use in which one mobile home is located on one lot, with no physical or structural connection to any other dwelling unit or mobile home.

H. Mobile Home Park

Use of a site under single ownership for one or more mobile home units. In general, the land on which mobile homes are placed in a Mobile Home Park is leased from the owner of the facility. (Ord. No. 94-69 Sec. 2, 4-3-95)

305 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 public or 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.

C. Clubs

Uses providing meeting, recreational, or social facilities for a private, non-profit or non-commercial association, primarily for use by members and guests.

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. Typical uses include universities, colleges, and community colleges.

E. Convalescent Services

A use providing bed care and in-patient 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.

F. Cultural Services

A library, museum, or similar registered non-profit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

G. Day Care Services (Limited)

A facility, or use of a building or portion thereof, for part-time care of fewer than twelve (12) individuals. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

H. Day Care Services (General)

A facility, or use of a dwelling unit or portion thereof, for part-time care of at least twelve (12) individuals. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities and non-commercial shelters.

I. Detention Facilities

A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from a surrounding community.

J. Elderly Care Facility

A facility that provides twenty-four (24) hour nonmedical care to ambulatory or nonambulatory persons in need of personal assistance, supervision or assistance essential for maintaining the activities of daily living. The facility may include congregate dining, transportation, recreation activities, housekeeping, financial services, beauty and barber services, and other support services appropriate for the residents.

K. Elderly Housing Facility

A multiple-family housing facility maintained for the occupancy of the elderly in which not more than (10) percent of the occupants are under sixty-two (62) years of age. The housing facility may include congregate transportation, recreation activities, beauty and barber services, financial services and other support services appropriate for the residents.

L. Emergency Residential Services

A facility or use of a dwelling 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.

M. 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 overnight occupancy of more than three 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 persons.
3. Rehabilitation from the effects of drug or alcohol abuse.
4. 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 at least four but no more than eight 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. Hospital

A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis including emergency treatment, diagnostic services, training, administration and services to patients, employees, or visitors.

Q. 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, contracting, or industrial activities.

R. Non-commercial Shelters

Facilities which are operated by non-profit organizations and which provide emergency or temporary services and accommodations for people who lack access to permanent housing. Non-commercial shelters may provide accommodations on a daytime only or overnight basis. Typical uses include urban missions and shelters for homeless people.

S. Park and Recreation Services

Publicly-owned and operated parks, playgrounds, recreation facilities, 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 and study required to be taught in the public schools of the State of Nebraska.

V. Public Assembly

Facilities owned and operated by a public agency or a charitable non-profit organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, incidental sales, and exhibition facilities.

W. Religious Assembly

A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto but excluding private primary or private secondary educational facilities, community recreational facilities, day-care facilities, and associated parking facilities. A property tax exemption obtained pursuant to Property Tax Code of the State of Nebraska shall constitute prima facie evidence of religious assembly use.

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 middle level or high school level in the branches of learning and study required to be taught in the public schools of the State of Nebraska.

Z. Utilities

Any above- or underground 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, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. (Ord. No. 00-41, Sec. 1, 11-6-00)

306 Office Use Types

Office use types include uses providing for administration, professional services, and similar activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

A. General Offices

Use of a site for business, professional or administrative offices, excluding medical offices, banks, and financial offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; or professional offices.

B. Medical Offices

Use of a site for facilities which provide diagnostic care; and medical, psychiatric, or surgical services for sick or injured persons exclusively on an out-patient basis, but which does not provide prolonged, in-house medical or surgical care. Typical uses include medical offices operated by doctors, dentists, or similar practitioners licensed for practice in the State of Nebraska; public and private health clinics; and satellite emergency care facilities.

C. Financial Services

Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, savings banks, and loan companies.

307 Commercial Use Types

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

A. Agricultural Sales and Service

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally-related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores, and tree service firms.

B. Automotive and Equipment Services

Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

- 1. Automotive Rental and Sales:** Sale or rental of automobiles, light trucks and utility vehicles, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
- 2. Auto Services:** Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, light trucks and utility vehicles, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services. Uses may also include the retail sale of non-automotive goods.
- 3. Body Repair:** Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
- 4. Equipment Rental and Sales:** Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
- 5. Equipment Repair Services:** Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.
- 6. Vehicle Storage:** Long-term storage of operating or non-operating vehicles, including private parking towaways or impound yards but excluding dismantling or salvage.

C. Bed and Breakfast

Conversion of a structure or group of structures for lodging use, providing no more than ten units and furnishing guests with breakfast and other incidental services.

D. Building Maintenance Services

Establishments primarily engaged in the provision of maintenance and custodial services to businesses and individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

E. Business Support Services

Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.

F. Business or Trade Schools

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

G. Campground

Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents.

H. Cocktail Lounge

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.

I. Commercial Recreation

Private businesses or organizations, which may or may not be commercial in nature, primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. Typical uses include driving ranges, theaters, private dance halls, or private skating facilities.

J. Communications Services

Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, and film or sound recording facilities.

K. Construction Sales and Services

Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, or materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales, or tool and equipment rental or sales.

L. Consumer Services

Establishments which provide services, primarily to individuals and households, but excluding Automotive Use Types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, and musical instrument repair shops.

M. Convenience Storage

Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

N. Food Sales

Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

1. **Limited Food Sales:** Establishments occupying facilities of 10,000 square feet or less; and characterized by sales of specialty foods or a limited variety of general items. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores.
2. **General Food Sales:** Establishments selling a wide variety of commodities, using facilities larger than 10,000 square feet. Typical uses include supermarkets.

O. Funeral Services

Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

P. General Retail Services

Sale or rental with incidental service of commonly-used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:

Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).

Q. Kennels

Boarding and care services for dogs, cats and similar small animals or any premises on which three or more dogs over four months of age are kept and maintained. Typical uses include boarding kennels, pet motels, or dog training centers.

R. Laundry Services

Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plans, diaper services, or linen supply services.

S. Liquor Sales

Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

T. Lodging

Lodging services involving the provision of room and/or board. Typical uses include hotels and motels.

U. Personal Services

Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; or dry cleaning stations serving individuals and households, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

V. Pet Services

Retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.

W. Research Services

Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.

X. Restaurants

A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 per cent of the establishment's gross income.

- 1. Restaurant (Drive-in or Fast Food):** An establishment which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.

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2. Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele. Typical uses include cafes, coffee shops, and restaurants.

Y. Stables

Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include boarding stables or public stables.

Z. Surplus Sales

Businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.

AA. Veterinary Services

Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.

308 Parking Use Types

A. Surface Parking

The use of a site for parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking lot, other than accessory to a principal use.

B. Parking Structure

The use of a site for a building which provides for parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking lot, other than accessory to a principal use.

309 Industrial Use Types

Industrial use types include the on-site extraction or production of goods by non-agricultural methods, and the storage and distribution of products.

A. Custom Manufacturing

Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

1. The use of hand tools, or
2. The use of domestic mechanical equipment not exceeding 2 horsepower, or
3. A single kiln not exceeding 8 KW.

This category also includes the incidental direct sale to consumers of goods produced on site or otherwise permitted within the zoning district. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.

B. Light Industry

Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or un-enclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.

C. General Industry

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or pollution effects across property lines.

D. Heavy Industry

Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

E. Recycling Collection

Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to, glass, plastic, paper, cardboard, aluminum, or tin.

F. Recycling Processing

Any site which is used for the processing of any post-consumer, non-durable goods including, but not limited to, glass, plastic, paper, cardboard, aluminum, or tin.

G. Resource Extraction

A use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding the grading and removal of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, mining.

H. Salvage Services

Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards, or paper salvage yards.

I. Warehousing

Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, and open storage.

J. Construction Yards

Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.

310 Transportation Use Types

Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

A. Aviation Facilities

Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

B. Railroad Facilities

Railroad yards, equipment servicing facilities, and terminal facilities.

C. Transportation Terminal

A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, and public transit facilities.

D. Truck Terminal

A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

311 Miscellaneous Use Types

A. Broadcasting Tower

A structure for the transmission or broadcasting of radio, television, radar, or microwaves, ordinarily exceeding the maximum height permitted in its zoning district. Radio towers not exceeding fifty feet in height are excluded from this definition.

B. Construction Batch Plant

A temporary demountable facility used for the manufacturing of concrete, asphalt, or other paving materials intended for specific construction projects.

C. Wind Energy Conservation System (WECS)

Any device which converts wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.

D. Landfill (Non-putrescible Solid Waste Disposal)

The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile.

E. Landfill (Putrescible and Non-putrescible Solid Waste Disposal)

The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency. Typical disposal material would include non-putrescible wastes and vegetation, tree parts, agricultural wastes (garbage) and manure. All such landfills must be owned by a public agency or entity.

ARTICLE FOUR – ZONING DISTRICT REGULATIONS

401 Purpose

Article Four presents the Zoning District Regulations. Zoning Districts are established in the Zoning Ordinance to promote compatible land use patterns and to establish site development regulations appropriate to the purposes and specific nature of each district.

402 Establishment of Districts

The following base districts and overlay districts are hereby established:

<u>Map Code</u>	<u>District Name</u>
AG	Agricultural District
RR	Rural Residential District
R-1	Single-Family Residential District (Large Lot)
R-2	Single-Family Residential District (Small Lot)
R-3	Urban Family Residential District
R-4	Multiple-Family Residential District
RC	Residential-Commercial District
O	Office District
LC	Limited Commercial District
GC	General Commercial District
CBD	Central Business District
CS	Highway Service District
LI	Light Industrial District
GI	General Industrial District
FW	Floodway District
FF	Floodway Fringe Overlay District
PUD	Planned Unit Development Overlay District
HD	Historic Overlay District
ED	Environmental Resources Overlay District

403 Application of Districts

A base district designation shall apply to each lot or site within the City of Beatrice and its extra-territorial jurisdiction. A site must be in one base district.

The Floodway Fringe, Planned Unit Development, and Historic Overlay Districts may be applied to any lot or site or any portion thereof, in addition to a base district designation.

404 Hierarchy

References in the Zoning Ordinance to less intensive or more intensive districts shall be deemed to refer to those agricultural, residential, commercial, and industrial base zoning districts established in Section 402, and shall represent a progression from the AG Agricultural District as the least intensive to the GI General Industrial District as the most intensive. The Overlay Districts shall not be included in this reference.

405 Development Regulations

The purposes for each Zoning District are set forth in Table 4-1. The Development Regulations for each zoning district are set forth in Tables 4-2 and 4-3. Table 4-2 presents the uses permitted in each zoning district. Table 4-3 presents the Site Development Regulations for each zoning district. Supplemental regulations for the FW Floodway District are located in Article Five.

Supplemental Regulations may affect specific land uses or development regulations in each zoning district. Supplemental Use Regulations are located in Article Six. Supplemental Site Development Regulations are set forth in Article Seven.

All other uses and structures which are not specifically permitted or are not permissible by Special Use Permit in a zoning district shall be prohibited from that zoning district.

406 Zoning Map

A. Adoption of Zoning Map

Boundaries of the zoning districts established by this Zoning Ordinance are hereby shown on a map prepared for that purpose, which map is hereby designated as the Zoning Map, as amended, with an effective date of February 2, 1998. This map, together with all legends, references, symbols, boundaries, and other information, is hereby adopted and made a part of this Ordinance as if the same were set forth herein. The City Clerk shall maintain said map in his/her office.

B. Changes to the Zoning Map

The Zoning Map may be changed from time to time by ordinance, following the procedure set forth by Article Thirteen. Such changes shall be reflected on the Zoning Map. The City Clerk shall keep a complete record of all changes to the Zoning Map.
(Ord. No. 98-1, 2-2-98)

407 Interpretation of District Boundaries

The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map:

- A.** Where district boundaries are indicated as approximately following lot lines, such lot lines shall be considered the district boundaries.
- B.** Where district boundaries are indicated as within street or alley, railroad, or other identifiable rights-of-way, the centerline of such rights-of-way shall be considered the district boundary.

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- C. Where a district boundary divides a property, the location of the boundary shall be determined by the use of the scale appearing on the Zoning Map.

408 Vacation of Streets and Alleys

Whenever a public street or alley is vacated, the zoning district adjoining each site of such right-of-way shall be extended to the former centerlines. The regulations applicable to the abutting properties shall also apply to the area of the vacation.

409 Extensions of Extra-Territorial Jurisdiction

All territory which may be annexed into the Extra-Territorial Jurisdiction of the City of Beatrice shall be in the AG Agricultural District unless otherwise zoned by the City Council on the basis of:

- A. The Comprehensive Development Plan for the City of Beatrice.
- B. The present use of the land.

TABLE 4-1: PURPOSES OF ZONING DISTRICTS

Symbol	Title	Purpose
AG	Agricultural	The AG District provides for the agricultural and rural use of land, while accommodating very low density residential development in close proximity to developed urban areas. The district is designed to provide for the orderly transition of land use from agricultural to urban uses where appropriate.
RR	Rural Residential	This district provides for very low density residential environments, accommodating developments that merge urban with rural life and institutions which require a residential environment. The district's regulations assure that density is consistent with the carrying capacity of infrastructure.
R-1	Single-Family Residential (Large Lot)	This district is intended to provide for low-density residential neighborhoods, characterized by single-family dwellings on large lots with supporting community facilities. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-2	Single-Family Residential (Small Lot)	This district is intended to provide for medium-density residential neighborhoods, characterized by single-family dwellings on small to moderately-sized lots with supporting community facilities. It provides special regulations to encourage innovative forms of housing development. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-3	Urban Family Residential	This district is intended to provide for medium-density residential neighborhoods, with single-family characteristics, while permitting latitude in the physical design of housing. It adapts to both established and developing neighborhoods, as well as transitional areas between single-family and multi-family neighborhoods. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-4	Multiple-Family Residential	This district is intended to provide locations for a variety of housing types, including multiple-family housing, with supporting and appropriate community facilities. The district integrates some appropriate non-residential uses in order to develop fully urban neighborhoods. In addition, the district provides a special permit process

for the approval of mobile home developments based on standards for good quality development.

RC	Residential-Commercial	This district is intended to address the special needs of mixed use neighborhoods that combine residential areas with nearby or adjacent office and commercial development. It permits uses that are mutually compatible. These districts are generally adjacent to major community arterials. In addition, the district provides a special permit process for the approval of mobile home developments based on standards for good quality development.
O	Office	This district reserves appropriately located area for office development and distinguishes office uses from other, more intensive commercial activities and to provide suitable office environments in the city. The office district is also designed to permit a mixture of uses that are compatible with office development and to facilitate planning for traffic generation.
LC	Limited Commercial	This district provides for neighborhood shopping facilities which serve the needs of residents of surrounding residential communities. The commercial and office uses permitted are generally compatible with nearby residential areas. Development regulations are designed to ensure compatibility in size, scale, and landscaping with nearby residences.
GC	General Commercial	This district provides for a variety of commercial, office, and service uses and is adapted to Beatrice's largest commercial districts outside of Downtown. Uses and developments in the GC District may develop substantial traffic, creating potential land use conflict with adjacent residential neighborhoods. This district is most appropriate along arterials or in areas that can be well buffered from residential districts.
CBD	Central Business	This district is intended to provide appropriate development regulations for Downtown Beatrice. Mixed uses are encouraged within the CBD District. The grouping of uses is designed to strengthen Downtown's role as a center for trade, service, and civic life.
CS	Highway Service	This district is intended for application in rural or urban fringe areas along major highways, to provide limited uses appropriate to the needs of highway users.
LI	Light Industrial	This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide

		appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.
GI	General Industrial	This district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.
FW	Floodway	This district applies to lands within the select floodways of rivers and streams in the Beatrice jurisdiction. It is intended to assure the free flowing of flood waters and minimize potential damage to property by allowing only light development and open space that is compatible with the flood-prone nature of these lands. The locations of FW Floodway Districts are defined by the Flood Insurance Rate Maps and other documents issued by the Federal Emergency Management Administration.

TABLE 4-2: PERMITTED USES BY ZONING DISTRICTS

USE TYPES	AG	RR	R-1	R-2	R-3	R-4	RC	O	LC	GC	CBD	CS	LI	GI	FW
AGRICULTURAL USES															
Horticulture	P	P													P
Crop Production	P	P	S	S	S	S									P
Animal Production (I)	(1)														
Animal Production (II)	(2)														
Animal Production (III)	(3)														
Livestock Sales														S	
RESIDENTIAL USES															
Single-Family Detached	P	P	P	P	P	P	P	P							
Single-Family Attached			P	P	P	P	P	P							
Duplex					P	P	P	P							
Townhouse					S	P	P	S	S						
Multiple-Family						P	P	S	S		S				
Downtown Residential											S				
Group Residential						P	P	S	S		S				
Mobile Home Park						S	S								
Mobile Home Residential	P	P	P	P	P	P	P	P							

Note (1): Permitted by Special Use Permit in AG Districts more than 200 feet from the City Limits but within the first mile of the extra-territorial jurisdiction; permitted by right in AG Districts in the second mile of the extra-territorial jurisdiction.

Note (2): Permitted by Right in AG Districts within the second mile of the extra-territorial jurisdiction.

Note (3): Not permitted within the extra-territorial jurisdiction.

P = Permitted Uses by Right S = Uses Permitted by Special Use Permit Blank = Uses Not Permitted

USE TYPES	AG	RR	R-1	R-2	R-3	R-4	RC	O	LC	GC	CBD	CS	LI	GI	FW
CIVIC USES															
Administration	S	S			S	S	P	P	P	P	P		P	P	
Cemetery	P	S													
Clubs	S	S				S	P	S	P	P	P	S			
College/University	S	S				P	P	P	P	P	P				
Convalescent Services	S	S			S	S	P	P							
Cultural Services	S		S	S	S	S	P	P	P	P	P				
Day Care (Limited)	P	P	P	P	P	P	P	P	P	P	P				
Day Care (General)	S	S	S	S	S	S	P	P	P	P	P		S		
Detention Facility	S									S	S				
Elderly Care Facility						S	P	P							
Elderly Housing Facility						P	P	P							
Emergency Residential	P	P	P	P	P	P	P	P			P				
Group Care Facility						S	P	P		P	P				
Group Home	P	P	P	P	P	P	P	P		P	P	P			
Guidance Services					S	S	P	P	P	P	P				
Hospital					S	S	S	S	S	S					
Maintenance Facilities	S	S								S	S	P	P	P	S
Non-Commercial Shelters										S	S			S	
Park and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Postal Facilities							S	P	S	P	P		P	P	
Primary Education	P	P	P	P	P	P	P	P	P	P	P				
Public Assembly	P	S				S	S	P		P	P				
Religious Assembly	P	S	S	S	P	P	P	P	P	S	P	S			
Safety Services	S	S	S	S	S	P	P	P	P	P	P	P	P	P	
Secondary Education	P	S	S	S	S	S	S	P	P	P	P				
Utilities	S	S	S	S	S	S	S	S	S	P	P	P	P	P	

P = Permitted Uses by Right S = Uses Permitted by Special Use Permit Blank = Uses Not Permitted

USE TYPES	AG	RR	R-1	R-2	R-3	R-4	RC	O	LC	GC	CBD	CS	LI	GI	FW
OFFICE USES															
General Offices						S	P	P	P	P	P				
Medical Offices							S	P	S	P	P				
Financial Services							S	P	S	P	P				
COMMERCIAL USES															
Agricultural Sales/Service	S									P	S	P	P	P	
Automotive Rental/Sales									S	P	P	S	P	P	
Auto Services									S	P	P	P	P	P	
Body Repair										S	P		P	P	
Equipment Rental/Sales										S	P	S	P	P	
Equipment Repair										S	P		P	P	
Vehicle Storage										S	S		P	P	S
Bed and Breakfast	P				S	P	P	P	P	P	P				
Building Maintenance									S	P	P	P	P	P	
Business Support Services							S	P	P	P	P		P	P	S
Business/Trade School								S		P	P			S	
Campground	P	S										P			
Cocktail Lounge								S	S	P	P	S			
Commercial Recreation	S	S					S		S	P	P		S		
Communications Services							S	S	P	P	P		P	P	
Construction Sales/Service										P	P		P	P	
Consumer Services							S	S	P	P	P	P	P	P	S
Convenience Storage	S								S	S	S	S	P	P	
Food Sales (Limited)						S	P		P	P	P				
Food Sales (General)									S	P	P	S			
Funeral Services							P	P	P	P	P	S			
General Retail Services							S	S	P	P	P				
Kennels	S									S					
Laundry Services									S	P	P		P	P	

