

*City of*

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**BEATRICE**

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*Nebraska*

**ZONING ORDINANCE**

**ARTICLE THIRTEEN  
ADMINISTRATION AND PROCEDURES**

**LAST UPDATED – SEPTEMBER 2014**

# ARTICLE THIRTEEN – ADMINISTRATION AND PROCEDURES

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## 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:
  - (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.
- (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
<b>Land Use Compatibility</b>			
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
<b>Height and Scale</b>			
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
<b>Site Development</b>			
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
<b>Operating Characteristics</b>			
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
<b>Operating Characteristics</b>			
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
<b>Public Facilities</b>			
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
<b>Comprehensive Plan</b>	Projects should be consistent with the Comprehensive Development Plan for the City of Beatrice.		X