City of

# BEATRICE

Nebraska

# ZONING ORDINANCE

# ARTICLE SEVEN
## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

**LAST UPDATED – APRIL 7, 2015**

# 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.

**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 community garages, may be located a minimum of five (5) 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 meet current adopted building code design requirements for separation distances to other structures on the same lot. (Ord. No. 08-21, Sec. 5, 8-4-08)

**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 (50%) or more of the buildings on that block face have front yard or street side yard setbacks less than those required for the specific district. The buildings used for determination of this setback adjustment shall only include principal buildings, not accessory buildings.

**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 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 setback of the building on the block face with the greatest setback; or

**(b)** the setback required in the zoning district.

**4.** These setback regulations may be further varied by the Planning and Zoning Commission within a Historic Overlay District (HD) or within a historic district listed on the National Register of Historic Places.

**5.** For residential street side yards, if a building or expansion is to be built on a parcel on a block face with an adjacent property on the same block face, the minimum street side yard shall be the lesser of:

**(a)** the setback of the adjacent building whether street side yard or front yard; or

**(b)** the street side yard setback required in the zoning district.

6. For residential street side yards, if a building or expansion is to be built on a parcel on a block face without an adjacent property on the same block face, the minimum street side yard shall be the lesser of:

**(a)** the setback of the closest building on the same street side; or

**(b)** the setback required in the zoning district.

(Ord. No. 15-005, 4-6-15)

**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.

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.