P = Permitted Uses by Right S = Uses Permitted by Special Use Permit Blank = Uses Not Permitted

USE TYPES	AG	RR	R-1	R-2	R-3	R-4	RC	O	LC	GC	CBD	CS	LI	GI	FW
COMMERCIAL USES															
Liquor Sales								S	S	P	P	S			
Lodging							S	S	S	P	P	P			
Personal Services							P	P	P	P	P	P	P	P	
Pet Services									P	P	P				
Research Services									P	P	P		P	P	S
Restaurants (Drive-In)										P	S	P	S	S	
Restaurants (General)								S	P	P	P	P	S	S	
Stables	S	S													
Surplus Sales										P	P				
Veterinary Services	S									S		S	S	S	
PARKING USES															
Surface Parking								S	S	P	P		P	P	
Parking Structure										S	P				
INDUSTRIAL USES															
Custom Manufacturing	P									S	P		P	P	
Light Industry											P		P	P	
General Industry													S	P	
Heavy Industry														S	
Recycling Collection									S	P			P	P	
Recycling Processing													S	P	S
Resource Extraction	S													S	S
Salvage Services	S													S	
Warehousing											S		P	P	
Construction Yards													S	P	

P = Permitted Uses by Right S = Uses Permitted by Special Use Permit Blank = Uses Not Permitted

USE TYPES	AG	RR	R-1	R-2	R-3	R-4	RC	O	LC	GC	CBD	CS	LI	GI	FW
TRANSPORTATION USES															
Aviation Facilities	S												S	S	
Railroad Facilities	S										S		P	P	P
Transportation Terminal	S									S	S		P	P	
Truck Terminal											S	S	S	P	
MISCELLANEOUS USES															
Broadcasting Tower	S	S			S	S	S	S	S	S		S	S	S	
Construction Batch Plant	P												S	P	
WECS	S	S	S	S	S	S	S	S	S	S		S	S	P	
Landfill (Non-Putrescible)	S	S												S	
Landfill (Putrescible)	S														

P = Permitted Uses by Right S = Uses Permitted by Special Use Permit Blank = Uses Not Permitted

(Ord. No. 94-69, Sec. 3, 4-3-95; Ord. No. 95-29, Sec. 1, 8-21-95; Ord. No. 96-28, Sec. 1, 5-20-96; Ord. No. 96-38, Sec. 1, 7-15-96; Ord. No. 96-39, Sec. 1, 8-5-96; Ord. No. 00-41, Sec. 2, 11-6-00; Ord. No. 11-014, Table 4-2)

TABLE 4-3: SUMMARY OF SITE DEVELOPMENT REGULATIONS

Regulator	AG	RR	R-1	R-2	R-3	R-4	RC*
Minimum Lot Area (square feet)	3 Acres	(2)	10,000	6,000	6,000	5,500	5,000
Minimum Lot Width (feet)	300	100	80(3)	60(4)	50(4)	50(4)	50(4)
Site Area per Dwelling Unit (square feet)	10 Acres	(2)	10,000	6,000	(9)	1,500(6)	1,000(7)
Minimum Yards (feet)							
Front Yard	50	40	30	25	25	25	25
Street Side Yard	50	40	30	25	25	25	25
Interior Side Yard	15	15	10	7.5	7.5-10(5)	7.5-10(5)	7-5-15(8)
Rear Yard	(19)	(10)	(11)	(12)	(12)	(14)	(14)
Maximum Height (feet)	35-80(1)	35	35	35	45	55	40
Maximum Building Coverage	NA	30%	40%	40%	50%	50%	60%
Maximum Impervious Coverage	NA	40%	50%	60%	60%	60%	70%
Floor Area Ratio	NA	NA	NA	NA	NA	NA	NA

Note 1:

35 feet within 150 feet of a Residential District; 80 feet otherwise.

Note 2:

2.5 acres for sites lacking common water and sewer systems; 1 acre for sites with common water but lacking common sewer service; 0.5 acres for lots with both common water and sewer service.

Note 3:

On cul-de-sac lots, 50 feet along the street and 75 feet at the building setback line.

Note 4:

On cul-de-sac lots, 40 feet along the street and 60 feet at the building setback line. For townhouse residential lots where permitted, 20 feet.

Note 5:

Side yard is 10 feet for yards providing access to more than one dwelling unit.

Note 6:

2,750 square feet for duplex residential; 2,500 square feet for townhouse residential, 5,500 square feet for single-family residential.

Note 7:

2,500 square feet for duplex or townhouse residential; 5,000 square feet for single-family residential.

Note 8:

7.5 feet for two-story buildings, an additional 2.5 feet for each additional story.

Note 9:

3,000 square feet for duplex or townhouse residential; 4,000 square feet for single-family attached; 5,000 square feet for single-family detached.

Note 10:

15 feet for corner lots; 40 feet otherwise.

Regulator	O*	LC*	GC*	CBD	CS*	LI*	GI*
Minimum Lot Area (square feet)	5,000	5,000	5,000	None	8,000	5,000	10,000
Minimum Lot Width (feet)	50(17)	50(17)	None	None	60	50	100
Site Area per Dwelling Unit (square feet)	1,500 (15)	1,500	NA	1,000	NA	NA	NA
Minimum Yards (feet)							
Front Yard	25	25	15	0	25	(18)	(18)
Street Side Yard	25	25	10	0	25	(18)	10
Interior Side Yard	7.5(16)	10	0	0	10	10	0
Rear Yard	25	15	10	0	10	10	10
Maximum Height (feet)	40	40	45	75	50	(20)	(21)
Maximum Building Coverage	60%	60%	70%	100%	70%	80%	85%
Maximum Impervious Coverage	80%	80%	90%	100%	90%	90%	100%
Floor Area Ratio	1.0	1.0	1.0	6.0	1.0	2.0	2.0

Note 11:

10 feet for corner lots; 30 feet otherwise.

Note 12:

7.5 feet for corner lots; 25 feet otherwise.

Note 13:

7.5 feet for corner lots; 20 feet otherwise.

Note 14:

10 feet base rear yard setback; for buildings adjacent to an RR, R-1, R-2, or R-3 district, 10 feet for each story.

Note 15:

2,500 square feet for duplex or townhouse residential, 5,000 square feet for single-family residential.

Note 16:

7.5 feet for two-story buildings, an additional 2.5 feet for each additional story.

Note 17:

On cul-de-sac lots, 40 feet along the street and 50 feet at the building setback line.

Note 18:

50 feet from any property line of US 77 or US 136; 15 feet otherwise.

Note 19:

15 feet if bordering AG zoned property; 50 feet otherwise

***Uses in the RC, O, LC, GC, CS, LI, and GI Districts are subject to landscape and screening provisions contained in Article Eight.**

Regulator	FW (22)
Minimum Lot Area (square feet)	10,000
Minimum Lot Width (feet)	NA
Site Area per Dwelling Unit (square feet)	NA
Minimum Yards (feet)	
Front Yard	25
Street Side Yard	25
Interior Side Yard	10
Rear Yard	25
Maximum Height (feet)	40
Maximum Building Coverage	5%
Maximum Impervious Coverage	50%
Floor Area Ratio	NA

Note 20:

45 feet within 150 feet of a pre-existing Residential District; 150 feet otherwise.

Note 21:

72 feet within 150 feet of a pre-existing Residential District; 150 feet otherwise.

Note 22:

Buildings or structures are allowed only for purposes permitted by Table 4-2 and compliant with the applicable regulations set forth in Article 5 and other floodway regulations.

(Ord. No. 95-6, Sec. 1, 2-6-95, Ord. No. 97-52, 6-16-97, Ord. No. 10-006, Sec. 1, 5-3-10)

ARTICLE FIVE – SPECIAL AND OVERLAY DISTRICTS

CHAPTER 1 – STATUTORY AUTHORITY, FINDINGS OF FACT & PURPOSE

501 STATUTORY AUTHORIZATION

The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety and general welfare. The Legislature, in Sections 31-1001 to 31-1022, R.R.S. 1943 (as amended), has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city or village with zoning jurisdiction over the flood-prone area.

502 FINDINGS OF FACT

(a) Flood Losses Resulting from Periodic Inundation

The flood hazard areas of the City of Beatrice, Nebraska, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.

(b) General Causes of the Flood Losses

These flood losses are caused by: (1) The cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

(c) Methods Used to Analyze Flood Hazards

This article uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

1. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood is selected for this article. It is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this article. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated June 18, 2010 as amended.
2. Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the base flood.

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3. Computation of the floodway required to convey this flood without increasing flood heights more than 1 foot at any point.
 4. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any water surface increase along the floodway profile.
 5. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines, but which still is subject to inundation by the base flood.

503 STATEMENT OF PURPOSE

It is the purpose of this article to promote the public health, safety, and general welfare and to minimize those losses described in Section 502 (a) by applying the provisions of this article to:

- (a) Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- (b) Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- (c) Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- (d) Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

CHAPTER 2 – DEFINITIONS

505 Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application:

- a. **"Appeal"** means a request for a review of the Chief Building Inspector's interpretation of any provision of this article or a request for a variance.
- b. **"Area of Shallow Flooding"** means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- c. **"Base Flood"** means the flood having one percent chance of being equalled or exceeded in any given year.
- d. **"Basement"** means any area of the building having its floor subgrade (below ground level) on all sides.

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- e. **"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- f. **"Existing Construction"** means (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures."
- g. **"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.
- h. **"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- i. **"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of inland or tidal waters.
 - (2) The usual and rapid accumulation of runoff of surface waters from any source.
- j. **"Flood Fringe"** is that area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).
- k. **"Flood Insurance Rate Map (FIRM)"** means an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.
- l. **"Flood Insurance Study"** is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
- m. **"Floodplain"** means any land area susceptible to being inundated by water from any source (see definition of "flooding").
- n. **"Floodway" or "Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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- o. **"Freeboard"** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.
- p. **"Highest Adjacent Grade"** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- q. **"Historic Structure"** means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.
- r. **"Lowest floor"** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.
- s. **"Manufactured Home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- t. **"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- u. **"New Construction"** For floodplain management purposes, "new construction" means structures for which the "start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- v. **"New Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of

concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

- w. **"Overlay District"** is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.
- x. **"Principally Above Ground"** means that at least 51 percent of the actual cash value of the structure is above ground.
- y. **"Recreational Vehicle"** means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- z. **"Special Flood Hazard Area"** is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.
- aa. **"Start of Construction"** [for other than new construction or substantial improvements under the coastal Barrier Resources Act (Pub. L. 97-348)] includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.
- bb. **"Structure"** means a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.
- cc. **"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- dd. **"Substantial Improvement"** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual

repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

ee. ***"Variances"*** is a grant of relief to a person from the requirements of this article which permits construction in a manner otherwise prohibited by this article where specific enforcement would result in unnecessary hardship.

ff. ***"Violation"*** means a failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

506 RESERVED

CHAPTER 3 – GENERAL PROVISIONS

507 LANDS TO WHICH ARTICLE APPLIES

This article shall apply to all lands within the jurisdiction of the City of Beatrice, Nebraska identified on the Flood Insurance Rate Map (FIRM) dated June 18, 2010, as numbered and unnumbered A Zones (including AE, AO and AH Zones) and within the Zoning Districts FW and FF established in this article. In all areas covered by this article no development shall be permitted except upon the issuance of a floodplain permit to develop, granted by the City Engineer and Chief Building Inspector under such safeguards and restrictions as the City Council may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in this Article.

508 THE ENFORCEMENT OFFICER

The Chief Building Inspector of the community is hereby designated as the community's duly designated Enforcement Officer under this Article.

509 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

The boundaries of the floodway and flood fringe overlay districts shall be determined by scaling distances on the official zoning map or on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the City Administrator, Mayor and Chairman of Planning and Zoning will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the City Administrator, Mayor and Chairman of Planning and Zoning and to submit his own technical evidence, if he so desires.

510 COMPLIANCE

Within identified special flood hazard areas of this community, no development shall be located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable regulations.

511 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this article to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this article imposes greater restrictions, the provision of this article shall prevail. All other articles inconsistent with this article are hereby repealed to the extent of the inconsistency only.

512 INTERPRETATION

In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

513 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This article shall not create liability on the part of the City of Beatrice, Nebraska or any officer or employee thereof for any flood damages that may result from reliance on this article or any administrative decision lawfully made thereunder.

514 SEVERABILITY

If any section, clause, provision or portion of this article is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not be affected thereby.

515 APPEAL

Where a request for a permit to develop or a variance is denied by the Chief Building Inspector the applicant may apply for such permit or variance directly to the City Administrator, Mayor and Chairman of Planning and Zoning.

516-519 RESERVED

CHAPTER 4 – DEVELOPMENT PERMIT

520 PERMIT REQUIRED

No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in Section 505.

521 ADMINISTRATION

- a.** The Chief Building Inspector is hereby appointed to administer and implement the provisions of this article.
- b.** Duties of the Chief Building Inspector shall include, but not be limited to:
 - (1)** Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this article have been satisfied.
 - (2)** Review applications for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.
 - (3)** Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
 - (4)** Notify adjacent communities and the Nebraska Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - (5)** Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
 - (6)** Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas.
 - (7)** Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been floodproofed.
 - (8)** When floodproofing is utilized for a particular structure the Chief Building Inspector shall be presented certification from a registered professional engineer or architect.

522 APPLICATION FOR PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

- a. Identify and describe the development to be covered by the floodplain development permit.
- b. Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.
- c. Indicate the use or occupancy for which the proposed development is intended.
- d. Be accompanied by plans and specifications for proposed construction.
- e. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
- f. Give such other information as reasonably may be required by the Chief Building Inspector.

523-524 RESERVED

CHAPTER 5 – ESTABLISHMENT OF ZONING DISTRICTS

525 Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study [and accompanying map(s)]. Within these districts all uses not meeting the standards of this article and those standards of the underlying zoning district shall be prohibited.

526-529 RESERVED

CHAPTER 6 – STANDARDS FOR FLOODPLAIN DEVELOPMENT

530 No permit for development shall be granted for new construction, substantial improvements and other development(s) including the placement of manufactured homes within all numbered and unnumbered A zones (including AE, AO, and AH zones) unless the conditions of this Chapter are satisfied.

531 All areas identified as unnumbered A zones on the FIRM are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of Chapter 7. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from Federal, State or other sources.

532 Until a floodway has been designated, no development or substantial improvement may be permitted within special flood hazard areas unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown on the Flood Insurance Study.

533 New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:

- a. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- b. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
- c. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.

534 Storage of Material and Equipment

- a. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
- b. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

535 Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) proposals for development (including proposals for manufactured home parks and subdivision) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the base flood elevation.

536-539 RESERVED

CHAPTER 7 – FLOOD FRINGE OVERLAY DISTRICT - (Including AO and AH Zones)

540 PERMITTED USES

Any use permitted in Chapter 8 shall be permitted in the Flood Fringe Overlay District. No use shall be permitted in the district unless the standards of Chapter 6 are met.

541 STANDARDS FOR THE FLOOD FRINGE OVERLAY DISTRICT

- a. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above **one (1) foot** above the base flood elevation.
- b. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above **one (1) foot** above the baseflood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Chief Building Inspector as set forth in Section 521(b)(7).
- c. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- d. Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
- e. **Manufactured Homes**
 1. All manufactured homes shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

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- A. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;
 - B. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
 - C. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - D. Any additions to the manufactured home be similarly anchored.
 2. Require that all manufactured homes to be placed or substantially improved within special flood hazard areas on the community's FIRM on sites:
 - A. Outside of a manufactured home park or subdivision,
 - B. In a new manufactured home park or subdivision,
 - C. In an expansion to an existing manufactured home park or subdivision, or
 - D. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above **one (1) foot** above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 541(e)(1).
 3. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the community's FIRM that are not subject to the provisions of Section 541(e)(2) be elevated so that either:
 - A. The lowest floor of the manufactured home is at or above **one (1) foot** above the base flood elevation, or
 - B. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 541(e)(1).
 - f. Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this article. A recreational vehicle is ready for highway use if it is on its wheels or

jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

- g.** Located within the areas of special flood hazard established in Section 507 are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:
- 1.** All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as **one (1) foot** above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
 - 2.** All new construction and substantial improvements of non-residential structures shall:
 - A.** Have the lowest floor elevated above the highest adjacent grade at least as high as **one (1) foot** above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - B.** Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in Section 521(b)(7).
 - 3.** Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

542-544 RESERVED

CHAPTER 8 – FLOODWAY OVERLAY DISTRICT

545 PERMITTED USES

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other article. The following are recommended uses for the Floodway District:

- a.** Agricultural uses such as general farming, pasture, nurseries, forestry.
- b.** Residential uses such as lawns, gardens, parking and play areas.
- c.** Non-residential areas such as loading areas, parking and airport landing strips.

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- d. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

546 STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT

New structures for human habitation are prohibited. All encroachments, including fill, new construction, substantial improvements and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during occurrence of the base flood discharge. These uses are subject to the standards of Chapter 6 and 7. In Zone A unnumbered, obtain, review and reasonably utilize any flood elevation and floodway data available through Federal, State or other sources or Section 535 of this article, in meeting the standards of this Chapter.

546-549 RESERVED

CHAPTER 9 – VARIANCE PROCEDURES

- 550 The City Administrator, Mayor and Chairman of Planning and Zoning as established by City of Beatrice, Nebraska shall hear and decide appeals and requests for variances from the requirements of this article.
- 551 The City Administrator, Mayor and Chairman of Planning and Zoning shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Chief Building Inspector in the enforcement or administration of this article.
- 552 Any person aggrieved by the decision of the City Administrator, Mayor and Chairman of Planning and Zoning or any taxpayer may appeal such decision to the District Court as provided in Section 19-912, R.R.S. 1943.
- 553 In passing upon such applications, the City Administrator, Mayor and Chairman of Planning and Zoning shall consider all technical evaluation, all relevant factors, standards specified in other sections of this article, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;

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- f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (1) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
 - (2) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

554 CONDITIONS FOR VARIANCES

- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (b -e below) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c. Variances shall not be issued within any designated floodway if any increase in flood levels along the floodway profile during the base flood discharge would result.
- d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or articles.
- f. The applicant shall be given a written notice over the signature of a community official that (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100 of insurance coverage and (2) such construction below the base flood

level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this article.

555-559 RESERVED

CHAPTER 10 – NONCONFORMING USE

560 A structure or the use of a structure or premises which was lawful before the passage or amendment of the article, but which is not in conformity with the provisions of this article may be continued subject to the following conditions:

- a.** If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this article. The Utility Department shall notify the Chief Building Inspector in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.
- b.** Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

561 If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this article. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration shall not preclude its continued designation.

562-564 RESERVED

CHAPTER 11 – PENALTIES FOR VIOLATION

565 Violation of the provisions of this article or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00, or imprisoned for not more than six (6) months, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City of Beatrice, Nebraska or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

566-567 RESERVED

CHAPTER 12 – AMENDMENTS

568 The regulations, restrictions, and boundaries set forth in this article may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Beatrice, Nebraska. At least 10 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this article are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Flood Plain Management Act.

569 RESERVED

CHAPTER 13 - PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

570 PURPOSE

The PUD Planned Unit Development Overlay District is intended to permit flexibility in the design of planned projects; to encourage innovation and variety in project design, layout, and type of structures; to achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; to encourage the preservation and utilization of open space; and to provide improved housing, employment, and shopping opportunities that are tailored to the needs of an area. The PUD District may be used in combination with any base district specified in this Article. The PUD District, which is adopted by the City Council, assures specific development standards for each designated project.

571 PERMITTED USES

- a. Uses permitted in a PUD Overlay District are those permitted in the underlying base district.
- b. The uses permitted by the base district may be modified or expanded as part of the approval process of the Planned Unit Development.

572 SITE DEVELOPMENT REGULATIONS

Site Development Regulations are developed individually for each Planned Unit Development Overlay District but must comply with minimum or maximum standards established for the base district, with the following exceptions:

- a. Lot area and lot width are not restricted, provided that the maximum density or floor area ratios allowed for each base district is not exceeded.

