KEITH COUNTY, NEBRASKA
ZONING AND SUBDIVISION REGULATIONS

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Adopted by the Keith County Board of Commissioners on August 7, 2019 by Resolution No. 2019-56.

February 26, 2020- Text Amendment No.1
August 12, 2020- Text Amendment No. 2 (adding Article 25 Dwelling Unit:Vacation Rental)
August 12, 2020- Text Amendment No. 3 (Mako-Ch-Mni Subdivision setbacks)

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 Keith County. Specifically, those policies relating to land use and minimum development quality are strengthened by implementation via these regulations. Any amendment to the zoning regulations or map shall conform to the current Comprehensive Development Plan adopted by the governing body.

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. The August 7, 2019 Regulations shall not apply to a change in the boundary between adjoining lands that does not create an additional substandard lot in Primary Agriculture District (A), Transitional Agriculture District (TA), Residential Medium Density District (RM), Mixed Residential District (MRD), Tourist Service District (TS), Highway District (HD), General Business District (GB), Heavy Industrial District (HI), and Entryway Corridor Planned Development District (EPCD).

The Text Amendment applies only to a change in the boundary between adjoining lands that creates an additional substandard lot in Residential Rural District (RR) and Residential Rural Two District (RR2).

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 - Administration, Permits, Enforcement

Section 1 Zoning Administrator

A. Appointment of administrator. The County Commissioners shall designate a zoning administrator who will be charged with the authority and responsibility of administering, establishing rules of procedures for and enforcing the terms of these regulations. The zoning administrator may be more than one staff person in the Planning and Zoning Administration Office, or an employee of an entity contracted as the Planning and Zoning Administration.

B. Duties and powers of administrator. The zoning administrator shall receive all applications for permits to construct, alter, repair, occupy and use or change the use of land, buildings and structures as required by these regulations; collect a fee for administration where required by these regulations; and issue such permits to construct, alter, repair, occupy and use or change the use of land, buildings and structures when the provisions of these regulations have been complied with; and shall deny any permit which would allow violations of the terms of these regulations. The administrator shall issue all necessary notices or orders to cease illegal use or construction of land, buildings or structures as required to insure compliance with the intent and terms for amendments to the zoning map and transmit such applications to the Planning Commission as required by these regulations.

Section 2 Permits and Certifications

A. Permit required. It shall be unlawful to commence dirt work, or construct, enlarge, alter, remove or demolish structures, signs or buildings, or change the occupancy of the land or buildings from one use to another without first filing an application with the zoning administrator in writing and obtaining the required permit.

B. Form of application. The application for a permit shall be submitted in such form as the zoning administrator may prescribe.

C. Fees for permits. Fees paid for permits shall be adopted by resolution of County Commissioners.

D. Expiration of permit. Construction shall start within six (6) months of the date issuance of the permit, and be completed with one (1) year of the date of issuance of the permit. Permit shall be extended upon request to the zoning administrator prior to the expiration date.

E. Certificate of use and occupancy. Provisions for the issuance of a certificate of use and occupancy as contained in the building code shall apply to the enforcement of these regulations.

F. Exemptions. Permits are required, at no fee, for agricultural buildings in the Agricultural District.

Section 3 Enforcement

A. Notice of violation. The zoning administrator shall serve a “notice of violation” or order on the person responsible for the erection, construction, alteration, extension, repair use or occupancy of a building, structure, or land in violation of these regulations, or in violations of a permit or certificate issued under the provisions of these regulations, and the order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

B. Prosecution of violation. If the notice of violation is not complied with promptly, the zoning administrator shall request the County Attorney to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building, structure or land in violation of the provisions of these regulations, or of the order or direction made pursuant thereto.

C. Covenants or Deed Restrictions. Keith County does not enforce homeowner covenants or deed restrictions. Homeowner covenants and deed restrictions are private agreements, which can only be acted upon by those who have agreed to encumber their properties according to those rules, forms and conditions.

D. Violations or Failure to Comply. Any person who shall violate a provision of these regulations, or shall fail to comply with the order or direction made pursuant thereto, shall be guilty of a class III (3) misdemeanor, punishable by a fine of not more than 500 dollars, or by imprisonment for not more than three (3) months or both. Each day such violation or failure to comply occurs or is continued, after notice of violation has been given to the offender, may be considered a separate offense.

Section 4 Liability for Damages

This resolution shall not be construed to hold the County responsible for any damages to persons or property by reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect of by reason of issuing a building permit as herein provided.

Article 4 - 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
TA	-Transitional Agricultural (Overlay)
RR	-Residential Rural
RR2	-Residential Rural Two
RM	-Residential Medium Density
MRD	-Mixed Residential District
TS	-Tourist Service
HD	-Highway
GB	-General Business
HI	-Heavy Industrial
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 V1:2018 adopted November 21, 2018 by Resolution No. 2018-72 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 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 5 - Uses and Structures Not Allowed or Allowed by Minor Variance

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

Section 2 Other Uses Permitted
However, those uses and structures so prohibited in this article may obtain relief by applying for a text amendment to the Keith County Zoning Ordinance. The procedure for filing a text amendment can be found in Article 24. A request for an additional use is not automatic, but must be clearly authorized by findings of fact to warrant the decision.

Section 3 Minor Variations
When in the public interest, the zoning administrator, without publishing, posting or mailing notice and without public hearing, may consider and render decisions on minor variances involving slight modification to the provisions to the resolution, but being limited to the following:

A. Reduction of lot area and/or minimum floor area by not more than the following amount:
1. Maximum lot area reduction – ten (10) percent
2. Maximum floor area reduction – five (5) percent
3. Reduction of yards and open areas by permitting portions of a building to extend into and occupy not more than ten (10) percent of the distance of the required yard.

B. Waiver of yard setbacks when two (2) lots area used for one primary building and when such building will extend into both lots. All other front yard, side yard and rear yard setbacks as required in the zoning district shall be maintained. In granting a minor variance, the zoning administrator shall make a finding that the granting of this variance conforms to the intent of Article 23 Section 5, which sets forth the criteria for the granting of variances.

Article 6 - Definitions

As used in this resolution the following words shall be interpreted and defined in accordance with the provisions set forth in this section.

Section 1 Rules and Construction of Language

- **A.** The particular controls the general.
- **B.** In case of any difference of meaning or implementation between the text of this ordinance and the captions for each section, the text shall control.
- **C.** The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- **D.** Words used in the present tense include future tense, unless the context clearly indicates the contrary.
- **E.** Words used in the singular number include the plural, and words used in the plural number include the singular unless the context clearly indicates the contrary.
- **F.** A "building" or "structure" includes any part thereof. A "building" or other "structure" includes all other structures of every kind, regardless of similarity to buildings.
- **G.** The phrase "use for" includes "arranged for", "designated for", "intended for", "maintained for" and "occupied for".

Section 2 Definitions

ABUTTING - Adjacent or contiguous and shall include property separated by an alley.

ACCESSORY BUILDINGS - An accessory building is a subordinate building or portion of the main building, the use of which is incidental to that main building or to the main use of the premises.

ACCESSORY USE – A use of land or of a building or portion thereof customarily incidental and subordinate to the primary use of land or buildings and located on the same lot as the primary use. A use incidental, related, appropriate and clearly subordinate to the main use of the land or building which accessory use does not alter the primary use of the subject land or affect other properties in the district.

ACRE - A full acre containing 43,560 square feet of area within the property lines of a lot or parcel.

AGGREGATE PROJECT - Projects that are developed and operated in a coordinated fashion but which have multiple entities owning one (1) or more of the individual WES or SES within the larger project. Associated infrastructure, power lines, transformers, and accessory buildings that service the WES or SES may be owned by a separate entity but also part of the project.

AGRICULTURE - The use of land for the purpose of raising and harvesting crops, or for the raising, breeding, or management of livestock, poultry, fish, or honeybees; or for dairying, truck gardening, forestry, nurseries, or orchards; for non-commercial on-farm storage or processing of agricultural products; or for any other similar agricultural, horticultural, silvicultural, aquacultural.

AGRICULTURAL BUILDING: Any building or structure which is necessary or incidental to the normal conduct of a farm/ranching operation, including but not limited to barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

AGRICULTURAL OPERATION/USE - Farming and ranching which is a farmstead of 20 or more acres which produces $1,000 per year or more of farm product

ALLEY - A public or private way not designed for general travel or to allow through vehicular traffic, used as a secondary access to the rear or side of lots, which shall in no way be a street.

ALTERATION - Any change, addition or modification in construction, occupancy or use.

AMENDMENT - A change in the wording, context, or substance of these regulations, an addition or deletion or a change in the district boundaries or classifications on the zoning map. "Amendment" does not include correction of typographical errors.

ANIMAL FEEDING OPERATION (AFO)– The feeding or holding of beef cattle, dairy cattle, horses, swine, sheep, poultry and other livestock in buildings, lots or pens, which normally are not used for the growing of crops or vegetation, but does not include the holding of cattle in calving operations for less than ninety days per year. Two or more animal feeding operations under common ownership are deemed to be a single animal feeding operation if they are adjacent to each other or if the utilize a common are or system for the disposal of animal waste.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) - Concentrated Animal Feeding Operation (CAFO) shall mean totally roofed buildings, which may be open-sided (for ventilation purposes only) or completely enclosed on the sides, wherein animals or poultry are housed over solid concrete or dirt floors, or slatted (partially open) floors over pits or manure collection areas in pens, stalls or cages, with or without bedding materials and mechanical ventilation.

AFO or **CAFO** shall include more than the following numbers of animals used for more than 45 days a year;

Cattle	299 head
Dairy Cows	199 head
Horses	149 head
Chickens – Laying hens, broilers, liquid manure handling system	8,999 head
Chickens – Laying hens, no liquid manure handling system	4,999 head
Chickens, other than laying hens, no liquid manure handling system	37,499 head
Sheep/Lambs	2,999 head
Swine >55 lb	749 head
Swine <55 lb	2,999 head
Turkeys	26,499 head
Ducks – if using a liquid manure handling system	1,400 head
Ducks – if using other than a liquid manure handling system	9,999 head

These numbers are based on a small animal feeding operation or concentrated animal feeding operation as defined in Nebraska Department of Environment and Energy's Title 130 – Livestock Waste Control Regulations.

ANIMAL MANURE OPERATION, DRY - An animal feeding operation that does not use water as the primary means to move livestock waste to a treatment or disposal site, such that the waste is generally dry, and the only water associated with the waste is from storm water runoff.

ANIMAL MANURE OPERATION, WET – An animal feeling operation that uses water as the primary means to flush, wash, and/or transport animal feces, urine, and other wastes from the animal housing to a waste pit or disposal area.

ANIMAL UNIT – A unit of measurement for any animal feeding operation calculated by adding the following numbers: The number of slaughter and feeder cattle multiplied by 1.0 plus the number of cow/calf pairs multiplied by 1.2, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing 55 pounds or more multiplied by 0.04, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0, plus the number of chickens multiplied by 0.01, plus the number of turkeys multiplied by 0.02, plus the number of ducks multiplied by 0.2. For immature dairy cattle or species not listed, the number of animal units shall be calculated as the average weight of the animals divided by the 1,000 pounds, multiplied by number of animals. These numbers are based on revised Definitions of 'Animal Units' per Nebraska State Department of Agriculture.

ANIMAL WASTE - Any animal excrement, animal carcass, feed waste, animal water waste, or any other waste associated with animals.

ANIMAL WASTE WATER - Any liquid, including rainfall, which comes into contact with any animal excrement, manure, litter, bedding or other raw material or intermediate or final material or product used in or resulting from the production of animals or from products directly or indirectly used in the operation of a CAFO, or any spillage or overflow from animal watering systems, or any liquid used in washing, cleaning or flushing pens, barns, or manure pits, or any liquid used in washing or spraying to clean animals, or any liquid used for dust control on the premises of a CAFO.

SEPARATION DISTANCES – Referring to Animal Feeding Operations, Dairies, and Concentrated Animal Feeding Operations, this is the distance established and measured from the legal description boundary of the operation to the nearest residential structure or other assembly structure or location.

APPLICANT - The owner or duly designated representative of land proposed to be subdivided, or for which a special permit, zoning amendment variance, building permit or certificate of occupancy has been requested.

ATTACHED ACCESSORY BUILDING – An accessory building which shares an attached roof with a primary dwelling or another accessory building, shall be considered attached. All others will be considered detached.

AQUACULTURE - Land devoted to the hatching, raising, and breeding of fish or aquatic plants or other animals for sale or personal use.

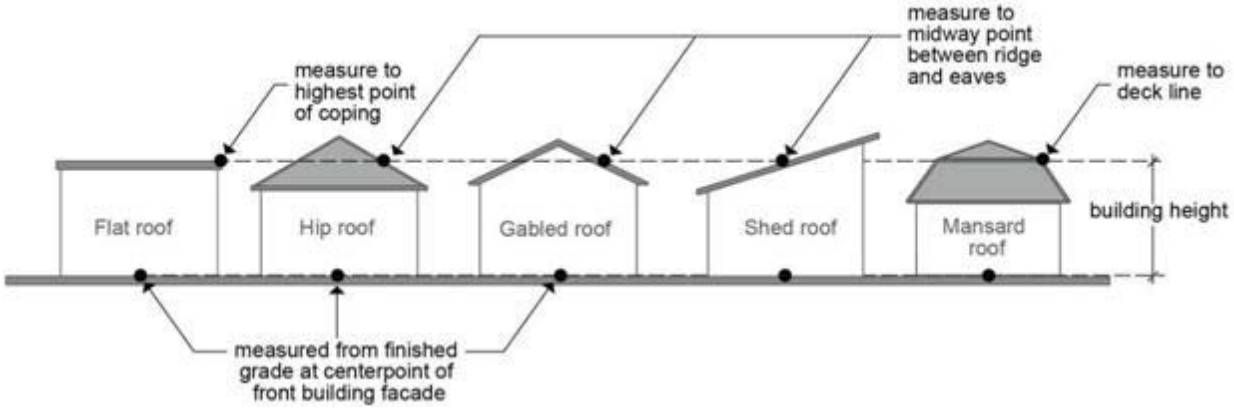
AVERAGE LOT WIDTH - The width determined by dividing the total area by the depth of the lot from the right-of-way line to the furthest rear lot line. If the rear lot line and right-of-way line are not parallel, an average depth dimension shall be used.

BASEMENT - That portion of a building between the floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is less that the vertical distance from grade to ceiling.

BED AND BREAKFAST – A single family dwelling other than a hotel or motel or group home where lodging for no more than ten (10) guests is provided and breakfast is served to the bed and breakfast guest(s) by the resident owner or on site manager for compensation.

BLOCK - A parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, unplatted land, city-county boundaries, or adjoining property lines.

BOARD - Board shall mean the Board of County Commissioners of Keith County, Nebraska.
BOARD OF ADJUSTMENT- The Board which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations.
BOARDING HOUSE - A building other than a hotel or motel or group home where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons.
BOND - Any form of security including a cash deposit, security bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Keith County Board which meets the intent of such security required by this Resolution.
BUFFER - A strip of land established to protect one type of land use from another incompatible land use or to intervene between a land use and a private or public road.
BUILDING - Any structure designed or intended for the enclosure, shelter, or protection of persons, animals, chattels, or property.
BUILDING CODE - The *International Building Code* promulgated by the International Code Council, as adopted by Keith County.
BUILDING, HEIGHT OF - The vertical distance above grade to the highest point of a flat roof, to the deck line of a mansard roof, or the average height of the highest gable of a pitched, hipped, or shad roof. The measurement shall be taken from the highest adjoining ground surface within a five (5) foot horizontal distance to the exterior wall of a building, when such ground surface is not more than ten (10) feet above grade.



BUILDING INSPECTOR - The official appointed by the Keith County Commissioners and charged with the responsibility of performing building inspections.
CAMPGROUND - A parcel of land intended for temporary occupancy by any of the following: tent, tent trailer, or recreational vehicle. Having no permanent residents, with a maximum occupancy of 30 days during any single calendar year for a single occupant.
CAMPING - Erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle, to be used as a temporary dwelling, for the purpose of remaining overnight.
CARWASH – A building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles, not including semi-trailer tractors, buses, and commercial fleets.
CELLAR - That portion of a building between the floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the less that the vertical distance from grade to ceiling.
CERTIFICATE OF OCCUPANCY - A permit issued by Building Inspector indicating that the use of the building or land in question is in conformity with this resolution or that there has been a legal variance therefrom as provided by this resolution. Said certificate may be merged with the building permit.
CHURCH - A permanently located building commonly used for religious worship fully enclosed with walls, including windows and doors, and having a roof and conforming to applicable legal requirements.
CLUB - A building or facility owned or operated by persons associated for a social, educational, or recreational purpose, not operated primarily for profit nor to render a service which is customarily carried on as a business, and which is generally restricted to members and their guests using the facility for purpose for which they have associated; This shall not include a religious facility, or the occasional accessory use of a private dwelling as a meeting place.

CONDOMINIUM – Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common area are vested in the unit owners.
COMMISSION - Commission shall mean the Keith County Planning Commission.
COMMUNITY OR PUBLIC WASTEWATER SYSTEM - Any system, whether publicly or privately owned, serving three (3) or more lots, for the collection and treatment of wastewater of a liquid nature, including various devices for the treatment of such wastewater.
COMMUNITY OR PUBLIC WATER SYSTEM - Any system, including various devices to supply the water, whether publicly or privately owned, serving three (3) or more lots, supplying an adequate amount of potable water to the occupants of the lots.
COMPREHENSIVE PLAN - The general plan for the improvement and development of Keith County outside the jurisdiction of any city or village as provided by Section 23-174.05 Reissued Revised Statues of Nebraska 1943 and as provided by the Resolutions of the Board of County Commissions of Keith County, Nebraska.
CONDITIONAL APPROVAL - Approval of a subdivision which requires the subdivider to take certain specified action in order to secure approval of the subdivision. The Resolution approving a subdivision shall specify the condition to be met and the time by which the condition is to be met.
CONDITIONAL USE - A use that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.
CONDITIONAL USE PERMIT - A permit issued by the Keith County Commissioners that authorizes the recipient to make conditional use of the property in accordance with the requirements of these regulations as well as additional requirements imposed by the commission.
CONVENIENCE STORE – A single-story, retail store containing less than 3,000 square feet of floor area that is designed and operated to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"), it is dependent on, and is designed to attract and accommodate large numbers of stop-and-go traffic. May include a Self-Service Fuel Station.
COUNTY - County shall mean the County of Keith.
COUNTY CLERK - County Clerk shall mean the County Clerk of the County of Keith.
CUL-DE-SAC - A local street or road which terminates in a permanent turnaround and which by design is not intended to continue beyond its terminal point.
DEDICATION - The intentional appropriation of land by the owner to some public use.
DENSITY- The number of dwelling units per gross acre or square foot of land.
DESIGN - The location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignment and rights-of-way for drainage and sanitary sewers, topographical changes, open space, and the designation of minimum lot area, width and length.
DEVELOPER - Any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.
DEVELOPMENT - Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations for which necessary permits may be required.
DISPERSED CAMPING - Camping anywhere outside developed campgrounds.
DISTRICT - A section of sections of Keith County, Nebraska for which regulations governing the use of buildings and premises; height of buildings, the size of yards, and the intensity of use are uniform.
DRIVEWAY - A private access road, the use of that is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.
DWELLING - A building or portion thereof, designed and used for residential purposes, but not including recreational travel trailers or motor homes not used as a permanent residence.
DWELLING, MULTIPLE FAMILY - A dwelling having accommodations for and occupied by more than two (2) families.
DWELLING, SINGLE-FAMILY - A dwelling having accommodations for and occupied by no more than one (1) family, and has a minimum floor area of 801 square feet.
DWELLING, TWO-FAMILY - A dwelling having accommodations for and occupied by two (2) families, and has a minimum floor area of 1,600 square feet.
DWELLING UNIT - One (1) or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.
DWELLING UNIT: VACATION RENTAL - The renting out of a furnished apartment, house (including guest house/quarters), or professionally managed resort-condominium complex on a temporary basis to tourists as an alternative to a hotel. Examples are VRBO, Airbnb and Home Away. The dwelling unit may be rented on a daily, weekly or monthly basis. (

EASEMENT - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

EXTRATERRITORIAL JURISDICTION (ETJ) –The area beyond the corporate limits, in which a city or village has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers.

FAMILY – One (1) or more persons immediately related by blood, marriage, or adoption and living, as a single housekeeping unit in a dwelling shall constitute a family. A family may include, in addition, not more than two (2) persons who are unrelated for the purpose of these regulations. The following shall be considered related for the purpose of these regulations:

1. A person residing with a family for the purpose of adoption. (Fostering)
2. Not more than six (6) persons under 19 years of age, residing in a foster home licensed or approved by the State of Nebraska.
3. Not more than four (4) persons 19 years of age or older, residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska.
4. Any person who is living with a family at the direction of a court.

FARM/RANCH - An area that is used for the growing of the usual agricultural products such as vegetables, fruit trees, and grain and their storage on the area, as well as horses, cattle, sheep, and swine. The term farming and ranching includes the operating of such an area for one (1) or more of the above uses, including dairy farms with the necessary accessory uses for the treating or storing of the product; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming or ranching activity.

FARM PRODUCT - Usual products produced on an Agricultural Operation or farm such as hay, vegetables, fruit, grain, and plants as well as raising thereon of animal units (A.U.'s) as defined within these regulations.

FARMSTEAD - In contrast to a farmstead dwelling, a tract of land of not less than 1 acre and not more than 20 acres, upon which a farm dwelling and other outbuildings and barns existed at the time of the adoption of this resolution and was used for single-family resident purposes.

FENCE - A free-standing structure of metal, masonry, composition or wood or any composition thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters, or (2) The unusual and rapid accumulation of runoff of surface waters from any sources.

FLOODPLAIN - Those lands within the jurisdiction of Keith County that are subject to a one (1) percent or greater chance of flooding in any given year. The regulatory flood plain for these regulations shall be based on the official Flood Insurance Rate Map or Flood Boundary and Floodway Map issued by the Federal Emergency Management Agency, Federal Insurance Administration and any revisions thereto.

