

ORDINANCE NUMBER 26-12

An ordinance to amend Section 303 of Article III of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, relating to Agricultural Use Types; Table 4-2 of Article IV of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, relating to permitted uses by zoning district; and Section 602 of Article VI of the Zoning Ordinance, Ordinance Number 94-13, relating to Supplemental Use Regulations: Agricultural Uses; to repeal all other conflicting ordinances or parts of ordinances; and to provide for publication in electronic form and for an effective date of this ordinance.

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

SECTION 1. That Section 303 of Article III of the Beatrice Zoning Code be and is hereby amended to read as follows:

“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.

G. Butchery

A place where cattle, sheep, hogs, poultry or other animals are killed or butchered for market or for sale.”

SECTION 2. That Table 4-2 of Article IV of the Beatrice Zoning Code be and hereby is amended to read as follows:

“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 (1)															
Horticulture	P	P													P
Crop Production	P	P	S	S	S	S									P
Animal Production (I)	(2)														
Animal Production (II)	(3)														
Animal Production (III)	(4)														
Livestock Sales														S	
Butchery	S													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): Colleges, Universities, and Trade Schools shall be permitted to undertake any Agricultural Uses except for Animal Production (III) or Livestock Sales regardless of which zoning district the College, University, or Trade School is located in.

Note (2): 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 (3): Permitted by Right in AG Districts within the second mile of the extra-territorial jurisdiction.

Note (4): Not permitted within the extra-territorial jurisdiction.

Note (5): *Mobile Food Vending is allowed in any zoning district when a Mobile Food Vendor has the permission of a political subdivision to engage in Mobile Food Vending on that political subdivision's property.

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 I	P	P	P	P	P	P	P	P	P	P	P				
Day Care II	P	P	S	S	S	S	P	P	P	P	P				
Day Care Center	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					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	P
Postal Facilities							S	P	S	P	P		P	P	
Primary Education	P	S	S	S	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	P	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/Services	P									P	P	P	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	S	S	S	S	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 Sales	P								P	P	P				
Research Services									P	P	P		P	P	S
Restaurants (Drive-In)									P	P	S	P	S	S	
Restaurants (General); Mobile Food Trucks; Mobile Food Vending Units*									P	P	P	P	S	S	
Stables	S	S													

Surplus Sales										P	P				
Veterinary Services	S								S	S	S	S	S	S	
PARKING USES															
Parking Facility	P	P	P	P	P	P	P	P	P	P	P		P	P	
Parking Structure										S	P		S	S	
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	S		P	P	
Construction Yards													S	P	
Hatchery	P												S	P	
Brewery/Distillery										S	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
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; Ord. No. 12-18, Sec. 2, 4-2-12; Ord. No. 14-021, Table 4-2, 9-2-14; Ord. No. 16-010, Table 4-2, 3-7-16; Ord. No. 16-011, Table 4-2, 3-7-16; Ord. No. 16-025, Table 4-2, 6-6-16; Ord. No. 16-052, Table 4-2, 9-19-16; Ord. No. 16-054, Table 4-2, 10-17-16; Ord. No. 17-015, Table 4-2, 8-21-17; Ord. No. 18-012, 6-18-18; Ord. No. 18-017, Table 4-2, 7-16-18; Ord. No. 19-047, Table 4-2, 10-7-19, Ord. No. 24-34 Table 4-2)”

SECTION 3. That Section 602 of Article VI of the Beatrice Zoning Code be and hereby is amended to read as follows:

“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 one hundred eighty (180) calendar days in any one (1) year.

B. Type I Animal Production

1. Location

- (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 waste 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 ensure 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 waste 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 (2) 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 ensure 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 waste 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 ensure 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 four percent (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 Water, Energy, and Environment 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.

E. Butchery

1. Location

- (a) Butchery use shall be permitted by Special Use Permit in AG and GI Districts. All killing and butchering must take place indoors.
- (b) No confinement area for the holding of livestock or poultry shall be located within 100 feet of the property lines of the parcel on which it is located; or within 750 feet of an existing residential structure other than that of the

owner or operator of the facility.

2. Operation

- (a) Animal and butchering waste 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. All animal and butchering waste shall be subject to all applicable nuisance codes of the City of Beatrice, and removal and disposal thereof shall be done in a manner such that no such waste shall become a nuisance.
- (b) No livestock or poultry shall remain in the confinement area for more than three (3) calendar days.
- (c) Insect and rodent control measures must be instituted for confined areas by removal or disposal of manure and butchering waste, or by other accepted insect and rodent control measures.
- (d) No confinement area for the holding of livestock or poultry shall contain more than five (5) animals for more than eight (8) consecutive hours at one time.

3. Drainage

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

4. General Standards and Application Requirements


- (a) Removal or disposal of livestock and butchering wastes, drainage, pollution control, and other aspects of Butchery operation shall comply with the regulations and standards of the Nebraska Department Water, Energy, and Environment for butcherys.
- (b) In addition to other requirements, all applications for Special Use Permits for the establishment of a Butchery use shall include: a traffic plan, livestock and butchering waste removal or disposal plans, drainage plans, and pollution control measures."