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- b. Minimum perimeter setbacks and maximum height limits shall be those of the underlying base district.
 - c. Maximum building coverage shall be the smaller of the allowed building coverage in the base district, or 60 percent.
 - d. Maximum impervious coverage shall be the smaller of the allowed impervious coverage in the base district, or 70 percent.

573 OTHER APPLICABLE REGULATIONS

a. Parking

Minimum parking requirements for a Planned Unit Development shall be computed on the basis of parking requirements and design standards established in Article Nine.

b. Landscaping and Screening

Landscaping and screening requirements shall apply as set forth in each base district by Article Eight.

574 ACCESS TO PUBLIC STREETS AND INTERNAL CIRCULATION

- a. Each PUD District must abut a public street for at least 50 feet and gain access from that street.
- b. Each Planned Unit Development shall provide a circulation system adequate to accommodate vehicular and pedestrian movement through the project.

575 APPLICATION PROCESS – DEVELOPMENT PLAN

The application for a Planned Unit Development Overlay District shall include a Development Plan containing the following information:

1. A tract map, showing site boundaries, street lines, lot lines, easements, and proposed dedications or vacations.
2. A land use plan designating specific uses for the site and establishing site development regulations, including setbacks, height, building coverage, impervious coverage, density, and floor area ratio requirements.
3. A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans.

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4. A circulation plan, including location of existing and proposed vehicular and pedestrian, facilities and location and general design of parking and loading facilities.
 5. Schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, and general architectural design.

576 ADOPTION OF DISTRICT

- a. The Planning and Zoning Commission and City Council shall review and evaluate each Planned Unit Development application to assure that the land use or activity proposed through a PUD shall be compatible with adjacent uses of land, the capacities of public services and utilities affected by such PUD; and to ensure that the approval of such PUD is consistent with the public health, safety, and general welfare of the city and is in accordance with the Comprehensive Development Plan for the City of Beatrice. The City may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.
- b. The Commission, after proper notice, shall hold a public hearing and act upon each application. Notice of the public hearing shall be provided by following the procedures set forth in Section 1304(e).
- c. The Commission may recommend amendments to PUD district applications.
- d. The recommendation of the Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Article establishing a PUD Planned Unit Development Overlay District. Notice of the public hearing shall be provided by following the procedures set forth in Section 1304(e).
- f. Upon approval by the City Council, the Development Plan shall become a part of the Article creating or amending the PUD District. All approved plans shall be filed with the City Clerk.

577 AMENDMENT PROCEDURE

Major amendments to the Development Plan must be approved according to the same procedure set forth in Section 576.

578 BUILDING PERMITS

The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a PUD District unless it is in compliance with the approved Development Plan or any approved amendments.

579 TERMINATION OF PUD DISTRICT

If no substantial development has taken place in a Planned Unit Development Overlay District for three years following approval of the District, the Commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

580 RESERVED

CHAPTER 14 – ED ENVIRONMENTAL RESOURCES OVERLAY DISTRICT

581 PURPOSE

The ED Environmental Resources Overlay District enables the adoption of special performance standards in combination with site development regulations of a base district for areas of special environmental significance or sensitivity. These areas include hill environments; wetlands; forested areas; areas with unique soil or drainage characteristics; lake, river, or creek districts; and other areas with special environmental characteristics.

582 PROCEDURE FOR ADOPTION

a. Proposal

The creation of an ED Environmental Resources Overlay District may be initiated by the Planning and Zoning Commission or the City Council.

b. Requirements for Application

An application for the creation of an ED Overlay District must include:

1. A statement describing the proposed district's special environmental characteristics and stating the reasons for proposal of the district.
2. A map indicating the boundaries of the proposed ED Overlay District, specifying the base district(s) included within these boundaries.
3. Supplemental site development regulations and performance standards that apply to the proposed district.

583 ADOPTION OF DISTRICT

- a. The Commission and City Council shall review and evaluate each ED Overlay District application.
- b. The Commission, after proper notice, shall hold a public hearing and act upon each application. Notice of the public hearing shall be provided by following the procedures

set forth in Section 1304(e).

- c. The Commission may recommend amendments to ED Overlay District applications.
- d. The recommendation of the Planning and Zoning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Article establishing an ED Environmental Resources Overlay District. Notice of the public hearing shall be provided by following the procedures set forth in Section 1304(e).
- f. The Article adopting the ED Overlay District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.
- g. Upon approval by the City Council, each ED Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Article.
- h. Any protest against an ED Overlay District shall be made and filed as provided by Section 19-905, Revised Statutes of Nebraska, 1943, and amendments thereto.

584 BUILDING PERMITS

Building or other development permits issued by the City in an ED Overlay District shall be consistent with the adopted ED Overlay District Article.

585 RESERVED

CHAPTER 15 – HD HISTORIC OVERLAY DISTRICT

586 Purpose

The HD Historic Overlay District enables the adoption of special performance and development standards in combination with site development regulations of a base district for areas of special historical or architectural significance within the City of Beatrice. The District recognizes the importance of historically and architecturally significant districts to the character of Beatrice and provides for their conservation.

587 Procedure for Adoption

a. Proposal

The creation of an HD Historic Overlay District may be initiated by the Planning and Zoning Commission; the City Council; or by petition of the owner or owners of 51% of the property area within the proposed district.

b. Requirements for Application

An application for the creation of an HD Historic Overlay District must include:

1. A statement describing the proposed district's special historical or architectural characteristics and stating the reasons for proposal of the district.
2. A map indicating the boundaries of the proposed HD Overlay District, specifying the base district(s) included within these boundaries.
3. An inventory of the buildings or historically important sites located within the boundaries of the proposed district.
4. Supplemental site development regulations, design criteria, and performance standards that apply to the proposed district.

588 Adoption of District

- a. The Commission and City Council shall review and evaluate each HD Overlay District application.
- b. The Commission, after proper notice, shall hold a public hearing and act upon each application. Notice of the public hearing shall be provided by following the procedures set forth in Section 1304(e).
- c. The Commission may recommend amendments to HD district applications.
- d. The recommendation of the Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Article establishing an HD Historic Overlay District. Notice of the public hearing shall be provided by following the procedures set forth in Section 1304(e).
- f. The Article adopting the HD Historic Overlay District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.
- g. Upon approval by the City Council, each HD Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Article.
- h. Any protest against an HD Overlay District shall be made and filed as provided by Section 19-905, Revised Statutes of Nebraska, 1943, and amendments thereto.

589 BUILDING PERMITS

Building or other development permits issued by the City in an HD Historic Overlay District shall follow procedures for review and approval established within the City's Landmarks Preservation Article following approval of such an Article.

(Ord. No. 10-006, Sec. 2, 5-3-10)

ARTICLE SIX – SUPPLEMENTAL USE REGULATIONS

601 Purpose

The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Article Four of this Ordinance.

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

602 Supplemental Use Regulations: Agricultural Uses

A. Horticulture and Crop Production: Retail Sales

Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the AG District, subject to the following requirements:

1. Garden Centers

- (a) A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.
- (b) Garden centers must conform to all site development regulations for the zoning district.
- (c) Any garden center adjacent to a residential district must maintain a 30-foot landscaped bufferyard, consistent with the standards established in Article Eight.

2. Roadside Stands

- (a) A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.
- (b) A roadside stand may be located within a required front yard but no closer than 40 feet to the edge of a traveled roadway.
- (c) A roadside stand may operate for a maximum of 180 days in any one year.

B. Type I Animal Production

1. Location

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- (a) Any new Type I Animal Production use established after the enactment of Ordinance Number 07-20 shall be permitted by Special Use Permit in AG Districts more than 200 feet from the city limits but within the first mile of the extra-territorial jurisdiction and by right in all AG Districts located within the second mile of extra-territorial jurisdiction of the City of Beatrice. As of the date of enactment of Ordinance Number 07-20, no new Type I animal production use may be established within the city limits or within 200 feet of the city limits of the City of Beatrice. Any Type I animal production use existing within the first or second mile of extra-territorial jurisdiction of the City of Beatrice prior to the enactment of Ordinance Number 07-20 shall be considered a nonconforming use and may continue but shall not be enlarged. Any nonconforming use that remains unused for a continuous period of one year shall be deemed an abandonment of the nonconforming use and any subsequent use must conform to all applicable use regulations. Any nonconforming use shall run with the land.
 - (b) No confinement area for the feeding or holding of livestock or poultry shall be located within 500 feet of the property lines of the parcel on which it is located; or within 1,000 feet of an existing residential structure other than that of the owner or operator of the facility.

2. Operation

- (a) Livestock wastes within a confinement area shall be removed or disposed of by spraying or spreading on land promptly followed by discing or plowing; grinding or dehydrating in properly designed dehydrators; or stockpiling in a compost plant located at least two miles from a residential zoning district.
- (b) Insect and rodent control measures must be instituted for confined areas by removal or disposal of manure; or by other accepted insect and rodent control measures.

3. Drainage

- (a) All ground surfaces within confinement areas shall be graded and compacted to insure proper drainage.
- (b) Surface runoff from confinement areas shall be controlled so that no appreciable amount of soil and livestock waste is carried into any roadway ditch, drainage area, or other low-lying area.

4. Pollution Control

A confined area shall not produce a measurable increase in pollution in any public water-based recreational facility, in any public water supply, or in any waterway that is part of a public or private water supply.

C. Type II Animal Production

1. Location

- (a) Any new Type II Animal Production use established after the enactment of Ordinance Number 07-20 shall be permitted by Special Use Permit in AG Districts

more than 200 feet from the city limits but within the first mile of the extra-territorial jurisdiction and by right in all AG Districts located within the second mile of extra-territorial jurisdiction of the City of Beatrice. As of the date of enactment of Ordinance Number 07-20, no new Type II animal production use may be established within the city limits or within 200 feet of the city limits of the City of Beatrice. Any Type II animal production use existing within the first or second mile of extra-territorial jurisdiction of the City of Beatrice prior to the enactment of Ordinance Number 07-20 shall be considered a nonconforming use and may continue but shall not be enlarged. Any nonconforming use that remains unused for a continuous period of one year shall be deemed an abandonment of the nonconforming use and any subsequent use must conform to all applicable use regulations. Any nonconforming use shall run with the land.

- (b) No confinement area for the feeding or holding of livestock or poultry shall be located within 500 feet of the property lines of the parcel on which it is located; or within 1,000 feet of an existing residential structure other than that of the owner or operator of the facility.

2. Operation

- (a) Livestock wastes within a confinement area shall be removed or disposed of by spraying or spreading on land promptly followed by discing or plowing; grinding or dehydrating in properly designed dehydrators; or stockpiling in a compost plant located at least two miles from a residential zoning district.
- (b) Insect and rodent control measures must be instituted for confined areas by removal or disposal of manure; or by other accepted insect and rodent control measures.

3. Drainage

- (a) All ground surfaces within confinement areas shall be graded and compacted to insure proper drainage.
- (b) Surface runoff from confinement areas shall be controlled so that no appreciable amount of soil and livestock waste is carried into any roadway ditch, drainage area, or other low-lying area.

4. Pollution Control

A confined area shall not produce a measurable increase in pollution in any public water-based recreational facility, in any public water supply, or in any waterway that is part of a public or private water supply.

D. Type III Animal Production

1. Location

- (a) As of the date of enactment of Ordinance Number 07-20, no new Type III animal production use may be established within the city limits or within the extra-territorial jurisdiction of the City of Beatrice. Any Type III animal production use existing within the second mile of extra-territorial jurisdiction of the City of Beatrice pursuant

to a Special Use Permit prior to the enactment of Ordinance Number 07-20 shall be considered a nonconforming use and may continue but shall not be enlarged. Any nonconforming use that remains unused for a continuous period of one year shall be deemed an abandonment of the nonconforming use and any subsequent use must conform to all applicable use regulations. Any nonconforming use shall run with the land.

- (b) No Type III animal production use shall be located within 500 feet of property lines of the parcel on which it is located. A Type III animal production use that has been continuously in existence since the date of the adoption of this Ordinance and that is located within 500 feet of the property lines of the parcel on which it is located may perform additions, alterations, or enlargements of otherwise allowed by these regulations within the setback area so long as such additions, alterations, or enlargements do not increase the degree of nonconformity as to this setback requirement.
- (c) No Type III animal production use shall be located within 1,000 feet of an existing residential structure other than that of the owner or operator of the Type III animal production use.

2. Operation

- (a) Livestock wastes within a confinement area shall be removed or disposed of by spraying or spreading on land promptly followed by discing or plowing; grinding or dehydrating in properly designed dehydrators; or stockpiling in a compost plant located at least two miles from a residential zoning district.
- (b) Insect and rodent control measures must be instituted for confined areas by removal or disposal of manure; or by other accepted insect and rodent control measures.

3. Drainage

- (a) All ground surfaces within confinement areas shall be graded and compacted to insure proper drainage.
- (b) Surface runoff from confinement areas shall be controlled so that no appreciable amount of soil and livestock waste is carried into any roadway ditch, drainage area, or other low-lying area.
- (c) Water shall not be discharged or directed from the Type III animal production site onto neighboring properties, except in the event of a storm with a 4% probability of occurrence within a 24-hour period, corresponding to a rainfall event with a probable recurrence of one in twenty-five years.

4. Pollution Control

A confined area shall not produce a measurable increase in pollution in any public water-based recreational facility, in any public water supply, or in any waterway that is part of a public or private water supply.

5. General Standards and Application Requirements

- (a) Removal or disposal of livestock wastes, drainage, pollution control, and other aspects of Type III animal production operation shall comply with the regulations and standards of the Nebraska Department of Environmental Quality for feedlots.
- (b) In addition to other requirements, all applications for Special Use Permits for the establishment of a Type III animal production use shall include: certifications of plan review and approval by the Nebraska Department of Environmental Quality; a site plan showing the location and maximum area of the confinement area; and a detailed description of operations, including maximum number and type of livestock to be confined, livestock waste removal or disposal plans, drainage plans, and pollution control measures.

603 Supplemental Use Regulations: Residential Uses

A. All Residential Uses

No new residential use, other than the residence of the owner, operator, or employee of a Type III animal production facility, shall be constructed within 1,000 feet of an existing Type III animal production facility.

B. Single-Family Attached

Where permitted, the minimum side yard opposite the common wall shall be equal to twice the normal required side yard.

C. Townhouse Residential

Where permitted, townhouse residential is subject to the following regulations:

1. The site area per unit shall be the larger of the requirements set forth in Table 4-3 or 2,500 square feet in all districts where permitted.
2. The minimum width for any townhouse lot sold individually shall be 25 feet.
3. Coverage percentages are computed for the site of the entire townhouse common development.

D. Residential Uses in the CBD District

Residential uses are permitted in the CBD District only on levels above street level except that a unit specifically designed for occupancy by disabled residents may be developed at street level, subject to approval of a special use permit by the Planning and Zoning Commission.

E. Mobile Home Residential

Where permitted, mobile home residential is subject to the following regulations:

1. Each mobile home shall have:

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- (a) A floor area of at least 900 square feet;
 - (b) A minimum exterior width of 18 feet;
 - (c) A pitched roof with a minimum vertical rise of 2.5 inches for each 12 inches of horizontal run;
 - (d) A nonreflective exterior siding material of a color, material and scale comparable with those existing in residential site-built, single-family construction in the city;
 - (e) A nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock;
 - (f) Permanent connections to permanently located utilities complying with the Uniform Plumbing Code adopted by Section 7-151 of the Beatrice City Code and the National Electrical Code adopted by Section 7-276 of the Beatrice City Code; and
 - (g) A label certifying that the mobile home was built in compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280, et. seq. promulgated by the U.S. Department of Housing and Urban Development or a seal in accordance with the Nebraska Uniform Standards for Modular Housing Units Act.
2. Each mobile home shall have wheels, axles, transporting lights and removable towing apparatus removed.
 3. Each mobile home shall be securely and permanently attached to a permanent foundation complying with the Uniform Building Code adopted by Section 7-16 of the Beatrice City Code.
 4. The exterior siding of each mobile home shall extend to the ground and shall be supported to withstand wind loads as set forth in the Uniform Building Code adopted by Section 7-16 of the Beatrice City Code, or the foundations shall form a complete enclosure under the exterior walls. The space beneath the mobile home shall be properly ventilated.
 5. Each mobile home shall be considered to be a single family detached structure for the purposes of determining applicable site development regulations.

F. Mobile Home Parks

Mobile Home Parks may be allowed in the R-4 and RC Zoning Districts, subject to approval of a Special Use Permit and compliance with the following regulations:

1. Certification

A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements shall be required of all Mobile Home Parks.

2. Minimum Area

The contiguous area of a Mobile Home Park shall be no less than five acres.

3. Density Requirements

- (a) The minimum gross site area per dwelling unit shall be 7,000 square feet.
- (b) The minimum size of an individual mobile home space shall be 5,000 square feet.
- (c) Each mobile home space shall be at least 50 feet wide and clearly defined.

4. Site Development Standards

- (a) Setbacks: Each Mobile Home Park shall have a minimum perimeter setback of 25 feet from adjacent properties of public rights-of-way. No space for a dwelling unit or any other structure shall be permitted in the required setback.
- (b) Setback Landscaping: All area contained within the required setbacks except sidewalks and private drives shall be landscaped.
- (c) Impervious Coverage: Impervious coverage for a Mobile Home Park shall not exceed 50 percent of the total site area.
- (d) Open Space: Each Mobile Home Park shall provide a minimum of 400 square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians.
- (e) Separation Between Mobile Home Units: The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be 20 feet.
- (f) Separation and Setbacks for Accessory Buildings: An accessory building on a mobile home space shall maintain a minimum rear and side yard setback of five feet. A minimum distance of ten feet shall be provided between any mobile home and an unattached accessory building.

5. Street Access and Circulation Requirements

- (a) Access to Public Street: Each Mobile Home Park must abut and have access to a dedicated public street with a right of way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.
- (b) Vehicular Circulation: The Mobile Home Park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be 27 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 300 feet in length.
- (c) Separation between Units and Circulation Areas: The minimum distance between a mobile home unit and any attached accessory structure and the pavement of an

internal street or parking area shall be ten feet.

- (d) Sidewalks: Each Mobile Home Park shall provide a sidewalk system to connect each mobile home space to common buildings or community facilities constructed for the use of its residents; and to the fronting public right of way. Sidewalk width shall be at least four feet.
- (e) Street and Sidewalk Standards: All internal streets and sidewalks shall be surfaced with concrete to city standards. Electric street lighting is required along all internal streets.
- (f) Parking Requirements: Each Mobile Home Park must provide at least two off-street parking stalls for each mobile home space.

6. Storm Shelters

Storm shelters shall be provided for all Mobile Home Parks and Mobile Home Subdivisions in conformance with the following requirements:

- (a) Shelters shall be located no more than 600 feet from any mobile home or other dwelling unit and/or occupied area served and on the same property.
- (b) Shelters shall provide 16.5 square feet of floor area per unit.
- (c) A sidewalk system shall be installed which connects all mobile homes or other dwelling units to the storm shelter.
- (d) Shelters shall be designed to withstand a wind speed of 200 miles per hour and in accordance with the technical guidelines recommended by the U.S. Federal Emergency Management Agency.

7. Utilities

All Mobile Home Parks shall provide individual units and common facilities with an adequate, piped supply of hot and cold water for both drinking and domestic purposes; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each mobile home space. Fire hydrants shall be provided as required by the City of Beatrice's Subdivision Regulations.

8. Occupancy

No mobile home park shall be occupied or otherwise used until the Building Official has found the same to be in compliance with the Special Use Permit approved by the Planning and Zoning Commission and all other applicable laws, regulations, and requirements.

9. Completion Schedule

Construction must begin on any approved Mobile Home Park within one year of the date of approval by the Planning and Zoning Commission. Such construction shall be completed within two years of approval, unless otherwise extended by the Commission.

G. Mobile Homes: Prohibition of Non-Residential Uses

1. Except as specifically provided herein, no mobile home unit may be used in any zoning district for a non-residential purpose, other than home occupations as permitted by Section 608. (Ord. No. 94-69, Sec. 4, 4-3-95; Ord. No. 98-43, Sec. 2, 8-3-98)

604 Supplemental Use Regulations: Civic Uses

A. Clubs

Clubs located adjacent to residential uses shall maintain a bufferyard of not less than fifteen feet along the common boundary with such residential use.