FLOOR AREA (COMMERCIAL)- The total number of square feet of floor space within the outside of the exterior wall of a building, not including storage space in cellars or basements and not including space used for the parking of vehicles, not including elevator shaft or stair and escalator enclosures, and not including space used for mechanical equipment used in connections with utilities, such as heating, air conditioning and ventilation equipment, electric switching gear, water pumps, utilities meters, and auxiliary electric generators.

FRONTAGE - The length of the property on one (1) side of a street between two (2) street intersections (crossing or terminating) measured along the property line at the street, or if the street is dead-ended, the length of the property abutting on one (1) side between an intersecting street and the dead end of the street.

GARAGE, PRIVATE - An accessory building designed and/or used for the storage of not more than four (4) vehicles, used exclusively by the occupants of the building to which it is accessory, and not exceeding 1,200 square feet.

GARDEN CENTER - A building or premised used primarily for the retail sales of items useful in the culture, display, or decoration of lawns, gardens, or indoor plants; including books, appliances, equipment, and tools.

GOVERNMENTAL FACILITIES - Buildings, installations, structures, land, public works, equipment, aircraft, vessels, other vehicles, and property, owned, constructed or manufactured for leasing to the government.

GREENHOUSE - A building or premises used for the growing of plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry materials used for agricultural or horticultural purposed.

GROUP HOME - A facility in which more than two (2) but less than 16 persons who are unrelated by blood, marriage, or adoption reside while receiving therapy or counseling, but not nursing care, for any of the purposes listed below. Such facility shall be licensed or approved by the State of Nebraska or other appropriate agency.

1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability; emotional or mental disorder; or mental retardation;

2. Rehabilitation from the effects of drug or alcohol abuse;
3. Supervision while under a program of alternatives to imprisonment, including but not limited to pre-release, work-release, and probationary programs.

GUEST HOUSE/QUARTERS - An accessory use designed for the temporary lodging of guests. It shall not have a kitchen since preparation of food in a guest house or a guest quarter is not permitted.

HEALTH CARE FACILITIES - A building or structure. Licensed or approved by the State of Nebraska or an appropriate agency, if required, used as any of the following:

1. Hospitals including offices or medical societies, offices of charitable public health associations, and private office space for the practice of medicine and dentistry under a license from the Department of Health of the State of Nebraska; provided, that any such private offices for the practice of medicine and dentistry shall be occupied only by those on the staff of the hospital;
2. Convalescent or nursing homes;
3. A facility for out-patient physical, occupational, or vocational therapy or rehabilitation;
4. Public health clinics and facilities;
5. Ambulatory surgical care centers which does not allow for overnight stay by patients. Ambulatory surgical center does not include an office or clinic used solely by a practitioner or group of practitioners in the practice of medicine, dentistry, or podiatry.

Except as provided in 1. above, health care facilities do not include doctors' or dentists' professional offices and private clinics.

HOME OCCUPATION - Any occupation or activity carried on within a dwelling unit or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof, and complies with the standards for home occupations set forth in Article 7 Section 7.

HOTEL/MOTEL -Any commercial, nonprofit, or state-owned facility in which the public may, for a consideration, obtain sleeping accommodations. It includes any hotel, motel, tourist home, lodging house, or inn. The term "hotel" does not include any hospital, sanitarium, nursing home, chronic care center, rooming or boarding house, or dormitory or facility regularly used to house students in a facility operated by an educational institution

IMPROVEMENTS - Street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installation as designated by the County Board or its specific approving authority.

INDIVIDUAL WASTEWATER SYSTEM - Any system for the collection and treatment of wastewater of a liquid nature for no more than one (1) lot or dwelling unit, including various devices for the treatment of such wastewater. Included in the scope of this definition are wastewater stabilization ponds (Septic Lagoons), septic tank soil-absorption systems, chemical-type systems, and other such types of systems as may be similar to those specified herein.

INDIVIDUAL WATER WELL SYSTEM - A water well system, including various devices to treat and supply the water, which supplies adequate potable water to no more than one (1) lot or dwelling unit.

INOPERABLE MOTOR VEHICLE - Any motor vehicle which:

1. Does not have a current state license plate; or,
2. May or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways.
3. A vehicle that is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

LANDSCAPE BUFFER – A maintained land area in the front yard of a lot, of which a minimum of 80 percent shall be covered by any combination of living landscape material including trees, shrubs, grass or other living ground cover.

LANDSCAPE SCREEN – Any fence, wall, hedge, shrubs or trees and other landscape customary materials or combination thereof which effectively provide a solid, dense and opaque mass which prohibits view from abutting property, serves as a windbreak, absorbs sound and provides site delineation at all times throughout the year. Use of metal sheets, vehicle bodies or vehicular trailers for screening shall not be considered customary materials.

LANDSCAPING - That an area is devoted to and maintained for the growing of trees, shrubbery, lawns, and other plant materials.

LAKEFRONT LOT - A lot which either the rear or one (1) of the side lot lines fronts directly on a lake.

LIVESTOCK - Cattle, buffalo, horses, sheep, goats, swine, poultry, and other animals or fowl, which are being produced primarily for use as food or food products for human consumption.

LIVING QUARTERS - Accommodations within a primary or accessory building including, at a minimum, a kitchen, bathroom, and bedroom, which meets the minimum design standards found in these regulations.

LOT - Lot shall mean:

1. A parcel of real property containing at least the area required, at the time it was created by the zoning district in which it is or was located, abutting at least one (1) public street, road, or private roadway, or
2. A parcel of real property with a separate and distinct number or other designation shown on a final plat approved by Keith County and recorded in the Register of Deeds of Keith County.

LOT, CORNER - A lot abutting two (2) or more streets at their intersection.

LOT, DEPTH OF - The average horizontal distance between the front and rear lot lines.

LOT, FLAG: A lot with frontage and access provided to the majority of the lot by means of a narrow corridor.

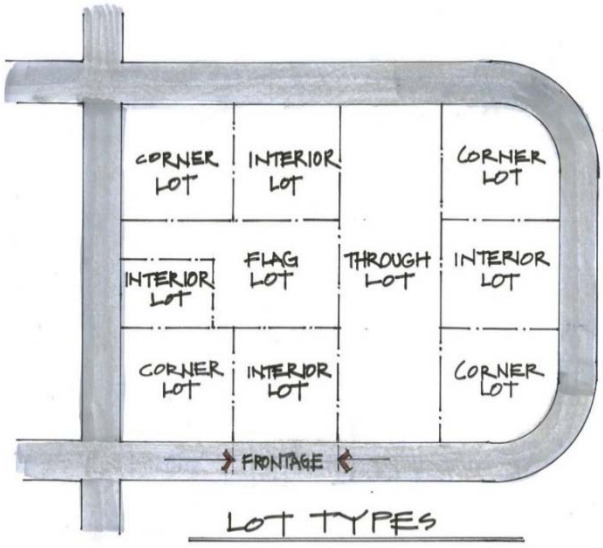
LOT, INTERIOR: A lot, other than a corner lot, having a single frontage on a street.

LOT LINE - The property line bounding a lot.

LOT, MINIMUM AREA - The minimum square footage of land area occupied, or to be occupied by a single primary building and accessory buildings as applicable to designated zoning districts.

LOT, NONCONFORMING - A lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established.

LOT, PLATTED - A lot that is part of a subdivision that has been legally approved and recorded in the office of the Register of Deeds.



LOT, THROUGH (DOUBLE FRONTAGE LOT) – A lot having frontage on two (2) nonintersecting streets as distinguished from a corner lot.

LOT, WIDTH OF - The minimum street frontage measured along the front street property line except when a lot fronts on the inside or concave side of a horizontal curvilinear alignment of a street or on a corner lot; in which case, the minimum lot width shall be measured along the front building line of the primary use structure extended to both lot property lines.

LOT OF RECORD - A lot that is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Keith County on or before the date of adoption of the Keith County Zoning and Subdivision Regulations, provided that said lot has a frontage of not less than 50 feet; or, a parcel as described by a deed recorded with the Register of Deeds of Keith County on or before the date of adoption of the Keith County Zoning and Subdivision Regulations, provided that said lot is numbered or otherwise described by the County Surveyor.

MAJOR HIGHWAY, STREET, OR ROAD - Major highway, street, or road is a highway, street, or road shown in the Comprehensive Plan as adopted by the Board.

MANUFACTURED HOUSING - Housing constructed off-site and designed and built to be transported on its own chassis and meeting the following conditions:

1. The manufactured house shall have no less than 900 square feet of floor area;
2. The manufactured house shall have no less than an 18-foot exterior width;
3. The roof shall be pitched with a minimum vertical rise of two and one-half (2½) inches for each 12 inches (2½ to 12) of horizontal run;
4. The exterior material shall be a color, material, and scale comparable with those existing in residential site-built, single family construction;
5. The manufactured house shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile, of rock; and
6. The manufactured house shall have wheels, axles, and towing equipment removed.
7. The manufactured house bears an appropriate seal that indicates that it was constructed in accordance with the standards of the Uniform Standard Code for Manufactured Homes and

Recreational Vehicles, Nebraska Uniform Standards for Modular Housing Units, or US Department of Housing and Urban Development.

MARINE CRAFT- Any vessel or conveyance that floats or operates on the water.

MOBILE HOME – See SINGLE WIDE MANUFACTURED HOME

MODULAR HOME - A prefabricated structure constructed off-site to the Uniform Building Code and designed and constructed to be transported to site by means of a trailer. A modular home is not designed to be transported on its own.

MONUMENT - An identification marker established by certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.

MOTEL – See HOTEL/MOTEL

MUSEUM/MUSEUM SITE - An institution or place dedicated to helping people understand and appreciate the natural world, the history of civilizations, and the record of humanity's artistic, scientific, and technological achievements. Museums collect objects of scientific, aesthetic, and/or historical importance; care for them; and study, interpret, and exhibit them for the purposes of public education and advancement of knowledge.

NONCONFORMING USE - The use of any dwelling, building, structure, lot, land, or premises, or part thereof, which was existing and lawful immediately prior to the effective date of these regulations and which does not conform with the provisions of these regulations and any amendments thereto.

NONFARM BUILDINGS - All buildings except those buildings utilized for agricultural purposes on a farmstead of 20 or more acres which produces $1,000 per year or more of farm products each year.

OPEN LOTS – Pens or similar concentrated areas, including small shed-type areas or open-front buildings with dirt or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

OPEN SPACE - A parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

OUTLOT - A parcel of real property having the same definition as a 'Lot' as defined hereinbefore, but not presently designated for building or occupancy, reserved for future building or occupancy after platting and subdivision, or reserved for open space, private roadways, and common facilities, which present and proposed future use must be designated by the subdivider at the time of initial platting.

OVERLAY DISTRICT - A district in which additional requirements will act in conjunction with the underlying zoning district. The original zoning district designation does not change.

PARCEL - A lot or a contiguous group of lots in single ownership or under single control that may be considered as a unit for purposes of development.

PARK - A public or private area of land, with or without buildings, intended for outdoor recreational uses.

PARKING LOT - An area consisting of six (6) or more parking spaces for the storage of vehicles, together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for a vehicle, provided that there is no storage of vehicles for the purpose of sale or resale.

PARKING SPACE - An area, enclosed or unenclosed, sufficient in size to store one (1) vehicle, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress for a vehicle.

PEDESTRIAN WAY - A right-of-way or easement dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

PERMANENT FOUNDATION - The masonry or concrete substructure of a building which directly supports the building around its entire perimeter and at points within its perimeter where needed.

PERMIT - A document issued by Keith County authorizing the applicant to undertake certain activities.

PERMITTED USE - Any land use allowed without condition within a zoning district.

PLANNING COMMISSION - The Keith County Planning Commission as established in accordance with Section 23-114 R.R.S. Neb. (1943) and with the powers and authority therein granted.

PLAT: A map showing the location, boundaries, and legal description of individual properties.

PLAT, FINAL - The map or plan or record of a subdivision, and accompanying documents and materials, as described and defined in the subdivision regulations.

PLAT, PRELIMINARY - The preliminary drawings and information which indicate the proposed layout of a subdivision, as described and defined in the subdivision regulations.

PREMISES - A tract of land, consisting of one (1) platted lot or irregular tract, or more than one (1) platted lot or irregular tract, provided such lots or tracts are under common ownership and contiguous.

PRIMARY USE – The major use of the property, building, or structure.

PRIVATE ROADWAY - A designated area on an approved conditional use permit, large scale development, or subdivision, that is privately owned and maintained, and that is used or intended to be used for the primary purpose of serving as vehicular access to abutting property.

PUBLIC IMPROVEMENT - Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or for which the local government responsibility is established.

RECREATIONAL FACILITIES - Facilities primarily for participation by the public in athletic activities such as tennis, handball, racquetball, basketball, and other court sports; jogging, track and field, baseball, softball, football, soccer, and other field games; skating, swimming, or golf. Recreational facilities shall include country clubs and athletic clubs; it shall not include facilities accessory to a private dwelling used only by the owners and their guests, nor shall it include arenas or stadia used primarily for spectators to watch athletic events.

RECREATIONAL VEHICLE (RV) - A vehicle not exceeding forty feet in overall length, eight feet in width, or twelve feet in overall heights, primarily designed as temporary living quarters for recreational camping or travel use having either its own motive power or designed to be mounted on or drawn by an automotive vehicle. Recreational vehicles include motor homes, truck campers, travel trailers, camping trailers, and fifth wheel. This definition shall include a boat mounted on a trailers, together not exceeding forty feet in body length, eight feet in width, or twelve feet in overall height.

RECREATIONAL VEHICLE (RV) PARK - A tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

REPLAT - The further subdivision of a lot or parcel of land previously subdivided, whether the re-subdivision results in more lots or fewer lots.

REZONING - An amendment to or change in the zoning regulations either to the text or map or both.

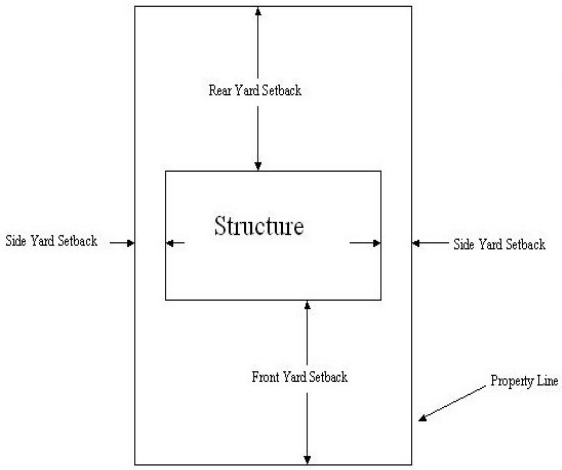
RIGHT-OF-WAY - A strip of land occupied or intended to be occupied by a street, road, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for other similar use.

ROAD(WAY), PRIVATE - An open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the primary means of vehicular access to abutting properties.

SALVAGE YARD - Any salvage operation where any wrecking, dismantling, or holding of salvage material in wholly or partially outside a building.

SEPARATE OWNERSHIP - Ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

SERVICE STATION - Any building or premise where the primary use in the supply and dispensing, at retail, motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine turn-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body work.



SETBACK: A horizontal distance, as prescribed in the various zoning districts established in this Resolution, from the front lot line or the side or rear lot line of any lot, or edge of an existing road easement, in which a building may **not** be constructed. Setbacks are further defined as follows:

A. **SETBACK, FRONT**: An open space extending across the entire width of a lot between the front lot line, or edge of an existing road easement, and the nearest point of a building. A corner lot has two (2) front setbacks.

B. **SETBACK, REAR**: An open space extending across the entire width of the lot between the rear lot line, or edge of an existing road easement, and the nearest point of a building.

C. **SETBACK, SIDE**: An open-space extending along the side lot line from the front setback to the rear setback and lying between the side lot line, or edge of an existing road easement, and the nearest point of a building.

SHARED SEPTIC SYSTEM - Any system, whether publicly or privately owned, serving two (2) lots or dwelling units, for the collection and treatment of wastewater of a liquid nature, including various devices for the treatment of such wastewater.

SHARED WATER SYSTEM - Any system, including various devices to supply the water, whether publicly or privately owned, serving two (2) lots or dwelling units, supplying an adequate amount of potable water to the occupants of the lots.

SIGHT DISTANCE TRIANGLE - A triangle at an intersection, formed by the two roads or rights-of-way and a third line, which must be kept clear of obstructions such as hedges and buildings so that people in one road can see cars approaching on the other.

SIGN - Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs. (See Article 21 for sign definitions)

SINGLE WIDE MANUFACTURED HOME (also known as a **MOBILE HOME** for pre-1976 construction) - A dwelling, more than eight feet wide and more than thirty-two feet long, and designed and built to be towed on its own chassis. Single wide manufactured homes must meet the following requirements prior to installation if they are to be located on any parcel of land outside a Single Wide Manufactured Home Park;

1. The roof shall be peaked and shingled.
2. The Single Wide Manufactured Home shall be sided with wood or a permanent typical type siding.
3. The Single Wide Manufactured Home shall be set on a permanent foundation.
4. The Single Wide Manufactured Home shall bear an appropriate seal (Must be constructed after June 15, 1976) indicating that it was constructed in accordance with the standards of the Uniform Standard Code for Manufactured Homes and Recreational Vehicles as promulgated by the U.S. Department of Housing and Urban Development, or constructed in accordance with the Nebraska Uniform Standards for Modular Housing standards.

SINGLE WIDE MANUFACTURED PARK - Any campsite, lot, parcel, of tract of land designed, maintained, or intended for the purpose of supplying a location or accommodations for single wide manufactured homes and upon which single wide manufactured homes are parked, or constructed, and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for the use of the single wide manufactured park and its facilities or not. Single wide manufactured home parks shall not include automobile or single wide manufactured home sales lots on which unoccupied single wide manufactured homes are parked for purposes of inspection and sale.

SILVICULTURE – The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands to meet the diverse needs and values of landowners and society on a sustainable basis.

SITE PLAN - A plan that outlines the use and development of any tract of land.

SOLAR ENERGY SYSTEM (SES) - An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power. See Article 19.

STORY - That portion of a building including between the upper surface of any floor and the upper surface of the floor next above, except the top-most story shall be that portion of the building including the upper surface of the top most floor and the ceiling or roof above.

STREET (ROAD) – All property acquired or dedicated to the public and accepted by the appropriate governmental agencies for street purposes, and property that has been commonly used or dedicated to be used for street purposes.

STREET, ARTERIAL – A street designed with the primary function of efficient movement of through traffic between and around areas of a city, village, or county with controlled access to abutting property.

STREET, COLLECTOR - A local street that is used or intended to be used to collect traffic from several local street and route such traffic to a major street.

STREET, EXPRESSWAY - A street, which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function.

STREET, LOCAL - Any public street that is used or intended to be used for the principal purpose of serving as vehicular access to abutting property.

STRUCTURE - Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having permanent attachment to the ground. Poles used for the support of wires and appurtenant equipment for supplying public utility services shall not be considered as building or structures for the purposed of these regulations.

SUBDIVIDER - Any individual, owner, developer, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

SUBDIVISION - The division of a lot, tract, or parcel of land into two (2) or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of ownership or building development, except that the division of land shall not be considered a subdivision when the smallest parcel created in more than ten (10) acres in area.

SUBSTANDARD LOT – A legally created lot or parcel of lot which does not the minimum lot area of the district in which it is located. (See LOT OF RECORD)

TITLE SEARCH - An examination of public records to determine and confirm a property's legal ownership, and find out what claims are on the property.

TOWNHOUSE – A single family dwelling designated for separate ownership and attached by party or common walls with other single family dwellings. The structure shall be oriented so that all exits open to the outside.

TRACT - A plot or parcel of land shown by survey, other than a lot in a subdivision which is recorded in the Office of the Register of Deeds.

TRANSMISSION LINE - The electrical power lines that carry voltages of no less than 69,000 volts and are primarily used to carry electric energy over long distances rather than directly to retail customers.

TRUCK FARMING - The practice of growing one or more vegetable crops on a large scale for shipment to distant markets.

USE - The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

UTILITIES - Local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities.

VARIANCE - A deviation from the height, bulk, setback, parking or other dimensional requirements established by this code.

VETERINARY HOSPITAL or CLINIC: An establishment where animals are admitted principally for examination, treatment, board or care by a Doctor of Veterinary Medicine.

WIND ENERGY SYSTEM (WES) - Any electrical generating devise and accessory facilities including but not limited to power lines, transformers, wind turbines, substations, and meteorological towers that operate by converting kinetic energy of wind into electrical power. The energy generated by a WES may be used on site or distributed to the electrical grid. See Article 19.

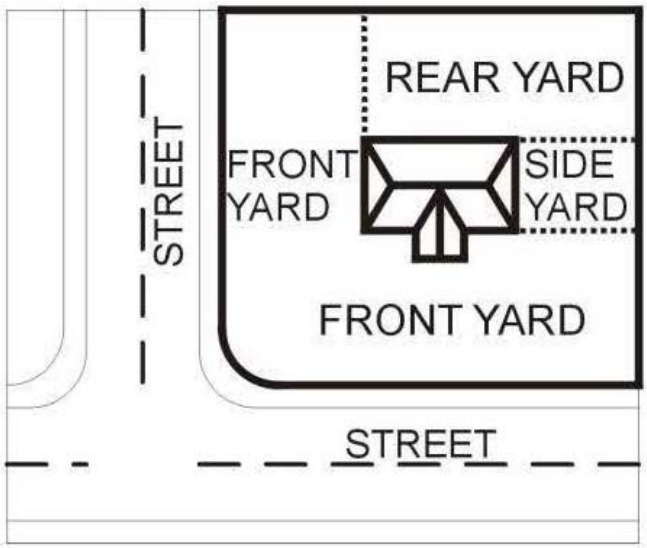
YARD LINE - The yard line is a line on the lot running parallel to and the required horizontal distance from the nearest lot line.

YARD, REQUIRED - The required minimum open space between the property line and the yard line. The required yard shall contain no buildings or structures other than the projections of the usual steps, unenclosed balconies, or open porches, or as otherwise provided in these regulations.

YARD, REQUIRED FRONT - The required front yard shall extend across the front of a lot between the side lot lines. There shall be a required front yard on each street side of a corner lot.