SECTION 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

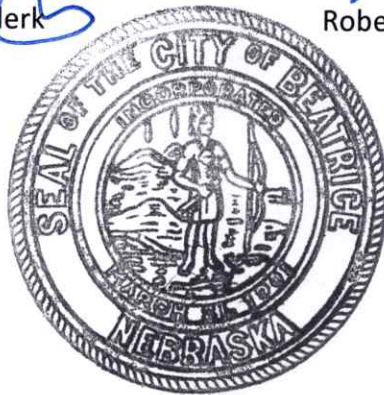
SECTION 5. That this ordinance shall be in full force and effect from and after its passage, approval, and publication in electronic form as provided by law.

PASSED AND APPROVED this 6th day of April, 2026.

Attest:


Erin Saathoff, MMC, City Clerk


Robert Morgan, Mayor



** Redline **



**STAKE
YOUR
CLAIM**

BEATRICE

CITY • BOARD OF PUBLIC WORKS

ZONING ORDINANCE

ARTICLE THREE USE TYPES

**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.

G. Slaughterhouse

A place where cattle, sheep, hogs, poultry or other animals are killed or butchered for market or for sale.

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

1. Day Care I: A facility, or use of a dwelling unit or portion thereof, for part-time care with a maximum capacity of eight (8) individuals, with one provider. 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.
2. Day Care II: A facility, or use of a dwelling unit or portion thereof, for part-time care with a maximum capacity of twelve (12) individuals, with two providers. 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.

(Ord. No. 16-010, Sec. 1, 3-7-2016)

H. Day Care Center

A facility, or use of a dwelling unit or portion thereof, for part-time care of at least thirteen (13) 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. (Ord. No. 16-010, Sec. 2, 3-7-2016)

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. For purposes of the Zoning Ordinance, a "hospital" facility includes accessory structures used for hospital storage or hospital building maintenance services. (Ord. No. 24-13, Sec. 1, 4-1-24)

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 those establishments or places of businesses that provide agriculturally-related services. Typical uses include nurseries, hay, feed and grain stores, tree services, and lawn and grounds maintenance services, which may include but is not limited to: rock lawn and rockscaping services, sodding services, horticultural and lawn spraying services, mowing services, seeding and fertilizing, aeration services, brush removal services, and weed removal services. (Ord. No. 24-33, 12-2-24)

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, including Airbnb, providing no more than ten (10) units and requiring the collection of lodging occupation tax. (Ord. No. 18-017, 7-16-18)

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 six (6) or more dogs over four months of age are kept and maintained. Typical uses include boarding kennels, pet motels, or dog training centers. (Ord. No. 19-015; 5-6-19)

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 Sales

Retail sales, incidental pet health services, and grooming and boarding of dogs, cats, birds, fish, and similar domesticated animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons, and pet grooming shops. (Ord. No. 24-33, 12-2-24)

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.
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.
3. **Mobile Food Truck –** A licensed and operable vehicle or concession trailer, which is enclosed and self-contained, independent with respect to water, sewer, and power utilities, that contains equipment for the preparation and sale or service of food or beverages with or without a charge which is designed for immediate consumption. Mobile Food Trucks may connect to City power utilities if the conditions set forth by the City and Board of Public Works are satisfied.
4. **Mobile Food Vending Units –** Any non-motorized vehicle, trailer, stand, cart, or other device designed to be portable and not permanently attached to the ground from which food is served or offered for sale, which is enclosed and self-contained, independent with respect to water, sewer, and power utilities, that contains equipment for the preparation and sale or service of food or beverages with or without a charge which is designed for immediate consumption. Mobile Food Vending Units may connect to City power utilities if the conditions set forth by the City and Board of Public Works are satisfied. Food vending machines which are designed to be unstaffed and exchange food items for money are not considered Mobile Food Vending Units.
(Ord. 22-7, Sec. 1, 3-7-2022)

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, animal clinics, hospitals for animals, and incidental retail sales. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals.
(Ord. No. 24-33, 12-2-24)

308 Parking Use Types

A. Parking Facility

The use of a site for parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking lot.

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. (Ord. No. 12-018, Sec. 1, 4-2-12)

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 assembly or 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. 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 but are not limited to small scale assembly, ceramic studios, custom jewelry manufacturing, and candle making shops.

(Ord. No. 16-025, Sec. 1, 6-6-2016)

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.

I. 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.

K. Hatchery

Establishment engaged in the process of incubation and hatching of poultry eggs. These establishments are characterized by having no major external environmental effects including noise, odor, vibration, or pollutants. Live poultry does not remain on site for extensive periods of time. (Ord. No. 16-011, Sec. 1, 3-7-2016)

L. Brewery/Distillery

Establishment engaged in the process of producing beer or distilled liquor. Shall include uses such as craft brewery, brewpub, microbrewery, beer manufacturers, microdistillery, and distilled liquor manufacturers as all such uses are defined in the Nebraska Liquor Control Act. (Ord. No. 16-025, Sec. 2, 6-6-2016)

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.