B. Group Care Facilities and Group Homes

Each group care facility or group home must be validly licensed by either the State of Nebraska or the appropriate governmental subdivision.

605 Supplemental Use Regulations: Commercial Uses

A. Auto Repair, Equipment Repair, and Body Repair

1. All repair activities must take place within a completely enclosed building.
2. Any spray painting must take place within structures designed for that purpose and approved by the Beatrice Fire Department.

B. Auto Washing Facilities

1. Each automatic or conveyor operated auto washing facility shall provide stacking capacity for four automobiles per washing lane on the approach side of the washing structure and stacking space for two automobiles on the exit side.
2. Each self-service auto washing facility shall provide stacking space for two automobiles per bay on the approach side and one space per bay on the exit side of the building.
3. Stacking spaces may not be located within a required front yard.

C. Automobile and Equipment Rental and Sales

1. All outdoor display areas for rental and sales facilities shall be paved with asphalt or concrete.
2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 20% of the gross floor area of the building. All repair activities must take place within a completely enclosed building.

D. Campgrounds

1. **Minimum Size**: Each campground established after the effective date of this Ordinance shall have a minimum size of one acre.
2. **Minimum Area per Campsite**: Each individual campsite shall contain at least 1,000 square feet. The campsite shall be so designed that the required 1,000 square feet can be enclosed within a rectangle of which one side shall not exceed three times any other side.
3. **Setbacks**: All campgrounds shall maintain a 50-foot setback from all property lines.
4. **Access**:
 - (a) The access to public roads and highways shall be paved or surfaced in a similar manner to the adjacent public roads, and shall be approved by the city.
 - (b) Access roads shall be provided to each campsite and all access roads shall have a minimum unobstructed width of fourteen feet for all one-way roads, and twenty feet for all two-way roads.
5. **Utilities**: Each campground must maintain water supply, sewage disposal, and washing and toilet facilities in compliance with all City ordinances.
6. The layout of campgrounds shall minimize the destruction or alteration of natural vegetation or topography.
7. No campground may be occupied by the same person or persons for more than thirty days in any one calendar year.
8. No mobile home shall be located in a campground.
9. All special use permits issued under this section are temporary and valid only during the period that the campground and associated facilities comply with the provisions of this title and all other applicable ordinances and regulations.
10. All campground operators shall keep accurate records as to the length of time a person stays in the campground and shall make such records available to any city official upon request.

E. Convenience Storage

Convenience storage facilities shall be subject to the following requirements:

1. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
2. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
3. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.

F. Kennels

1. When permitted in an AG Agricultural District located more than one mile from the city limits of the City of Beatrice, kennels shall be subject to the following additional requirements:
 - (a) Unless the establishment and runs are completely enclosed in a building, the lot upon which dogs are harbored or kept shall have a minimum area of 1,000 square feet for each dog over the age of one year maintained on the property. The number of dogs maintained on any such lot shall not exceed 50.
2. When permitted in an AG Agricultural District located one mile or less from the city limits of the City of Beatrice, kennels shall be subject to the following additional requirements:
 - (a) Any building, runs, fences, or other structure relating to the facility shall be set back at least 25 feet from any property line.
 - (b) Unless the establishment and runs are completely enclosed in a building, the lot upon which dogs are harbored or kept shall have a minimum area of 1,500 square feet for each dog over the age of one year maintained on the property. The number of dogs maintained on any such lot shall not exceed 50.
3. When permitted in the GC District, kennels shall be subject to the following additional requirements:
 - (a) The establishment and runs shall be within a completely enclosed building.
 - (b) The sound emitted through the walls or roofs of any building harboring animals shall not exceed 45 dbA.
 - (c) Any building, fences, or other structures relating to the facility shall be set back at least 25 feet from any property line.

606 Supplemental Use Regulations: Industrial Uses

A. Recycling Collection

When permitted, Recycling Collection shall be subject to the following additional requirements:

1. All business and processes of the facility shall be carried out within a completely enclosed structure, unless otherwise provided in this section.
2. The total building area of a Recycling Collection facility shall be between 500 square feet and 10,000 square feet, provided that it does not use external storage within an outside enclosed trailer. If recyclable materials are stored within such a trailer, the total building area shall be between 500 square feet and 2,500 square feet.
3. Any building shall be located a minimum of 150 feet from the boundary of any residential zoning district.

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4. All materials must be stored within a completely enclosed structure. Recyclable materials may be stored within an outside enclosed trailer under the following conditions:
 - (a) The trailer shall be operable.
 - (b) The trailer must be set back at least 40 feet from a common lot line with any residential zoning district.
 - (c) The opening of the trailer must not face any residential zoning district.
 - (d) Trailer storage shall be limited to one vehicle with a maximum area of 320 square feet.
 5. No storage of recyclable materials in excess of one month is allowed.
 6. No power equipment may be used except for the purpose of loading recyclable materials.
 7. The facility shall be maintained in compliance with all applicable health and fire codes.

B. Recycling Processing

When permitted, Recycling Processing shall be subject to the following additional requirements:

1. The total building area of a recycling processing facility shall be at least 500 square feet.
2. Any building or outside storage area shall be located a minimum of 300 feet from the boundary of any residential zoning district.
3. Outdoor storage is permitted for Recycling Processing facilities, subject to the following conditions:
 - (a) All such storage shall be screened in accordance with the provisions of Article Eight.
 - (b) Outdoor storage of recyclable materials must be located at least 300 feet from any property line adjacent to the rights-of-way of US Highways 77 or 136; or Nebraska Highway 4, unless such storage is completely obstructed from view of these highways by topography or land forms.
 - (c) Outdoor storage shall not be located in a required front yard setback.
4. All materials must be stored within a completely enclosed structure. Recyclable materials may be stored within an outside enclosed trailer under the following conditions:
 - (a) The trailer is operable.
 - (b) The trailer must be set back at least 40 feet from a common lot line with any residential zoning district.
 - (c) The opening of the trailer must not face any residential zoning district.
5. The facility shall be maintained in compliance with all applicable health and fire codes.

C. Resource Extraction

Resource extraction, where permitted, is subject to the following additional requirements:

1. Erosion Control: A resource extraction use may not increase the amount of storm run-off onto adjacent properties. Erosion control facilities, including retention and sediment basins, are required of each facility if necessary to meet this standard.
2. Surface Drainage: The surface of the use may not result in the collection or ponding of water, unless specifically permitted by the City Council.
3. Storage of Topsoil: Topsoil shall be collected and stored for redistribution following the end of the operation.
4. Elimination of Hazards: Excavation shall not result in a hazard to any person or property.

The following measures are required:

- (a) Restoration of slopes to a gradient not exceeding 33% as soon as possible.
 - (b) Installation of perimeter safety screening.
 - (c) Installation of visual screening adjacent to any property within a residential district.
5. Restoration of Landscape: The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion.

D. Salvage Services

1. Minimum Size: The minimum size of any salvage services facility shall be two acres. An expansion of existing salvage services facility may be less than two acres if:
 - (a) The expansion is adjacent to the existing facility.
 - (b) The existing facility is currently ten acres or larger.
2. Screening: The perimeter of each facility shall be fully enclosed by opaque, free-standing fencing or screen walls. Minimum height of this enclosure shall be eight feet. Any such enclosure shall be constructed behind required landscaped bufferyards.
3. No Salvage Services use may be established within 1,000 feet of the nearest property line of a residential zoning district.
4. No Salvage services use may be established within 500 feet of any right of way line of Nebraska Highway 4 or U.S. Highways 136 or 77.

607 Supplemental Use Regulations: Miscellaneous Uses

A. Landfills

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1. Public Ownership: Any landfill involving the disposal of putrescible or septic materials shall be owned and operated by a public agency. Such public agency may contract operations out to a private contractor.
 2. Compliance with Codes: Each landfill must comply with all relevant city, county, State, or Federal codes and statutes.
 3. Prevention of Hazards: No facility shall present a hazard to surrounding residents or properties.
 4. Drainage and Water Supply: No landfill may modify or prevent the flow of major natural drainage ways within the jurisdiction of the City of Beatrice. Landfills shall not produce a measurable increase in pollution in any public water-based recreational facility or in any waterway or well that is a part of a public or private water supply.
 5. Minimum Separation from Residential Uses: No non-putrescible landfill may be established within 500 feet of a developed residential or public use. No landfill involving the disposal of putrescible or septic wastes shall be established within one-fourth mile of any residential, public, or commercial zoning district; or any State or Federal Highway.
 6. Restoration of Site: The site of any landfill must be restored, stabilized, planted, and seeded within twelve months after the end of the operation. Dissipation of waste products must be accomplished in a manner approved by the State of Nebraska's Department of Environmental Quality.
 7. Toxic Waste: The disposal of hazardous, toxic, or radioactive wastes as defined by the Federal Environmental Protection Agency shall be prohibited within the City of Beatrice and its extra-territorial jurisdiction.

608 Supplemental Use Regulations: Accessory Uses

A. Home Occupations

Home occupations are permitted as an accessory use in residential units subject to the following conditions:

1. External Effects: No noise, odors, bright lights, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right of way.
2. Employees: A home occupation may employ a maximum of two individuals other than the residents of the dwelling unit.
3. Service Traffic: Deliveries or service by commercial vehicles or trucks over ten tons is prohibited.
4. The home occupation shall be carried on entirely within the principal dwelling unit. Operation of a home occupation shall not be carried on within a detached accessory building without approval of a Special Use permit as set forth in Section 1303.
5. Welding, vehicle body repair, mechanical repair, or rebuilding or dismantling of vehicles

are not permitted as home occupations.

B. Permitted Accessory Uses: Residential Uses

Residential uses may include the following accessory uses, activities, and structures on the same lot:

1. Private garages and parking for the residential use.
2. Recreational activities and uses by residents, excluding the housing of horses.
3. Home occupations, subject to Section 608(a) of these regulations.
4. Residential convenience services for multiple-family uses or mobile home parks for use by residents only.
5. Crafts and garage sales, provided that such sales on any single property occur no more than once every 60 days; and have a maximum duration of 3 days.

C. Detached Accessory Buildings: Residential Uses

Detached accessory buildings located in the R-1, R-2, R-3, or R-4 Districts shall comply with the following requirements:

1. Detached accessory buildings shall not exceed a maximum size of 1200 square feet unless a Special Use Permit to allow a maximum size of 1800 square feet is approved as set forth in Section 1303. The square footage set forth in this subsection shall include the square footage for all detached accessory buildings located on the site.
2. A maximum of two detached accessory buildings shall be located on a site.
3. Detached accessory buildings shall not exceed 22 feet in height, measured at the ridge of the roof.
4. For purposes of Section 608(c), an accessory building shall be considered to be detached unless it is constructed as an integral part of the principal dwelling unit and is connected to the principal dwelling unit by a common vertical wall. Detached accessory buildings for multiple-family dwellings shall not be subject to the requirements of subsection 608(c)(1). Gazebos and any detached accessory building that is smaller than 20 square feet shall not be subject to the requirements of Section 608(c).
5. For purposes of Section 608(c), an accessory building shall only be constructed on property which contains an existing principal dwelling unit. The removal or demolition of a principal dwelling unit shall require the removal of all accessory buildings located on the site, unless the accessory building(s) meet the requirements of all applicable codes of the City of Beatrice and are verified by the City Building Inspector.

Detached accessory buildings located in the RC, LC, GC, or CBD Districts shall comply with the following requirements:

6. Detached accessory buildings, upon sites which contain buildings used as dwelling units,

shall not exceed a maximum size of 1200 square feet unless a Special Use Permit to allow a maximum size of 1800 square feet is approved as set forth in Section 1303. The square footage set forth in this subsection shall include the square footage for all detached accessory buildings located on the site.

7. A maximum of two detached accessory buildings shall be located on a site which contain a building used as a dwelling.
8. Detached accessory buildings, upon sites which contain buildings used as dwellings, shall not exceed 22 feet in height, measured at the ridge of the roof.
9. For purposes of Section 608(c), an accessory building shall be considered to be detached unless it is constructed as an integral part of the principal dwelling unit and is connected to the principal dwelling unit by a common vertical wall. Detached accessory buildings for multiple-family dwellings shall not be subject to the requirements of subsection 608(c)(6). Gazebos and any detached accessory building that is smaller than 20 square feet shall not be subject to the requirements of Section 608(c).
10. For purposes of Section 608(c), an accessory building shall only be constructed on property which contains an existing principal dwelling unit or a principal commercial, industrial, or office building which is open to the public for a minimum of twenty (20) hours per week. The removal or demolition of any dwelling unit, or commercial, industrial, or office building shall require the removal of all accessory buildings located on the site, unless the accessory building(s) meet the requirements of all applicable codes of the City of Beatrice and are verified by the City Building Inspector.

D. Permitted Accessory Uses: Other Use Types

Other use types may include the following accessory uses, activities, and structures on the same lot:

1. Parking for the principal use.
2. Manufacturing or fabrication of products made for sale in a principal commercial use, provided that such manufacturing is totally contained within the structure housing the principal use.
3. Services operated for the sole benefit of employees of the principal use.

E. Permitted Accessory Uses: Agricultural Use Types

1. Garden centers and roadside stands.
2. Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.

(Ord. No. 96-3, Sec. 1, 2-5-96; Ord. No. 96-32, Sec. 1, 8-5-96, Ord. No. 98-2, 2-2-98, Ord. No. 13-036, 8-19-13)

609 Supplemental Use Regulations: Outdoor Storage

Outdoor storage is prohibited in all zoning districts except the GI General Industrial zoning district, except as provided in this section.

A. Agricultural Use Types

Outdoor storage is permitted only where incidental to agricultural uses.

B. Civic Use Types

Outdoor storage is permitted only where incidental to Maintenance Facilities.

C. Commercial Use Types

1. Outdoor storage is permitted only where incidental to Agricultural Sales and Service; Auto Rentals and Sales; Construction Sales; Equipment Sales and Service; and Surplus Sales.
2. Outdoor storage is permitted only where incidental to Body Repair, provided that such storage is completely screened at property lines. No single item shall remain unrepaired on the site for longer than 60 days.

D. Industrial and Miscellaneous Use Types

1. Light Industry within the CBD Central Business District zoning district shall not include outdoor storage.
2. Outdoor storage is permitted only where it is incidental to Light Industry outside of the CBD Central Business District; General Industry; Heavy Industry; Recycling Processing; Resource Extraction; Salvage Services; Warehousing; and Construction Yards. Any such outdoor storage is subject to screening requirements set forth in Article Eight.
3. Outdoor storage is permitted where incidental to landfills.

610 Supplemental Use Regulations: Temporary Uses

A. Purpose

These provisions are intended to permit occasional, temporary uses and activities, when consistent with the objectives of the Zoning Ordinance and compatible with surrounding uses.

They are further intended to prevent temporary uses from assuming the character of permanent uses.

B. Temporary Use Types

The following temporary uses are permitted, subject to the regulations contained within these sections:

1. Model homes or apartments, if contained within the development to which they pertain.

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2. Public assemblies and exhibits.
 3. Commercial circuses, carnivals, fairs, festivals, or other transient events, provided that events are located on property owned by the sponsoring non-profit organization, or are located within a CBD or more intensive zoning district.
 4. Outdoor art shows and exhibits.
 5. Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
 6. Construction site offices, if located on the construction site itself.
 7. Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month; and are located in commercial or industrial zoning districts.
 8. Construction Batch Plants, provided that:
 - (a) No plant may be located within 500 feet of a developed residential use, park, or school.
 - (b) The Construction Batch Plant shall operate during daylight hours only. The Planning and Zoning Commission may, at its discretion, grant a conditional extension to these hours.
 - (c) The duration of the plant's operation does not exceed 180 days in one calendar year.

C. Required Conditions of All Temporary Uses

1. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.
2. The Building Official may establish other conditions which he/she deems necessary to ensure compatibility with surrounding land uses.

D. Permit Application and Issuance

1. An application to conduct a temporary use shall be made to the Building Official and shall include at a minimum a description of the proposed use; a diagram of its location; information regarding hours and duration of operation; and other information necessary to evaluate the application.
2. The Building Official may authorize a temporary use only if he/she determines that:
 - (a) The use will not impair the normal operation of a present or future permanent use on the site.
 - (b) The use will be compatible with surrounding uses and will not adversely affect the public health, safety, and welfare.

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3. The duration of the permit shall be explicitly stated on the permit.
 4. Decisions of the Building Official may be appealed to the Board of Adjustment.
(Ord. No. 97-28, Sec. 1, 4-21-97)

ARTICLE SEVEN – SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

701 Purpose

The Supplemental Site Development Regulations recognize the existence of special conditions that cannot comply literally with the site development regulations set out for each zoning district. Therefore, these regulations qualify or modify the district regulations of this title and provide for specific areas of exception.

702 Vision Clearance

No natural or artificial installation, including without limitation, plants, shrubs, fences, signs, or other potential view obstruction higher than 30 inches shall be installed or maintained at any intersection, as provided by Sections 23-101 through 23-108 of the Beatrice Municipal Code.

703 Setback Adjustments

A. Lots Adjoining Alleys

1. Any structure requiring vehicular access from an alley and with an overhead door or other opening accommodating vehicular access facing such alley shall be set back at least 15 feet from such alley.

B. Exceptions to Openness of Required Yards

Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.

1. Window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project four feet into a required yard.
2. Terraces, patios, uncovered decks, and ornamental features may project ten feet into a required front yard. The roof over an unenclosed porch may project a maximum of six feet into a required front yard, as measured from the exterior foundation. Enclosed porches intended to be used as living space having a heating system shall be subject to the setback requirements of the district.
3. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 1/2 feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.
4. Air conditioners with capacities not exceeding five tons may project into a required yard, provided that the extension is no more than three feet from the building; and, in the case of side yard extensions, no less than three feet from any adjacent lot line.
5. Solar collectors may project a maximum of 5 feet into required rear yards.

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6. For buildings constructed upon a front property line, a cornice may project into the public right of way. Maximum projection is the smaller of four feet or five percent of the right of way width.
 7. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
 8. Accessory buildings in residential districts, including private and community garages, may be located a minimum of three feet from the side or rear lot line if set back sixty feet or more from the front lot line. Any such accessory building must be located at least ten feet from the main structure, any other accessory building on the site, and any structure on adjacent property.
 9. Lamp posts and flag poles up to the maximum height allowed in the base district may be located within required yards, provided they are set back at least five (5) feet from property lines.

C. Setback Adjustments

These provisions apply if fifty percent or more of the buildings on that blockface have front yard setbacks less than those required for the specific district.

1. If a building is to be built on a parcel of land within 100 feet of existing buildings on both sides, the minimum front yard shall be the lesser of:
 - (a) the front yard setback of the adjacent building with the greater setback; or
 - (b) the front yard setback normally required in the zoning district.
2. If a building is to be built on a parcel of land which has an existing building within 100 feet on one side only, the minimum front yard shall be the setback of such existing building.
3. If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, the minimum front yard shall be the lesser of:
 - (a) the principal building on the blockface with the greatest setback; or
 - (b) the setback normally required in the zoning district.
4. These setback regulations may be further varied by the Planning and Zoning Commission within an HD Historic Overlay District or within an historic district listed on the National Register of Historic Places.

D. Rear Yard Exceptions - Residential Uses

When an irregular lot is used for residential purposes, the rear yard may be measured as the average horizontal distance between the building and rear lot line, provided that the minimum setback shall not be less than sixty percent (60%) of the rear yard required by the zoning district.

E. Antennas

1. Antennas which are accessory to a primary use and are designed to receive radio or television signals shall not be located within any street yard of the primary use. The street yard includes that portion of a lot or parcel that lies between any street property line and the fronting walls of any building or buildings on the parcel.
2. Such antennas shall be located no less than fifteen feet from the property line of an adjacent property within a residential zoning district.
(Ord. No. 95-55, Sec. 1, 11-20-95)

704 Height Exceptions

These provisions allow exceptions to the height limit of any zoning district in certain situations.

A. Vertical Projections

Chimneys, cooling towers, building mechanical equipment, elevator bulkheads, fire towers, grain elevators, non-parabolic receiving antennas, tanks, solariums, steeples, penthouses not exceeding 25 percent of total roof area, flag poles, stage towers or scenery lofts, and water towers may exceed the height limit of any district by not more than 25 percent.