YARD, REQUIRED REAR - The required rear yard shall extend across the rear of a lot between the side lot lines. On corner lots, the required rear yard may be to the rear of either street, provided that the minimum required rear yard shall be calculated on the longest average lot dimension. On interior lots, the required rear yard shall in all cases be at the opposite end of the lots from the front yard.

YARD, REQUIRED SIDE - The require side yard shall extend between the front yard line and the rear yard line. There shall be only one (1) required side yard on a corner lot.



ZONING ADMINISTRATOR – Person (or persons) authorized and empowered by the county to administer and enforce the Regulation requirements.

ZONING DISTRICT- See DISTRICT

ZONING DISTRICT, CHANGE OF- The legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zoning map of the County.

ZONING PERMIT - Any permit required by Keith County and issued by the Zoning Administrator, to be obtained by any person engaged in any activity governed by the regulations set forth in this Resolution.
ZONING REGULATIONS- The Official Regulations as approved and adopted in the Zoning Regulations of the County of Keith, Nebraska, together with all amendments thereto, adopted pursuant to Sections 23-114 through 23-114.05 R.R.S. Neb. (1943).

Article 7 - General Provisions

Section 1 Nonconforming Uses and Buildings

Except as otherwise provided in this resolution, the lawful use, location, height and size of any building or parcel of land existing at the time of enactment of this resolution, or of any amendments to this resolution, may be continued even though such use, location, height or size does not conform to the requirements of the resolution. The following conditions shall apply to such non-conforming use:

- **A.** Ordinary repairs and maintenance of a non-conforming building shall be permitted. Said repairs and maintenance shall in no way make the building less conforming than exists prior.
- **B.** In the event that any nonconforming building or structure is damaged or destroyed, by any means, to the extent of more than fifty (50) percent of its replacement value, the structure shall not be restored unless it conforms to the current regulations for the zoning district in which it is located.
- **C.** A non-conforming use may be changed to a use that is more conforming. Where such change is made, the use shall, thereafter, not revert back to a nonconforming use.
- **D.** A non-conforming use or building cannot be expanded in any way that expands the degree of non-conformity (except the use may be expanded within the same building if the building was designed for such expansion and no structural alterations are required).
- **E.** When a non-conforming use of land, building, structure, location, height, or size is abandoned or discontinued for a period of five (5) years in the Agricultural District or 12 months in any other zoning district, the herein stated right to continue as a Non-Conforming Use shall forfeit. Any further use of the land, building, structure, location, height, size, etc. shall follow the provisions of this ordinance.
- **F.** Due process: when it is observed and reported to the Keith County Zoning Administrator that a non-conforming use is abandoned or discontinued, the owners of record for such use, building, structure, location, height, or size shall be notified by certified mail within 30 days of the report of the statutory time lines established in Article 7 Section 1E.

Section 2 Outside Storage

Automobiles which are inoperable for travel on public highways, scrap or metal, paper, building material and equipment, bottles, glass, appliances, furniture, bed and bedding, rags and rubber shall not be permitted to accumulate in any zoning district, except the 'A' Agricultural District, unless otherwise provided herein, or unless they are screened from public view from adjacent properties, streets, roads, or highways, with an approved landscape screen.

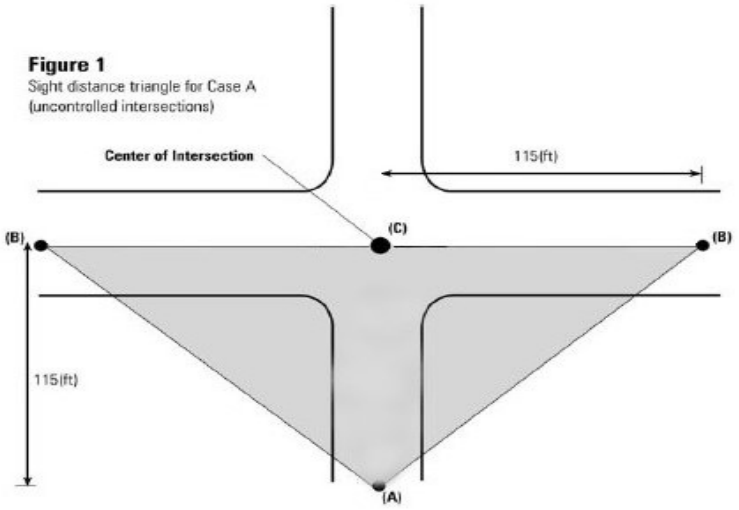
Section 3 Drainage and Erosion

- **A.** The following standards are intended to ensure that storm water runoff is safely conveyed through a developed site, to minimize erosion, and to reduce flooding related to land development and urbanization.
  - **i.** Any alteration of the hydrology of the site shall be curtailed and/or mitigated so as to minimize the impact on water quality, peak discharge, groundwater recharge, and drainage patterns. To the extent possible, the quantity, quality, and timing of stormwater runoff during and after development shall not be substantially altered from pre-development conditions.
  - **ii.** Any new or modified drainage channel or storm water facility shall have sufficient capacity to accommodate the potential future runoff based upon the probable land use and ultimate development of the total watershed area upland of the development.
  - **iii.** Priority should be given to maintaining natural drainage systems, including perennial and intermittent streams, swales and drainage ditches.
- **B.** The goals for erosion and sediment control are to minimize the opportunity for soil to be moved by wind, precipitation and runoff and to contain sediment that does move close to its place of origin and thus prevent it from reaching a water body or damaging other lands.
  - **i.** Erosion and sediment control practices shall be consistent with requirements of the Nebraska Department of Natural Resources.
  - **ii.** The off-site impacts of erosion and sedimentation from the development site should not be any greater during and after land disturbance activities than under predevelopment conditions.
  - **iii.** Sediment laden runoff should not be allowed to enter the roadside drainage system or any water body in such quantity that would result in deposition on the bottom of the water body, degrade its natural biological functions, or be harmful to the classified usage of the water.

Section 4 Well Head Protection Areas

Within those Well Head Protection Areas approved and regulated by the Nebraska Department of Environment and Energy, any proposed septic systems, sanitary waste water systems, animal feeding operations (both confined and open), sanitary landfills, slaughter houses, livestock auction houses, or similar use that may contaminate the ground water, shall only be allowed under Conditional Uses Permitted by Special Review.

Section 5 No Build Zones
At uncontrolled county road intersections, no permanent structures or trees, bushes, shrubs, etc. shall be allowed to be constructed, or planted, in the Sight Distance Triangle which is measured from the intersection of two county road centerlines and measuring 115 feet (Figure 1) in each direction and then connecting the points with a diagonal line as indicated.



Section 6 Temporary Uses

A. A temporary permit may be obtained from the Planning Commission (or its authorized staff representative) upon the filing of an application requesting a temporary use and accompanied with an application fee. Temporary stands, structures, motor vehicles and trailers shall be removed on the date of termination of the permit unless a specific date is stated herein. Temporary structures shall be shown to be so constructed as not to constitute a fire hazard or hazard to the health or safety of the public prior to issuance of the permit. Such temporary stands or structures shall not be constructed of materials which are substantially deteriorated, nor shall any of the above temporary stands, structures, motor vehicles or trailers be allowed to deteriorate to the point where they shall constitute a fire or other hazard to the health, safety or welfare of the public.

B. The following uses may be allowed by temporary permit and need not be enclosed within a building:

1. Temporary construction yard or building for construction materials and equipment, single wide manufactured homes for office use, and concrete batch plants, when incidental and necessary for construction. Each permit shall specify the location of the building, single wide manufactured home office, yard or batch plant.
2. Temporary office incidental and necessary for the sale of new construction by the permittee. Each permit shall specify the location of the office and the area within which such sales may be made.
3. Single wide manufactured homes, or recreational vehicles, may be used for temporary living quarters incidental and necessary for the construction of a dwelling on the property.
4. Each permit shall be valid for a period of not more than six (6) calendar months and may be renewed for three (3) successive six (6) month periods at the same location.

C. Temporary group assemblages of 500 or more persons and on public or private lands not currently improved for such group assembly (improved means having adequate improved parking, permanent restrooms, permanent water supply and permanent fixed buildings or structures to house a large group) shall only permitted after public hearing has been held by the County Commissioners and they have approved, or conditionally approved, the request for such temporary use shall be submitted at least 30 days prior to said assemblage to the County Clerk who shall set a hearing date and notify property owners. The application should include the written authorization of the property owners, a legal description of the property, a description of the proposed use or activity and a description of the facilities to be provided to serve the crowd; example: water, restrooms, parking, trash collection and removal, police protection and others as may be appropriate. An application fee shall be submitted with the request. The County Commissioners shall, after hearing the matter, approve with conditions or deny the request. Conditions of approval if applied may include those conditions deemed necessary to protect the public health, safety and welfare.

Section 7 Home Occupations

A home occupation may be allowed as a conditional use by special review provided all of the following conditions are met;

- **A.** Such use shall be conducted entirely within a dwelling and carried on by the inhabitants living there and no others.
- **B.** Such use shall be clearly incidental and secondary to the use of the dwelling for the dwelling purposes and shall not change the character thereof.
- **C.** The total area used for such purposes shall not exceed one-half the floor area of the user's dwelling unit.
- **D.** Any sign shall be limited to a two-foot square, non-illuminated, non-animated sign attached to the dwelling except in Agriculture District.
- **E.** There shall be only incidental sale of stock, supplies, or products of the use conducted on the premises.
- **F.** There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- **G.** There shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
- **H.** A home occupation shall provide additional off street parking area adequate to accommodate all needs created by the home occupation.

Section 8 Camping and Storage of Boats and Recreational Vehicle's

- **A.** This regulation is for the residential areas (Residential Rural, Residential Rural Two, Residential Medium Density, and Mixed Residential) in and around the Lake McConaughy and Lake Ogallala State Recreation Areas, as depicted in the attached Camping and Storage Limitation Area (Figure 7-1). This includes the defined "Lake Area" as seen in Figure 18-1 and added sections.
- **B.** For those residential areas not under the control of the Nebraska Game and Parks Commission, the following regulations shall be in effect in regards to camping and storage.
  - **1.** Vacant residential lots cannot be used for any camping, or the storage of any boats or RV's, unless the vacant lot is contiguous to a lot with the same ownership which contains a primary use.
  - **2.** Vehicles and recreational vehicles stored outdoors on a residential lot, with a primary use, must be titled and licensed to the property owner.
  - **3.** Recreational vehicles which are not titled/licensed to the owner must be occupied. No more than 2 RV's or tents may be present at one time.
    - **i.** At no time shall any form of payment be requested, or received.
    - **ii.** Camping on residential lots, with a primary use, is limited to 14 days a year.

- **C.** Storage is allowed in HD only. No RV parks or campgrounds are allowed in residential districts.

Section 9 Intermodal Containers

- **A.** These are also known as cargo or freight containers, shipping containers, Conex containers, etc. They are a large standardized shipping container, designed and built for intermodal freight transport, meaning these containers can be used across different modes of transport – from ship to rail to truck – without unloading and reloading their cargo.
  1. Intermodal Containers may only be used for storage.
  2. Each lot is allowed one (1) intermodal container, unless more are allowed by these regulations.
  3. At no time shall intermodal containers be leased, or rented out.
  4. Intermodal Containers are permitted by right in Agricultural (A), Trans Agricultural (TA), and Heavy Industrial (HI) as year round storage. If the property owner wishes to have more than one (1) container, he may request a Conditional Use Permit.
  5. Intermodal Containers are permitted by Conditional Use Permit in Tourist Services (TS), Highway District (HD), and General Business (GB), as year round storage.
  6. Intermodal Containers are permitted in all zones temporarily to store building materials during the construction pursuant to an active building permit. If the building permit is expired, the Intermodal Container shall be removed. The property owner, or contractor will let the Planning and Zoning Administration know that an Intermodal Container is being placed.
  7. Intermodal Containers must meet the setback requirements for accessory buildings, in each district.

Article 8 – 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.** Accessory Building(s)
- **B.** Animals, the raising, breeding and grazing of animals (including but not limited to cattle, poultry, sheep, swine, rabbits).
- **C.** Animal Feeding Operations (AFO) using a dry manure operation, **not** within one and one half (1½) miles of an incorporated city or village, not within one (1) mile of a concentration of ten (10) or more homes or dwellings or a church, a school, recreational camps, parks, playgrounds, golf courses, country clubs, or not within one-half (½) mile of a dwelling not owned by the operator. (Concentration here means ten (10) or more dwellings within an area one-quarter (¼) mile square).
    1. The applicant must verify that the proposed animal feeding operation meets the license requirements and waste disposal requirements of the State of Nebraska.
    2. All runoff or waste generated from any animal feeding operation shall be contained within the associated farming operation, or, on the premises upon which the animal feeding operation is located. The applicant must verify that all runoff control ponds, lagoons, methods of manure disposal and use control measures are designed to minimize odor and air pollution, and avoid surface or groundwater contamination as regulated by the State of Nebraska and Keith County.
- **D.** Apiaries.
- **E.** Arenas, Outdoor.
- **F.** Botanical Gardens.
- **G.** Concentrated Animal Feeding Operations (CAFO) using a wet manure operation, **not** within three (3) miles of an incorporated city or village, or a concentration of ten (10) or more homes or dwellings or a church, a school, recreational camps, parks, playgrounds, golf courses, country clubs, or a dwelling not owned by the operator. (Concentration here means ten (10) or more dwellings within an area one-quarter (¼) mile square).
    1. The applicant must verify that the proposed concentrated animal feeding operation meets the license requirements and waste disposal requirements of the State of Nebraska.
    2. All runoff or waste generated from any concentrated animal feeding operation shall be contained within the associated farming operation, or, on the premises upon which the concentrated animal feeding operation is located. The applicant must verify that all runoff control ponds, lagoons, methods of manure disposal and use control measures are designed to minimize odor and air pollution, and avoid surface or groundwater contamination as regulated by the State of Nebraska and Keith County.
    3. Wet Manure Operations shall not be located or allowed areas as denoted in Table 13 of the NRCS *Soil Survey of Keith County, Nebraska* as rated as having "severe" limitations.
- **H.** 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).
- **I.** Fish Hatcheries.
- **J.** Flood Control and Irrigating Facilities.
- **K.** Governmental Facilities.
- **L.** Guest House and Quarters.
- **M.** Oil and Gas Drilling and Transmission.
- **N.** Personal Solar Photovoltaic System.
- **O.** Personal Wind Energy Systems.
- **P.** Recreation and Park Facilities (Public).
- **Q.** Religious Facilities and Quarters.

R. Residence(s) as follows:

1. Two dwellings, housing the owner, family members who work for the owner, or employees of the farm or ranch. Said dwellings shall be in the ownership of the farmer/rancher operation.
2. One non-farm/ranch dwelling.
3. A dwelling located on a farmstead may be subdivided off as a separate lot subject to the following conditions:
    a. The dwelling has existed on the property since 1975,
    b. The dwelling complies with the building code as adopted by Keith County.
    c. A farmstead shall directly access existing roads or streets or exceed the minimum design standards of the Keith County Subdivision Regulations.
    d. A farmstead shall contain one dwelling*, and outbuildings shall be on one lot.
    e. A farmstead shall be platted, a final plat meeting the standards set by the Keith County Subdivision Regulations is required and a preliminary plat may be required at the discretion of the Keith County Planning Commission.

S. Roadside stands selling products produced on site.
T. Schools, public and private (non-profit).
U. Tourist Information.
V. Utility Substations and Transmission Lines.

Section 3 Conditional Uses Permitted by Special Review

A. Airports and Landing Strips.
B. Amusement Parks.
C. Animal Feeding Operations (AFO) using a dry manure operation, within one and one half (1 ½) miles of an incorporated city or village, within one (1) mile of a concentration of ten (10) or more homes or dwellings or a church, a school, recreational camps, parks, playgrounds, golf courses, country clubs, or within one-half (½) mile of a dwelling not owned by the operator. (Concentration here means ten (10) or more dwellings within an area one-quarter (¼) mile square).

1. The applicant must verify that the proposed animal feeding operation meets the license requirements and waste disposal requirements of the State of Nebraska.
2. All runoff or waste generated from any animal feeding operation shall be contained within the associated farming operation, or, on the premises upon which the animal feeding operation is located. The applicant must verify that all runoff control ponds, lagoons, methods of manure disposal and use control measures are designed to minimize odor and air pollution, and avoid surface or groundwater contamination as regulated by the State and County.

D. Asphalt Plants.
E. Bed and Breakfasts
F. Cemeteries, Mausoleums and Crematories.
G. Clubs.
H. Colleges and Universities.
I. Commercial Solar Energy Systems.
J. Commercial Wind Energy Systems.
K. Communication Towers.
L. Concentrated Animal Feeding Operation (CAFO) using a wet manure operation, within three (3) miles of an incorporated city or village, or a concentration of ten (10) or more homes or dwellings or a church, a school, recreational camps, parks, playgrounds, golf courses, country clubs, or a dwelling not owned by the operator. (Concentration here means ten (10) or more dwellings within an area one-quarter (¼) mile square).

1. The applicant must verify that the proposed concentrated animal feeding operation meets the license requirements and waste disposal requirements of the State of Nebraska.
2. All runoff or waste generated from any concentrated animal feeding operation shall be contained within the associated farming operation, or, on the premises upon which the concentrated animal feeding operation is located. The applicant must verify that all runoff control ponds, lagoons, methods of manure disposal and use control measures are designed to minimize odor and air pollution, and avoid surface or groundwater contamination as regulated by the State of Nebraska and Keith County.
3. Wet Manure Operations shall not be located or allowed areas as denoted in Table 13 of the NRCS *Soil Survey of Keith County, Nebraska* as rated as having “severe” limitations.

M. Concrete Batch Plants.
N. Dwelling Unit: Vacation Rental.
O. Dude Ranches.
P. Fairgrounds and Race Tracks.
Q. Home Occupations (Special Conditions Article 7 Section 7).
R. Junk and Salvage Yards.
S. Kennels.
T. Large Scale Development (Residential).
U. Meteorological Towers.
V. Oil and Gas Storage (for use other than on site).
W. Outdoor Advertising Signs (Billboard Signs).
X. Power Generating Facilities.
Y. Prisons.
Z. Recreation and Park Facilities (private, not to include any type of housing, except a dwelling for security purposes).
AA. Sand, gravel and other mining operations except for agricultural purposes.

1. The operator shall maintain haulage roads in a reasonably dust free condition if within one-fourth (¼) mile of any dwelling.
2. The hours of operation shall be limited to a period between 6:00 a.m. and 10:00 p.m. if the operation is located within one-fourth (¼) mile of any dwelling.
3. Excavations shall occur no nearer than ten (10) feet from any property line, nor nearer than 150 feet from any dwelling, unless written consent of the owner of the dwelling or property is provided to the Planning Commission. Excavation shall occur not nearer than 25 feet from any public road.
4. The slopes of any excavation shall not exceed four (4) feet horizontal to one (1) foot vertical (4:1) slope.
5. The reclamation plan shall be submitted with the conditional use request. This plan shall include the following:
    a. Use of the area after excavation.
    b. Methods and type of renovation proposed.
    c. Description of final grading concept that will remove rough contours, smoothing ridges, mounts, etc., into a more natural condition.
    d. Any other plans of description that will further define the operator's intent to reclaim the site.
    e. A reclamation staging program.
    f. A financial surety shall be required by the County as a condition of approval to ensure full compliance with condition of reclamation.

BB. Sanitary Landfill Operations.
CC. Sewage and wastewater treatment facilities, and water storage and treatment facilities.
DD. Single wide manufactured homes on a farm/ranch, as defined.

1. The roof shall be peaked and shingled.
2. The Single Wide Manufactured Home shall be sided with wood or a permanent type siding.
3. The Single Wide Manufactured Home shall be set on a permanent foundation.
4. The Single Wide Manufactured Home shall bear an appropriate seal (Must be constructed after June 15, 1976) indicating that it was constructed in accordance with the standards of the Uniform Standard Code for Manufactured Homes and Recreational Vehicles as promulgated by the U.S. Department of Housing and Urban Development, or constructed in accordance with the Nebraska Uniform Standards for Modular Housing standards.

EE. Stadiums, Indoor.
FF. Storage of agricultural products not produced or intended for consumption on site.
GG. Telephone Exchanges.
HH. Utility Offices, Repair or Storage Facilities.
II. Veterinary Hospital and Related Facilities.

Section 4 Minimum Area, Yard Setbacks and Height Requirements

Lot area	3 Acres
Density	1 Dwelling unit per ¼ section*
Average lot width	
Interior lot	600 feet
Corner lot	600 feet
Minimum lot width	100 feet
Minimum lot depth	500 feet
Front yard setback	30 feet
Rear yard setback	
Primary building	25 feet
Accessory buildings	10 feet
Side yard setback	
Interior lot	equal to height of proposed structure
Corner lot	30 feet
Maximum building height	No limit

<u>*A second dwelling may be allowed with special conditions placed on the use. See Section 2 (R).</u>

Section 4A Supplementary Lot Area and Lot Width Regulations

A. Where an individual lot was held in separate ownership from adjoining properties, or was platted prior to March 21, 2018 in a recorded subdivision and has less area or less width than required in other sections of this resolution, such a lot may be occupied according to the permitted uses provided for the district in which the lot is located. Yard setbacks may be adjusted by the Zoning Administrator by finding that the requested yard setbacks are appropriate and conforming to the general yard setbacks of the surrounding properties.

B. For the purpose of complying with the provisions of this resolution, no part of an area or width of a lot shall be included as an area or width required for another lot.

C. No lot shall have a front lot line of street frontage of less than 40 feet, unless approved by the Keith County Planning Commission and the Keith County Board of County Commissioners.

D. All lots shall have a minimum depth to width ratio of no more than three (3) times the depth to the one (1) times the width.

Section 4B Supplementary Yard Regulations

A. Architectural features: Cornices, canopies, eaves or similar architectural features may extend into a required yard not more than two (2) feet.

B. Developed areas: In any district where lots comprising 50% or more of the frontage on one side of a street between intersecting streets have been improved with buildings at the time of passage of this resolution, the average front yard setback of such buildings shall be the minimum front yard setback required for all new construction in such block. In no instance shall the setback be less than ten (10) feet.