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 (1)															
Horticulture	P	P													P
Crop Production	P	P	S	S	S	S									P
Animal Production (I)	(2)														
Animal Production (II)	(3)														
Animal Production (III)	(4)														
Livestock Sales														S	
<u>Slaughterhouse</u>	<u>S</u>													<u>S</u>	
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): Colleges, Universities, and Trade Schools shall be permitted to undertake any Agricultural Uses except for Animal Production (III) or Livestock Sales regardless of which zoning district the College, University, or Trade School is located in.

Note (2): 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 (3): Permitted by Right in AG Districts within the second mile of the extra-territorial jurisdiction.

Note (4): Not permitted within the extra-territorial jurisdiction.

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

** Redline **



BEATRICE
CITY • BOARD OF PUBLIC WORKS

ZONING ORDINANCE

ARTICLE SIX
SUPPLEMENTAL USE REGULATIONS

**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 one hundred eighty (180) calendar days in any one (1) year.

B. Type I Animal Production

1. Location

- (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.

~~(a)~~(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 (2) 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 [four percent \(4%\)](#) 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 Water, Energy, and Environment](#) 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.

E. Slaughterhouse

1. Location

- (a) Slaughterhouse use shall be permitted by Special Use Permit in AG and GI Districts. All killing and butchering must take place indoors.
- (b) No confinement area for the holding of livestock or poultry shall be located within 100 feet of the property lines of the parcel on which it is located; or within 750 feet of an existing residential structure other than that of the owner or operator of the facility.

2. Operation

- (a) Animal and butchering wastes 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. All animal and butchering wastes shall be subject to all applicable nuisance codes of the City of Beatrice, and removal and disposal thereof shall be done in a manner such that no such waste shall become a nuisance.
- (b) No livestock or poultry shall remain in the confinement area for more than three (3) calendar days.
- (c) Insect and rodent control measures must be instituted for confined areas by removal or disposal of manure and butchering wastes; or by other accepted insect and rodent control measures.
- (d) No confinement area for the holding of livestock or poultry shall contain more than five (5) animals for more than eight (8) consecutive hours at one time.

3. Drainage

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

4. General Standards and Application Requirements

- (a) Removal or disposal of livestock and butchering wastes, drainage, pollution control, and other aspects of Slaughterhouse operation shall comply with the regulations and standards of the Nebraska Department Water, Energy, and Environment for slaughterhouses.
- (b) In addition to other requirements, all applications for Special Use Permits for the establishment of a Slaughterhouse use shall include: a traffic plan, livestock and butchering 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:
 - (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 International Plumbing Code adopted by Section 7-90 of the Beatrice City Code and the National Electrical Code as adopted by Nebraska Revised Statutes; 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 International Building Code adopted by Section 7-20 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.

(Ord. No. 16-24, Sec. 1, 6-6-16)

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. All utility systems and connections shall comply with the Uniform Standard Code for Mobile Home Parks as adopted by Neb.Rev.Stat. 71-4634 et al.

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, been licensed pursuant to the Nebraska Uniform Standard Code for Mobile Home Parks, and meets the standards of 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.

(Ord. No. 16-24, Sec. 1, 6-6-16)

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 that provide access to the doors of units available for rent 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.

(Ord. No. 19-029, 8-5-19)

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.
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 four (4) acres.

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 (8) feet. Any such enclosure shall be constructed behind any required landscaped bufferyards.

3. Before establishing a Salvage Services use on a parcel of real property whose nearest property line is within one thousand (1,000) feet of the nearest property line of a residential zoning district,

(a) Notice must be provided via first class mail to each owner of property in a residential district whose nearest property line is within one thousand (1,000) feet of the nearest property line of the proposed location of the Salvage Services use; and

- (b) The City Council shall hold a public hearing regarding the location of the proposed Salvage Services use. At such hearing, any and all interested parties must be given the opportunity to be heard; and
 - (c) The City Council shall approve the location of the Salvage Services use by a majority vote.
4. The City Council's approval of a Salvage Services use is revocable based on the existence or reoccurrence of zoning violations, nuisance conditions, or violations of applicable local, state, or federal rules, regulations, or laws.
 5. 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.

(Ord. No. 19-025, 7-15-19)

607 Supplemental Use Regulations: Miscellaneous Uses

A. Landfills

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 a maximum of 18 feet in height, measured to the ridge of the roof, unless a 'Special Use Permit' to allow a maximum height of 22 feet to the ridge of the roof is approved as set forth in Section 1303.
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.

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.

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. 05-37, 12-19-05; Ord. No. 08-21, Sec. 4, 8-4-08; 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.

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.
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)