B. Radio Towers

1. Radio towers, operated by licensed amateur radio operators, may exceed the height limit of any district by not more than 25 percent. This exception does not apply to parabolic antennas, designed to receive signals from satellites.
2. Such radio towers shall not be located within any street yard of the primary use, and shall be set back a distance from an adjacent property equal to the height of the tower.

C. Wind Energy Conservation Systems (WECS)

1. The distance from all lot lines or any building or power line to any tower support base of a WECS shall be equal to the sum of the tower height and the diameter of the rotor. A reduction of this requirement may be granted as part of a Special Permit approval if the Planning and Zoning Commission finds that the reduction is consistent with public health, safety, and welfare.
2. The distance between the tower support bases of any two WECS shall be the minimum of five rotor lengths, determined by the size of the largest rotor. A reduction of this requirement may be granted as part of a Special Permit approval if the Planning and Zoning Commission finds that the reduction does not impede the operation of either WECS.

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3. The WECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.
 4. A fence six feet high with a locking gate shall be placed around any WECS tower base. Alternatively, the tower climbing apparatus shall begin no lower than twelve feet above ground.
 5. The WECS is exempt from the height restrictions of the base district.

D. Special Use Permit Uses

The Planning and Zoning Commission may grant an exception from the height limit for a zoning district for a special use permit use, as part of its approval of that use. The limit or extent of this exception shall be a specific part of the special use permit.

E. Supplemental Height Regulation Rules

1. No structure may be built in any zoning district which exceeds the maximum height permitted under the rules of the Federal Aviation Administration. These rules describe the glide angles and operational patterns for any airport within the planning jurisdiction of the City of Beatrice.
2. All structures and other improvements shall comply with the Airport Zoning Regulations of 1987 adopted by the Beatrice Joint Airport Zoning Board together with the Nebraska Department of Aeronautics Map Number ZN-BE-74, as revised on January 6, 1978; January 15, 1985; and January 28, 1986, which is part of said regulation.

705 Multiple Structures on a Lot

A. Non-Residential Use Types

For non-residential use types, more than one structure may be located on a single lot, provided that all requirements of this Ordinance shall be met for each structure on the site.

B. Townhouse or Multiple-Family Residential Use Types

For Townhouse or Multiple-Family use types, up to three individual buildings may be developed on a lot in accordance with zoning district regulations and the following additional conditions:

1. Open space between buildings shall be at least 20 feet for one-story buildings and 30 feet for all other buildings.
2. All interior access roads or driveways shall be paved to provide a durable and dust-free surface approved by the City Engineer.
3. A minimum pavement radius of 15 feet shall be provided at intersections of access roads and driveways and public rights-of-way.
4. Interior vehicular access ways shall be wide enough to provide safe access for emergency and service vehicles.

706 Fence Regulations

A. Location Restriction

Unless otherwise provided by this Ordinance or other sections of the Beatrice City Code, no fence shall be built to enclose any lot or tract outside the property lines of that lot or tract.

B. Sight Obstruction

No solid fence permitted or required by this Ordinance or other sections of the Beatrice City Code shall be built within a triangle formed by the adjacent side lines of two intersecting streets and a line connecting points 30 feet on each leg from their point of intersection.

C. Residential Fences

Fences constructed within residential districts or on land used for residential purposes, except land located in the "AG" Agricultural District, are subject to the following provisions:

1. Height: The maximum height of a fence within a required front yard or street side yard setback shall be four feet. The maximum height for any fence outside of a required front yard shall be eight feet; provided that the portion of any such fence above six feet in height shall not exceed 50 percent closed construction.
2. Street Side Yards: Corner lots shall be either a Type 1 corner lot or a Type 2 corner lot. A Type 1 corner lot shall consist of all corner lots, which are not Type 2 corner lots. A Type 2 corner lot shall consist of corner lots in which the neighboring residential structures on the block are oriented the same general direction.

Type 1 corner lots shall have a street side yard setback of twenty-five (25) feet from the property line and may have a maximum height of six (6) feet. Type 2 corner lots may have a street side yard setback of zero (0) feet from the property line and may have a maximum height of six (6) feet.

3. Exception to Openness Requirement: Fences built on residential property outside of required front or street side yards may exceed of 50 percent closed construction.
4. Exception for Front Yards of Double Frontage Lots: A fence built within the required front yard of a double frontage lot may be a maximum of six feet in height and may exceed 50 percent closed construction if such lot fronts an arterial street or expressway, as defined in the Comprehensive Development Plan for the City of Beatrice; and if such frontage does not provide primary access to the property.
5. Materials: Fences shall be constructed utilizing only the following described materials:
 - (a) Wood not exceeding 12" in width;
 - (b) Wrought iron;
 - (c) Masonry;

(d) Galvanized or vinyl-covered chain link;

(e) Solid vinyl; or

(f) Concrete.

Subsection 5 of Section 706(c) shall not apply to fences around the perimeter of a garden that are constructed of chicken wire and that do not exceed 2 feet in height.

D. Office, Commercial, and Industrial Fences

Fences constructed in commercial and industrial districts are subject to the following special provisions:

1. LC, RC, and CBD Districts: The maximum height of a fence in the LC, RC, or CBD Districts shall not exceed eight feet; provided that the portion of any such fence that exceeds six feet in height shall not exceed 50 percent closed construction.
2. GC, LI, and GI Districts: The maximum height of a fence within a required front yard or street side yard setback shall be six feet. The maximum height for a fence outside of required front yard or street side yard setbacks shall be ten feet and shall be constructed in accordance with the requirements of the edition of the Uniform Building Code currently in effect in the City of Beatrice.
3. Materials: Fences shall be constructed utilizing only the following described materials:
 - (a) Wood not exceeding 12" in width;
 - (b) Wrought iron;
 - (c) Masonry;
 - (d) Galvanized or vinyl-covered chain link;
 - (e) Solid vinyl;
 - (f) Concrete; or
 - (g) Primed and painted metal.

(Ord. No. 95-26, Sec. 1, 7-17-95; Ord. No. 96-6, Sec. 1, 3-4-96; Ord. No. 05-14, Sec. 2, 7-5-05)

707 Appeals

Denial, revocations, or cancellations of a building permit based on the provisions of Section 706 may be appealed to the Board of Adjustment, as set forth in Article Thirteen.

ARTICLE EIGHT – LANDSCAPING AND SCREENING REGULATIONS

801 Purpose

The Landscaping and Screening Regulations provide additional guidance on the development of sites within Beatrice by addressing landscaping and screening requirements. They are designed to improve the appearance of the community; buffer potentially incompatible land uses from one another; and conserve the value of properties within the City of Beatrice.

802 Applicability

The provisions of this section shall apply to all new development on each lot or site upon application for a building permit, except for the following:

- A. Reconstruction or replacement of a lawfully existing use or structure following a loss caused by fire, storm, or other natural or man-made disaster.
- B. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements.
- C. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20 percent. Where such additions or enlargements are 20 percent or greater, these provisions shall apply only to that portion where the new development occurs.

803 Landscaping Requirements

Landscaping shall be required adjacent to each street property line and within street yards as set forth in Table 8-1.

Table 8-1: Required Front Yard Landscaping

Zoning District	Required Front Yard Setback	Minimum Depth of Landscaping from Street Property Line
AG	50	35
RR	40	25
R-1	30	20
R-2	25	15
R-3	25	15
R-4	25	15
RC	25	10
O	25	10
LC	25	10
GC	15	7
CBD	0	0
CS	25	10
LI	15	10
GI	15	0

804 Bufferyard Provisions

These provisions apply when a use is established in a more intensive zoning district (District A) which is adjacent to a less intensive zoning district (District B). The owner, developer, or operator of the use within District A shall install and maintain a landscaped bufferyard on his/her lot or site, as set forth in this section. Bufferyard requirements apply only to those districts indicated in Table 8-2.

- A. The bufferyard dimensions set forth in Table 8-2 apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley.
- B. When a street separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard set forth in Table 8-2.
- C. Each required bufferyard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.
- D. Bufferyard requirements apply only when the property in District B is vacant or used for residential purposes.

Table 8-2: Bufferyard Requirements

		Adjacent, Less Intensive District (District B)					
		RR	R-1	R-2	R-3	R-4	RC
Adjacent, More Intensive District (District A)	RC	10	10	10	10	0	0
	O	15	15	15	15	10	0
	LC	15	20	20	15	15	10
	GC	20	25	25	20	20	15
	CBD	0	0	0	0	0	0
	CS	20	25	25	20	20	20
	LI	30	30	30	30	30	30
	GI	50	60	60	50	50	50

805 Screening Standards

A. Application

Screening is required between adjacent zoning districts indicated in Table 8-2 when one or more of the following conditions in the more intensive zoning district is directly visible from and faces toward a residential use in the less intensive zoning district.

1. The rear elevation of buildings.

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2. Outdoor storage areas or storage tanks, unless otherwise screened.
 3. Loading docks, refuse collection points, and other service areas.
 4. Major machinery or areas housing a manufacturing process.
 5. Major on-site traffic circulation areas or truck and/or trailer parking.
 6. Sources of glare, noise, or other environmental effects.

B. Opaque Barrier

A six foot opaque barrier shall be provided which visually screens the conditions listed in this section from less intensive uses as follows:

1. A solid wood and/or masonry fence or wall at least six feet in height.
2. A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting.
3. A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts.
4. Any combination of these methods that achieves a cumulative height of six feet.

C. Location of Screening Wall

1. A screening wall or fence shall be installed no closer to the less intensive zoning district than one-half the width of the required bufferyard.

D. Screening: Effect on Drainage

Screening shall not adversely affect surface water drainage.

E. Permitted Interruptions of Screening

Screening may be interrupted to provide access drives to service areas or for loading purposes to buildings. Such breaks or interruptions shall not exceed 20% of the length of the required screened area.

806 General Provisions

A. Time of Application

The provisions contained in this Article shall be applied for each individual lot or site when an application for a building permit on such lot is made.

B. Maintenance of Required Landscaping

Upon installation of required landscape materials, each owner shall take appropriate actions

to insure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this Article.

C. Obstruction of View

Landscaping installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk.

D. Exceptions

A development may continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with bufferyard or screening provisions.

ARTICLE NINE – OFF-STREET PARKING

901 Purpose

The Off-Street Parking Regulations require that developments provide parking in proportion to the need created by each use. These regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

902 General Applications

A site development plan for an off-street parking facility shall be prepared and submitted to the building official for review and approval prior to the issuance of a building permit. Before approving any off-street parking facility layout, the building official shall ensure that the requirements set forth in this Article are satisfied and that the spaces provided are usable and meet standard design criteria.

Nothing in this Article shall prevent the voluntary establishment of an off-street parking facility to serve any existing use, provided that all requirements are complied with.

Off-street parking spaces required herein shall be utilized solely for the parking of passenger automobiles or light trucks of less than one (1) ton capacity of employees, occupants, or customers and such spaces shall not be used for the storage or display of materials or products or the repair or dismantling of any materials.

A. Applicability

Off-street parking shall be provided for any new building constructed, for new uses or conversions of existing buildings, for enlargements of existing structures, or if the use of any buildings, structure or premises is changed which will have the effect of increasing the need for parking spaces.

B. Exemptions

Any use within the Central Business District (CBD) is exempt from the off-street parking requirements provided by Section 903. Any off-street parking facility constructed in the CBD District after the effective date of this Ordinance must comply with the design standards set forth in this Article.

A site development plan for off-street parking is not required for single-family dwellings.

903 Schedule of Off-Street Parking Requirements

Off-street parking for each use shall be provided in accord with the minimum requirements set forth in Table 9-1.

A. Computation

1. When a computation of required parking results in a fraction of .5 or greater, the requirement should be rounded up to the next whole number.
2. Unless otherwise indicated, parking requirements are based on gross floor area. Gross floor areas for the purpose of this calculation exclude any interior space used for the parking or loading of vehicles.
3. When parking requirements are computed on the basis of capacity, capacity shall be determined by the building code in effect for the City of Beatrice at the time the use is established.

B. Combination of Uses

Where there is a combination of uses for an off-street parking facility, agreements may be made between uses which generate parking demands at different times in such a manner that the requirements of more than one use may be met by the same space. Provided, the parking demand for each such use involved is in fact met. Such agreements shall be approved by the building official and kept on file. The building official shall be contacted within three business days at such time the parking agreement is terminated or any changes to the agreement have been made. At such time the building official shall determine if the intent of this Article has been maintained. The city council may at any time terminate a parking agreement when it is determined that the intent of this Article has not been met.

Table 9-1: Off-Street Parking Requirements

Use Types	Parking Requirement
Agricultural Uses	
Horticulture	1 space per 1,000 square feet of sales area
Crop Production	No Requirement
Animal Production	No Requirement
Commercial Feedlots	No Requirement
Livestock Sales	1 space per 200 square feet of consumer sale area
Residential Uses	
Single-Family Detached	2 spaces per dwelling unit
Single-Family Attached	2 spaces per dwelling unit
Duplex	1.5 spaces per dwelling unit

Townhouse	1.5 spaces per dwelling unit
Multiple-Family	1.5 spaces per dwelling unit
Group Residential	1 space per resident
Mobile Home Residential	2 spaces per dwelling unit
Mobile Home Subdivision	2 spaces per dwelling unit

Civic Uses

Administration	1 space per 300 square feet
Cemetery	No Requirement
Clubs	1 space per 500 square feet
College/University	8 spaces per classroom plus one space per employee
Convalescent Services	1 space per 4 beds
Cultural Services	1 space per 1,000 square feet
Day Care (Limited)	1 space per employee plus 1 space or loading stall for each 10 persons licensed capacity
Day Care (General)	1 space per employee plus 1 space or loading stall for each 10 persons licensed capacity
Detention Facility	1 space per employee on largest shift
Elderly Care Facility	1 space per 4 beds
Elderly Housing Facility	1.5 spaces per dwelling unit
Emergency Residential	1 space per 2 persons licensed capacity
Group Care Facility	1 space per 4 persons licensed capacity
Group Home	1 space per 4 persons licensed capacity
Guidance Services	1 space per 300 square feet
Hospital	1 space per bed patient capacity
Maintenance Facilities	See Schedule A
Park and Recreation	No Requirement
Postal Facilities	See Schedule A
Primary Education	2 spaces per classroom
Public Assembly	1 space per 4 persons licensed capacity
Religious Assembly	1 space per 4 persons licensed capacity in largest worship space
Safety Services	1 space per employee on largest shift
Secondary Education	8 spaces per classroom plus 1 space per employee on largest shift
Utilities	1 space per employee on largest shift

Office Uses

General Offices	1 space per 300 square feet
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Medical Offices	1 space per 200 square feet
Financial Offices	1 space per 300 square feet

Commercial Uses

Agricultural Sales/Service	See Schedule A
Automotive Rental/Sales	See Schedule A
Auto Services	3 times service capacity
Body Repair	4 spaces per repair stall
Equipment Rental/Sales	See Schedule A
Equipment Repair	See Schedule A
Vehicle Storage	NA
Bed and Breakfast	1 space per room
Building Maintenance	1 space per 500 square feet
Business Support Services	See Schedule A
Business/Trade Schools	1 space per 4 students
Campground	1 space per camping unit
Cocktail Lounge	1 space per 150 square feet
Commercial Recreation	1 space per 4 person capacity
Communication Services	1 space per 500 square feet
Construction Sales & Service	See Schedule A
Consumer Services	1 space per 200 square feet of customer service area
Convenience Storage	1 space per 10 storage units
Food Sales (Limited)	1 space per 300 square feet of sales area
Food Sales (General)	1 space per 200 square feet of sales area
Funeral Services	1 space per 4 person capacity in parlor + 1 space per employee and per vehicle maintained on site
General Retail Services	1 space per 200 square feet of sales area
Kennels	1 space per employee
Laundry Services	1 space per 200 square feet of customer service area
Liquor Sales	1 space per 200 square feet of sales area

Commercial Uses

Lodging	1 space per unit
Personal Improvement	1 space per 200 square feet
Personal Services	1 space per 200 square feet
Pet Services	1 space per 300 square feet
Research Services	1 space per 500 square feet

Restaurants (Drive-In)	Greater of 1 space per 40 square feet of dining area or 1 space per 150 square feet of gross floor area
Restaurants (General)	1 space per 2.5 person capacity in dining area
Stables	1 space per employee
Surplus Sales	See Schedule A
Veterinary Services	1 space per 500 square feet

Parking Uses

Surface Parking	NA
Parking Structure	NA

Industrial Uses

Custom Manufacturing	See Schedule A
Light Industry	See Schedule A
General Industry	See Schedule A
Heavy Industry	See Schedule A
Recycling Collection	1 space per employee
Recycling Processing	1 space per employee
Resource Extraction	1 space per employee on largest shift
Salvage Services	See Schedule A
Warehousing	See Schedule A
Construction Yards	See Schedule A

Transportation Uses

Aviation Facilities	To be determined by Building Official
Railroad Facilities	No Requirement
Transportation Terminal	No Requirement
Truck Terminal	See Schedule A

Miscellaneous Uses

Broadcasting Tower	No Requirement
Construction Batch Plant	1 space per employee
WECS	No Requirement
Landfill (Non-Putrescible)	To be determined by Building Official
Landfill (Putrescible)	To be determined by Building Official

Table 9-1: Off-Street Parking Requirements

SCHEDULE A

This schedule sets forth minimum off-street parking requirements for uses with elements that have different functions and operating characteristics.

Function of Element	Requirement
Office or Administration	1 space per 300 square feet.
Indoor Rental, Sales, Display or Service Area	1 space per 500 square feet.
Outdoor Rental, Sales, Display or Service Area	1 space per 2,000 square feet.
Equipment Servicing or Manufacturing	1 space per 1,000 square feet.
Indoor or Outdoor Storage or Warehousing	1 space per 5,000 square feet.

904 Parking Facility Location

A. General

1. Parking is permitted within any enclosed structure when the structure conforms to the requirements of the zoning district where it is located.
2. Parking is prohibited in every zoning district in the area between the street and the sidewalk or property line.
3. The vehicle shall not encroach on a public sidewalk or the public right-of-way. A sidewalk is considered to be public when it parallels a public right-of-way and is considered a required sidewalk.

B. Residential Parking

1. Off-street parking for residential uses shall be located on the same lot or site as the use.
2. Off-street parking for multi-family or group residential uses shall be at least six feet from any main building.
3. Off-street parking for any residential use shall not be located within a required front yard or street side yard.

C. Non-residential Parking

1. Location: Off-street parking for non-residential uses shall be located on the same lot

or site as the use or shall be situated within three hundred (300) feet of the lot(s) on which the use or uses to be served by said off-site parking facility, measured along the nearest pedestrian walkway from the off-street parking facility to the nearest part of the lot where the use is located. The off-street parking facility must be located within the Office, Limited Commercial, General Commercial, Central Business, Light Industrial, or General Industrial Zoning Districts.

2. Use: The off-street parking facility shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials, or supplies.
3. Improvements:
 - (a) The off-street parking facility shall comply with the provisions of this Article.
 - (b) The individual parking spaces in any off-site parking facility shall be delineated either by properly anchored wheel stops in the case of gravel or crushed rock surfacing or by painting of stripes and installation of curb or wheel stops in the case of asphalt or concrete surfacing. Said curbs or wheel stops shall prevent the overhanging of vehicles beyond property lines or parking spaces.
 - (c) If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from any adjacent dwelling unit or residential district.
4. Stall accessibility: Each required parking stall shall be individually and easily accessible based on good engineering practice. No motor vehicle shall be required to back onto any public street or sidewalk to leave any parking stall.

905 Parking for Persons with Disabilities

A. Number of Parking Stalls Required

Each off-street parking facility shall provide the number of parking spaces set forth in Table 9-2 designed and designated for use by people with disabilities. Off-street parking facilities shall comply with the Americans with Disabilities Act (ADA). Off-street parking facilities for single-family, duplex, and mobile home residential uses are exempt from this requirement.

B. Location of Disabled Accessible Parking Spaces

Accessible parking spaces serving a particular building or use shall be located on the shortest accessible route of travel from the parking area to an accessible entrance. In off-street parking facilities which do not serve a particular building or use, accessible parking shall be located on the shortest accessible route of travel to an accessible entrance of the off-street parking facility. In buildings or uses with multiple accessible entrances with adjacent parking areas, accessible parking spaces shall be dispersed and located closest to

the accessible entrances. A route of travel shall be barrier free to an accessible building or use entrance and shall not require users to walk or wheel behind parked vehicles.