C. Fire escapes: Fire escapes may extend into a required yard not more than six (6) feet.

D. Patios and uncovered porches: Patios and uncovered, unenclosed porches may extend into a required front or rear yard not more than six (6) feet and a side yard of not more than three (3) feet.

E. Reduction: No part of a yard required for any building for the purpose of complying with the provisions of this resolution shall be included as a yard for another building and all yards shall be open and unobstructed except as otherwise provided herein.

Section 4C Supplementary Building Height Regulations

A. All dwellings shall be constructed with at least 50% of the roof surface higher than seven (7) feet from grade.

B. It shall be unlawful to construct, build or establish any buildings, trees, smokestacks, chimney, flagpole, wire, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing and take-off of aircraft at a public used airport.

Section 5 Fences, Hedges, Walls, Shelterbelts and Windbreaks

A. No wall, exceeding three (3) feet in height or advertising sign shall be located within 100 feet of any county road right of way. If less than 100 feet a conditional use permit shall be required. Hedges, shrubbery, shelterbelts and windbreaks shall be planted in conformance to the General Design Guidelines as set forth by the NRCS: August 2002; NE – T.G. Notice 528 adopted by reference herein.

B. No ponds, dams, waste lagoons and tail water recovery pits shall be constructed within 50 feet of Keith County road right-of-way without the approval of the Keith County road superintendent and a permit issued by the Keith County Planning and Zoning Department.

C. Ornamental fences, walls, and hedges not more than two and one-half (2½) feet in height shall be permitted in the front yard of any district.

D. All outdoor swimming pools shall be enclosed by a fence or wall at least six (6) feet but not more than eight (8) feet in height with a gate or gates which are self-closing and locking.

Section 6 Parking

A. Each required off-street parking space shall be at least eight and one half (8½) feet in width and at least 20 feet in length, exclusive of driving aisles, ramps, columns, or work areas, provided that the minimum length of parallel parking spaces shall be at least 23 feet and further provided that parking space dimensions for handicapped drivers shall be as established in the standards set for the American with Disabilities Act. Such Parking spaces shall have adequate vertical clearance to allow each space to be used for parking.

B. Except for single family and two family dwellings, each required off-street parking space shall open directly upon a driving aisle of sufficient width, as noted below, in order to provide an efficient means of vehicular access to and from such parking spaces and such driving aisles shall be unobstructed and allow for passage of emergency vehicles.

Parking Angle * (in degrees)	Minimum Aisle Width (in feet)
LESS THAN 45	12
45	14
60	18
90	24

*Angle shall be measured between the centerline of the parking space and the centerline of the driving aisle

C. Off-street parking spaces maybe located in the required front yard setback except in residential districts and as otherwise provided in these regulations, provided that, any landscape buffer or landscape screen required by the applicable zoning district regulations shall be provided along the front property line.

D. The minimum number of off-street parking spaces required for the various uses permitted under these regulations shall be as follows:

1. One (1) parking space per dwelling unit.

E. Parking Requirements; Special Conditions

The following special conditions shall apply to the listed uses in place of the parking requirements found in the parking matrix:

1. Auditoriums, theaters, stadium, amphitheaters, and other places of assembly – One (1) space per 50 square feet of seating area plus parking for affiliated uses.
2. Golf Courses – Two (2) spaces per hole on course plus one (1) space per each 300 square feet of floor area in affiliated uses.
3. Religious Facilities and Schools – One (1) space per 50 square feet in largest assembly hall as determined by the County.
4. Salvage Yards – Six (6) spaces, or two (2) spaces per acre of lot area, or one (1) space per 1,000 square feet of floor area, whichever is greater.

Parking requirements for buildings containing more than one (1) use shall be established by determining the required number of spaces for each separate use.

Article 9 – Transitional Agricultural District (TA) (Overlay)

Section 1 Intent

The Transitional Agriculture District is primarily a buffer between key areas such as the extraterritorial jurisdictions of the communities and more intensive agricultural areas of the County. The area allows for basic agricultural uses, except for the larger confinements of livestock. The district may also be placed along key corridors where similar concepts are desired.

Section 2 Uses Permitted by Right

- **A.** Accessory Building
- **B.** Animals, the raising, breeding and grazing of animals (including but not limited to cattle, poultry, sheep, swine, rabbits).
- **C.** Apiaries.
- **D.** Arenas, Outdoor.
- **E.** Botanical Gardens.
- **F.** 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).
- **G.** Fish Hatcheries.
- **H.** Flood Control and Irrigating Facilities.
- **I.** Governmental Facilities.
- **J.** Guest House and Quarters.
- **K.** Personal Solar Photovoltaic System.
- **L.** Personal Wind Energy System.
- **M.** Recreation and Park Facilities (Public).
- **N.** Religious Facilities and Quarters.
- **O.** Residence(s) as follows:
    1. Dwellings located on a farmstead may be subdivided off as a separate lot subject to the following conditions:
        a. The dwellings have existed on the property since 1975,
        b. The dwellings comply with the building code as adopted by Keith County.
        c. A farmstead shall directly access existing roads or streets or exceed the minimum design standards of the Keith County Subdivision Regulations.
        d. A farmstead shall contain only the number of dwellings allowed by density, and outbuildings shall be on one lot.
        e. A farmstead shall be platted, a final plat meeting the standards set by the Keith County Subdivision Regulations is required and a preliminary plat may be required at the discretion of the Keith County Planning Commission.
- **O.** Roadside stands selling products produced on site.
- **P.** Schools, public and private (non-profit).
- **Q.** Tourist Information.
- **R.** Utility Substations and Transmission Lines.

Section 3 Conditional Uses Permitted by Special Review

- **A.** Airports and Landing Strips.
- **B.** Amusement Parks, Fairgrounds and Race Tracks.
- **C.** Asphalt Plants.
- **D.** Bed and Breakfasts
- **E.** Cemeteries, Mausoleums and Crematories.
- **F.** Clubs.
- **G.** Colleges and Universities.
- **H.** Commercial Solar Energy Systems.
- **I.** Communication Towers.
- **J.** Concrete Batch Plants.
- **K.** Dude Ranches.
- **L.** Dwelling Unit: Vacation Rental.
- **M.** Home Occupations (Special Conditions Article 7 Section 7).
- **N.** Junk and Salvage Yards.
- **O.** Kennels.

P. Large Scale Development (Residential).
Q. Meteorological Towers.
R. Oil and Gas Drilling and Transmission and Storage (for use other than on site).
S. Outdoor Advertising Signs (Billboard Signs).
T. Power Generating Facilities.
U. Prisons.
V. Recreation and Park Facilities (private, not to include any type of housing, except a dwelling for security purposes).
W. Sand, gravel and other mining operations except for agricultural purposes.

1. The operator shall maintain haulage roads in a reasonably dust free condition if within one-fourth (¼) mile of any dwelling.
2. The hours of operation shall be limited to a period between 6:00 a.m. and 10:00 p.m. if the operation is located within one-fourth (¼) mile of any dwelling.
3. Excavations shall occur no nearer than ten (10) feet from any property line, nor nearer than 150 feet from any dwelling, unless written consent of the owner of the dwelling or property is provided to the Planning Commission. Excavation shall occur not nearer than 25 feet from any public road.
4. The slopes of any excavation shall not exceed four (4) feet horizontal to one (1) foot vertical (4:1) slope.
5. The reclamation plan shall be submitted with the conditional use request. This plan shall include the following:
    a. Use of the area after excavation.
    b. Methods and type of renovation proposed.
    c. Description of final grading concept that will remove rough contours, smoothing ridges, mounts, etc., into a more natural condition.
    d. Any other plans of description that will further define the operator's intent to reclaim the site.
    e. A reclamation staging program.
    f. A financial surety shall be required by the County as a condition of approval to ensure full compliance with condition of reclamation.

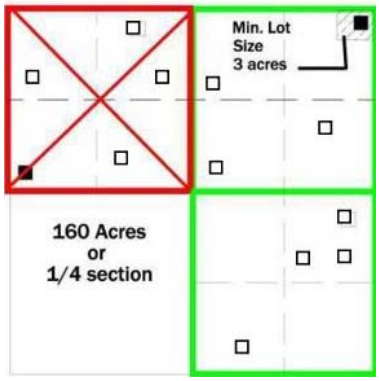
X. Single wide manufactured homes on a farm/ranch.

1. The roof shall be peaked and shingled.
2. The Single Wide Manufactured Home shall be sided with wood or a permanent typical type siding.
3. The Single Wide Manufactured Home shall be set on a permanent foundation.
4. The Single Wide Manufactured Home shall bear an appropriate seal (Must be constructed after June 15, 1976) indicating that it was constructed in accordance with the standards of the Uniform Standard Code for Manufactured Homes and Recreational Vehicles as promulgated by the U.S. Department of Housing and Urban Development, or constructed in accordance with the Nebraska Uniform Standards for Modular Housing standards.

Y. Stadiums, Indoor.
Z. Storage of agricultural products not produced or intended for consumption on site.
AA. Telephone Exchanges, Utility Offices, Repair or Storage Facilities.
BB. Veterinary Hospital and Related Facilities.

Section 4 Minimum Area, Yard Setbacks and Height Requirements

Lot area	3 Acres
Density	No more than 4 dwelling units per ¼ section
Average lot width	
Interior lot	600 feet
Corner lot	600 feet
Minimum lot width	100 feet
Minimum lot depth	500 feet
Front yard setback	30 feet
Rear yard setback	
Primary building	25 feet
Accessory buildings	10 feet



Side yard setback	
Interior lot	equal to height of proposed structure
Corner lot	30 feet
Maximum building height	No limit

Section 4A Supplementary Lot Area and Lot Width Regulations

A. Where an individual lot was held in separate ownership from adjoining properties, or was platted prior to March 21, 2018 in a recorded subdivision and has less area or less width than required in other sections of this resolution, such a lot may be occupied according to the permitted uses provided for the district in which the lot is located. Yard setbacks may be adjusted by the Zoning Administrator by finding that the requested yard setbacks are appropriate and conforming to the general yard setbacks of the surrounding properties.

B. For the purpose of complying with the provisions of this resolution, no part of an area or width of a lot shall be included as an area or width required for another lot.

C. No lot shall have a front lot line of street frontage of less than 40 feet, unless approved by the Keith County Planning Commission and the Keith County Board of County Commissioners.

D. All lots shall have a minimum depth to width ratio of no more than three (3) times the depth to the one (1) times the width.

Section 4B Supplementary Yard Regulations

A. Architectural features: Cornices, canopies, eaves or similar architectural features may extend into a required yard not more than two (2) feet.

B. Developed areas: In any district where lots comprising 50% or more of the frontage on one side of a street between intersecting streets have been improved with buildings at the time of passage of this resolution, the average front yard setback of such buildings shall be the minimum front yard setback required for all new construction in such block. In no instance shall the setback be less than ten (10) feet.

C. Fire escapes: Fire escapes may extend into a required yard not more than six (6) feet.

D. Patios and uncovered porches: Patios and uncovered, unenclosed porches may extend into a required front or rear yard not more than six (6) feet and a side yard of not more than three (3) feet.

E. Reduction: No part of a yard required for any building for the purpose of complying with the provisions of this resolution shall be included as a yard for another building and all yards shall be open and unobstructed except as otherwise provided herein.

Section 4C Supplementary Building Height Regulations

A. All dwellings shall be constructed with at least 50% of the roof surface higher than seven (7) feet from grade.

B. It shall be unlawful to construct, build or establish any buildings, trees, smokestacks, chimney, flagpole, wire, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing and take-off of aircraft at a public used airport.

Section 5 Fences, Hedges, Walls, Shelterbelts and Windbreaks

A. No wall, exceeding three (3) feet in height or advertising sign shall be located within 100 feet of any county road right of way. If less than 100 feet a conditional use permit shall be required. Hedges, shrubbery, shelterbelts and windbreaks shall be planted in conformance to the General Design Guidelines as set forth by the NRCS: August 2002; NE-T.G. Notice 528 adopted by reference herein.

B. No ponds, dams, waste lagoons and tail water recovery pits shall be constructed within 50 feet of Keith County road right-of-way without the approval of the Keith County road superintendent and a permit issued by the Keith County Planning and Zoning Department.

C. Ornamental fences, walls, and hedges not more than two and one-half (2½) feet in height shall be permitted in the front yard of any district.

D. All outdoor swimming pools shall be enclosed by a fence or wall at least six (6) feet but not more than eight (8) feet in height with a gate or gates which are self-closing and locking.

Section 6 Parking

A. Each required off-street parking space shall be at least eight and one half (8½) feet in width and at least 20 feet in length, exclusive of driving aisles, ramps, columns, or work areas, provided that the minimum length of parallel parking spaces shall be at least 23 feet and further provided that parking space dimensions for handicapped drivers shall be as established in the standards set for the American with Disabilities Act. Such Parking spaces shall have adequate vertical clearance to allow each space to be used for parking.

B. Except for single family and two family dwellings, each required off-street parking space shall open directly upon a driving aisle of sufficient width, as noted below, in order to provide an efficient means of vehicular access to and from such parking spaces and such driving aisles shall be unobstructed and allow for passage of emergency vehicles.

Parking Angle * (in degrees)	Minimum Aisle Width (in feet)
LESS THAN 45	12
46	14
61	18
91	24

*Angle shall be measured between the centerline of the parking space and the centerline of the driving aisle

C. Off-street parking spaces maybe located in the required front yard setback except in residential districts and as otherwise provided in these regulations, provided that, any landscape buffer or landscape screen required by the applicable zoning district regulations shall be provided along the front property line.

D. The minimum number of off-street parking spaces required for the various uses permitted under these regulations shall be as follows:

1. One (1) parking space per dwelling unit.

E. Parking Requirements; Special Conditions

The following special conditions shall apply to the listed uses in place of the parking requirements found in the parking matrix:

1. Auditoriums, theaters, stadium, amphitheaters, and other places of assembly – One (1) space per 50 square feet of seating area plus parking for affiliated uses.
2. Golf Courses – Two (2) spaces per hole on course plus one (1) space per each 300 square feet of floor area in affiliated uses.
3. Religious Facilities and Schools – One (1) space per 50 square feet in largest assembly hall as determined by the County.
4. Salvage Yards – Six (6) spaces, or two (2) spaces per acre of lot area, or one (1) space per 1,000 square feet of floor area, whichever is greater.

F. Parking requirements for buildings containing more than one (1) use shall be established by determining the required number of spaces for each separate use.

Article 10 - Residential - Rural District (RR)

Section 1 Intent

With the existence of Lake McConaughy has come an interest in rural housing especially around the Lake. Permanent housing in rural areas tends to raise governmental service requirements. This district intends to control density according to services available or services made available through subdivision developments. This district will also provide for acreage type lots throughout the County when appropriate locations are designated. The intent of this district is to assure the environmental and esthetic qualities of Keith County, while retaining the agricultural base.

Section 2 Uses Permitted by Right

- **A.** Crop production as permitted in the "A" Agricultural district.
- **B.** Governmental Facilities.
- **C.** Grazing of livestock not to exceed one animal unit per five (5) acres of land owned or leased.
- **D.** Guest Housing and Quarters.
- **E.** Manufactured Homes and Modular Homes.
- **F.** Personal Solar Photovoltaic System.
- **G.** Recreation and Park Facilities (Public and Private).
- **H.** Religious Facilities and Quarters.
- **I.** Dwelling (Single Family).
- **J.** Utility Substations and Transmission Lines.

Section 3 Conditional Uses Permitted by Special Review

- **A.** Accessory Uses on an individual lot without a primary use.
  1. The accessory use or uses shall meet the minimum setbacks.
  2. The complete interior layout of the accessory use or uses shall be provided.
  3. The applicant shall submit a time schedule for the construction of the primary building on the lot.
- **B.** Airports and Landing Strips.
- **C.** Arenas, Outdoor.
- **D.** Bed and Breakfasts.
- **E.** Concessions or retail sales and services needed to serve residential resort areas.
- **F.** Dwelling Unit: Vacation Rental.
- **G.** Flood Control and Irrigation Facilities.
- **H.** Home Occupations (Special Conditions Article 7 Section 7).
- **I.** Lakefront lots, waiver of front yard setback when dwelling is fronting on the lake.
- **J.** Large Scale Development. (Residential).
- **K.** Oil and Gas Drilling.
- **L.** Personal Wind Energy System.
- **M.** Sewage and wastewater treatment facilities, and water storage and treatment facilities.

Section 4 Minimum Area, Yard Setbacks and Height Requirements

Lot area:	a) 40,000 square feet with private/shared water system and private/shared wastewater system b) 20,000 square feet with community/public water system or community/public wastewater system	
Average lot width		
Interior lot	a)	175 feet
	b)	100 feet
Corner lot	a)	175 feet
	b)	100 feet
Minimum lot width		50 feet
Minimum lot depth	a)	225 feet
	b)	200 feet
Front yard setback	25 feet	

Text Amendment No. 3
Exclusive to the Mako-Ch-Mni Subdivision, which shall not include County Road West B North, front yard and corner lot setbacks for all buildings shall be 25 feet from the property line

Rear yard setback	
Primary building	20 feet
Accessory buildings	10 feet
Side yard setback	
Interior lot	10 feet
Corner lot	25 feet
Maximum building height	30 feet

Section 4A
The applicant may make application to the Planning Commission to replat a combination of lots existing prior to March 21, 2018. When joining by replat of existing lots (in their entirety), the following provisions shall apply:

1. The replat will contain two (2) or more lots with a minimum combined lot size of 12,500 square feet.
2. The replat shall be platted on existing streets or roads.
3. Potable water and sewer facilities shall meet the requirement of the Nebraska Department of Environment and Energy and the Nebraska Department of Health and Human Services.
4. The replat will not increase erosion or create a flooding potential.
5. The replat will not be a detriment to the adjoining properties or to the character of the zoning district.

Section 4B Supplementary Lot Area and Lot Width Regulations

A. Where an individual lot was held in separate ownership from adjoining properties, or was platted prior to March 21, 2018 in a recorded subdivision and has less area or less width than required in other sections of this resolution, such a lot may be occupied according to the permitted uses provided for the district in which the lot is located. Yard setbacks may be adjusted by the Zoning Administrator by finding that the requested yard setbacks are appropriate and conforming to the general yard setbacks of the surrounding properties.

B. For the purpose of complying with the provisions of this resolution, no part of an area or width of a lot shall be included as an area or width required for another lot.

C. No lot shall have a front lot line of street frontage of less than 40 feet, unless approved by the Keith County Planning Commission and the Keith County Board of County Commissioners.

D. All lots shall have a minimum depth to width ratio of no more than three (3) times the depth to the one (1) times the width.

Section 4C Supplementary Yard Regulations

A. Architectural features: Cornices, canopies, eaves or similar architectural features may extend into a required yard not more than two (2) feet.

B. Developed areas: In any district where lots comprising 50% or more of the frontage on one side of a street between intersecting streets have been improved with buildings at the time of passage of this resolution, the average front yard setback of such buildings shall be the minimum front yard setback required for all new construction in such block. In no instance shall the setback be less than ten (10) feet.

C. Fire escapes: Fire escapes may extend into a required yard not more than six (6) feet.

D. Patios and uncovered porches: Patios and uncovered, unenclosed porches may extend into a required front or rear yard not more than six (6) feet and a side yard of not more than three (3) feet.

E. Reduction: No part of a yard required for any building for the purpose of complying with the provisions of this resolution shall be included as a yard for another building and all yards shall be open and unobstructed except as otherwise provided herein.

Section 4D Supplementary Building Height Regulations

A. All dwellings shall be constructed with at least 50% of the roof surface higher than seven (7) feet from grade.

B. It shall be unlawful to construct, build or establish any buildings, trees, smokestacks, chimney, flagpole, wire, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing and take-off of aircraft at a public used airport.

C. Approvals of buildings of heights greater than permitted herein may occur when approved by the County with a Conditional Use Permit.

Section 5 Accessory Buildings and Accessory Uses

Accessory buildings, structures and uses normally related to the primary use or uses on the lots are permitted, so long as they meet the minimum district requirements.

- **A.** There shall be no more than one (1) accessory building greater than 300 square feet in size per residential lot.
- **B.** Where a portion of an accessory building is converted to living quarters:
  1. Those living quarters shall meet the minimum square footage requirements (801 sq ft) for a single family dwelling.
  2. Those living quarters shall meet the requirements of the residential building code adopted by Keith County.
  3. The accessory building, in total, must meet the minimum setback requirements for a single family dwelling in that zoning district.
- **C.** Subdivisions or unincorporated communities with lots of 10,000 square feet or less and platted prior to this ordinance amendment which do not meet the minimum residential zoning lot requirements and are considered substandard may be used for the construction of individual accessory buildings provided:
  1. The accessory buildings' use is for residential or recreational purposes only.
  2. The accessory building shall not exceed 30 feet in height nor will it occupy more than 25% of the total square footage of the lot.
  3. The accessory building shall meet all setback requirements of the zoning district in which it is located.
- **D.** The use of the accessory building will not constitute a commercial business or storage facility operating under the guise of a residential accessory building. Such use shall constitute a violation of the zoning ordinance and will be subject to enforcement as provided.
- **E.** Residential Subdivisions created after the 21st day of March 2018 may create within the boundaries of the subdivision an accessory building park. Such a 'park' shall consist of individual lots that are:
  1. Legally attached to a corresponding lot within the subdivision and cannot be transferred individually.
  2. Shall have a minimum lot size of 3,000 square feet with setbacks of six (6) feet on side and rear with a ten (10) foot front yard setback.
  3. The accessory building may occupy a maximum of 55% of the lot.
  4. The accessory building shall be used only for residential purposes by the owner of the corresponding lot within the subdivision.
- **F.** Permitted accessory buildings may occupy no more than 50% of the required side and rear yard setbacks, provided such accessory buildings are located at least five (5) feet from any property line and located at least ten (10) feet from another building:
  1. Special Exceptions for Accessory Building Setbacks:
     - a. Whereby cause of geography or lots of record it is impractical to construct a permitted accessory building in the rear or side yard as stipulated above, the Planning Commission may make a special exception that permits an accessory building to be located in the front yard. In the case of corner lots, the minimum front and side yard setbacks from the front and side property lines shall be 40 feet in order to maintain a sufficient sight triangle at the intersection.
     - b. A request for Special Exception shall adhere to the requirements found in Conditional Uses Permitted by Special Review.
     - c. No more than one Accessory Building may be located in the required front yard.

