



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

(Ord. No. 26-12, Sec. 3, 4-6-26)

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 purpose 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 (1) 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.

G. Mobile Food Trucks; Mobile Food Vending Units

1. Maximum Number Per Area: There shall only one (1) Mobile Food Truck or Mobile Food Vending Unit allowed per every two thousand square feet (2,000 sq. ft.) per lot.

2. Setbacks: All Mobile Food Trucks, Mobile Food Vending Units, and Auxiliary Equipment shall maintain a ten (10) foot setback from all property lines and a twenty-five (25) foot setback from any Mobile Food Trucks, Mobile Food Vending Units, and Auxiliary Equipment owned or operated by a different individual or entity.

(Ord. No. 22-7, 3-7-22)

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)