C. Signage

Signage of accessible parking spaces shall be designated as reserved by a sign showing a symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

**TABLE 9-2
ACCESSIBLE PARKING REQUIREMENTS**

Number of Stalls	Number of Required Accessible Spaces	Number of Stalls	Number of Required Accessible Spaces
1-25	1	201-300	7
26-50	2	301-400	8
51-75	3	401-500	9
76-100	4	501-1,000	2% of total
101-150	5	1,001 and over	20, plus 1 for each
151-200	6		100 stalls over 1000

906 Off-Street Parking Design Standards

A. Dimensions and Markings

1. Standard parking stalls shall be 9 feet wide and 18 feet long. Accessible spaces shall have a minimum width of 12 feet.
2. Off-street parking facilities may provide up to 25% of their total stalls as designated compact stalls. Compact parking stalls shall be a minimum of 8.5 feet wide and 16 feet long.
3. All parking stalls in an off-street parking facility shall be appropriately and individually striped for channelization and movement of vehicles.

B. Pavement and Drainage

1. After the effective date of this ordinance, any new residential dwelling units built or moved onto a lot or any building converted into a residential dwelling unit shall have all driveways and parking areas constructed of asphalt, concrete, brick or concrete pavers, which shall extend to the street, except if the adjacent street has no curb or gutter, the driveway shall at a minimum extend to the property line.
2. All residential type dwellings shall use no more than fifty (50) percent of the front yard including city right-of-way and no more than sixty (60) percent of the combined side and rear yard for parking. All lots with more than one (1) frontage i.e. corner lots, shall conform to the above fifty (50) percent requirement to be

determined by front yard area as defined by the street address. Existing hard surfaced parking areas exceeding fifty (50) percent of the front yard area and sixty (60) percent of the combined side and rear yard area on the effective date of this ordinance shall be exempt from the percentage limitations until the existing hard surface parking area is removed.

3. Off-street parking facilities or drive surfaces on the interior of a lot shall be composed of material other than dirt, grass or weeds, as identified below:
 - a. Concrete.
 - b. Asphalt.
 - c. Bricks.
 - d. Concrete pavers.
 - e. Aggregate (but not pea gravel, sand or other aggregates symmetrical or round in nature less than one and one-half (1½) inches in diameter).
 - f. Fractured concrete.
 - g. Cinders.
 - h. Other similar dust-free materials approved by the Building Official.
 - i. All of the above materials (except a and b above) shall be contained within a suitable barrier of sufficient height e.g. (landscape timber, railroad ties, landscaping blocks, lumber, but excluding tires) that retain the material, and shall conform to the abutting surface topography, sufficiently anchored to resist movement, and must retain the parking surface materials from spreading into the street, alleys, or abutting vegetative areas.
 - j. Entire parking or driveway surface shall be evenly surfaced or covered so that at no time is the underlying dirt visible.
4. Off-street parking facilities, driveways, and drive surfaces shall be maintained in good condition and shall be free of all weeds, grass, other vegetation, dirt, trash, or debris.
5. Off-street parking facilities shall be designed and built to prevent the free flow of water onto adjacent properties.

C. Landscape and Screening Requirements

Unless otherwise noted, each unenclosed off-street parking facility of over three thousand (3,000) square feet shall comply with the following regulations:

1. Each unenclosed off-street parking facility shall provide a minimum landscaped buffer of six (6) feet along any portion of such off-street parking facility abutting or encroaching upon a street.
2. Each off-street parking facility that abuts a residential district shall provide a ten (10) foot landscaped buffer along its common property line with the residential district.
3. Any off-street parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four (4) 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 Building Official.

4. Each unenclosed off-street parking facility of over four thousand five hundred (4,500) square feet within a street yard shall provide interior landscaped area equal to no less than five (5) percent of the total paved area of the parking facility. Parking facilities within the LI or GI Districts shall be exempt from this requirement.
5. Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in this Article.

D. Entrances, Exits, and Maneuvering

1. Adequate access to each off-street parking facility shall be provided by means of clearly defined and limited driveways or access points. Such driveways shall be designed to direct non-residential traffic away from residential areas.
2. Off-street parking facilities other than driveways for single-family, duplex, or mobile home residential uses must permit vehicles to enter streets in a forward position.
3. All off-street parking facilities must provide adequate internal room for safely maneuvering in and out of parking spaces without encroaching on public streets, walks, or alleys; and so that any vehicle may be parked and unparked without moving another vehicle.
4. Off-street parking facilities or driveway entries from a paved street shall have the curb ground or removed the entire width of the parking or driveway. A drive surface installed to the property line shall have the curb ground or sawed out the entire width of the drive surface.

E. Safety Features

1. Off-street parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility; and shall not create blind, hidden, or hazardous areas.
2. Circulation patterns shall be designed in accord with accepted standards of traffic engineering and safety.
3. Parking in an off-street parking facility shall not interfere with the thirty (30) foot vision triangle.

F. Maintenance

All off-street parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility. Acceptable maintenance includes keeping the facility free of

refuse, debris, and litter; maintaining parking surfaces in sound condition; and providing proper care of landscaped areas and maintained in a state of good repair.

907 Off-Street Loading

Required off-street loading areas shall not be construed as being part of any required off-street parking facility.

A. Loading Requirement

Any use which involves the receipt or distribution of freight, merchandise, supplies, vehicles, or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading and circulation. Loading areas shall be designed to avoid undue interference with the public use of streets and sidewalks.

B. Schedule of Loading Spaces

Loading spaces for each use requiring them shall be provided in accord with the minimum requirements set forth in Table 9-3.

**TABLE 9-3
OFF-STREET LOADING REQUIREMENTS**

Gross Floor Area of Use (square feet)	Number of Required Loading Spaces
5,000 or less	None
5,001 – 25,000	1
25,001 – 75,000	2

C. Design Standards

1. Each loading space shall be at least ten (10) feet wide by fifty (50) feet long, with a vertical clearance of at least fourteen (14) feet. However, the Building Official may modify this size requirement in specific instances, based on the needs and character of an individual use.
2. Paving of loading spaces and access areas shall be permanent, durable, and dustless.
3. Off-street loading areas are subject to the landscaping and buffering requirements for off-street parking facilities set forth in this Article.

908 Parking for Personal Vehicles

A. Applicability

This section permits the parking of personal vehicles on a lot in a residential district

subject to specific conditions. Personal vehicles shall include but not limited to passenger cars, vans, pick-up trucks, motorcycles, and trailers twenty (20) feet and under in length.

B. Location of Parking

1. Parking is permitted within any enclosed structure when such structure conforms to the regulations of the zoning district where it is located.
2. Parking is permitted outside of an enclosed structure in the side yard behind the line of the required front yard setback or in the rear yard.
3. Parking is permitted outside of an enclosed structure within the required front yard setback, subject to the following conditions:
 - (a) The parking surface shall be composed of asphalt, concrete, brick, or concrete pavers and shall be adjacent to the driveway.
 - (b) The vehicle is parked perpendicular to the front curb; and
 - (c) The vehicle does not encroach on the public right-of-way.

909 Parking for Recreational Vehicles

A. Applicability

This section permits the parking of recreational vehicles on a lot in a residential district subject to specific conditions. Recreational vehicles shall include but not limited to recreational vehicles, race cars, trailers over twenty (20) feet in length, and boats.

B. Location of Parking

1. Parking is permitted within any enclosed structure when such structure conforms to the regulations of the zoning district where it is located.
2. Parking is permitted outside of an enclosed structure in the side yard behind the line of the required front yard setback or in the rear yard, subject to the following conditions:
 - (a) The parking surface shall be composed of asphalt, concrete, brick, or concrete pavers and shall be adjacent to the driveway;
 - (b) The vehicle is parked perpendicular to the front curb; and
 - (c) The vehicle does not encroach on public right-of-way.

C. Maintenance and Storage of Recreational Vehicles

- 1.** The vehicle shall be maintained in a clean, well-kept state.
- 2.** If the vehicle is equipped with liquefied petroleum gas containers, such containers must meet the current standards of the Interstate Commerce Commission, the United States Department of Transportation, or the American Society of Mechanical Engineers. Any valves must be closed at all times that the vehicle is not in preparation for immediate use. Leaks in containers must be repaired immediately.
- 3.** The vehicle may be used only by non-paying guests for a maximum of three consecutive days or fourteen days during any calendar year.

ARTICLE TEN – SIGN REGULATIONS

1001 Purpose

The Sign Regulations provide standards for communicating information in the environment of the City of Beatrice and its jurisdiction. The regulations recognize the need to protect public health, safety, and welfare; to maintain the City's attractive appearance; to provide for adequate business identification, advertising, and communication of information; and to encourage the fair enforcement of sign regulations.

1002 Definition of Terms

The following definitions shall be used for terms contained in this Article that are not otherwise defined in this Zoning Ordinance:

1. **Abandoned Sign**: A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of six months.
2. **Attached Sign**: A sign which is structurally connected to a building or depends upon that building for support.
3. **Awning and Awning Sign**: A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for a supporting framework. An awning sign is a message printed on such a shelter.
4. **Banner**: Any sign of lightweight fabric or similar material with a printed message or graphic permanently secured or mounted from a structure in such a way as to allow wind movement.
5. **Building Marker**: An historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.
6. **Business Center Identification Sign**: A sign which identifies a building or group of commercial buildings in single ownership or control, sharing parking and access.
7. **Business Identification Sign**: A sign that identifies a business located on the same premises upon which the sign is located.
8. **Canopy**: A projecting non-movable structure cantilevered or suspended from a building, supported by the main structural members to which it is attached, and used as a protective cover over a door, window, entrance, or outdoor service area.
9. **Canopy Sign**: A sign which is attached or made an integral part of a canopy.
10. **Clearance**: The distance from the bottom of a sign face elevated above grade and the grade below.
11. **Detached Sign**: A sign which is self-supporting and structurally independent from any building.

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12. Directional Sign: A sign which serves solely to designate the location or direction of any area or place.
 13. Double-Faced Sign: A sign consisting of no more than two parallel faces, no more than 42 inches apart and supported by a single structure.
 14. Frontage: The length of a property line of any one premises abutting and parallel to a public street.
 15. Ground Sign: A detached on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than 3 feet.
 16. Illumination: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs.
 17. Incidental Sign: A sign which is incidental to and aids the functioning of a use, but which does not provide primary identification for the use. Examples of incidental signs include entrance and exit signs, or signs that provide directions to traffic on a site.
 18. Marquee: A permanent roofed structure attached to and supported by a building and extending over public right-of-way.
 19. Maximum Permitted Sign Area: The maximum permitted combined area of all signs allowed on a specific property.
 20. Monument Sign: An on-premise freestanding sign with the appearance of a solid base. The width of such base shall be at least 75 percent of the width of the sign.
 21. Moving Sign: A sign which conveys its message through rotating, changing, or animated elements.
 22. Nonconforming Sign: A sign that was legally erected prior to the adoption of this Ordinance but which violates the regulations of this Ordinance.
 23. Pole Sign: A sign on a premise built on a freestanding frame, mast, or pole(s) with a clearance greater than 3 feet, and where the support encompasses less than 75% of the width of the sign.
 24. Portable Sign: Any sign supported by frames or posts rigidly attached to bases not permanently attached to the ground or a building and capable of being moved from place to place.
 25. Premise Identification Sign: Any sign which pertains to the non-residential use of a premises and which contains information about the owner or operator of that use; the type of business being conducted or the principal brand name of a commodity sold on the premises; and other information relative to the conduct of the use.
 26. Premises: A tract of one or more lots or sites which are contiguous and under common ownership or control.

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27. **Projecting Sign**: A sign other than a wall sign that is attached to and projects from a building face.
28. **Residential Sign**: A small wall sign located on a residential premise, conveying a message lawfully communicated by the owner of the property or used to identify home occupations, block parents, the name of the premises, or the occupants thereof. Residential signs are non-illuminated and non-reflecting signs which do not exceed 4 square feet in area.
29. **Roof Sign**: Any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
- (a) **Integral Roof Sign**: A roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.
- (b) **Above-peak Roof Sign**: A roof sign positioned above the peak of a roof or above a parapet or cornice.
30. **Sign**: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
31. **Sign Type**: A functional description of the use of an individual sign. Includes owner identification, advertising, directional, electronic message, and temporary.
32. **Street Facade**: Any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street. Separate faces oriented in the same direction or within 45 degrees of one another are considered part of the same street facade.
33. **Temporary Signs**: A sign, flag, banner, pennant, or valance constructed of light weight materials which is not permanently attached to building or land, and which is intended for display for a period of time of no more than fourteen (14) days.
34. **Wall Sign**: A sign attached to and parallel with the side of a building.
35. **Window Sign**: A sign painted on or installed inside a window for the purpose of viewing from outside the premises.
36. **Zone Lot**: A parcel of land in single ownership that is large enough to meet the minimum zoning requirements of its zoning district and can provide such yards and other open spaces as required by the site development regulations.
37. **On-Premise Contractor Sign**: A sign advertising the services being provided by anyone who has a contract to perform said service on or for the property where the sign is located.

1003 General Sign and Street Graphics Regulations

A. Compliance

Each sign or part of a sign erected within the zoning jurisdiction of the City of Beatrice must comply with the provisions of this Ordinance and of other relevant provisions of the City of Beatrice Municipal Code.

B. Resolution of Conflicting Regulations

This Ordinance is not meant to repeal or interfere with enforcement of sections of the Beatrice City Code. In cases of conflicts between the Beatrice City Code, this Ordinance, or State or Federal Regulations, the more restrictive regulations shall apply.

C. Prohibited Signs

The following signs are prohibited in all zoning districts:

1. Signs painted on or attached to trees or other natural objects.
2. Signs or sign structures which resemble or conflict with traffic control signs or devices, which mislead or confuse persons traveling on public streets, or which create a traffic hazard.
3. Signs on public property and City and State right-of-ways including permanent, temporary, and exempt signs, unless specifically authorized by the appropriate public agency.
4. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.
5. Abandoned signs. Any abandoned sign must be removed within thirty (30) days of date of abandonment.
6. Signs advertising activities that are illegal under Federal, State, or local laws and regulations.
7. Signs that are not clean or in substantial good repair, or are not affixed to a sound structure.
8. Signs which move or have animated or moving parts that are visible from the travelled ways of US Highways 77 and 136.
9. Signs in officially designated scenic areas or parkland visible from the travelled way of US Highways 77 and 136.
10. Signs with wiring not in accordance with the National Electrical Code, adopted and incorporated by reference in the Beatrice City Code.

D. Exempt Signs

The following signs are permitted in any zoning district and are exempt from Sections 1006 through 1012:

1. Bulletin boards for religious assembly or school uses, provided that they have a maximum sign area of 20 square feet and are not located in a required sign setback.

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2. Real estate signs not exceeding 6 square feet. Real estate signs include signs advertising a property for sale or for rent; or displaying the name of the managing agency of a rental property.
 3. Official signs authorized by a government or governmental subdivision which give traffic, directional, or warning information.
 4. Seasonal decorations for display on private or public property.
 5. Temporary On-Premise construction signs. This exemption shall only continue for consecutive working days during the duration of the contract.
 6. Works of graphic art painted or applied to building walls which contain no advertising or business identification messages.
 7. Residential signs under 4 square feet in size.
 8. Street numbers.
 9. Signs which are not visible from a public right of way or from a property other than that on which the sign is installed.

E. Temporary and Civic Signs

1. Temporary or portable signs for grand openings, sales, announcements, and special events are permitted, subject to the following requirements:
 - (a) Such signs are subject to the permit procedures set forth in this article.
 - (b) The size of such signs does not exceed the limitations set forth in Table 10-3.
 - (c) No more than one such sign is permitted at any single premises.
 - (d) Temporary or portable signs may be present at any single premises for a maximum of 14 consecutive days and a maximum of 30 days per year. Temporary or portable signs may be present at any single premises in all non-Commercial or Industrial zoning districts for a maximum of five consecutive days.
2. Temporary signs for non-profit civic campaigns or events, political campaigns, or other non-commercial events are permitted in any zoning districts, subject to the following requirements:
 - (a) Such signs are subject to the permit procedures set forth in this Article.
 - (b) Such signs shall not be installed earlier than thirty (30) days before the date of the event and shall be removed no later than seven (7) days after the date of the event.
 - (c) Such signs shall be not be larger than twenty-four inches (24") wide and eighteen inches (18") tall when located in Residential Districts, Residential Commercial Districts, and Central Business Districts and not larger than eight feet (8') wide and

four feet (4') tall in other zoning districts.

3. Signs for political campaigns are permitted in any zoning jurisdiction, subject to the following requirements:
 - (a) Such signs are subject to the permit procedures as set forth in this Article.
 - (b) Such signs may be placed on the City right-of-way but not within eight feet (8') of the back of the curb or the edge of any street thirty (30) days before the date of the election and shall be removed no later than seven (7) days after the date of the election.
 - (c) Such signs placed on the City right-of-way as set forth in Section (b) above shall not be larger than twenty-four inches (24") wide and eighteen inches (18") tall when located in Residential Districts, a Residential Commercial District, or Central Business District and not larger than eight feet (8') wide and four feet (4') tall in other zoning districts.
 - (d) Any person wanting to place such sign in the City right-of-way must first obtain permission of the land owner adjacent to said City right-of-way.
 - (e) Such signs shall not be located so as to cause a sight obstruction.
 - (f) Such signs are permitted year around when said sign is not located on City property or City right-of-way; however, said signs are subject to the permit procedures set forth in this Article, shall not be larger than twenty-four inches (24") wide and eighteen inches (18") tall and shall not be located so as to cause a sight obstruction.

F. Bufferyards

No sign other than on-premise directional signs shall be placed within any bufferyard required by Article Eight, Landscaping and Screening Regulations, except bufferyards adjacent to intervening major streets.

G. Vision-Clearance Area

No sign may project into or be placed within a vision-clearance area defined by a triangle with legs of thirty feet from the point at which the curbs or edges of two intersecting streets, or an intersecting street and driveway, meet.

1004 General Regulations: Basic Design Elements For On-premise Signs

A. Wall Signs and Graphics

Wall signs and graphics are subject to the following general regulations.

1. A wall sign shall not extend more than 30 inches from the wall to which it is attached.
2. A wall sign must be parallel to the wall to which it is attached.

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3. A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign, it may extend to provide for the attachment.
 4. A wall sign may not extend beyond its building's roof line.
 5. A wall sign attached to a building on its front property line may encroach upon public right of way by no more than 18 inches. Such a wall sign shall provide minimum clearance of eight feet, six inches.
 6. For the purpose of calculating permitted sign areas pursuant to this Article, signs painted on the walls of buildings shall be considered wall signs.
 7. Where permitted, canopy signs are counted as wall signs when calculating total permitted sign area.

B. Projecting Signs and Graphics

Projecting signs and graphics are subject to the following general regulations.

1. The maximum projection of any projecting sign shall be as follows:
 - (a) 6 feet, 6 inches over public sidewalks less than 12 feet wide;
 - (b) 8 feet over public sidewalks 12 feet wide or more, or over private property.
2. A projecting sign may be no closer than three feet from the vertical plane of the inside curb line.
3. Each projecting sign must maintain at least the following vertical clearances:
 - (a) 8 feet, 6 inches over sidewalks; except that a canopy may reduce its vertical clearance to 7 feet, 6 inches;
 - (b) 10 feet for signs located outside of driveways or parking areas, but within three feet of such areas; or within fifty feet of the right-of-way lines formed by the intersection of two or more streets.
 - (c) 14 feet over parking lots;
 - (d) 16 feet, 6 inches over alleys or driveways.
4. No projecting sign extending three feet or more from a property line may be located within 25 feet of any other projecting sign extending three feet or more from a property line.
5. Projecting signs must minimize visible support structure and may not expose guy wires, cables, turnbuckles, angle iron, or other similar external support structure.