Section 6 Fences, Hedges, Walls, Shelterbelts and Windbreaks

- **A.** No solid fence shall exceed six (6) feet in height except as necessary to comply with subsection F below.
- **B.** Fences, hedges, trees, and walls will require a 40-foot clear area at all road intersections. Public signs are accepted. All fences may be constructed on or near the property line. No sharp or barbed wire will be used without Conditional Use Permit approval.
- **C.** No ponds, dams, waste lagoons and tail water recovery pits shall be constructed within 50 feet of Keith County road right-of-way without the approval of the Keith County road superintendent and a permit issued by the Keith County Planning and Zoning Department.

D. Ornamental fences, walls, and hedges not more than two and one-half (2½) feet in height shall be permitted in the front yard of any district.

E. Fences, hedges, and walls higher than two and one half (2½) feet shall be set back from the front lot line three (3) feet for each foot of fence height exceeding two and one-half (2½).

F. All outdoor swimming pools shall be enclosed by a fence or wall at least six (6) feet but not more than eight (8) feet in height with a gate or gates which are self-closing and locking.

Section 7 Parking

A. Each required off-street parking space shall be at least eight and one half (8½) feet in width and at least 20 feet in length, exclusive of driving aisles, ramps, columns, or work areas, provided that the minimum length of parallel parking spaces shall be at least 23 feet and further provided that parking space dimensions for handicapped drivers shall be as established in the standards set for the American with Disabilities Act. Such Parking spaces shall have adequate vertical clearance to allow each space to be used for parking.

B. Except for single family and two family dwellings, each required off-street parking space shall open directly upon a driving aisle of sufficient width, as noted below, in order to provide an efficient means of vehicular access to and from such parking spaces and such driving aisles shall be unobstructed and allow for passage of emergency vehicles.

Parking Angle * (in degrees)	Minimum Aisle Width (in feet)
LESS THAN 45	12
47	14
62	18
92	24

*Angle shall be measured between the centerline of the parking space and the centerline of the driving aisle

C. Off-street parking spaces maybe located in the required front yard setback except in residential districts and as otherwise provided in these regulations, provided that, any landscape buffer or landscape screen required by the applicable zoning district regulations shall be provided along the front property line.

D. The minimum number of off-street parking spaces required for the various uses permitted under these regulations shall be as follows:

1. Two (2) parking spaces per dwelling unit.
2. One (1) parking space per 600 square feet of floor area.

E. Parking Requirements; Special Conditions

The following special conditions shall apply to the listed uses in place of the parking requirements found in the parking matrix:

1. Group Homes – One (1) space per three (3) clients or employee residents, plus two (2) spaces per three (3) nonresident employees on the largest shift.
2. Golf Courses – Two (2) spaces per hole on course plus one (1) space per each 300 square feet of floor area in affiliated uses.
3. Religious Facilities and Schools – One (1) space per 50 square feet in largest assembly hall as determined by the County.

F. Parking requirements for buildings containing more than one (1) use shall be established by determining the required number of spaces for each separate use.

Article 11 - Residential Rural Two District (RR2)

Section 1 Intent

With the existence of Lake McConaughy has come an interest in Single Wide Manufactured Home housing units around the Lake. Whereas there has been a demand to allow Single Wide Manufactured Home type units in the same area as site constructed homes, this district intends to provide such types of construction in a compatible way. This district intends to assure the environmental and aesthetic qualities of Keith County and to control density according to services available or services made available through subdivision developments.

Section 2 Uses Permitted by Right

- **A.** All those uses permitted by right in the Residential Rural (RR) District shall be permitted in this district.
- **B.** Single Wide Manufactured Home.
    1. A single wide manufactured home shall have a roof with no less than a 2/12 pitch.
    2. A single wide manufactured home shall be sided with a permanent, non-corrugated type of siding.
    3. A single wide manufactured home shall be permanently affixed to a permanent footing or foundation in accordance with the building code adopted by the Keith County Board of commissioners.
    4. A single wide manufactured home shall bear an appropriate seal (Must be constructed after June 15, 1976) that indicates it was constructed in accordance with the standards of the U.S. Department of Housing and Urban Development, or constructed in accordance with the Nebraska Uniform Standards for Modular Housing standards.

Section 3 Conditional Uses Permitted by Special Review

- **A.** All those uses permitted by conditional use after special review in the residential rural district shall be permitted as a conditional use after special review in this district.
- **B.** Bed and Breakfasts.
- **C.** Dwelling Unit: Vacation Rental.
- **D.** Lakefront lots, waiver of front yard setback when dwelling is fronting on the lake.
- **E.** Single Wide Manufactured Home Parks.
    1. Development Standards
        a. Density: Not to exceed six (6) units per acre unless otherwise approved by the County.
        b. Minimum lot size: 5,000 square feet per Single Wide Manufactured Home.
        c. Minimum lot width: The average lot width shall not be less than 50 feet.
        d. Minimum separation between homes: 20 feet.
        e. Parking: Two (2) off street spaces per unit plus one (1) guest space for each five (5) units.
        f. Minimum street width: No parking on street, 25 feet minimum paved width; parking one side only, 30 feet minimum paved width; parking both sides, 36 feet minimum paved width.
        g. Access to dedicated street shall be provided. However, parks of over 50 units may be required to provide additional access points for emergency access safety.
        h. Lighting: A minimum of 0.3-foot candles on all driveways and walks shall be provided.
        i. Walkways: Shall be provided adjacent to streets or on an interior system.
        j. Open space: 15 percent of the total site shall be developed for common open space purposes. In large projects, a portion of this amount or additional area may be required for dedication for a public park.
        k. Footings, foundations and wind pressure: All Single Wide Manufactured Homes shall have footing, foundations and tie downs in accordance with applicable provisions of the building code as adopted by the County to satisfy soil bearing, loading and wind pressures. Each Single Wide Manufactured Home development shall submit engineered footings, foundations and tie downs design for approval by the County. Wheels shall not be used for bearing pressures.
        l. Architectural control: Architectural standards may be set for a Single Wide Manufactured Home Park, including requirements of wood siding or other similar design features.

m. Landscaping: A landscaping concept plan shall be submitted for review and approval.
n. Low profile: Excavation may occur to lower the profile of the units so the floor level of the unit is not higher than ten (10) inches from the ground level.
o. Fencing: A decorative fence or wall shall be provided around the perimeter of the site or landscaping or earth mounds of six (6) feet in height to screen the park from view when adjacent or across the street from a residential use other than a Single Wide Manufactured Home Park or an area likely to be developed residentially.
p. Setbacks, streets: No Single Wide Manufactured Home unit shall be located closer than ten (10) feet to a private street.
q. Setbacks, boundary: Single Wide Manufactured Homes shall be placed no nearer than 20 feet from any boundary that is not a street and 25 feet from any boundary adjacent to a street.
r. Storage: Storage units shall be designed as an integral part of the site and shall be screened from normal view.
s. Utilities: All utilities shall be placed underground. Public or community sewer and water shall be provided.
t. Trash collection receptacles: Shall be provided and properly screened from view.
u. Camper and boat storage: Provisions shall be made for camper and boat storage either adjacent to the Single Wide Manufactured Homes or in a central location or locations. 100 square feet for each Single Wide Manufactured Home space shall be provided.
v. A fiscal surety or some guarantee in form acceptable to the County Attorney shall be provided to guarantee performance of plans.

Where exceptional design concepts are offered incorporating either those items designed as optional herein, or other features which help to establish quality living environments, the County Commissioners after recommendation from the Planning Commission, may allow an increase in density up to but not exceeding ten (10) percent of the total number of permitted Single Wide Manufactured Homes.

2. Amendments to Single Wide Manufactured Home Parks

Any major amendment to Single Wide Manufactured Home Parks such as but not limited to increase in the number of Single Wide Manufactured Homes permitted, or change in the street or roadway alignments, must be processed through the conditional use permit as described in this article. Minor changes such as but not limited to changes in the alignment of the Single Wide Manufactured Homes or changes in the street or roadway names, must be processed through a request to the Zoning Administrator, who may determine that the minor change is of a nature, that a full review and process is necessary. Otherwise, the Zoning Administrator shall advise the appropriate agencies of the minor change and file the request with the Single Wide Manufactured Home Park conditional use permit.

3. Single Wide Manufactured Home Park Signing

All streets and roadways signs must be displayed for public viewing. Visual identification of roadway shall be posted at every intersection.

4. Construction Standards

a. Every Single Wide Manufactured Home locating within a Single Wide Manufactured Home Park shall bear an appropriate seal (Must be constructed after June 15, 1976) that indicates it was constructed in accordance with the standards of the Uniform Standard Code for Manufactured Homes and Recreational Vehicles as promulgated by the U.S. Department of Housing and Urban Development or constructed in accordance with the Nebraska Uniform Standards for Modular Homes.
b. Single Wide Manufactured Homes currently residing in Single Wide Manufactured Home Parks which do not have a U.S. Department Housing and Urban Development seal or a seal from the Nebraska Uniform Standard for Modular Housing may be moved from lot to lot within that Single Wide Manufactured Home Park but may not be moved to another park or location for residential purposes within Keith County.

Section 4 Minimum Area, Yard Setbacks and Height Requirements

Lot area	a) 30,000 square feet with private/shared water system and private/shared wastewater system b) 20,000 square feet with either a community/public water system or community/public wastewater system c) 12,500 square feet with both a community/public water system and community/public wastewater system	
Average lot width		
Interior lot	a)	150 feet
	b)	100 feet
	c)	100 feet
Corner lot	a)	150 feet
	b)	100 feet
	c)	100 feet
Minimum lot width		50 feet
Minimum lot depth	a)	200 feet
	b)	200 feet
	c)	125 feet
Front yard setback		25 feet
Rear yard setback		
Primary building		20 feet
Accessory buildings		10 feet
Side yard setback		
Interior lot		10 feet
Corner lot		25 feet
Maximum building height		30 feet

Section 4A

The applicant may make application to the Planning Commission to replat a combination of lots existing lots prior to March 21, 2018. When joining by replat of existing lots (in their entirety), the following provisions shall apply:

1. The replat will contain two (2) or more lots with a minimum combined lot size of 12,500 square feet.
2. The replat shall be platted on existing streets or roads.
3. Potable water and sewer facilities shall meet the requirement so the Nebraska Department of Environment and Energy and the Nebraska Department of Health and Human Services.
4. The replat will not increase erosion or create a flooding potential.
5. The replat will not be a detriment to the adjoining properties or to the character of the zoning district.

Section 4B Supplementary Lot Area and Lot Width Regulations

A. Where an individual lot was held in separate ownership from adjoining properties, or was platted prior to March 21, 2018 in a recorded subdivision and has less area or less width than required in other sections of this resolution, such a lot may be occupied according to the permitted uses provided for the district in which the lot is located. Yard setbacks may be adjusted by the Zoning Administrator by finding that the requested yard setbacks are appropriate and conforming to the general yard setbacks of the surrounding properties.

B. For the purpose of complying with the provisions of this resolution, no part of an area or width of a lot shall be included as an area or width required for another lot.

C. No lot shall have a front lot line of street frontage of less than 40 feet, unless approved by the Keith County Planning Commission and the Keith County Board of County Commissioners.

D. All lots shall have a minimum depth to width ratio of no more than three (3) times the depth to the one (1) times the width.

Section 4C Supplementary Yard Regulations

A. Architectural features: Cornices, canopies, eaves or similar architectural features may extend into a required yard not more than two (2) feet.

B. Developed areas: In any district where lots comprising 50% or more of the frontage on one side of a street between intersecting streets have been improved with buildings at the time of passage of this resolution, the average front yard setback of such buildings shall be the minimum front yard setback

required for all new construction in such block. In no instance shall the setback be less than ten (10) feet.

C. Fire escapes: Fire escapes may extend into a required yard not more than six (6) feet.

D. Patios and uncovered porches: Patios and uncovered, unenclosed porches may extend into a required front or rear yard not more than six (6) feet and a side yard of not more than three (3) feet.

E. Reduction: No part of a yard required for any building for the purpose of complying with the provisions of this resolution shall be included as a yard for another building and all yards shall be open and unobstructed except as otherwise provided herein.

Section 4D Supplementary Building Height Regulations

A. All dwellings shall be constructed with at least 50% of the roof surface higher than seven (7) feet from grade.

B. It shall be unlawful to construct, build or establish any buildings, trees, smokestacks, chimney, flagpole, wire, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing and takeoff of aircraft at a public used airport.

C. Approvals of buildings of heights greater than permitted herein may occur when approved by the County with a Conditional Use Permit.

Section 5 Accessory Buildings and Accessory Uses

Accessory buildings, structures and uses normally related to the primary use or uses on the lots are permitted, so long as they meet the minimum district requirements.

A. There shall be no more than one (1) accessory building greater than 300 square feet in size per residential lot.

B. Where a portion of an accessory building is converted to living quarters:

1. Those living quarters shall meet the minimum square footage requirements (801 sq ft) for a single family dwelling.

2. Those living quarters shall meet the requirements of the residential building code adopted by Keith County.
3. The accessory building, in total, must meet the minimum setback requirements for a single family dwelling in that zoning district.

C. Subdivisions or unincorporated communities with lots of 10,000 square feet or less and platted prior to this ordinance amendment which do not meet the minimum residential zoning lot requirements and are considered substandard may be used for the construction of individual accessory buildings provided:

1. The accessory buildings' use is for residential or recreational purposes only.
2. The accessory building shall not exceed 30 feet in height nor will it occupy more than 25% of the total square footage of the lot.
3. The accessory building shall meet all setback requirements of the zoning district in which it is located.

D. The use of the accessory building will not constitute a commercial business or storage facility operating under the guise of a residential accessory building. Such use shall constitute a violation of the zoning ordinance and will be subject to enforcement as provided.

E. Residential Subdivisions created after the 21st day of March 2018 may create within the boundaries of the subdivision an accessory building park. Such a 'park' shall consist of individual lots that are:

1. Legally attached to a corresponding lot within the subdivision and cannot be transferred individually.
2. Shall have a minimum lot size of 3,000 square feet with setbacks of six (6) feet on side and rear with a ten (10) foot front yard setback.
3. The accessory building may occupy a maximum of 55% of the lot.
4. The accessory building shall be used only for residential purposes by the owner of the corresponding lot within the subdivision.

F. Permitted accessory buildings may occupy no more than 50% of the required side and rear yard setbacks, provided such accessory buildings are located at least five (5) feet from any property line and located at least ten (10) feet from another building:

1. Special Exceptions for Accessory Building Setbacks:

a. Whereby cause of geography or lots of record it is impractical to construct a permitted accessory building in the rear or side yard as stipulated above, the Planning Commission may make a special exception that permits an accessory building to be located in the front yard. In the case of corner lots, the minimum front and side yard setbacks from the front and side property lines shall be 40 feet in order to maintain a sufficient sight triangle at the intersection.
b. A request for Special Exception shall adhere to the requirements found in Conditional Uses Permitted by Special Review.
c. No more than one Accessory Building may be located in the required front yard.

Section 6 Fences, Hedges, Walls, Shelterbelts and Windbreaks

A. No solid fence shall exceed six (6) feet in height except as necessary to comply with subsection F.
B. Fences, hedges, trees, and walls will require a 40-foot clear area at all road intersections. Public signs are accepted. All fences may be constructed on or near the property line. No sharp or barbed wire will be used without Conditional Use Permit approval.
C. No ponds, dams, waste lagoons and tail water recovery pits shall be constructed within 50 feet of Keith County road right-of-way without the approval of the Keith County road superintendent and a permit issued by the Keith County Planning and Zoning Department.
D. Ornamental fences, walls, and hedges not more than two and one-half (2½) feet in height shall be permitted in the front yard of any district.
E. Fences, hedges, and walls higher than two and one half (2½) feet shall be set back from the front lot line three (3) feet for each foot of fence height exceeding two and one-half (2½).
F. All outdoor swimming pools shall be enclosed by a fence or wall at least six (6) feet but not more than eight (8) feet in height with a gate or gates which are self-closing and locking.

Section 7 Parking

A. Each required off-street parking space shall be at least eight and one half (8½) feet in width and at least 20 feet in length, exclusive of driving aisles, ramps, columns, or work areas, provided that the minimum length of parallel parking spaces shall be at least 23 feet and further provided that parking space dimensions for handicapped drivers shall be as established in the standards set for the American with Disabilities Act. Such Parking spaces shall have adequate vertical clearance to allow each space to be used for parking.
B. Except for single family and two family dwellings, each required off-street parking space shall open directly upon a driving aisle of sufficient width, as noted below, in order to provide an efficient means of vehicular access to and from such parking spaces and such driving aisles shall be unobstructed and allow for passage of emergency vehicles.

Parking Angle * (in degrees)	Minimum Aisle Width (in feet)
LESS THAN 45	12
48	14
63	18
93	24

*Angle shall be measured between the centerline of the parking space and the centerline of the driving aisle

C. Off-street parking spaces maybe located in the required front yard setback except in residential districts and as otherwise provided in these regulations, provided that, any landscape buffer or landscape screen required by the applicable zoning district regulations shall be provided along the front property line.
D. The minimum number of off-street parking spaces required for the various uses permitted under these regulations shall be as follows:
1. Two (2) parking spaces per dwelling unit.
2. One (1) parking space per 600 square feet of floor area.

E. Parking Requirements; Special Conditions
The following special conditions shall apply to the listed uses in place of the parking requirements found in the parking matrix:
1. Group Homes – One (1) space per three (3) clients or employee residents, plus two (2) spaces per three (3) nonresident employees on the largest shift.

2. Golf Courses – Two (2) spaces per hole on course plus one (1) space per each 300 square feet of floor area in affiliated uses.
3. Religious Facilities and Schools – One (1) space per 50 square feet in largest assembly hall as determined by the County.

F. Parking requirements for buildings containing more than one (1) use shall be established by determining the required number of spaces for each separate use.

Article 12 - Residential Medium Density District (RM)

Section 1 Intent
This district is intended to accommodate existing medium density multiple family residential uses, the expansion of those areas within and adjacent to existing communities, and to provide for a variety of housing types.

Section 2 Uses Permitted by Right

A. Bed and Breakfasts.
B. Condominiums.
C. Dwellings, Multiple Family.
D. Dwellings, Single Family.
E. Dwellings, Two-Family.
F. Governmental Facilities.
G. Guest Housing and Quarters.
H. Personal Solar Photovoltaic System.
I. Preschool Nurseries.
J. Religious Facilities and Quarters.
K. Rest, Retirement or Nursing Homes.
L. Townhouses.
M. Utility Substations and Transmission Lines.

Section 3 Conditional Uses Permitted by Special Review

A. Accessory Uses on an individual lot without a primary use.
    1. The accessory use or uses shall meet the minimum setbacks.
    2. The proposed future location of the primary use, septic system and well shall be indicated on the site plan.
    3. The complete interior layout of the accessory use or uses shall be provided.
    4. The applicant shall submit a time schedule for the construction of the primary building on the lot.

A. Colleges and Universities.
B. Clubs.
C. Dwelling Unit: Vacation Rental.
D. Emergency Services.
E. Health Care Facilities.
F. Home Occupations (Special Conditions Article 7 Section 7).
G. Medical and Dental Clinics.
H. Personal Wind Energy System.
F. Single Wide Manufactured Home Parks.
    1. Development Standards
        a. Density: Not to exceed six (6) units per acre unless otherwise approved by the County.
        b. Minimum lot size: 5,000 square feet per Single Wide Manufactured Home.
        c. Minimum lot width: The average lot width shall not be less than 50 feet.
        d. Minimum separation between homes: 20 feet.
        e. Parking: Two (2) off street spaces per unit plus one (1) guest space for each five (5) units.
        f. Minimum street width: No parking on street, 25 feet minimum paved width; parking one side only, 30 feet minimum paved width; parking both sides, 36 feet minimum paved width.
        g. Access to dedicated street shall be provided. However, parks of over 50 units may be required to provide additional access points for emergency access safety.
        h. Lighting: A minimum of 0.3-foot candles on all driveways and walks shall be provided.
        i. Walkways: Shall be provided adjacent to streets or on an interior system.
        j. Open space: 15 percent of the total site shall be developed for common open space purposes. In large projects, a portion of this amount or additional area may be required for dedication for a public park.
        k. Footings, foundations and wind pressure: All Single Wide Manufactured Homes

shall have footing, foundations and tie downs in accordance with applicable provisions of the building code as adopted by the County to satisfy soil bearing, loading and wind pressures. Each Single Wide Manufactured Home development shall submit engineered footings, foundations and tie downs design for approval by the County. Wheels shall not be used for bearing pressures.

l. Architectural control: Architectural standards may be set for a Single Wide Manufactured Home Park, including requirements of wood siding or other similar design features.

m. Landscaping: A landscaping concept plan shall be submitted for review and approval.

n. Low profile: Excavation may occur to lower the profile of the units so the floor level of the unit is not higher than ten (10) inches from the ground level.

o. Fencing: A decorative fence or wall shall be provided around the perimeter of the site or landscaping or earth mounds of six (6) feet in height to screen the park from view when adjacent or across the street from a residential use other than a Single Wide Manufactured Home Park or an area likely to be developed residentially.

p. Setbacks, streets: No Single Wide Manufactured Home unit shall be located closer than ten (10) feet to a private street.

q. Setbacks, boundary: Single Wide Manufactured Homes shall be placed no nearer than 20 feet from any boundary that is not a street and 25 feet from any boundary adjacent to a street.

r. Storage: Storage units shall be designed as an integral part of the site and shall be screened from normal view.

s. Utilities: All utilities shall be placed underground. Public or community sewer and water shall be provided.

t. Trash collection receptacles: Shall be provided and properly screened from view.

u. Camper and boat storage: Provisions shall be made for camper and boat storage either adjacent to the Single Wide Manufactured Homes or in a central location or locations. 100 square feet for each Single Wide Manufactured Home space shall be provided.

v. A fiscal surety or some guarantee in form acceptable to the County Attorney shall be provided to guarantee performance of plans.

