

## **ORDINANCE NUMBER 22-7**

An ordinance to add Section 307(X)(3) and (4) to Article III of the Zoning Ordinance of the City of Beatrice, relating to the definitions of Mobile Food Trucks and Mobile Food Vending Units as commercial use type; to add Section 605(G) to Article VI of the Zoning Ordinance of the City of Beatrice, relating to setbacks and the maximum number of Mobile Food Trucks and Mobile Food Vending Units allowed per lot; and to amend Table 4-2 of Article IV of the Zoning Ordinance of the City of Beatrice, relating to the permitted uses for Mobile Food Trucks and Mobile Food Vending Units for each zoning district, Ordinance Number 94-13; 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 307(X)(3) and (4) of the Zoning Ordinance of the City of Beatrice, Nebraska, Ordinance Number 94-13, be and is hereby added as follows:

**“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.”

**SECTION 2.** That Section 605(G) of the Zoning Ordinance of the City of Beatrice, Nebraska, Ordinance Number 94-13, be and is hereby added as follows:

**“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.”

**SECTION 3.** That Table 4-2 of the Zoning Ordinance of the City of Beatrice, Nebraska, Ordinance Number 94-13, be and is hereby amended 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	GG	CBD	CS	LI	GI	FW
<b>AGRICULTURAL USES (1)</b>															
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	
<b>RESIDENTIAL USES</b>														
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	GGC	CBD	CS	LI	GI	FW
<b>CIVIC USES</b>															
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				
Group Care Facility	S				S	P	P		P	P				
Group Home	P	P	P	P	P	P	P		P	P	P			
Guidance Services				S	S	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	S	S	S	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	S			
Safety Services	S	S	S	S	S	P	P	P	P	P	P	P	P	
Secondary Education	P	S	S	S	S	S	P	P	P	P				
Utilities	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
<b>OFFICE USES</b>															
General Offices					S	P	P	P	P	P					
Medical Offices						S	P	S	P	P					
Financial Services						S	P	S	P	P					
<b>COMMERCIAL USES</b>															
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	S	S	S	S	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	

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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
<b>COMMERCIAL USES</b>															
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	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	
<b>PARKING USES</b>															
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		

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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
<b>TRANSPORTATION USES</b>															
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	
<b>MISCELLANEOUS USES</b>															
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														

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{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}"

**SECTION 4.** All ordinances or parts of ordinances in conflict herein are hereby repealed.

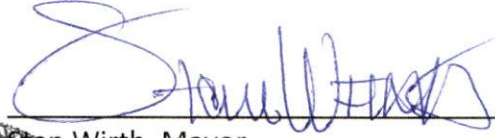
**SECTION 5.** That this ordinance shall be in full force and effect from and after its passage, approval, and publication in electronic form as provided by law.

PASSED AND APPROVED this 7<sup>th</sup> day of March, 2022.

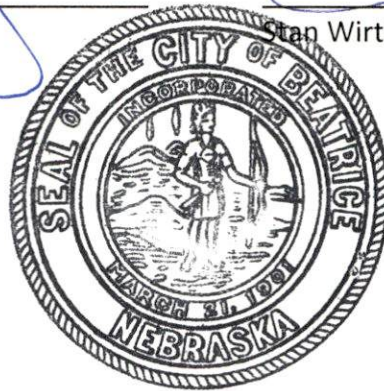
Attest:



Erin Saathoff, CMC, City Clerk



Stan Wirth, Mayor



# AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA } SS.  
GAGE COUNTY

**NOTICE OF PASSAGE AND PUBLICATION OF ORDINANCE**  
Public notice is hereby given that the Mayor and Council of the City of Beatrice, Nebraska, at their regular meeting on March 7, 2022, have passed and approved Ordinance Number 22-7 the title of which reads as follows:

"An ordinance to add Section 307(X)(3) and (4) to Article III of the Zoning Ordinance of the City of Beatrice, relating to the definitions of Mobile Food Trucks and Mobile Food Vending Units as commercial use type; to add Section 605(G) to Article VI of the Zoning Ordinance of the City of Beatrice, relating to setbacks and the maximum number of Mobile Food Trucks and Mobile Food Vending Units allowed per lot; and to amend Table 4-2 of Article IV of the Zoning Ordinance of the City of Beatrice, relating to the permitted uses for Mobile Food Trucks and Mobile Food Vending Units for each zoning district; Ordinance Number 94-13; and to provide for publication in electronic form and for an effective date of this ordinance."

Said ordinance has been published in electronic form at [www.beatrice.ne.gov/ordinances\\_Copies\\_of\\_the](http://www.beatrice.ne.gov/ordinances_Copies_of_the)

Ordinance are available at the office of the City Clerk, 400 Ella Street, Beatrice, Nebraska.  
Erin Saathoff, CMC  
City Clerk  
#1058834  
March 11, 2022 ZNEZ

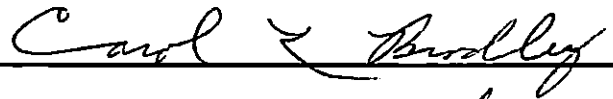
Jessvkah Barron being first duly sworn on oath, says

that she is the Chief Clerk of the Beatrice Daily Sun published in Gage County, Nebraska, and having a bonafide circulation of more than 300 copies of each issue; that the notice, a true copy of which is hereto attached was published on Friday, the 11th day of March 2022 of said newspaper had been published in whole or part in the office of said county from which distribution took place, for more than 52 consecutive weeks prior to the publication of said notice.



Subscribed in my presence and sworn to before me on this 11th day of March 2022.

Notary Public



My commission expires Jan 29, 2026

Balance Due ..... \$24.31