C. Pole Signs

Pole signs, where permitted, are subject to the following general regulations:

1. Each pole sign must maintain at least the following vertical clearances:
 - (a) 8 feet, 6 inches over sidewalks;
 - (b) 10 feet for signs located outside of driveways or parking areas, but within three feet of such areas; or within fifty feet of the right-of-way lines formed by the intersection of two or more streets.
 - (c) 14 feet over parking lots;
 - (d) 16 feet, 6 inches over alleys or driveways.
2. Permitted pole signs may revolve at a rate not to exceed six revolutions per minute.

D. Roof Signs

Roof signs are subject to the following regulations.

1. Where permitted, integral roof signs may be used interchangeably with wall signs.
2. Integral roof signs may not exceed the permitted height for pole signs.
3. An integral roof sign must be mounted parallel to the wall of the building that it faces.

1005 General Regulations: Other Design Elements

A. Illumination

1. Lighting, when installed, must be positioned in such a manner that light is not directed onto an adjoining property or onto a public street or highway.
2. Lighted signs in direct vision of a traffic signal shall not be illuminated in red, green, or amber.

B. Marquees and Marquee Signs

1. Signs placed on, attached to, or constructed on a marquee are subject to the maximum projection and clearance regulations of projecting signs.

C. Banners

1. A banner sign projecting from a building may not exceed the wall height of the building.
2. Maximum projection for any banner is five feet.
3. Each banner sign must maintain at least the following vertical clearances:

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- (a) 8 feet, 6 inches over sidewalks;
 - (b) 10 feet for signs located outside of driveways or parking areas, but within three feet of such areas; or within fifty feet of the right-of-way lines formed by the intersection of two or more streets.
 - (c) 14 feet over parking lots;
 - (d) 16 feet, 6 inches over alleys or driveways.
4. Maximum size of a banner is the lesser of twice the permitted size of a projecting sign or 120 square feet.

D. Clocks

For the purposes of this Ordinance, clocks are not considered a moving sign.

1006 Specific Regulations For Zoning Districts

This Section sets forth regulations and design standards for signs and graphics for each zoning district.

1007 Measurement of Regulators

A. Maximum Permitted Sign Area

Maximum permitted sign area for a zone lot is set forth as a numerical limit or as a function of the frontage of the premises on a street. For properties with frontage on more than one street, the total frontage shall be calculated as the longest frontage plus one-half the length of all additional frontages.

B. Sign Area

1. Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, excluding any structure essential for support or service of the sign, or architectural elements of the building.
2. The area of double-faced signs is calculated on the largest face only.
3. The sign area for ground signs, monument signs, and architectural sign bands is calculated as the area enclosing the extreme limits of the copy only.
4. In the case of individual letters mounted to a wall, only the total area of the letters themselves is included within the sign area.

C. Height

The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or sign structure.

D. Setback

The setback of a sign is measured from any property line to the line projected onto the ground of any component of the sign nearest such property line. All setbacks shall comply with standards established by the Federal Highway Administration and the Nebraska Department of Roads.

1008 Permitted Sign Types by Zoning Districts

Table 10-1 sets forth the sign types permitted within each zoning district of the City of Beatrice.

1009 Maximum Permitted Sign Area

Table 10-2 sets forth the maximum sign area permitted within each zoning district of the City of Beatrice.

1010 Permitted Signs by Numbers, Dimensions, and Location

Table 10-3 sets forth the maximum permitted numbers of signs per premise; the maximum permitted dimensions of each sign; and the required setbacks for detached signs.

1011 General Permit Procedures

A. Applicability

Any installation, modification, or expansion of any sign which is not exempt from the provisions of this Article shall be subject to the following permit procedure prior to installation.

B. Applications

All applications for sign permits shall be submitted to the Building Official in accordance with application specifications established by him/her.

C. Fees

Each application for a sign permit shall be accompanied by any applicable fees, which shall be established by the City Council from time to time by resolution.

D. Action

Within seven days of the submission of a complete application for a sign permit, the City shall either issue the sign permit, if the sign conforms to the provisions of this Article or reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this Article.

E. Permit Expiration

If a sign is not constructed in accordance with an approved permit within six months of the date of approval, such permit shall lapse.

F. Maintenance of Valid Sign Permit

The owner of a property containing signs requiring a permit under this ordinance shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zone lots.

G. Lapse of Sign Permit

A continuing sign permit shall lapse automatically if not renewed or if the individual business on the premises lapses, is discontinued.

H. Assignment of Sign Permits

A current and valid sign permit shall be freely assignable to a successor as owner of the property or operator of a business for the same premises, subject only to filing such application as the Building Official may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

1012 Repair or Modification of Nonconforming Signs

A. Nonconforming Signs; Modifications

All permanent signs in place and in existence on the effective date of this Ordinance shall be considered as legal nonconforming signs. The copy area of such signs may be changed or the copy thereon replaced; provided, however, the sign area shall not be enlarged beyond the sign area of said sign on the effective date of this Ordinance.

B. Replacement of Damaged Nonconforming Signs

Any nonconforming sign which presently is or becomes structurally damaged or deteriorated, or is altered by more than 50% of its replacement cost, shall be either removed or altered so as to comply with this Article.

Table 10-1: Permitted Signs by Type and Zoning District

Sign Type	AG	RR	R-1 R-2	R-3	R-4	RC	O	LC	GC	CBD	CS	LI	GI
Detached Signs													
Residential	P	P	P	P	P	P	P	P	N	N	N	N	N
Business Identification	P	P	P(C)	P(C)	P	P	P	P	P	P	P	P	P
Incidental/Directional	P(C)	P(C)	P(C)	P(C)	P	P(C)	P	P	P	P	P	P	P
Ground/Monument	P	P	N	N	P	P	P	P	P	P	P	P	P
Pole	N	N	N	N	N	N	N	N	P	N	P	P	P
Temporary Signs	N	N	N	N	N	N	P	P	P	P	P	P	P
Attached Signs													
Awning	N	N	N	N	P	P	P	P	P	P	P	P	P
Banner	N	N	N	N	N	N	P	P	P	P	P	P	P
Building Marker	P	P	P	P	P	P	P	P	P	P	P	P	P
Canopy	N	N	N	N	N	P	P	P	P	P	P	P	P
Premise Identification	P	P(C)	P(C)	P(C)	P	P	P	P	P	P	P	P	P
Incidental/Directional	P(C)	P(C)	P(C)	P(C)	P	P	P	P	P	P	P	P	P
Marquee	N	N	N	N	N	N	N	P	P	P	P	P	P
Projecting	N	N	N	N	N	N	N	P	P	P	P	P	P
Roof, Integral	N	N	N	N	N	N	N	P	P	P	P	P	P
Roof, Above Peak	N	N	N	N	N	N	N	N	N	P	P	P	P
Wall	P	P	P	P	P	P	P	P	P	P	P	P	P
Miscellaneous													
Flag	P	P	P	P	P	P	P	P	P	P	P	P	P
Portable	N	N	N	N	N	N	N	N	N	N	N	N	N
Flashing	N	N	N	N	N	N	N	N	P	P	P	P	P
Illuminated	P	N	N	N	N	P	P	P	P	P	P	P	P

P: Permitted for All Uses
P(C): Permitted for Civic Uses
N: Not Permitted

Table 10-2: Maximum Permitted Sign Area for Zone Lot by Zoning District

The Maximum Permitted Area for all signs on a premises excluding incidental signs, building marker signs, and flags shall not exceed the lesser of the following:

Zoning District	AG	RR R-1 R-2 R-3	R-4	RC	O	LC	GC	CBD
Square Feet of Signage per Linear Foot of Frontage	NA	NA	NA	0.50	0.75	2.0	3.0	2.0
Maximum Total Square Feet	Note 1	Note 2	Note 3	100 Note 4	150 Note 4	200	600	200

Note 1:

100 square feet for civic or commercial uses, 4 square feet for residential uses, including home occupations.

Note 2:

32 square feet for civic uses, 4 square feet for residential uses, including home occupations.

Note 3:

4 square feet for residential uses, including home occupations, except as otherwise provided herein; 32 square feet for civic uses, for mobile home parks, for multiple-family residential uses consisting of 10 or more units, and for temporary signs at a construction site to identify the nature of the construction and those persons/firms associated with it.

Note 4:

Maximum limits apply to non-residential premises only. On premises with a primary residential use, 4 square feet for residential uses, including home occupations, except as otherwise provided herein; 32 square feet for mobile home parks, for multiple-family residential uses consisting of 10 or more units, and for temporary signs at a construction site to identify the nature of the construction of a multiple-family development and those persons/firms associated with it.

Table 10-2 (Continued): Maximum Permitted Sign Area for Zone Lot by Zoning District

The Maximum Permitted Area for all signs on a premises excluding incidental signs, building marker signs, and flags shall not exceed the lesser of the following:

Zoning District	CS	LI	GI
Square Feet of Signage per Linear Foot of Frontage	2.0	2.0	2.0
Maximum Total Square Feet	800	400	400

Note 1:

100 square feet for civic or commercial uses, 4 square feet for residential uses, including home occupations.

Note 2:

32 square feet for civic uses, 4 square feet for residential uses, including home occupations.

Note 3:

4 square feet for residential uses, including home occupations, except as otherwise provided herein; 32 square feet for civic uses, for mobile home parks, for multiple-family residential uses consisting of 10 or more units, and for temporary signs at a construction site to identify the nature of the construction and those persons/firms associated with it.

Note 4:

Maximum limits apply to non-residential premises only. On premises with a primary residential use, 4 square feet for residential uses, including home occupations, except as otherwise provided herein; 32 square feet for mobile home parks, for multiple-family residential uses consisting of 10 or more units, and for temporary signs at a construction site to identify the nature of the construction of a multiple-family development and those persons/firms associated with it.

(Ord. No. 98-51, Sec. 2, 10-19-98)

Table 10-3: Permitted Signs by Numbers, Dimensions, and Location

Each individual sign shall comply with the regulations for maximum quantity, maximum size, minimum setbacks, and height limits shown in this table:

Zoning District	AG	RR R-1 R-2 R-3	R-4	RC	O	LC Note 1	GC Note 1	CBD
<i>Detached Signs:</i>								
Number Permitted								
Per Premise	1	1	1	1	NA	NA	NA	1
Per Feet of Frontage	NA	NA	NA	NA	1 per 300	1 per 200	1 per 200	NA
Maximum Size* (sq. feet)	100*	32*	32*	100*	100*	100	300	100
Maximum Height (feet)	25	10	10	10	15	25	35	25
Front Yard Setback (feet)	25	5	10	10	10	10	5	0
Side Yard Setback (feet)	10	10	10	10	10	10	5	0
<i>Attached Signs:</i>								
Maximum Size* (sq. feet)	100	32*	32*	100*	100	100	150	100
% of Street Facade	NA	NA	NA	20%	20%	20%	25%	20%

*For those uses only permitted a sufficient maximum sign area in Table 10-2

Note 1: Within its total permitted sign area, each premises used for a business center may have one additional detached business center identification sign, subject to the following conditions:

1. The maximum area for a business center identification sign shall be 200 square feet.
2. No business center identification sign shall be within 300 feet of any other business center identification sign or within 65 feet of any other detached sign on the same or adjacent premises.
3. The sign shall display no more than the name and location of the business center.
4. Each sign shall be subject to all other regulations for detached signs or graphics set forth in this Article.

(Ord. No. 98-51, Sec. 3, 10-19-98)

Table 10-3: Permitted Signs by Numbers, Dimensions, and Location

Each individual sign shall comply with the regulations for maximum quantity, maximum size, minimum setbacks, and height limits shown in this table:

Zoning District	CS	LI	GI
Detached Signs			
Number Permitted			
Per Premise	NA	NA	NA
Per Feet of Frontage	1 per 200	1 per 200	NA
Maximum Size* (sq. feet)	300*	200*	300*
Maximum Height (feet)	35	25	35
Front Yard Setback (feet)	10	5	0
Side Yard Setback (feet)	5	5	0
Attached Signs			
Maximum Size* (sq. feet)	300	200	300
% of Street Facade	25%	25%	25%

* For those uses only permitted a sufficient maximum sign area in Table 10-2

Note 1: Within its total permitted sign area, each premises used for a business center may have one additional detached business center identification sign, subject to the following conditions:

1. The maximum area for a business center identification sign shall be 200 square feet.
2. No business center identification sign shall be within 300 feet of any other business center identification sign or within 65 feet of any other detached sign on the same or adjacent premises.
3. The sign shall display no more than the name and location of the business center.
4. Each sign shall be subject to all other regulations for detached signs or graphics set forth in this Article.

(Ord. No. 98-51, Sec. 3, 10-19-98)

ARTICLE ELEVEN – PERFORMANCE STANDARDS

1101 Purpose

The Performance Standards establish minimum standards that apply to the operations of individual use types within zoning districts. They are intended to insure that uses control the severity of external effects and operate in a way that is consistent with the public health, safety, and welfare.

1102 Uses in the LI Limited Industrial Zoning District

The following performance standards apply to all industrial uses permitted within an LI Limited Industrial zoning district:

1. Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored outside. Normal daily inorganic wastes may be stored outside in containers, provided that such containers are not visible from the street.
2. Fire Hazard: No operation shall involve the use of highly flammable gases, acid, liquids, or other inherent fire hazards. This prohibition shall not apply to the normal use of heating or motor fuels and welding gases when handled in accordance with other City regulations.
3. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts: No operation in the LI district shall generate noise in excess of the levels established in Section 1104 at the boundary of such operation with a non-industrial use. Noise shall be measured at the property line, using a suitable instrument. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness.
4. Sewage and Wastes: No operation shall discharge into a sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
5. Air Contaminants
 - (a) Air contaminants and smoke shall be less dark than the designated Number One on the Ringleman Chart published by the United States Bureau of Mines, except that smoke of the density of Number One shall be permitted no more than four minutes of any 30-minute period.
 - (b) Except as follows, particulate matter shall not be emitted from its point of origin in excess of 0.2 grain per cubic foot as corrected to a temperature of 500 degrees Fahrenheit. Emissions are permitted equal to or less than 0.6 grains per cubic foot for no more than four minutes of any 30-minute period.
 - (c) No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of people or to the

public in general; or to endanger the health, comfort, or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation, or property.

- (d) No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of people or to the public in general; or to endanger the health, comfort, or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation, or property.
6. Odor: The emission of odors determined by the Planning Commission to be obnoxious to most people shall be prohibited. Such odors shall be measured at the property line of the operation causing the odor. As a guide to classification of odors, the strong odors of putrefaction and fermentation tend to be "obnoxious," while odors associated with baking or the roasting of nuts or coffee shall not normally be considered to be "obnoxious."
7. Gases: No release of noxious or poisonous gases shall be permitted except as provided in this section. Measurements of sulfur dioxide, hydrogen sulfide, or carbon monoxide shall not exceed 5 parts per million; and nitrous fumes shall not exceed 1 part per million, taken at the property line of the operation originating the emissions.
8. Vibration: All machines shall be mounted to minimize vibration. No measurable vibration shall occur at the property line of the operation which exceeds a displacement of .003 inch. The use of broad steam hammers shall not be permitted.
9. Glare and Heat: All glare, such as welding arcs and open furnaces, generated by a use shall be shielded or directed so as not to be visible at the property line of the operation. No heat may be generated from an operation that raises the air temperature at the property line of the operation by more than five degrees Fahrenheit above the ambient air temperature.

1103 **Uses in the GI District: Performance Standards**

The following performance standards apply to all industrial uses permitted within a GI General Industrial zoning district:

1. Physical Appearance: Salvage Services and similar uses and operations shall be screened from view from both streets and adjacent properties as provided by Section 606(d) and Article Eight.
2. Fire Hazard: All flammable substances involved in any activity established in the district shall be handled in conformance with the latest edition of the Fire Prevention Code published by the American Insurance Association; and other appropriate Federal, State, and City Ordinances.
3. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts: No operation in the GI district shall generate sound levels in excess of those specified in Section 1104 at the boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat frequency, or shrillness.

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4. Sewage and Wastes: No operation shall discharge into a sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
 5. Air Contaminants
 - (a) Air contaminants and smoke shall be less dark than the designated Number One on the Ringleman Chart published by the United States Bureau of Mines, except that smoke of the density of Number Two shall be permitted no more than ten minutes of any 30-minute period.
 - (b) Except as follows, particulate matter shall not be emitted from its point of origin in excess of 0.2 grain per cubic foot as corrected to a temperature of 500 degrees Fahrenheit. Emissions are permitted equal to or less than 0.6 grains per cubic foot for no more than four minutes of any 30-minute period.
 - (c) No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of people or to the public in general; or to endanger the health, comfort, or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation, or property.
 6. Odor: Odor causing operations shall be controlled so as to minimize the escape of odors within the limits of technology and economic feasibility.
 7. Gases: No release of noxious or poisonous gases shall be permitted except as provided in this section. Measurements of sulfur dioxide, hydrogen sulfide, or nitrous fumes shall not exceed 5 parts per million; and carbon monoxide shall not exceed 25 parts per million, with measurements taken at the property line of the operation.
 8. Vibration: All machines shall be mounted to minimize vibration. No vibration shall be permitted which interferes with neighboring industrial operations.

1104 Maximum Permitted Sound Levels

Table 11-1 displays the maximum permitted sound levels that may be generated by uses in the LI and GI zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

**TABLE 11-1
MAXIMUM PERMITTED SOUND LEVELS AT NON-INDUSTRIAL
ZONING DISTRICT BOUNDARIES**

<u>Originating Zoning District</u>	<u>Time</u>	<u>Maximum One Hour Leq* (dba)</u>
LI	7:00 a.m. – 10:00 p.m.	65
	10:00 p.m. – 7:00 a.m.	55
GI	7:00 a.m. – 10:00 p.m.	70
	10:00 p.m. – 7:00 a.m.	60

* Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.

ARTICLE TWELVE – NONCONFORMING DEVELOPMENT

1201 Purpose

Article Twelve shall be known as the Nonconforming Development Regulations. The purposes of these regulations are:

- A.** To allow for reasonable use of legally created lots of record which do not meet current minimum requirements for their respective zoning districts.
- B.** To provide for reasonable use of legally constructed structures which do not meet current side development regulations for their respective zoning districts.
- C.** To allow for the reasonable continuation of legally established uses which do not meet current use regulations for their respective zoning districts.
- D.** To limit the continuation and provide for the gradual replacement of nonconforming uses.

1202 Regulations Additive

Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

1203 Nonconforming Lots

A. Pre-Existing Lots of Record

1. Single Lots

Nonconforming lots of record existing at the time of the adoption of this Ordinance shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by the Zoning Ordinance. Any variance of yard requirements or other site development regulations shall be granted only through action of the Board of Adjustment, pursuant to the requirements of Article Thirteen.

2. Adjacent Lots in Single Ownership

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record on the effective date of this Ordinance, and if all or part of the lots do not meet the minimum lot area and lot width requirements in their respective zoning districts, the land involved shall be considered to be an undivided parcel for the purposes of this Ordinance. No portion of such parcel shall be used or sold in a manner that diminishes compliance with the minimum lot area and lot width requirements, nor shall any division of any parcel be made which creates lots which do not comply with such requirements.

B. Reductions Due to Public Acquisition

If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

1204 Nonconforming Structures

These regulations apply to buildings and structures which were constructed legally under regulations in effect before the effective date of this Ordinance.

A. Continuation

A lawful nonconforming structure existing on the effective date of this Ordinance may be continued, repaired, maintained, or altered, subject to the provisions of this Section.

B. Additions or Enlargements to Nonconforming Structures

1. A lawful nonconforming structure may be added to or enlarged if the addition satisfies one or more of the following conditions:
 - (a) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements.
 - (b) The nonconforming building and impervious surface coverages on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district.
 - (c) The addition projects no further into a required side yard setback than the existing building; the length of the side wall of the addition is the smaller of 25 feet or 50 percent of the length of the existing nonconforming side wall; and the enlarged building complies with building and impervious coverage, front and rear yard setbacks, and height regulations applicable to its zoning district.
2. No permitted addition to a nonconforming structure may place a wall within ten feet of a window of an adjacent pre-existing residential structure.
3. Nonconforming buildings shall be limited to one addition or enlargement pursuant to these regulations.

C. Moving of Nonconforming Structures

A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district.

D. Repair of Nonconforming Structures

A lawful nonconforming building damaged by fire, explosion, storm or other calamity, except flood damages, may be repaired and reconstructed provided there is no increase in the degree of nonconformity, provided that such repair begins within a period of six months from the

date of the damage. Repair and reconstruction within the designated floodplain shall be in conformance with Floodplain development regulations.