Where exceptional design concepts are offered incorporating either those items designed as optional herein, or other features which help to establish quality living environments, the County Commissioners after recommendation from the Planning Commission, may allow an increase in density up to but not exceeding ten (10) percent of the total number of permitted Single Wide Manufactured Homes.

2. Amendments to Single Wide Manufactured Home Parks

Any major amendment to Single Wide Manufactured Home Parks such as but not limited to increase in the number of Single Wide Manufactured Homes permitted, or change in the street or roadway alignments, must be processed through the conditional use permit as described in this article. Minor changes such as but not limited to changes in the alignment of the Single Wide Manufactured Homes or changes in the street or roadway names, must be processed through a request to the Zoning Administrator, who may determine that the minor change is of a nature, that a full review and process is necessary. Otherwise, the Zoning Administrator shall advise the appropriate agencies of the minor change and file the request with the Single Wide Manufactured Home Park conditional use permit.

3. Single Wide Manufactured Home Park Signing

All streets and roadways signs must be displayed for public viewing. Visual identification of roadway shall be posted at every intersection.

4. Construction Standards

a. Every Single Wide Manufactured Home locating within a Single Wide Manufactured Home Park shall bear an appropriate seal (Must be constructed after June 15, 1976) that indicates it was constructed in accordance with the standards of the Uniform Standard Code for Manufactured Homes and Recreational Vehicles as promulgated by the U.S. Department of Housing and Urban Development or constructed in accordance with the Nebraska Uniform Standards for Modular Homes.

b. Single Wide Manufactured Homes currently residing in Single Wide Manufactured Home Parks which do not have a U.S. Department Housing and Urban Development seal or a seal from the Nebraska Uniform Standard for Modular Housing may be moved from lot to lot within that Single Wide Manufactured Home Park but may not be moved to another park or location for residential purposes within Keith County.

Section 4 Minimum Area, Yard Setbacks and Height Requirements

Lot area	40,000 square feet
Lot area per unit	a) 20,000 square feet without a community/shared water system or a community/shared wastewater system. b) 10,000 square feet with a community/shared water system or a community/shared wastewater system.
Average lot width	
Interior lot	a) 100 feet
Corner lot	b) 100 feet
Minimum lot width	50 feet
Minimum lot depth	150 feet
Front yard setback	25 feet
Rear yard setback	
Primary buildings	20 feet
Accessory buildings	10 feet
Side yard setback	
Interior lot	10 feet
Corner lot	20 feet
Maximum building height	30 feet

Section 4A Open Space

A minimum of 40 percent of the site shall be developed and maintained as private open space and recreation use for occupants of the project.

Section 4B Supplementary Lot Area and Lot Width Regulations

A. Where an individual lot was held in separate ownership from adjoining properties, or was platted prior to March 21, 2018 in a recorded subdivision and has less area or less width than required in other sections of this resolution, such a lot may be occupied according to the permitted uses provided for the district in which the lot is located. Yard setbacks may be adjusted by the Zoning Administrator by finding that the requested yard setbacks are appropriate and conforming to the general yard setbacks of the surrounding properties.

B. For the purpose of complying with the provisions of this resolution, no part of an area or width of a lot shall be included as an area or width required for another lot.

C. No lot shall have a front lot line of street frontage of less than 40 feet, unless approved by the Keith County Planning Commission and the Keith County Board of County Commissioners.

D. All lots shall have a minimum depth to width ratio of no more than three (3) times the depth to the one (1) times the width.

Section 4C Supplementary Yard Regulations

A. Architectural features: Cornices, canopies, eaves or similar architectural features may extend into a required yard not more than two (2) feet.

B. Developed areas: In any district where lots comprising 50% or more of the frontage on one side of a street between intersecting streets have been improved with buildings at the time of passage of this resolution, the average front yard setback of such buildings shall be the minimum front yard setback required for all new construction in such block. In no instance shall the setback be less than ten (10) feet.

C. Fire escapes: Fire escapes may extend into a required yard not more than six (6) feet.

D. Patios and uncovered porches: Patios and uncovered, unenclosed porches may extend into a required front or rear yard not more than six (6) feet and a side yard of not more than three (3) feet.

E. Reduction: No part of a yard required for any building for the purpose of complying with the provisions of this resolution shall be included as a yard for another building and all yards shall be open and unobstructed except as otherwise provided herein.

Section 4D Supplementary Building Height Regulations

- **A.** All dwellings shall be constructed with at least 50% of the roof surface higher than seven (7) feet from grade.
- **B.** It shall be unlawful to construct, build or establish any buildings, trees, smokestacks, chimney, flagpole, wire, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing and takeoff of aircraft at a public used airport.
- **C.** Approvals of buildings of heights greater than permitted herein may occur when approved by the County with a Conditional Use Permit.

Section 5 Accessory Buildings and Accessory Uses

Accessory buildings, structures and uses normally related to the primary use or uses on the lots are permitted, so long as they meet the minimum district requirements.

- **A.** There shall be no more than one (1) accessory building greater than 300 square feet in size per residential lot.
- **B.** Where a portion of an accessory building is converted to living quarters:
  1. Those living quarters shall meet the minimum square footage requirements (801 sq ft) for a single family dwelling.
  2. Those living quarters shall meet the requirements of the residential building code adopted by Keith County.
  3. The accessory building, in total, must meet the minimum setback requirements for a single family dwelling in that zoning district.
- **C.** Subdivisions or unincorporated communities with lots of 10,000 square feet or less and platted prior to this ordinance amendment which do not meet the minimum residential zoning lot requirements and are considered substandard may be used for the construction of individual accessory buildings provided:
  1. The accessory buildings' use is for residential or recreational purposes only.
  2. The accessory building shall not exceed 30 feet in height nor will it occupy more than 25% of the total square footage of the lot.
  3. The accessory building shall meet all setback requirements of the zoning district in which it is located.
- **D.** The use of the accessory building will not constitute a commercial business or storage facility operating under the guise of a residential accessory building. Such use shall constitute a violation of the zoning ordinance and will be subject to enforcement as provided.
- **E.** Residential Subdivisions created after the 21st day of March 2018 may create within the boundaries of the subdivision an accessory building park. Such a 'park' shall consist of individual lots that are:
  1. Legally attached to a corresponding lot within the subdivision and cannot be transferred individually.
  2. Shall have a minimum lot size of 3,000 square feet with setbacks of six (6) feet on side and rear with a ten (10) foot front yard setback.
  3. The accessory building may occupy a maximum of 55% of the lot.
  4. The accessory building shall be used only for residential purposes by the owner of the corresponding lot within the subdivision.
- **F.** Permitted accessory buildings may occupy no more than 50% of the required side and rear yard setbacks, provided such accessory buildings are located at least five (5) feet from any property line and located at least ten (10) feet from another building:
  1. Special Exceptions for Accessory Building Setbacks:
     - a. Whereby cause of geography or lots of record it is impractical to construct a permitted accessory building in the rear or side yard as stipulated above, the Planning Commission may make a special exception that permits an accessory building to be located in the front yard. In the case of corner lots, the minimum front and side yard setbacks from the front and side property lines shall be 40 feet in order to maintain a sufficient sight triangle at the intersection.
     - b. A request for Special Exception shall adhere to the requirements found in Conditional Uses Permitted by Special Review.
     - c. No more than one Accessory Building may be located in the required front yard.

Section 6 Fences, Hedges, Walls, Shelterbelts and Windbreaks

A. No solid fence shall exceed six (6) feet in height except as necessary to comply with subsection F below.

B. Fences, hedges, trees, and walls will require a 40-foot clear area at all road intersections. Public signs are accepted. All fences may be constructed on or near the property line. No sharp or barbed wire will be used without Conditional Use Permit approval.

C. No ponds, dams, waste lagoons and tail water recovery pits shall be constructed within 50 feet of Keith County road right-of-way without the approval of the Keith County road superintendent and a permit issued by the Keith County Planning and Zoning Department.

D. Ornamental fences, walls, and hedges not more than two and one-half (2½) feet in height shall be permitted in the front yard of any district.

E. Fences, hedges, and walls higher than two and one half (2½) feet shall be set back from the front lot line three (3) feet for each foot of fence height exceeding two and one-half (2½).

F. All outdoor swimming pools shall be enclosed by a fence or wall at least six (6) feet but not more than eight (8) feet in height with a gate or gates which are self-closing and locking.

Section 7 Parking

A. Each required off-street parking space shall be at least eight and one half (8½) feet in width and at least 20 feet in length, exclusive of driving aisles, ramps, columns, or work areas, provided that the minimum length of parallel parking spaces shall be at least 23 feet and further provided that parking space dimensions for handicapped drivers shall be as established in the standards set for the American with Disabilities Act. Such Parking spaces shall have adequate vertical clearance to allow each space to be used for parking.

B. Except for single family and two family dwellings, each required off-street parking space shall open directly upon a driving aisle of sufficient width, as noted below, in order to provide an efficient means of vehicular access to and from such parking spaces and such driving aisles shall be unobstructed and allow for passage of emergency vehicles.

Parking Angle * (in degrees)	Minimum Aisle Width (in feet)
LESS THAN 45	12
49	14
64	18
94	24

*Angle shall be measured between the centerline of the parking space and the centerline of the driving aisle

C. Off-street parking spaces maybe located in the required front yard setback except in residential districts and as otherwise provided in these regulations, provided that, any landscape buffer or landscape screen required by the applicable zoning district regulations shall be provided along the front property line.

D. The minimum number of off-street parking spaces required for the various uses permitted under these regulations shall be as follows:

1. One and one half (1½) parking spaces per dwelling unit.

E. Parking Requirements; Special Conditions

The following special conditions shall apply to the listed uses in place of the parking requirements found in the parking matrix:

1. Boarding Houses - One (1) space per each 1,000 square feet of floor area.
2. Group Homes – One (1) space per three (3) clients or employee residents, plus two (2) spaces per three (3) nonresident employees on the largest shift.
3. Health Care Facilities – One (1) space per three (3) beds.
4. Religious Facilities and Schools – One (1) space per 50 square feet in largest assembly hall as determined by the County.

F. Parking requirements for buildings containing more than one (1) use shall be established by determining the required number of spaces for each separate use.

Article 13 - Mixed Residential District (MRD)

Section 1 Intent
This district is intended to accommodate a variety of residential uses in separate settings or clusters as uses by right and a variety of commercial/service businesses as Conditional uses.

Section 2 Uses by Right

A. Boarding Houses.
B. Dwellings, Condominium.
C. Dwelling, Cottage.
D. Dwellings, Duplex.
E. Dwellings, Multiple Family provided no single structure houses more than four units.
F. Dwellings, Single family in either large lot or cluster developments.
G. Dwellings, Townhouse.
H. Governmental Facilities.
I. Preschool Nurseries.
J. Utility Substations and Transmission Lines.

Section 3 Conditional Uses Permitted by Special Review

A. Art Galleries.
B. Banking, financial, including drive up facilities not to exceed 1,200 square feet in gross floor area.
C. Campgrounds to include RV parks.
D. Dwelling Unit: Vacation Rental.
E. Emergency Services to include public and private services.
F. Flood Control Structures and Irrigation Facilities.
G. Guest House and Guest Quarters.
H. Health Care Facilities not to exceed 1,200 square feet in gross floor area.
I. Home Occupations (Special Conditions Article 7 Section 7).
J. Neighborhood retail commercial units that will be compatible to nearby residential uses and serve the basic shopping and service needs for convenience items, such uses are not to exceed 2,000 square feet of gross floor area.
K. Office services to include but not limited to professionals in law, accounting, physicians, realtors and engineering.
L. Public and Private Schools.
M. Recreation and Park Facilities.
N. Religious Facilities.
O. Restaurants, coffee shops, bakeries; not to include fast food franchises, and not to exceed 2,000 square feet in gross floor area.
P. Service stations to be located only at the entrance to the MRD and not to exceed 2,000 square feet in gross floor area.
G. Single Wide Manufactured Home Parks.

1. Development Standards
    a. Density: Not to exceed six (6) units per acre unless otherwise approved by the County.
    b. Minimum lot size: 5,000 square feet per Single Wide Manufactured Home.
    c. Minimum lot width: The average lot width shall not be less than 50 feet.
    d. Minimum separation between homes: 20 feet.
    e. Parking: Two (2) off street spaces per unit plus one (1) guest space for each five (5) units.
    f. Minimum street width: No parking on street, 25 feet minimum paved width; parking one side only, 30 feet minimum paved width; parking both sides, 36 feet minimum paved width.
    g. Access to dedicated street shall be provided. However, parks of over 50 units may be required to provide additional access points for emergency access safety.
    h. Lighting: A minimum of 0.3-foot candles on all driveways and walks shall be provided.
    i. Walkways: Shall be provided adjacent to streets or on an interior system.
    j. Open space: 15 percent of the total site shall be developed for common open space purposes. In large projects, a portion of this amount or additional area may be required for dedication for a public park.

k. Footings, foundations and wind pressure: All Single Wide Manufactured Homes shall have footing, foundations and tie downs in accordance with applicable provisions of the building code as adopted by the County to satisfy soil bearing, loading and wind pressures. Each Single Wide Manufactured Home development shall submit engineered footings, foundations and tie downs design for approval by the County. Wheels shall not be used for bearing pressures.
l. Architectural control: Architectural standards may be set for a Single Wide Manufactured Home Park, including requirements of wood siding or other similar design features.
m. Landscaping: A landscaping concept plan shall be submitted for review and approval.
n. Low profile: Excavation may occur to lower the profile of the units so the floor level of the unit is not higher than ten (10) inches from the ground level.
o. Fencing: A decorative fence or wall shall be provided around the perimeter of the site or landscaping or earth mounds of six (6) feet in height to screen the park from view when adjacent or across the street from a residential use other than a Single Wide Manufactured Home Park or an area likely to be developed residentially.
p. Setbacks, streets: No Single Wide Manufactured Home unit shall be located closer than ten (10) feet to a private street.
q. Setbacks, boundary: Single Wide Manufactured Homes shall be placed no nearer than 20 feet from any boundary that is not a street and 25 feet from any boundary adjacent to a street.
r. Storage: Storage units shall be designed as an integral part of the site and shall be screened from normal view.
s. Utilities: All utilities shall be placed underground. Public or community sewer and water shall be provided.
t. Trash collection receptacles: Shall be provided and properly screened from view.
u. Camper and boat storage: Provisions shall be made for camper and boat storage either adjacent to the Single Wide Manufactured Homes or in a central location or locations. 100 square feet for each Single Wide Manufactured Home space shall be provided.
v. A fiscal surety or some guarantee in form acceptable to the County Attorney shall be provided to guarantee performance of plans.

Where exceptional design concepts are offered incorporating either those items designed as optional herein, or other features which help to establish quality living environments, the County Commissioners after recommendation from the Planning Commission, may allow an increase in density up to but not exceeding ten (10) percent of the total number of permitted Single Wide Manufactured Homes.

2. Amendments to Single Wide Manufactured Home Parks

Any major amendment to Single Wide Manufactured Home Parks such as but not limited to increase in the number of Single Wide Manufactured Homes permitted, or change in the street or roadway alignments, must be processed through the conditional use permit as described in this article. Minor changes such as but not limited to changes in the alignment of the Single Wide Manufactured Homes or changes in the street or roadway names, must be processed through a request to the Zoning Administrator, who may determine that the minor change is of a nature, that a full review and process is necessary. Otherwise, the Zoning Administrator shall advise the appropriate agencies of the minor change and file the request with the Single Wide Manufactured Home Park conditional use permit.

3. Single Wide Manufactured Home Park Signing

All streets and roadways signs must be displayed for public viewing. Visual identification of roadway shall be posted at every intersection.

4. Construction Standards

a. Every Single Wide Manufactured Home locating within a Single Wide Manufactured Home Park shall bear an appropriate seal (Must be constructed after June 15, 1976) that indicates it was constructed in accordance with the standards of the Uniform Standard Code for Manufactured Homes and Recreational Vehicles as promulgated by the U.S. Department of Housing and Urban Development or constructed in accordance with the Nebraska Uniform Standards for Modular Homes.

b. Single Wide Manufactured Homes currently residing in Single Wide Manufactured Home Parks which do not have a U.S. Department Housing and Urban Development seal or a seal from the Nebraska Uniform Standard for Modular Housing may be moved from lot to lot within that Single Wide Manufactured Home Park but may not be moved to another park or location for residential purposes within Keith County.

Q. Storage Facilities.

R. Veterinary clinics not to exceed 1,200 square feet in gross floor area and not to include kennels for multi-day rental.

S. Water and Wastewater Treatment Facilities.

Section 4 Minimum Development Area
Shall be a Contiguous Quarter Section of Land

Section 5 Minimum yard and setback requirements:

Regulator	1-Family Detached	1-Family Attached	Duplex	Town-house	Multi-Family	Other Permitted Uses
Site Area per Housing Unit (sq ft)						
In Conventional Subdivisions	40,000	40,000	40,000	40,000	40,000	
In Cluster Subdivisions	40,000	40,000	40,000	20,000	10,000	
Minimum Lot Area						
In Conventional Subdivisions						
Individual Water and Wastewater	40,000	40,000	40,000	40,000	NA	
Community Water	20,000	20,000	20,000	20,000	NA	
Community Water and Wastewater	15,000	15,000	15,000	10,000	160,00	
In Cluster Subdivisions						
Individual Water and Wastewater	40,000	40,000	40,000	40,000	NA	
Community Water	20,000	20,000	20,000	20,000	NA	
Community Water and Wastewater	5,000	5,000	10,000	4,000 per unit	40,000	
Minimum Lot Width (feet)						
Interior Lots						
In Conventional Subdivisions	100	100	150	50	100	
In Cluster Subdivisions	50	50	75	35	75	
Corner Lots						
In Conventional Subdivisions	150	150	200	75	150	
In Cluster Subdivisions	75	75	100	40	100	
Minimum Yards (feet) (May be varied for cluster subdivisions consistent with Section 2)						
Front Yard	25	25	25	25	25	
Side Yard (for unattached side yards)	10	10	10	10	15	
Street Side Yard	25	25	15	15	25	
Rear Yard	30	30	30	30	30	
Maximum Height (feet)	35	35	35	35	45	
Maximum Building Coverage						
In Conventional Subdivisions	30%	30%	35%	45%	50%	
In Cluster Subdivisions	50%	50%	60%	60%	65%	

Section 6 Conditional Use minimum lot area, setbacks, height and related requirements:

Lot area	1 Acre
Average lot width	
Interior lot	100 feet
Corner lot	100 feet
Minimum lot width	50 feet
Minimum lot depth	150 feet
Front yard setback	25 feet from any street or private road right-of-way.
Rear yard setback	
Primary buildings	20 feet
Accessory buildings	10 feet
Side yard setback	
Interior lot	10 feet
Corner lot	20 feet
Maximum building height	30 feet

A. A landscaped area of at least ten (10) feet in width shall be provided adjacent to any street or private road abutting the commercial site.
B. If across a street or private roadway from a residential district, a landscaped area not less than 25 feet in width shall be provided paralleling the street or private roadway.
C. A landscape screen or solid fence at least six (6) feet in height shall be installed on the commercial property when abutting or adjacent to any residential property.
D. When abutting a residential district, the yard between the zone district boundary and any building shall be two (2) times the height of the proposed building.
E. Curb cuts may be permitted through the landscaped area.

Section 7 The use of land in this district shall also conform to the parking, signing and other provisions of this ordinance.

Section 8 Creation of Mixed Residential Districts (MRD's) shall follow the requirements and standards found in Subdivision Article 5 Large Scale Developments.

Section 9 Performance Requirements

A. The applicant shall satisfy the Planning Commission that they have the financial ability to carry out the proposed plan and shall prepare for submittal a schedule of construction. The proposed construction shall begin within a period of twelve months following the approval of the final plan by the County Board. A minimum of fifty percent of the total planned construction shown on the final plan shall be completed within a period of five years following such approval or the plan shall expire. The period of time established for the completion of the development may be modified by the Planning Commission upon the showing of good cause by the developer.
B. The developer shall provide and record easements and covenants, shall make such arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees as may be determined by the County Board to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan prior to completion.
C. The MRD shall include provisions for the ownership and maintenance of the common open spaces through a homeowner's association and such provisions as are reasonably necessary to insure it continuity, care, conservation and maintenance. The MRD shall include provisions to insure that remedial measures will be available to the County Board if the common open space is permitted to deteriorate or is not maintained in a condition consistent with the best interests of the residents of the MRD or of the entire neighboring community.

D. The MRD may allow for Cluster Developments provided they meet the definition found in this Ordinance and the developer creates an open space area which also contains a centralized sanitary sewer system

which meets all requirements of the Nebraska Department of Environment and Energy for design and capacity, including all necessary permits.

E. The approval of the preliminary plan may include a schedule or stages of development, however no building permits shall be issued outside of the consecutive stages of development and only when that entire 'stage' has received final plat approval.

Section 10 Density Bonuses apply only where there are community water and sewer systems:

A. The use of the MRD, in conjunction with Conservation Easements shall permit a developer the use of density bonuses in subdivisions served by community water and sewer systems

B. A Density Bonus shall be awarded in direct proportion to the amount of land in the proposed subdivision that is placed within a Conservation Easement.

For Example:
If a developer places 30% of the proposed subdivision into a Conservation Easement, then the required lot area may be reduced by 30% in order to maintain the same number of lots that would have been allowed by the subdivision lot area and the minimum lot size of the Zoning Ordinance:

Normal development with community water and sewer in the RR District.

- The development is 160 acres: 6,969,600 sq. ft.
- Minimum lot area in RR with community water and sewer is 40,000 sq. ft.
- Gross number of lots 174.
- Density bonus with Conservation Easement in RR with community water and sewer.
- The development is 160 acres: 6,969,600 sq. ft.
- RR zoning allows for 174 lots.
- 30% of land put in conservation easement: 2,090,880 sq. ft.
- New minimum lot size of 28,039 sq. ft.

Article 14 - Tourist Services District (TS)

Section 1 Intent
This district is intended to serve a developing area with retail/commercial uses that are frequently found near interchanges and busy highways, or in established resort/tourist areas in the villages and communities around the Lake. This district requires a conditional use permit for the integration of uses with the surrounding area. This district is not intended to serve all business activity, nor should this district be used to create endless commercial strips along major highways. Tourist related and community oriented businesses are the primary uses in this district.

