

RESOLUTION NUMBER 2016-7

WHEREAS: The Keith County Planning Commission, at their regularly scheduled meeting on February 4<sup>th</sup>, 2016, held a public hearing amending the Keith County Zoning Ordinance, after due notice had been published in the official county newspaper, to include:

Article 4 to include: Land Uses and Structures not listed or defined within a specific zoning district.

Section 1. All uses and structures which are not specifically allowed within a zoning district of the Keith County Zoning Ordinance are prohibited.

Section 2. Those uses or structures so prohibited in Section 1. Article 4 may obtain relief by applying for a text amendment to the Keith County Zoning Ordinance as provided in Article 27 herein.

WHEREAS: The Keith County Planning Commission, in review, found the request consistent with the Keith County Comprehensive Plan and Keith County Zoning Ordinance recommends approval of said text amendment.

WHEREAS: The Keith County Board of Commissioners held a public hearing on February 17<sup>th</sup>, 2016, after due notice had been published in the official county newspaper, on said recommendation

NOW THEREFORE BE IT RESOLVED: That the Keith County Board of Commissioners hereby approves the text amendment as proposed.

Dated this 17 day of Feb, 2016

C.W. Baltzell C.W. Baltzell, Chairman

Jeff Armour Jeff Armour

Caleb Johnson Caleb Johnson

W.E. O'Connor W.E. O'Connor

Lonnie Peters Lonnie Peters

Attest: Christine McKnight Sandy Olson, <sup>Acting Deputy</sup> Keith County Clerk

Christine McKnight

# ZONING REGULATIONS

## Article 1 Purpose

### **Section 1 Minimum Standards**

These regulations shall permit and regulate development, construction, use and occupancy of land and building in prescribed districts in accordance with minimum standards. These standards have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Keith County.

### **Section 2 In Accordance with Comprehensive Plan**

These regulations shall be for the purpose of implementing the Comprehensive Plan of the County. Specifically, those policies relating to land use and minimum development quality are strengthened by implementation via these regulations.

### **Section 3 Design and Intent**

These regulations are intended to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to secure safety from flood; to avoid undue concentration; to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; to protect the tax base; to secure economy in governmental expenditures; and to preserve, protect, and enhance historic buildings, places, districts, and lakes.

## Article 2 Authority

### **Section 1 Authority**

The Keith County Zoning Resolution and Map is authorized by Chapter 23, Article 1, Section 23-114 et seq., of Nebraska Revised State Statutes as amended, and is hereby declared to be in accordance with all provisions of these statutes.

### **Section 2 Application of Regulations**

Except as hereinafter provided, no building, structure, or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, moved or structurally altered except in conformance with the regulation herein specified for the zoning district in which it is located; nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.

In addition to other provisions provided herein, the following conditions shall be met prior to issuance of building permits:

- A) The proposed use shall be placed on a legally existing lot. Said lot either has been in existence prior to the adoption of these regulations or if created after the adoptions of these regulations, shall meet the provisions of these regulations and those of the Subdivision Regulation if any lot is ten (10) acres or less in size.
- B) Each lot shall have frontage on an existing dedicated public street or private roadway. Said frontage shall be equal to the average lot width as described in each zone. The County shall approve any other condition only by processing a subdivision in a manner described by these regulations.
- C) These regulations shall not apply to a change in the boundary between adjoining lands that does not create an additional substandard lot.
- D) An approach on methods to implement services, such as utility systems, park maintenance, local road maintenance, and related services normally required in subdivision projects. The approach shall be made legally binding on the developer by contract in a manner that is accepted by the County Attorney.

## Article 3 Districts and Boundaries

### **Section 1 Establishment of Zoning Districts**

In order to carry out the provisions of this resolution, Keith County, Nebraska is hereby divided into the following districts and overlay districts:

- A -Agricultural
- RR -Residential Rural
- RR2 -Residential Rural Two
- RM -Residential Medium Density

MRD	-Mixed Residential District
TS	-Tourist Service (Planned)
HD	-Highway
GB	-General Business
NC	-Neighborhood Convenience Business
LI	-Light Industrial
HI	-Heavy Industrial
O	-Open
H	-Historic (Overlay)
ECPD	-Entryway Corridor Planned Development District (Overlay)

**Section 2 Boundaries**

The boundaries of these zoning districts are established as shown on a map entitled, the Keith County, Nebraska Zoning Map adopted July 23, 2003 by Resolution No. 2003-43 which map and all future amendments thereto are hereby made a part of this resolution. The zoning map shall be kept up to date and on file in the County Clerk's office for the use and benefit of the public. Amendments in zoning district boundary lines or designations shall be made on such map within a reasonable time after the effective date of each resolution approving such amendments. The County shall not be required to publish the zoning map after each amendment thereto. Unless otherwise defined on the zoning map, district boundary lines are lot lines; centerline of streets, centerline of alleys, railroad right of way, or such lines extended; section lines; quarter section lines; or other lines drawn to scale on the zoning map.

**Section 3 Divided Lots**

When a lot is divided at the time of enactment of this resolution, or by subsequent amendments, by a zoning district boundary line, the less restrictive zoning requirements may be extended not more than twenty five (25) feet into the more restrictive zoning district adjacent to the zoning district boundary line.

**Section 4 Overlay Districts**

The overlay districts are established to allow flexibility in the use of special areas. They are processed in the same manner as the other districts and permit the uses spelled out in the overlay district articles.

**Article 4 Vacated For Future Use**

**Article 5 Agricultural District (A)**

**Section 1 Intent**

It is intended that this district satisfy the basic needs of the Keith County farming and ranching operations. With agriculture being one of the County's main industries, it is vital that agricultural operations be allowed and protected from encroachments by non-agricultural uses. Therefore, this district does not permit the mixture of intensive residential and other urban uses with agriculture, nor is rezoning to urban use encouraged, unless it complies with the Comprehensive Plan. Some agricultural and non-agricultural uses are, however, found to exist in rural areas, serving rural and urban needs without detriment to agricultural interests under normal conditions with proper design and location. These uses may be permitted by special review and approval by the Planning Commission and the County Commissioners.

**Section 2 Uses Permitted by Right**

- A. Animals, the raising, breeding and grazing of animals (including but not limited to cattle, poultry, sheep, swine, rabbits).
- B. Apiaries.
- C. Arenas, outdoor.
- D. Botanical gardens.
- E. Crops, the raising, storage and sale of items raised on site (including but not limited to dry land and irrigated farming, truck farming, sod farms, nursery stock and greenhouses).
- F. Animal Feeding Operations Dairies using a dry manure operation, not within one and one half miles of an incorporated city or village, not within one mile of a concentration of ten or more homes or residences or a church, a school, recreational camps, parks, playgrounds, golf courses, country clubs, or not within one-half (1/2) mile of a residence not owned by the operator as further defined in Article 20. (Concentration here means ten or more residences within an area one-quarter mile square).