E. Conversion of a Conforming Building

A conforming building shall not be changed in any way that will result in a nonconforming development.

F. Applicability of Landscaping and Screening Regulations

A pre-existing structure, building, or development shall be exempt from Article Eight, Landscaping and Screening Regulations. However, any expansion of such structure, building, or development or any adjacent new development onto property that is or becomes vacant on or after the effective date of this Ordinance shall be subject to Article Eight.

1205 Nonconforming Uses

A. Continuation of Nonconforming Uses

Any nonconforming use lawfully existing on the effective date of this Ordinance may continue, subject to the limitations of this Section.

B. Enlargement of Nonconforming Uses

A building or structure housing a lawful nonconforming use may not be added to or enlarged, except as provided below:

1. Single-family residential uses.
2. Multiple-family residential uses, provided that no enlargement or accumulation of enlargements may exceed 25 per cent of its floor area on the effective date of this Ordinance and that any such enlargement requires the approval of the Planning and Zoning Commission, following the procedures for Special Use Permits set forth in Article Thirteen.

C. Abandonment of Nonconforming Use

1. If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of one year, any subsequent use must conform to all use regulations applicable to the property's zoning district.
2. Any property on which a nonconforming use is replaced by a conforming use shall thereafter conform to all regulations for the zoning district. Following such replacement, no nonconforming use shall thereafter be resumed or established.

D. Modification or Change of Use

1. Any nonconforming use may be extended throughout any parts of a building that were clearly designed for such use and were in existence on the effective date of this Ordinance. However, no use shall be expanded to occupy any land or space outside such building or area.

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2. A lawful nonconforming use may be changed to another nonconforming use provided that no structural alterations are made, subject to approval by the Planning and Zoning Commission following the Special Use Permit procedures set forth in Article Thirteen. In order to approval such a change of use, the Commission must find that the proposed use is equally or more consistent than the current use with the purposes of the zoning district and the uses lawfully permitted within it. In permitting such change, the Commission may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

E. Mobile Home Storm Shelters

1. Notwithstanding these provisions, a storm shelter may be constructed under a nonconforming mobile home located on an individual lot on the effective date of this Ordinance, provided that:
 - (a) Access to the shelter is by an outside entrance.
 - (b) The shelter has no mechanical, electrical, or plumbing fixtures, structures, or appliances other than a light and a floor drain. The shelter shall not exceed the width of the mobile home, eight feet in depth, and ten feet in length.

F. Allowance for Repairs

Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made, subject to the following conditions:

- (a) Any work must be done during any period of twelve consecutive months.
- (b) The cost of repairs shall not exceed 25 per cent of the current replacement cost of the nonconforming use or its associated structure. Repairs may be made to a structure occupied by a nonconforming residential use. Structural alterations may be made to a structure occupied by a nonconforming residential use.
- (c) If a nonconforming structure or structure containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs and is declared as such by any duly authorized official, it shall not thereafter be restored, repaired, or rebuilt except in conformance with the regulations of its zoning district.
- (d) Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any building or part thereof declared unsafe by any official charged with protecting the public safety.
- (e) Nothing in this Ordinance shall prevent a nonconforming Type III animal production use from upgrading its operation to reduce odors, improve sanitation, increase insect and rodent control, improve drainage, or make other environmental improvements. Nothing in this Ordinance shall prevent a nonconforming Type III animal production use from performing alterations or additions to its facilities so long as the total area of confined feeding and holding facilities is not increased.

G. Damage or Destruction of Structures

1. Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds 50 percent of the replacement cost of the structure, it shall not be restored, rebuilt, or repaired unless it is made to conform with the regulations of the district in which it is located; provided that structures appurtenant to Agricultural Uses in the AG District may be repaired or rebuilt in the case of damage caused by Act of God.
2. Structures occupied by a nonconforming residential use may be repaired or rebuilt in the case of damage caused by forces or conditions beyond the control of the owner of the structure so long as the size of the structure is not increased.

H. Nonconforming Uses and Conditional and Special Use Permits

A lawful pre-existing use which would require a Special Use Permit in its zoning district shall be presumed to have the appropriate Permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of Permits, set forth in Article Thirteen.

(Ord. No. 94-69, Sec. 5, 4-3-95; Ord. No. 01-09, Sec. 1, 2-19-01)

1206 Used Car Lots: Use of On-Site Buildings

It shall be lawful without the consent of the City of Beatrice to use an existing building for activities normal to the operations of a used car lot where the building is on real estate on which a used car lot is located.

ARTICLE THIRTEEN – ADMINISTRATION AND PROCEDURES

1301 Purpose

The Administration and Procedures provisions establish the methods for implementation of this Zoning Ordinance. These provisions include procedures for reviewing specific uses within certain zoning districts; amending this Zoning Ordinance; and granting variances.

1302 Site Plan Review Procedure

A. Purpose

The Site Plan Review Procedure provides for the administrative review in addition to plan review required by sections of this Zoning Ordinance or the Beatrice City Code of projects that have potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods. The procedure provides for review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property.

B. Administration

The Building Official shall review, evaluate, and act on all site plans submitted pursuant to this procedure. An applicant may appeal a denial of any application to the Board of Adjustment.

C. Uses Requiring Site Plan Review

The following selected uses shall follow the Site Plan review procedure prior to the issuance of a building permit, unless they are otherwise subject to a Special Use Permit procedure for specific zoning districts:

1. Multiple-family residential developments with 20 or more dwelling units; or multiple-family or townhouse residential developments with more than one building per lot.
2. Educational Facilities.
3. Automotive Washing.
4. Automotive Sales.
5. Any use including drive-in services.
6. Any commercial, industrial, or office building providing over 15,000 square feet in building area.
7. Any commercial use providing over a 100-person capacity or providing over 15,000 square feet in building area.
8. Any industrial use adjacent to a residential zoning district.

D. Application Requirements

An application for a Site Plan Review may be filed by the owner(s) of a property or the owners' authorized agent with the Building Official. The application shall include the following information:

1. Name and address of the applicant.
2. Owner, address, and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
 - (a) The date, scale, north point, title, name of owner, and name of person preparing the site plan.
 - (b) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.
 - (c) The location, size, and use of proposed and existing structures on the site.
 - (d) The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, and lighting.
 - (e) Location of any major site feature, including drainage and contours at no greater than five foot intervals.
 - (f) Any other information that may be required for review by the Building Official.

E. Administrative Action and Appeal

The Building Official must act upon each complete application within fifteen working days of filing. Failure to act within this period shall be considered approval of the Site Plan, provided that such plan does not otherwise conflict with any other existing ordinance or law affecting the subject property. An applicant may appeal a denial to the Board of Adjustment within ten days of the action. The Board shall consider the appeal at the first available meeting after the filing of the appeal.

F. Review and Evaluation

1. The Building Official, or the Board of Adjustment in case of appeal, shall review and approve the site plan based on the criteria established in Table 13-1 at the end of this Article and conformance with applicable regulations in this Zoning Ordinance.
2. The Building Official, or the Board of Adjustment in case of appeal, shall make the following findings before approval of the site plan:

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- (a) The proposed development, together with any necessary modifications, is compatible with the criteria established in Table 13-1 at the end of this Article.
 - (b) Any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable effects.
 - (c) The site plan conforms to the Zoning Ordinance.

G. Modification of Site Plan

The Building Official, or the Board of Adjustment in case of appeal, may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to, additional landscaping or screening; installation of erosion control measures; improvement of access or circulation; rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, or welfare.

H. Term and Modification of Approval

1. A Site Plan Approval shall become void two years after the date of approval, unless the applicant receives a Building Permit and diligently carries out development prior to the expiration of this period.
2. The Building Official may approve an application to modify a previously approved site plan if he/she determines that the modification does not affect findings related to the criteria set forth in Table 13-1 at the end of this Article.
3. The Building Official may revoke a Site Plan Approval if he/she determines that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Board of Adjustment.

I. Approval to Run With Land

An approval pursuant to this section shall run with the land until the expiration date of such approval.

1303 Special Use Permit Procedure

A. Purpose

The Special Use Permit Procedure provides for public review and discretionary Planning and Zoning Commission approval for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.

B. Exclusive Authority

The power to grant Special Use Permits shall be the exclusive authority of the Commission.

C. Application Requirements

An application for a Special Use Permit shall be filed with the Building Official. The application shall include the following information:

1. Name and address of the applicant.
2. Owner, address and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
 - (a) The date, scale, north point, title, name of owner, and name of person preparing the site plan.
 - (b) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.
 - (c) The location, size, and use of proposed and existing structures on the site.
 - (d) The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, and lighting.
 - (e) Location of any major site feature, including drainage and contours at no greater than two-foot intervals.
5. Any graphic information, including elevations or other drawings, necessary to describe the proposed use to the Commission.
6. Any other information that may be required for review by the Commission.

D. Approval Process

1. Notice

Prior to consideration of an application for a Special Use Permit by the Commission, notice of public hearings shall be provided as follows:

- (a) **Posted notice:** A notice shall be posted in a conspicuous place on or near the property on which action is pending. Such posted notice shall not be less than 18 inches in height and 24 inches in width with black letters no less than 1.5 inches in height printed on a white or yellow background. It shall be so placed upon such premises that is easily visible from the street nearest the premises 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.

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- (b) Publication: At least ten days prior to the date of hearing, the City Clerk shall have published in a daily newspaper having a general circulation in the City of Beatrice a Notice of the time, place and subject matter of such hearing.

2. Action

- (a) The Planning and Zoning Commission, following proper notice, shall hold a public hearing on each application for a Special Use Permit and, within 30 days after such public hearing, shall take action upon the application. The applicant may appear in person, by agent, or by attorney at the public hearing.
- (b) The affirmative vote of five members of the Commission is required for approval of a Special Use Permit.

E. Criteria for Review

- 1. The Planning and Zoning Commission shall review and approve the issuance of a Special Use Permit based on the criteria established in Table 13-1 at the end of this Article and conformance with applicable regulations in this Zoning Ordinance.

F. Scope of Approval

- 1. A Special Use Permit shall run with the land. However, the Commission may, at its discretion, apply a Special Use Permit to a specific owner or applicant.

G. Lapse and Revocation of Permit

- 1. A Special Use Permit shall become void six months after its effective date if the applicant has not begun construction on the proposed project; or two years after its effective date if the applicant has not completed development or occupancy.
- 2. The Commission may, at its discretion, grant extensions to the expiration period of the Special Use Permit. In addition, a longer completion time may be granted initially as a part of the Special Use Permit approval. The Commission's reasons for disapproving an extension shall be provided in writing to the applicant.
- 3. The Commission may revoke a Special Use Permit following a public hearing should the operation of the use subject to such permit violate the conditions under which the permit was granted.

H. Previously Approved Permits

Any special use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid Special Use Permit, subject to requirements imposed at the time of its approval.

1304 Amendment Procedure

A. Purpose

These Amendment Procedures describe the methods by which changes may be made in the

text of the Zoning Ordinance (text amendment) or the official boundaries of zoning districts (rezoning).

B. Initiation of Amendments

1. Text amendments may be initiated by the Planning and Zoning Commission or City Council.
2. Rezoning may be initiated by a property owner or authorized agent, the Planning and Zoning Commission, or the City Council.

C. Rezoning Application Requirements

An application for a rezoning shall be filed with the Building Official. The application shall include the following information:

1. Name and address of the applicant.
2. Owner, address and legal description of the property.
3. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
4. Any graphic information, including site plans, elevations, or other drawings, necessary to describe the proposed use to the Commission and the City Council.

D. Amendment Process

1. The Planning and Zoning Commission, following proper notice and publication, shall hold a public hearing on each proposed text or rezoning and, following such public hearing, shall recommend action to the City Council.
2. The City Council, after proper notice and publication, shall hold a public hearing and shall act on the proposed amendment.

E. Required Notice and Publication

Prior to consideration of amending, supplementing, changing, modifying, or repealing this ordinance by the City Council, notice of public hearings held by the Commission and the City Council shall be provided as follows:

1. Notice: A notice shall be posted in a conspicuous place on or near the property on which action is pending. Such posted notice shall not be less than 18 inches in height and 24 inches in width with black letters no less than 1.5 inches in height printed on a white or yellow background. Such posted notice shall be so placed upon such premises that is easily visible from the street nearest the premises 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.
2. Publication: At least ten days prior to the date of hearing, the City Clerk shall have published in a daily newspaper having a general circulation in the City of Beatrice a

Notice of the time, place and subject matter of such hearing.

3. Notification of Nonresident Owners of Record: If the record title owners of any lots included in a rezoning are not residents of the City of Beatrice, the City Clerk shall mail written notices of all public hearings by certified mail, addressed to their last known address, at least ten days before such hearing.
4. Notification of School District: The City Clerk shall notify the Chairperson of each Board of Education of each school district in which the real estate, or some part thereof, to be affected by a rezoning proposal lies of the next Commission meeting at which such rezoning will be considered. The notification shall be submitted to the applicable Board of Education at least ten days prior to the date of such meeting.

F. Protest

A properly prepared petition signed by adjacent property owners shall require a three-fourths vote of all members of the City Council to approve the rezoning action. A protest shall be valid if one of the following conditions is met:

1. A petition is signed by the owners of 20% or more of the area of lots included within the proposed rezoning.
2. A petition is signed by the owners of 20% or more of the area of the lots bordering on the site of the rezoning application and within 300 feet of the site, including those lots along a local street and opposite from the site.

1305 Extension of the Extra-Territorial Jurisdiction

Upon the extension of the two-mile Extra-Territorial Jurisdiction, the City Council with the recommendation of the Planning and Zoning Commission shall zone properties within the newly established Jurisdiction concurrent with adoption of the ordinance amending the two-mile Extra-Territorial Jurisdiction. The zoning shall consider the Comprehensive Development Plan for the City of Beatrice and the present use of the land.

1306 Building Permits and Certificates of Zoning Compliance

A. Administration and Enforcement

The Building Official shall administer and enforce this ordinance. The City Council may direct other persons to assist him/her.

If the Building Official shall find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of the illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with and to prevent violation of its provisions.

B. Building Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Building Official. No building permit shall be issued by the Building Official except in conformity with the provisions of this ordinance, unless he/she receives a written order from the Board of Adjustment in the form of an administrative review or variance as provided by this ordinance.

C. Application for Building Permit

All applications for building permits shall include plans if applicable in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Official, including existing or proposed buildings or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

One copy of the plans shall be returned to the applicant by the Building Official, after he/she shall have marked such copy either as approved or disapproved and attested to same by his/her signature on such copy.

D. Certificates of Zoning Compliance for New, Altered or Non-Conforming Uses

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Building Official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

E. Expiration of Building Permit

1. If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Building Official; and written notice thereof shall be given to the persons affected.
2. If the work described in any building permit has not begun within six months of the issuance of the Building Permit; or has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be cancelled by the Building Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.
3. The expiration date of a building permit may be established for a period longer than two years if established at the time that such permit is issued by the City. The Building Official may, at his/her discretion extend the expiration period of the building permit.

F. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Building Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance, and punishable as provided by Section 1314 hereof.

1307 Schedule of Fees, Charges and Expenses

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance.

The schedule of fees shall be posted in the office of the Building Official, and may be altered or amended only by the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

1308 Board of Adjustment

A. Establishment

1. A Board of Adjustment is hereby established to provide relief in situations of hardship or to hear appeals as provided by this Section. The Board shall consist of five regular members, plus one additional alternate member who shall attend and vote only when one of the regular members is unable to attend for any reason.
2. Each member shall be appointed by the Mayor with the approval of the City Council for a three-year term and is removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member of the Board shall be appointed from the membership of the Planning and Zoning Commission, and the loss of membership on the Commission by such member shall also result in his/her immediate loss of membership on the Board of Adjustment and the appointment of another Planning and Zoning Commissioner to the Board. After September 9, 1995, the first vacancy occurring on the board of adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the city. Thereafter, at all times, at least one member of the board of adjustment shall reside outside of the corporate boundaries of the city but within its extraterritorial zoning jurisdiction.
3. The Board of Adjustment shall adopt rules and regulations in accordance with this ordinance and the laws of the State of Nebraska pursuant to Sections 19-901 to 19-914 of Nebraska Revised Statutes. Meetings shall be held at the call of the Chairman and at such other 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 and records 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. The Board shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. A majority of the Board shall constitute a quorum for the transaction of business.

B. Procedure for Appeals

1. Appeals shall be made to the Board of Adjustment within thirty (30) days of the cause of the appeal through the office of the Building Official in written form as determined by the Building Official. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within 30 days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Building Official certifies to the Board that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such cases, 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.
2. The Board shall provide a minimum of ten days notice of a public hearing on any question before it. Notice of the hearing shall be posted in a conspicuous place on or near the property on which the application has been made; by publication in a newspaper of general circulation in the City of Beatrice; and by written notice to the appealing party.
3. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of four out of five members of such board as so composed shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any zoning ordinance, or to effect any variation in such ordinance.

(Ord. No. 95-30, Sec. 1, 7-17-95)

1309 Powers and Duties of the Board Of Adjustment

The Board of Adjustment shall have only the following powers and duties:

A. Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirement, decisions or determination made by the Building Official in the enforcement of this Ordinance or any regulation relating to the location or soundness of structures.

B. Interpretation of Zoning Map

To hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map.

C. Variances to Relieve Hardships Relating to Property

To authorize, upon appeal, variances from the strict application of this Ordinance where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic

conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.

1. Requirements for Grant of a Variance

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

- (a) Strict application of the zoning ordinance will produce undue hardship.
- (b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.
- (c) 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.
- (d) 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.
- (e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Ordinance.

2. Findings by Board

The Board of Adjustment shall make findings that the requirements of Section 1309c(1) have been met by the applicant for a variance.

3. Conditions for Grant of Variance

- (a) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 1314 of this Ordinance.
- (b) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- (c) No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

D. Board has Powers of Building Official on Appeals; Reversing Decisions of Building Official

In exercising the above mentioned powers, the Board of Adjustment may, so long as such

action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Building Official from whom the appeal is taken.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

1310 Appeals from the Board of Adjustment

Any person or persons, or any board, taxpayer, officer, department, board or bureau of the city aggrieved by any decision of the Board of Adjustment may seek review of such decision by the District Court for the County in the manner provided by the laws of the State and particularly by 19-912 R.R.S. 1943 (Reissue 1991), and amendments thereto.

1311 Duties of Building Official, Board of Adjustment, City Council, and Courts on Matters of Appeal

- A.** It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Building Official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Building Official, and that recourse from the decisions of Board of Adjustment shall be to the courts as provided by law.
- B.** Under this ordinance the City Council shall have only the duties (1) of considering and adopting or rejecting proposed amendments, or the repeal of this ordinance as provided by law, and (2) of establishing a schedule of fees and charges as stated in Section 1307 of this Ordinance.

1312 Severability Clause

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1313 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is allowed to have occurred, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the Building Official. He/she shall record properly such complaint immediately, investigate, and take action thereon as provided by this Ordinance.

1314 Penalties for Violation

- A.** Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

B. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

C. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

1315 Administrative Variance

A setback variance, not in excess of five (5) feet, may be granted with the approval of the Chief Building Inspector, City Administrator, and the Mayor. Notice of an Administrative Variance shall be posted on the property requesting the variance for five (5) days before the variance may be granted. The denial of an Administrative Variance may be appealed to the Board of Adjustment.

TABLE 13-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

	CRITERIA	APPLICATION TO	
		Site Plan Review	Special Use Permit
Land Use Compatibility			
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
Height and Scale			
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.	X	X
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X
Site Development			
Frontage	Project frontage along a street should be similar to lot width.	X	X
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage-ways should be preserved.	X	X
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations.		X
Operating Characteristics			
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X

TABLE 13-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

	CRITERIA	APPLICATION TO	
		Site Plan Review	Special Use Permit
Operating Characteristics			
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
Public Facilities			
Sanitary Waste Disposal	Developments within 500 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	X	X
	Sanitary sewer must have adequate capacity to serve development	X	X
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X
Utilities	Project must be served by utilities.	X	X
Comprehensive Plan	Projects should be consistent with the Comprehensive Development Plan for the City of Beatrice.		X