Section 2 Uses Permitted by Right

- **A.** Bed and Breakfasts.
- **B.** Emergency Services.
- **C.** Flood Control and Irrigation.
- **D.** Governmental Facilities.
- **E.** Historic Sites and Tourist Information Centers.
- **F.** Liquor Sales (On-site consumption and carry out).
- **G.** Personal Solar Photovoltaic System.
- **H.** Personal Wind Energy System.
- **I.** Recreation and Parks (Public).
- **J.** Utility Substations and Transmission Lines.

Section 3 Conditional Uses Permitted by Special Review

- **A.** Amphitheaters.
- **B.** Aquariums.
- **C.** Arenas, Fairgrounds and Stadiums (Outdoor).
- **D.** Botanical Gardens.
- **E.** Bus and Taxi Depot.
- **F.** Caretaker or Business Related Living Quarters.
- **G.** Campgrounds to include RV parks.
- **H.** Commercial/Utility Wind Energy System.
- **I.** Dwelling Unit: Vacation Rental.
- **J.** Hotels and Motels.
- **K.** Large Scale Developments.
- **L.** Meteorological Tower.
- **M.** Museums.
- **N.** Outdoor Advertising Signs (Billboard Signs).
- **O.** Religious Facilities and Quarters.
- **P.** Restaurants up to 5,000 square feet.
- **Q.** Service stations up to 5,000 square feet.
- **R.** Sewage and wastewater treatment and water storage and treatment facilities.
- **S.** Stores and shops for the sale of goods at retail up to 5,000 square feet per business, but not including motor vehicles.
- **T.** Theaters.
- **U.** Zoos.

Section 4 Minimum Area, Yard Setbacks, Height Requirements, and Related Requirements.

Lot area	1 Acre
Average lot width	
Interior lot	100 feet
Corner lot	100 feet
Minimum lot width	50 feet
Minimum lot depth	150 feet
Front yard setback	25 feet from any street or private road right-of-way.
Rear yard setback	
Primary buildings	20 feet
Accessory buildings	10 feet

Side yard setback	
Interior lot	10 feet
Corner lot	20 feet
Maximum building height	30 feet

A. A landscaped area of at least ten (10) feet in width shall be provided adjacent to any street or private road abutting the commercial site.
B. If across a street or private roadway from a residential district, a landscaped area not less than 25 feet in width shall be provided paralleling the street or private roadway.
C. A landscape screen or solid fence at least six (6) feet in height shall be installed on the commercial property when abutting or adjacent to any residential property.
D. When abutting a residential district, the yard between the zone district boundary and any building shall be two (2) times the height of the proposed building.
E. Curb cuts may be permitted through the landscaped area.

Section 4A Supplementary Lot Area and Lot Width Regulations

A. Where an individual lot was held in separate ownership from adjoining properties, or was platted prior to March 21, 2018 in a recorded subdivision and has less area or less width than required in other sections of this resolution, such a lot may be occupied according to the permitted uses provided for the district in which the lot is located. Yard setbacks may be adjusted by the Zoning Administrator by finding that the requested yard setbacks are appropriate and conforming to the general yard setbacks of the surrounding properties.
B. For the purpose of complying with the provisions of this resolution, no part of an area or width of a lot shall be included as an area or width required for another lot.
C. No lot shall have a front lot line of street frontage of less than 40 feet, unless approved by the Keith County Planning Commission and the Keith County Board of County Commissioners.
D. All lots shall have a minimum depth to width ratio of no more than three (3) times the depth to the one (1) times the width.

Section 4B Supplementary Yard Regulations

A. Architectural features: Cornices, canopies, eaves or similar architectural features may extend into a required yard not more than two (2) feet.
B. Developed areas: In any district where lots comprising 50% or more of the frontage on one side of a street between intersecting streets have been improved with buildings at the time of passage of this resolution, the average front yard setback of such buildings shall be the minimum front yard setback required for all new construction in such block. In no instance shall the setback be less than ten (10) feet.
C. Fire escapes: Fire escapes may extend into a required yard not more than six (6) feet.
D. Patios and uncovered porches: Patios and uncovered, unenclosed porches may extend into a required front or rear yard not more than six (6) feet and a side yard of not more than three (3) feet.
E. Reduction: No part of a yard required for any building for the purpose of complying with the provisions of this resolution shall be included as a yard for another building and all yards shall be open and unobstructed except as otherwise provided herein.

Section 4C Supplementary Building Height Regulations

A. All dwellings shall be constructed with at least 50% of the roof surface higher than seven (7) feet from grade.
B. It shall be unlawful to construct, build or establish any buildings, trees, smokestacks, chimney, flagpole, wire, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing and take-off of aircraft at a public used airport.
C. Approvals of buildings of heights greater than permitted herein may occur when approved by the County with a Conditional Use Permit.

Section 5 Fences, Hedges, Walls, Shelterbelts and Windbreaks

A. No solid fence shall exceed six (6) feet in height except as necessary to comply with subsection F below.
B. Fences, hedges, trees, and walls will require a 40-foot clear area at all road intersections. Public signs are accepted. All fences may be constructed on or near the property line. No sharp or barbed wire will

be used without Conditional Use Permit approval.

C. No ponds, dams, waste lagoons and tail water recovery pits shall be constructed within 50 feet of Keith County road right-of-way without the approval of the Keith County road superintendent and a permit issued by the Keith County Planning and Zoning Department.

D. Ornamental fences, walls, and hedges not more than two and one-half (2½) feet in height shall be permitted in the front yard of any district.

E. Fences, hedges, and walls higher than two and one half (2½) feet shall be set back from the front lot line three (3) feet for each foot of fence height exceeding two and one-half (2½).

F. All outdoor swimming pools shall be enclosed by a fence or wall at least six (6) feet but not more than eight (8) feet in height with a gate or gates which are self-closing and locking.

Section 6 Parking

A. Each required off-street parking space shall be at least eight and one half (8½) feet in width and at least 20 feet in length, exclusive of driving aisles, ramps, columns, or work areas, provided that the minimum length of parallel parking spaces shall be at least 23 feet and further provided that parking space dimensions for handicapped drivers shall be as established in the standards set for the American with Disabilities Act. Such Parking spaces shall have adequate vertical clearance to allow each space to be used for parking.

B. Except for single family and two family dwellings, each required off-street parking space shall open directly upon a driving aisle of sufficient width, as noted below, in order to provide an efficient means of vehicular access to and from such parking spaces and such driving aisles shall be unobstructed and allow for passage of emergency vehicles.

Parking Angle * (in degrees)	Minimum Aisle Width (in feet)
LESS THAN 45	12
50	14
65	18
95	24

*Angle shall be measured between the centerline of the parking space and the centerline of the driving aisle

C. Off-street parking spaces maybe located in the required front yard setback except in residential districts and as otherwise provided in these regulations, provided that, any landscape buffer or landscape screen required by the applicable zoning district regulations shall be provided along the front property line.

D. The minimum number of off-street parking spaces required for the various uses permitted under these regulations shall be as follows:

1. One (1) parking space per 600 square feet of floor area.

E. Parking Requirements; Special Conditions

The following special conditions shall apply to the listed uses in place of the parking requirements found in the parking matrix:

1. Group Homes – One (1) space per three (3) clients or employee residents, plus two (2) spaces per three (3) nonresident employees on the largest shift.
2. Auditoriums, theaters, stadium, amphitheaters, and other places of assembly – One (1) space per 50 square feet of seating area plus parking for affiliated uses.
3. Golf Courses – Two (2) spaces per hole on course plus one (1) space per each 300 square feet of floor area in affiliated uses.
4. Religious Facilities and Schools – One (1) space per 50 square feet in largest assembly hall as determined by the County.

F. Parking requirements for buildings containing more than one (1) use shall be established by determining the required number of spaces for each separate use.

Article 15 - Highway District (HD)

Section 1 Intent

This district is intended to serve those areas within and adjacent to existing communities that are designed primarily to serve one stop shopping or auto related needs. This district should not be used to create an endless business strip along major highways. This district will be located along highways to adequately serve auto related and convenience needs.

Section 2 Uses Permitted by Right

- **A.** Automotive, agricultural implement, marine craft, or recreational vehicle sales, rentals, services, and storage.
- **B.** Aquariums.
- **C.** Amphitheaters, auditoriums, fairgrounds, exhibition halls, arenas and stadiums.
- **D.** Bus, Taxi, and Train Depots.
- **E.** Banks and Financial Institutions.
- **F.** Building Materials Sales.
- **G.** Car Wash.
- **H.** Clubs.
- **I.** Colleges and Universities.
- **J.** Communication Centers and Telephone Exchanges.
- **K.** Construction Yards and Services.
- **L.** Cemeteries, Mausoleums and Crematories.
- **M.** Dry Cleaners.
- **N.** Emergency Services.
- **O.** Flood Control and Irrigation Facilities.
- **P.** Governmental Facilities.
- **Q.** Historic Sites and Tourist Information Centers.
- **R.** Health Care Facilities.
- **S.** Hotels and Motels.
- **T.** Liquor Sales (On-site consumption and carry out).
- **U.** Parking Garages.
- **V.** Personal Solar Photovoltaic System.
- **W.** Personal Wind Energy System.
- **X.** Plant Nursery and Sales.
- **Y.** Printing and Newspapers.
- **Z.** Recreation and Parks (Public and Private)
- **AA.** Religious Facilities and Quarters.
- **BB.** Restaurants, including drive-in restaurants.
- **CC.** Sewage and wastewater treatment facilities and water storage and treatment facilities.
- **DD.** Service Stations.
- **EE.** Theaters.
- **FF.** Utility Substations and Transmission Lines.
- **GG.** Veterinary Hospitals.

Section 3 Conditional Uses Permitted by Special Review

- **A.** Amusement Parks.
- **B.** Caretaker of business related to living quarters.
- **C.** Gas Storage and Distribution.
- **D.** Kennels.
- **E.** Large Scale Development (Commercial).
- **F.** Meteorological Towers.
- **G.** Outdoor Advertising Signs (Billboard Signs).
- **H.** Retail Stores.
- **I.** Single Wide Manufactured Home Sales

Section 4 Minimum Area, Yard Setbacks, Height Requirements, and Related Requirements.

Lot area	1 Acre
Average lot width	
Interior lot	100 feet
Corner lot	100 feet
Minimum lot width	50 feet
Minimum lot depth	150 feet
Front yard setback	25 feet from any street or private road right-of-way.
Rear yard setback	
Primary buildings	20 feet
Accessory buildings	10 feet
Side yard setback	
Interior lot	10 feet
Corner lot	20 feet
Maximum building height	30 feet

A. A landscaped area of at least ten (10) feet in width shall be provided adjacent to any street or private road abutting the commercial site.
B. If across a street or private roadway from a residential district, a landscaped area not less than 25 feet in width shall be provided paralleling the street or private roadway.
C. A landscape screen or solid fence at least six (6) feet in height shall be installed on the commercial property when abutting or adjacent to any residential property.
D. When abutting a residential district, the yard between the zone district boundary and any building shall be two (2) times the height of the proposed building.
E. Curb cuts may be permitted through the landscaped area.

Section 4A Supplementary Lot Area and Lot Width Regulations

A. Where an individual lot was held in separate ownership from adjoining properties, or was platted prior to March 21, 2018 in a recorded subdivision and has less area or less width than required in other sections of this resolution, such a lot may be occupied according to the permitted uses provided for the district in which the lot is located. Yard setbacks may be adjusted by the Zoning Administrator by finding that the requested yard setbacks are appropriate and conforming to the general yard setbacks of the surrounding properties.
B. For the purpose of complying with the provisions of this resolution, no part of an area or width of a lot shall be included as an area or width required for another lot.
C. No lot shall have a front lot line of street frontage of less than 40 feet, unless approved by the Keith County Planning Commission and the Keith County Board of County Commissioners.
D. All lots shall have a minimum depth to width ratio of no more than three (3) times the depth to the one (1) times the width.

Section 4B Supplementary Yard Regulations

A. Architectural features: Cornices, canopies, eaves or similar architectural features may extend into a required yard not more than two (2) feet.
B. Developed areas: In any district where lots comprising 50% or more of the frontage on one side of a street between intersecting streets have been improved with buildings at the time of passage of this resolution, the average front yard setback of such buildings shall be the minimum front yard setback required for all new construction in such block. In no instance shall the setback be less than ten (10) feet.
C. Fire escapes: Fire escapes may extend into a required yard not more than six (6) feet.
D. Patios and uncovered porches: Patios and uncovered, unenclosed porches may extend into a required front or rear yard not more than six (6) feet and a side yard of not more than three (3) feet.
E. Reduction: No part of a yard required for any building for the purpose of complying with the provisions of this resolution shall be included as a yard for another building and all yards shall be open and unobstructed except as otherwise provided herein.

Section 4C Supplementary Building Height Regulations

A. All dwellings shall be constructed with at least 50% of the roof surface higher than seven (7) feet from grade.

B. It shall be unlawful to construct, build or establish any buildings, trees, smokestacks, chimney, flagpole, wire, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing and take-off of aircraft at a public used airport.

C. Approvals of buildings of heights greater than permitted herein may occur when approved by the County with a Conditional Use Permit.

Section 5 Fences, Hedges, Walls, Shelterbelts and Windbreaks

A. No solid fence shall exceed six (6) feet in height except as necessary to comply with subsection F below.

B. Fences, hedges, trees, and walls will require a 40-foot clear area at all road intersections. Public signs are accepted. All fences may be constructed on or near the property line. No sharp or barbed wire will be used without Conditional Use Permit approval.

C. No ponds, dams, waste lagoons and tail water recovery pits shall be constructed within 50 feet of Keith County road right-of-way without the approval of the Keith County road superintendent and a permit issued by the Keith County Planning and Zoning Department.

D. Ornamental fences, walls, and hedges not more than two and one-half (2½) feet in height shall be permitted in the front yard of any district.

E. Fences, hedges, and walls higher than two and one half (2½) feet shall be set back from the front lot line three (3) feet for each foot of fence height exceeding two and one-half (2½).

F. All outdoor swimming pools shall be enclosed by a fence or wall at least six (6) feet but not more than eight (8) feet in height with a gate or gates which are self-closing and locking.

Section 6 Parking

A. Each required off-street parking space shall be at least eight and one half (8 ½) feet in width and at least 20 feet in length, exclusive of driving aisles, ramps, columns, or work areas, provided that the minimum length of parallel parking spaces shall be at least 23 feet and further provided that parking space dimensions for handicapped drivers shall be as established in the standards set for the American with Disabilities Act. Such Parking spaces shall have adequate vertical clearance to allow each space to be used for parking.

B. Except for single family and two family dwellings, each required off-street parking space shall open directly upon a driving aisle of sufficient width, as noted below, in order to provide an efficient means of vehicular access to and from such parking spaces and such driving aisles shall be unobstructed and allow for passage of emergency vehicles.

Parking Angle * (in degrees)	Minimum Aisle Width (in feet)
LESS THAN 45	12
51	14
66	18
96	24

*Angle shall be measured between the centerline of the parking space and the centerline of the driving aisle

C. Off-street parking spaces maybe located in the required front yard setback except in residential districts and as otherwise provided in these regulations, provided that, any landscape buffer or landscape screen required by the applicable zoning district regulations shall be provided along the front property line.

D. The minimum number of off-street parking spaces required for the various uses permitted under these regulations shall be as follows:

1. One (1) parking space per 300 square feet of floor area.

E. Parking Requirements; Special Conditions

The following special conditions shall apply to the listed uses in place of the parking requirements found in the parking matrix:

1. Group Homes – One (1) space per three (3) clients or employee residents, plus two (2) spaces per three (3) nonresident employees on the largest shift.
2. Nursing Care Facilities – One (1) space per three (3) beds.

3. Auditoriums, theaters, stadium, amphitheaters, and other places of assembly – One (1) space per 50 square feet of seating area plus parking for affiliated uses.
4. Golf Courses – Two (2) spaces per hole on course plus one (1) space per each 300 square feet of floor area in affiliated uses.
5. Religious Facilities and Schools – One (1) space per 50 square feet in largest assembly hall as determined by the County.

F. Parking requirements for buildings containing more than one (1) use shall be established by determining the required number of spaces for each separate use.

Article 16 - General Business District (GB)

Section 1 Intent
The general business district serves existing multipurpose business areas such as established in the existing communities and the expansion of such areas.

Section 2 Uses Permitted by Right

A. Amphitheaters and Auditoriums.
B. Appliance and Household Items Repair and Sales.
C. Aquariums.
D. Art Galleries.
E. Automotive Accessory Repair and Sales.
F. Banking and Financial Institutions.
G. Botanical Gardens.
H. Bus and Taxi Depots.
I. Clubs.
J. Colleges and Universities.
K. Communication Centers and Telephone Exchanges.
L. Dry Cleaning and Laundry.
M. Electrical Shops.
N. Emergency Services.
O. Flood Control and Irrigating Facilities.
P. Gas Stations.
Q. Governmental Facilities.
R. Health Care Facilities.
S. Historic Sites.
T. Hotels and Motels.
U. Libraries.
V. Liquor Sales (Carry out).
W. Liquor Sales (On-site consumption and carry out).
X. Mortuaries.
Y. News Syndicate Services.
Z. Office Services.
AA. Parking Garages.
BB. Personal Services Shops.
CC. Personal Solar Photovoltaic System.
DD. Personal Wind Energy System.
EE. Plant Nursery.
FF. Preschools and Child Care Facilities.
GG. Printing and Newspaper Offices.
HH. Professional and Business Offices.
II. Recreation and Park Facilities.
JJ. Religious Facilities and Quarters.
KK. Rental Agencies.
LL. Restaurant, with or without drive-ins.
MM. Retail Sales.
NN. Theaters, excluding drive-ins.
OO. Tourist Information.
PP. Train Depots.
QQ. Utility Substations and Transmission Lines.
RR. Veterinary Hospitals.

Section 3 Conditional Uses Permitted by Special Review

A. Automotive Vehicles Sales and Services.
B. Building Materials Sales.
C. Caretakers of business, related living quarters.
D. Car Wash.
E. Commercial/Utility Wind Energy System.

F. Large Scale Development (Commercial).
G. Liquor Sales (On-site consumption).
H. Meteorological Tower.
I. Outdoor Advertising Signs (Billboard Signs).
J. Recreation (Commercial).
K. Service Stations.
L. Sewage and waste water treatment facilities, and water storage and treatment facilities.

Section 4 Minimum Area, Yard Setbacks, Height Requirements, and Related Requirements.

Lot area	1 Acre
Average lot width	
Interior lot	100 feet
Corner lot	100 feet
Minimum lot width	50 feet
Minimum lot depth	150 feet
Front yard setback	25 feet from any street or private road right-of-way.
Rear yard setback	
Primary buildings	20 feet
Accessory buildings	10 feet
Side yard setback	
Interior lot	10 feet
Corner lot	20 feet
Maximum building height	30 feet

A. A landscaped area of at least ten (10) feet in width shall be provided adjacent to any street or private road abutting the commercial site.
B. If across a street or private roadway from a residential district, a landscaped area not less than 25 feet in width shall be provided paralleling the street or private roadway.
C. A landscape screen or solid fence at least six (6) feet in height shall be installed on the commercial property when abutting or adjacent to any residential property.
D. When abutting a residential district, the yard between the zone district boundary and any building shall be three (3) times the height of the proposed building.
E. Curb cuts may be permitted through the landscaped area.

Section 4A Supplementary Lot Area and Lot Width Regulations

A. Where an individual lot was held in separate ownership from adjoining properties, or was platted prior to March 21, 2018 in a recorded subdivision and has less area or less width than required in other sections of this resolution, such a lot may be occupied according to the permitted uses provided for the district in which the lot is located. Yard setbacks may be adjusted by the Zoning Administrator by finding that the requested yard setbacks are appropriate and conforming to the general yard setbacks of the surrounding properties.
B. For the purpose of complying with the provisions of this resolution, no part of an area or width of a lot shall be included as an area or width required for another lot.
C. No lot shall have a front lot line of street frontage of less than 40 feet, unless approved by the Keith County Planning Commission and the Keith County Board of County Commissioners.
D. All lots shall have a minimum depth to width ratio of no more than three (3) times the depth to the one (1) times the width.

Section 4B Supplementary Yard Regulations

A. Architectural features: Cornices, canopies, eaves or similar architectural features may extend into a required yard not more than two (2) feet.
B. Developed areas: In any district where lots comprising 50% or more of the frontage on one side of a street between intersecting streets have been improved with buildings at the time of passage of this resolution, the average front yard setback of such buildings shall be the minimum front yard setback required for all new construction in such block. In no instance shall the setback be less than ten (10) feet.
C. Fire escapes: Fire escapes may extend into a required yard not more than six (6) feet.
D. Patios and uncovered porches: Patios and uncovered, unenclosed porches may extend into a required

front or rear yard not more than six (6) feet and a side yard of not more than three (3) feet.

E. Reduction: No part of a yard required for any building for the purpose of complying with the provisions of this resolution shall be included as a yard for another building and all yards shall be open and unobstructed except as otherwise provided herein.

Section 4C Supplementary Building Height Regulations

A. All dwellings shall be constructed with at least 50% of the roof surface higher than seven (7) feet from grade.

B. It shall be unlawful to construct, build or establish any buildings, trees, smokestacks, chimney, flagpole, wire, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing and take-off of aircraft at a public used airport.

C. Approvals of buildings of heights greater than permitted herein may occur when approved by the County with a Conditional Use Permit.

Section 5 Fences, Hedges, Walls, Shelterbelts and Windbreaks

A. No solid fence shall exceed six (6) feet in height except as necessary to comply with subsection F below.

B. Fences, hedges, trees, and walls will require a 40-foot clear area at all road intersections. Public signs are accepted. All fences may be constructed on or near the property line. No sharp or barbed wire will be used without Conditional Use Permit approval.

C. No ponds, dams, waste lagoons and tail water recovery pits shall be constructed within 50 feet of Keith County road right-of-way without the approval of the Keith County road superintendent and a permit issued by the Keith County Planning and Zoning Department.

D. Ornamental fences, walls, and hedges not more than two and one-half (2½) feet in height shall be permitted in the front yard of any district.

