City of

BEATRICE

Nebraska

ZONING ORDINANCE

ARTICLE FOUR
ZONING DISTRICT REGULATIONS

LAST UPDATED – SEPTEMBER 2014

ARTICLE FOUR – ZONING DISTRICT REGULATIONS

401 Purpose

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

402 Establishment of Districts

The following base districts and overlay districts are hereby established:

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

403 Application of Districts

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

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

404 Hierarchy

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

405 Development Regulations

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

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

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

406 Zoning Map

A. Adoption of Zoning Map

Boundaries of the zoning districts established by this Zoning Ordinance are hereby shown on a map prepared for that purpose, which map is hereby designated as the Zoning Map, as amended, with an effective date of June 18, 2012. This map, together with all legends, references, symbols, boundaries, and other information, is hereby adopted and made a part of this Ordinance as if the same were set forth herein. The City Clerk shall maintain said map in his/her office.

B. Changes to the Zoning Map

The Zoning Map may be changed from time to time by ordinance, following the procedure set forth by Article Thirteen. Such changes shall be reflected on the Zoning Map. The City Clerk shall keep a complete record of all changes to the Zoning Map.
(Ord. No. 98-1, 2-2-98; Ord. No. 12-026, 6-18-12)

407 Interpretation of District Boundaries

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

A. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be considered the district boundaries.

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

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

408 Vacation of Streets and Alleys

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

409 Extensions of Extra-Territorial Jurisdiction

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

A. The Comprehensive Development Plan for the City of Beatrice.

B. The present use of the land.

TABLE 4–1: PURPOSES OF ZONING DISTRICTS

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

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

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

TABLE 4–2: PERMITTED USES BY ZONING DISTRICTS

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

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

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

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

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

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

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USE TYPES	AG	RR	R-1	R-2	R-3	R-4	RC	O	LC	GC	CBD	CS	LI	GI	FW
OFFICE USES															
General Offices						S	P	P	P	P	P				
Medical Offices							S	P	S	P	P				
Financial Services							S	P	S	P	P				
COMMERCIAL USES															
Agricultural Sales/Service	S									P	S	P	P	P	
Automotive Rental/Sales									S	P	P	S	P	P	
Auto Services									S	P	P	P	P	P	
Body Repair										S	P		P	P	
Equipment Rental/Sales										S	P	S	P	P	
Equipment Repair										S	P		P	P	
Vehicle Storage										S	S		P	P	S
Bed and Breakfast	P				S	P	P	P	P	P	P				
Building Maintenance									S	P	P	P	P	P	
Business Support Services							S	P	P	P	P		P	P	S
Business/Trade School								S		P	P			S	
Campground	P	S										P			
Cocktail Lounge								S	S	P	P	S			
Commercial Recreataion	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	

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

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

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

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

(Ord. No. 94-69, Sec. 3, 4-3-95; Ord. No. 95-29, Sec. 1, 8-21-95; Ord. No. 96-28, Sec. 1, 5-20-96; Ord. No. 96-38, Sec. 1, 7-15-96; Ord. No. 96-39, Sec. 1. 8-5-96; Ord. No. 00-41, Sec. 2, 11-6-00; Ord. No. 11-014, Table 4-2; Ord. No. 12-18, Sec. 2, 4-2-12; Ord. No. 14-021, Table 4-2, 9-2-14)

TABLE 4–3: SUMMARY OF SITE DEVELOPMENT REGULATIONS

Regulator	AG	RR	R-1	R-2	R-3	R-4	RC*
Minimum Lot Area (square feet)	3 Acres	**(1)**	10,000	6,000	6,000	5,500	5,000
Minimum Lot Width (feet)	300	100	80**(2)**	60**(3)**	50**(3)**	50**(3)**	50**(3)**
Site Area per Dwelling Unit (square feet)	10 Acres	**(1)**	10,000	6,000	**(4)**	1,500**(5)**	1,000**(6)**
Minimum Yards (feet)							
Front Yard	50	40	30	25**(7)**	25**(7)**	25**(7)**	25**(7)**
Street Side Yard	50	40	30	25**(7)**	25**(7)**	25**(7)**	25**(7)**
Interior Side Yard	15	15	10	7.5	7.5-10**(8)**	7.5-10**(8)**	7-5-15**(9)**
Rear Yard	**(10)**	**(11)**	**(12)**	**(13)**	**(14)**	**(15)**	**(15)**
Maximum Height (feet)	35-80**(16)**	35	35	35	45	55	40
Maximum Building Coverage	NA	30%	40%	40%	50%	50%	60%
Maximum Impervious Coverage	NA	40%	50%	60%	60%	60%	70%
Floor Area Ratio	NA	NA	NA	NA	NA	NA	NA

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

Note (2): On cul-de-sac lots, 50 feet along the street and 75 feet at the building setback line.

Note (3): On cul-de-sac lots, 40 feet along the street and 60 feet at the building setback line. For townhouse residential lots where permitted, 20 feet.

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

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

Note (6): 2,500 square feet for duplex or townhouse residential; 5,000 square feet for single-family residential.

Note (7): 50 foot wide corner lots platted prior to January 1, 2014, shall have a 10 foot setback along the length of the lot, whether front yard or street side yard and a 25 foot setback along the width, whether front yard or street side yard for all residential uses permitted.

Note (8): Side yard is 10 feet for yards providing access to more than one dwelling unit.

Note (9): 7.5 feet for two-story buildings, an additional 2.5 feet for each additional story.

Note (10): 15 feet if bordering AG zoned property; 50 feet otherwise.

Note (11): 15 feet for corner lots; 40 feet otherwise.

Note (12): 10 feet for corner lots; 30 feet otherwise.

Note (13): 7.5 feet for corner lots; 25 feet otherwise.

Note (14): 7.5 feet for corner lots; 20 feet otherwise.

Note (15): 10 feet base rear yard setback; for buildings adjacent to an RR, R-1, R-2, or R-3 district, 10 feet for each story.

Note (16): 35 feet within 150 feet of a Residential District; 80 feet otherwise.

Regulator	O*	LC*	GC*	CBD	CS*	LI*	GI*
Minimum Lot Area (square feet)	5,000	5,000	5,000	None	8,000	5,000	10,000
Minimum Lot Width (feet)	50**(17)**	50**(17)**	None	None	60	50	100
Site Area per Dwelling Unit (square feet)	1,500 **(18)**	1,500	NA	1,000	NA	NA	NA
Minimum Yards (feet)							
Front Yard	25**(19)**	25	15	0	25	**(20)**	**(20)**
Street Side Yard	25**(19)**	25	10	0	25	**(20)**	10
Interior Side Yard	7.5**(21)**	10	0	0	10	10	0
Rear Yard	25	15	10	0	10	10	10
Maximum Height (feet)	40	40	45	75	50	**(22)**	**(23)**
Maximum Building Coverage	60%	60%	70%	100%	70%	80%	85%
Maximum Impervious Coverage	80%	80%	90%	100%	90%	90%	100%
Floor Area Ratio	1.0	1.0	1.0	6.0	1.0	2.0	2.0

Note (17): On cul-de-sac lots, 40 feet along the street and 50 feet at the building setback line.

Note (18): 2,500 square feet for duplex or townhouse residential, 5,000 square feet for single-family residential.

Note (19): 50 foot wide corner lots platted prior to January 1, 2014, shall have a 10 foot setback along the length of the lot, whether front yard or street side yard and a 25 foot setback along the width, whether front yard or street side yard for all residential uses permitted.

Note (20): 50 feet from any property line of US 77 or US 136; 15 feet otherwise.

Note (21): 7.5 feet for two-story buildings, an additional 2.5 feet for each additional story.

Note (22): 45 feet within 150 feet of a pre-existing Residential District; 150 feet otherwise.

Note (23): 72 feet within 150 feet of a pre-existing Residential District; 150 feet otherwise.

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

Regulator	FW (24)
Minimum Lot Area (square feet)	10,000
Minimum Lot Width (feet)	NA
Site Area per Dwelling Unit (square feet)	NA
Minimum Yards (feet)	
Front Yard	25
Street Side Yard	25
Interior Side Yard	10
Rear Yard	25
Maximum Height (feet)	40
Maximum Building Coverage	5%
Maximum Impervious Coverage	50%
Floor Area Ratio	NA

Note (24): Buildings or structures are allowed only for purposes permitted by Table 4-2 and compliant with the applicable regulations set forth in Article 5 and other floodway regulations.

(Ord. No. 95-6, Sec. 1, 2-6-95; Ord. No. 97-52, 6-16-97; Ord. No. 10-006, Sec. 1, 5-3-10; Ord. No. 14-005, 3-17-14)