E. Fences, hedges, and walls higher than two and one half (2½) feet shall be set back from the front lot line three (3) feet for each foot of fence height exceeding two and one-half (2½).

F. All outdoor swimming pools shall be enclosed by a fence or wall at least six (6) feet but not more than eight (8) feet in height with a gate or gates which are self-closing and locking.

Section 6 Parking

A. Each required off-street parking space shall be at least eight and one half (8½) feet in width and at least 20 feet in length, exclusive of driving aisles, ramps, columns, or work areas, provided that the minimum length of parallel parking spaces shall be at least 23 feet and further provided that parking space dimensions for handicapped drivers shall be as established in the standards set for the American with Disabilities Act. Such Parking spaces shall have adequate vertical clearance to allow each space to be used for parking.

B. Except for single family and two family dwellings, each required off-street parking space shall open directly upon a driving aisle of sufficient width, as noted below, in order to provide an efficient means of vehicular access to and from such parking spaces and such driving aisles shall be unobstructed and allow for passage of emergency vehicles.

Parking Angle * (in degrees)	Minimum Aisle Width (in feet)
LESS THAN 45	12
52	14
67	18
97	24

*Angle shall be measured between the centerline of the parking space and the centerline of the driving aisle

C. Off-street parking spaces maybe located in the required front yard setback except in residential districts and as otherwise provided in these regulations, provided that, any landscape buffer or landscape screen required by the applicable zoning district regulations shall be provided along the front property line.

D. The minimum number of off-street parking spaces required for the various uses permitted under these regulations shall be as follows:

1. One (1) parking space per 300 square feet of floor area.

2. Two (2) parking spaces per three (3) persons on max shift or one (1) parking space per 1,000 square feet of floor area.

E. Parking Requirements; Special Conditions

The following special conditions shall apply to the listed uses in place of the parking requirements found in the parking matrix:

1. Nursing Care Facilities – One (1) space per three (3) beds.
2. Auditoriums, theaters, stadium, amphitheaters, and other places of assembly – One (1) space per 50 square feet of seating area plus parking for affiliated uses.
3. Golf Courses – Two (2) spaces per hole on course plus one (1) space per each 300 square feet of floor area in affiliated uses.
4. Religious Facilities and Schools – One (1) space per 50 square feet in largest assembly hall as determined by the County.

F. Parking requirements for buildings containing more than one (1) use shall be established by determining the required number of spaces for each separate use.

Article 17 - Heavy Industrial District (HI)

Section 1 Intent
It is intended that this district serve the heavier industrial uses requiring heavy truck traffic, and creating noise, smoke and odor. This district will frequently serve the needs of agricultural related business. It is also intended to be used within and adjacent to existing communities.

Section 2 Uses Permitted by Right

- **A.** Any manufacturing, processing, fabrication or warehousing activity that is completely confined within a closed building and does not normally emit noise, smoke, or odor outside of the building.
- **B.** Gas Storage and Distribution.
- **C.** Governmental Facilities.
- **D.** Oil and Gas Drilling.
- **E.** Personal Solar Photovoltaic System.
- **F.** Personal Wind Energy System.
- **G.** Recreation (Public).
- **H.** Related commercial activities such as offices, restaurants, or gas stations and other commercial activities that primarily serve industrial activities.
- **I.** Religious Facilities and Quarters.
- **J.** Sewage and wastewater treatment facilities, and water storage and treatment facilities.
- **K.** Utility Offices and Storage Yards.
- **L.** Utility Substations and Transmission Lines.

Section 3 Conditional Uses Permitted by Special Review

- **A.** Airports and Landing Strips.
- **B.** Auto Wrecking Yards and Other Salvage Operations.
- **C.** Cement, Lime or Gypsum Processing.
- **D.** Chemical Plants.
- **E.** Crop Dehydrators.
- **F.** Fertilizer Manufacturing.
- **G.** Implement Sales and Service.
- **H.** Large Scale Development (Industrial).
- **I.** Meteorological Tower.
- **J.** Power Generating Facilities.
- **K.** Slaughter Houses.
- **L.** Stockyards.
- **M.** Tanneries.
- **N.** Those industrial uses which normally are associated with noise, odor or smoke, but due to site or method of design, can be compatible with the intent of the district.

Section 4 Minimum Area, Yard Setbacks, Height Requirements, and Related Requirements.

Lot area	1 Acre
Average lot width	
Interior lot	100 feet
Corner lot	100 feet
Minimum lot width	50 feet
Minimum lot depth	150 feet
Front yard setback	25 feet from any street or private road right-of-way.
Rear yard setback	
Primary buildings	20 feet
Accessory buildings	10 feet
Side yard setback	
Interior lot	10 feet
Corner lot	20 feet
Maximum building height	40 feet

- **A.** A landscaped area of at least ten (10) feet in width shall be provided adjacent to any street or private road abutting the industrial site.

B. If across a street or private roadway from a residential district, a landscaped area not less than 25 feet in width shall be provided paralleling the street or private roadway.
C. A landscape screen or solid fence at least six (6) feet in height shall be installed on the industrial property when abutting or adjacent to any residential property.
D. When abutting a residential district, the yard between the zone district boundary and any building shall be three (3) times the height of the proposed building.
E. Curb cuts may be permitted through the landscaped area.

Section 4A Supplementary Lot Area and Lot Width Regulations

A. Where an individual lot was held in separate ownership from adjoining properties, or was platted prior to March 21, 2018 in a recorded subdivision and has less area or less width than required in other sections of this resolution, such a lot may be occupied according to the permitted uses provided for the district in which the lot is located. Yard setbacks may be adjusted by the Zoning Administrator by finding that the requested yard setbacks are appropriate and conforming to the general yard setbacks of the surrounding properties.
B. For the purpose of complying with the provisions of this resolution, no part of an area or width of a lot shall be included as an area or width required for another lot.
C. No lot shall have a front lot line of street frontage of less than 40 feet, unless approved by the Keith County Planning Commission and the Keith County Board of County Commissioners.
D. All lots shall have a minimum depth to width ratio of no more than three (3) times the depth to the one (1) times the width.

Section 4B Supplementary Yard Regulations

A. Architectural features: Cornices, canopies, eaves or similar architectural features may extend into a required yard not more than two (2) feet.
B. Developed areas: In any district where lots comprising 50% or more of the frontage on one side of a street between intersecting streets have been improved with buildings at the time of passage of this resolution, the average front yard setback of such buildings shall be the minimum front yard setback required for all new construction in such block. In no instance shall the setback be less than ten (10) feet.
C. Fire escapes: Fire escapes may extend into a required yard not more than six (6) feet.
D. Patios and uncovered porches: Patios and uncovered, unenclosed porches may extend into a required front or rear yard not more than six (6) feet and a side yard of not more than three (3) feet.
E. Reduction: No part of a yard required for any building for the purpose of complying with the provisions of this resolution shall be included as a yard for another building and all yards shall be open and unobstructed except as otherwise provided herein.

Section 4C Supplementary Building Height Regulations

A. All dwellings shall be constructed with at least 50% of the roof surface higher than seven (7) feet from grade.
B. It shall be unlawful to construct, build or establish any buildings, trees, smokestacks, chimney, flagpole, wire, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing and take-off of aircraft at a public used airport.
C. Approvals of buildings of heights greater than permitted herein may occur when approved by the County with a Conditional Use Permit.

Section 5 Fences, Hedges, Walls, Shelterbelts and Windbreaks

A. No solid fence shall exceed six (6) feet in height except as necessary to comply with subsection F below.
B. Fences, hedges, trees, and walls will require a 40-foot clear area at all road intersections. Public signs are accepted. All fences may be constructed on or near the property line. No sharp or barbed wire will be used without Conditional Use Permit approval.
C. No ponds, dams, waste lagoons and tail water recovery pits shall be constructed within 50 feet of Keith County road right-of-way without the approval of the Keith County road superintendent and a permit issued by the Keith County Planning and Zoning Department.
D. Ornamental fences, walls, and hedges not more than two and one-half (2½) feet in height shall be permitted in the front yard of any district.
E. Fences, hedges, and walls higher than two and one half (2½) feet shall be set back from the front lot

line three (3) feet for each foot of fence height exceeding two and one-half (2½).

F. All outdoor swimming pools shall be enclosed by a fence or wall at least six (6) feet but not more than eight (8) feet in height with a gate or gates which are self-closing and locking.

Section 6 Parking

A. Each required off-street parking space shall be at least eight and one half (8½) feet in width and at least 20 feet in length, exclusive of driving aisles, ramps, columns, or work areas, provided that the minimum length of parallel parking spaces shall be at least 23 feet and further provided that parking space dimensions for handicapped drivers shall be as established in the standards set for the American with Disabilities Act. Such Parking spaces shall have adequate vertical clearance to allow each space to be used for parking.

B. Except for single family and two family dwellings, each required off-street parking space shall open directly upon a driving aisle of sufficient width, as noted below, in order to provide an efficient means of vehicular access to and from such parking spaces and such driving aisles shall be unobstructed and allow for passage of emergency vehicles.

Parking Angle * (in degrees)	Minimum Aisle Width (in feet)
LESS THAN 45	12
53	14
68	18
98	24

*Angle shall be measured between the centerline of the parking space and the centerline of the driving aisle

C. Off-street parking spaces maybe located in the required front yard setback except in residential districts and as otherwise provided in these regulations, provided that, any landscape buffer or landscape screen required by the applicable zoning district regulations shall be provided along the front property line.

D. The minimum number of off-street parking spaces required for the various uses permitted under these regulations shall be as follows:

1. Two (2) parking spaces per three (3) persons on max shift or one (1) parking space per 1,000 square feet of floor area.

E. Parking Requirements; Special Conditions

The following special conditions shall apply to the listed uses in place of the parking requirements found in the parking matrix:

1. Golf Courses – Two (2) spaces per hole on course plus one (1) space per each 300 square feet of floor area in affiliated uses.
2. Religious Facilities and Schools – One (1) space per 50 square feet in largest assembly hall as determined by the County.
3. Salvage Yards – Six (6) spaces, or two (2) spaces per acre of lot area, or one (1) space per 1,000 square feet of floor area, whichever is greater.

F. Parking requirements for buildings containing more than one (1) use shall be established by determining the required number of spaces for each separate use.

Article 18 - Entryway Corridor Planned Development District (ECPD) (Overlay) and Lake Area

Section 1 Purpose and Intent

The Entryway Corridor Planned Development District **(See Figure 18.1)** is intended to assure that development in strategic segments of the Highway 26, Highway 30, Highway 61, and Highway 92 corridors take advantage of growth opportunities while maintaining the rural character of Keith County. The district establishes design standards and performance requirements that protect the visual integrity of the corridor and advance the development objectives of Keith County. These objectives include:

- Recognizing the growth and development opportunities created by increasing numbers of visitors and residents attracted to Lake McConaughy.
- Providing design standards that assure that development respect the character of the rural character.
- Maintaining the functioning of Highway 26, Highway 30, Highway 61, and Highway 92 as major regional arterials and preventing the traffic congestion caused by mixing regional and local commercial traffic.
- Provides flexibility that allows a variety of uses, but requires that amenities increase in proportion to the intensity of land use.

The ECPD District is used in combination with base districts set forth by the Keith County Zoning Regulations. It provides special regulations that modify the standards established by those base districts.

Section 2 Applicability

The standards of the District apply to development projects or proposals that include one or more of the following conditions:

A. Subdivision of land for any purpose.
B. Change of use or introduction of new uses to any parcel or site within the District boundaries.
C. Any new commercial or industrial, or expansion of an existing commercial or industrial use that increases the gross floor area of a building devoted to such use by 50%, or the site area devoted to such use by 25%.
D. Any use that includes the development or expansion of outdoor storage or display areas.

The following uses or projects are considered exempt from the special project review procedures set forth by these standards.

A. Expansion or renovation of existing houses or accessory buildings to existing houses.
B. Expansion of existing non-residential buildings or uses, which add less than 50% to the gross floor area of a building or buildings or 25% of the site area, devoted to such uses.
C. Construction of structures accessory to existing agricultural uses.

Section 3 Permitted Uses

The underlying base district determines uses permitted in the ECPD District

Section 4 Project Evaluation

A. Performance Point Evaluation Requirements

All projects, which come under the jurisdiction of special project review under these regulations, shall be required to achieve a minimum score, based on the standards set forth in Section 5, prior to receiving approval for development or construction. The Zoning Administrator, who shall maintain a written record of the evaluation, shall initially evaluate projects. The Zoning Administrator's project review shall be reviewed and confirmed by the Keith County Planning Commission. The Planning Commission shall also determine that the project is consistent with the objectives of the Keith County Comprehensive Plan. The Planning Commission may approve the project if it determines that:

1. The project has satisfied both the base standards and the performance point's requirements set forth in this district.
2. The project is consistent with the Keith County Comprehensive Plan.

B. Performance Point Thresholds

In order to receive approval, projects shall achieve the following point totals:

Project Type	Performance Point Requirements
Residential Uses or Subdivisions	25
Mixed Use Projects, incorporating both residential and non-residential uses, in which the secondary use makes up at least 30% of the site area of the total site.	50
Office Uses	60
Commercial Uses	70
Industrial Uses	Permitted only as an accessory to a primary uses and accounting for less than 20% of the building and site area of the primary use. Inclusion of any accessory industrial uses increases the point requirement of the primary use by 10 points.

Section 5 Base Standards and Performance Point Awards

A. Setback, Height, and Frontage Requirements

Minimum front yard setbacks shall be 50 feet from the right-of-way of Highway 26, Highway 30, Highway 61, and Highways 92 and 25 feet from any other roadway. Height regulations shall be as provided by the base district. However, projects, which provide no parking, storage, or display in the street yard between the building and the Highway 26, Highway 30, Highway 61, and Highway 92 rights-of-way, are permitted to reduce the front yard setback by up to 25%. This street yard area must be entirely landscaped to utilize this reduction.
Minimum frontage of commercial lots along Highway 61 south of its intersection with Highway 26 shall be 700 feet and 200 feet along Highway 26, Highway 61, and Highway 92 surrounding Lake McConaughy and immediately north of the Highway 61 and Highway 92 junction. The minimum frontage of commercial lots along Highway 30 shall be 200 feet for its entire length.

B. Paved Surfaces or Building Facades Viewed from the Highway

Base Standard: The combined horizontal distance of parking, display, storage areas, and building facades along Highway 26, Highway 30, Highway 61 and Highway 92 shall not exceed 50% of the frontage of the property along the highways. The remaining area shall be landscaped, cultivated, or maintained in native vegetation

Performance Point Bonuses

Points Awarded	
15	The combined total is 20% or less of the frontage.
10	The combined total is 21% to 30% of the frontage.
5	The combined total is 31% to 40% of the frontage.
0	The combined total is 41% to 50% of the frontage.

C. Landscaped Areas

Base Standard: All projects must provide a minimum landscaped area setback of 20 feet from the property line along Highway 26, Highway 30, Highway 61, and Highway 92, or any other public roadway and 5% interior landscaping within any parking lot that provides parking for more than 50 vehicles or open display area in excess of 15,000 square feet. The area of required landscaping shall be calculated according to the following formula:

Landscaped area = (20 x Frontage) + (.05 x parking or display lot area)
Example: If a development is built along a 1,000-foot frontage and includes parking for 50 cars, its required landscaping is (1,000 x 20 feet) or 20,000 square feet plus 5% of the area of the parking lot.

Performance Points Bonuses

Points Awarded	
20	Project provides 2 times the base standard of landscaped area.
15	Project provides 1.75 times the base standard of landscaped area.
10	Project provides 1.5 times the base standard of landscaped area.
5	Project provides 1.25 times the base standard of landscaped area.
0	Project meets minimum standards.

D. Signage

Base Standard: For any individual lot or premise, signage shall comply with the standards established below. In the Entryway District, all detached signs shall be monument or ground signs.

Base Standards for Signs

Use	Total Sign Budget per Premise (square feet)	Maximum Total Signage per Premise (square feet)	Detached Signs per Premise	Maximum Size for Detached Sign	Maximum Wall Area for Attached Signs	Maximum Sign Height for Detached Signs
Single-Family Residential	4	4	0	4	4 sq ft	6
Multi-family Residential or Subdivision Entrance Sign	32	32	1	32	32 sq ft	8
Office or Mixed Use	0.5 x Street Frontage	200	1/500 feet of frontage	100	10% of wall area	12
Commercial	1.0 x Street Frontage	400	1/500 feet of frontage	150	20% of wall area	15

Performance Point Bonuses

Points Awarded	
20	Total sign area = 20% or less of permitted sign area
15	Total sign area = 20% to 40% of permitted sign area
10	Total sign area = 40% to 60% of permitted sign area
5	Total sign area = 60% to 80% of permitted sign area
0	Total sign area = 80% to 100% of permitted sign area

E. Parking in Street Yards

Base Standard: A maximum of 60% of the parking for a project can be located in the Highway 26, Highway 3, Highway 61, and Highway 92 street yard, defined as the area between the horizontal face of a building and the facing of Highway 26, Highway 30, Highway 61, and Highway 92 right-of-way lines.

Performance Point Bonuses

Points Awarded	
20	10% or less of the project's parking is located in a street yard
15	11%-20% of the project's parking is located in a street yard
10	21%-35% of the project's parking is located in a street yard
5	36%-50% of the project's parking is located in a street yard
0	51%-60% of the project's parking is located in a street yard

.

F. Access to Sites

Base Standard: Access to any project shall be accomplished in one of two ways:

1. A highway access point approved by the Nebraska Department of Roads. No such access shall generally be closer than 1,320 feet from any other point of access; or
2. An access road typically set back at least 200 feet from the right-of-way lines of Highway 26, Highway 30, Highway 61, and Highway 92 and providing access to the property opposite Highway 26, Highway 30, Highway 61, and Highway 92. The intersection of the access road and any other road or drive leading to Highway 26, Highway 30, Highway 61 and Highway 92 at least 300 feet back from the intersection of such road and the highway.

G. Impervious Coverage and Storm Water Management

1. Base Standard: Impervious Coverage, defined as the ratio of paved areas and building footprints to overall site area for projects shall not exceed the following maximum limits:

Type of Use	Maximum Impervious Coverage (as a % of total site area)
Residential with lot sizes over one acre	20%
Residential with lot sizes under one acre	30%
Office Uses	40%
Commercial Uses	50%

2. No development shall cause more storm water to be discharged onto a neighboring property than was discharged prior to development.

Performance Point Bonuses

Points Awarded	
20	Impervious coverage is 50% or less of the permitted maximum.
15	Impervious coverage is 51% to 60% of the permitted maximum
10	Impervious coverage is from 61% to 70% of the permitted maximum.
5	Impervious coverage is from 71% to 85% of the permitted maximum.
0	Impervious coverage is from 86% to 100% of the permitted maximum.

H. Displays

Items on outdoor display must be set back at least 75 feet from the edge of the Highway 26, Highway 30, Highway 61, and Highway 92 rights-of-way and may not be located within required landscaped areas. Such items shall be arranged so as not to parallel the highway right-of-way at a constant distance. The average setback of displayed items shall be at least 1.25 the setback of the item on display closest to the highway right-of-way.

I. Incentives and Bonuses

Projects may earn development points by providing special design features or amenities. Points shall be awarded up to a maximum number on review by the Zoning Administrator subject to standards and guidelines established in the table below.

Incentives for Development of Amenities

Feature	Point Range	Evaluation Features
Pedestrian/Bicycle Trail Access	0-15	Presence of future connections to a trail developed along or near Highway 26, Highway 30, Highway 61, and Highway 92.
Building Articulation	10	Frequency in breaks of long building walls. To receive credit, building facades should be offset by a minimum of five feet for every 100 feet of horizontal distance.
Building Materials	0-15	Use of brick or building stone in the facade of buildings. Scores vary as follows: 5 points if up to 30% of the façade area is in brick or stone 10 points if 31% to 50% of the façade area is in brick or stone 15 points if over 50% of the façade area is in brick or stone
Use of Pitched or Gabled Roofs	0-10	Score vary as follows: 5 points if roofs with a minimum roof pitch of 1:5 account for 50% to 75% of the roof area of the building. 10 points if roofs with a minimum roof pitch of 1:5 account for 76% to 100% of the roof area of the building.
Creation of New Environmental Features	0-20	Creation of new water bodies, managed wetlands, and areas of special vegetation.

Section 6 Procedures for Approval

Developments that are consistent with the land use regulations specified in this Ordinance are reviewed by the Zoning Administrator and confirmed by the Planning Commission, subject to the following procedures:

A. The applicant shall meet with the Zoning Administrator for the purpose of submitting a pre-application concept plan.

B. The applicant shall apply for Project Evaluation on a form provided by the County. The application shall include the information required by table below.

C. The Zoning Administrator shall complete a written evaluation of the project, based on the standards established in Section 5. This review shall determine the number of development points that shall be awarded to the project. If the project earns the required number of points, the Zoning Administrator shall issue a Certificate of Conditional Approval of the project. The Planning Commission shall review this Certificate as part of the approval process. The Planning Commission's review and approval of a project shall be based on its factual review of the findings of the Zoning Administrator: and its findings of the project's consistence with the Lake Corridor Land Use Plan. All subsequent building and development permits shall be issued in concordance with the approved development plan.

D. A denial of the project based on failure to earn the required number of development points or inconsistency with the Land Use Plan shall be transmitted to the applicant. The applicant may either modify the project or appeal the decision of the Zoning Administrator or the Planning Commission to the Keith County Board of Adjustment. Protestors of the project may also appeal a finding of the Planning Commission by submission of a valid protest petition.

E. In the event of appeal, the Board of Commissioners, after proper notice, shall hold a public hearing and act upon the application. Proper notice shall mean the same notice established for a zoning amendment.

Application Requirements within the Entryway Corridor Planned Development Overlay District

Application Requirement	**Applications Consistent with Land Use Regulations**
Location, size, legal description of site	■
Location and description of major site features, including tree masses, drainageways, wetlands, soils.	■
Location of 100-Year Floodplains	■
Generalized land use plan.	■
Proposed types and densities of development.	■
Generalized internal and external transportation and circulation system, including pedestrian and bicycle system.	■
Statistical summary of the project, including gross and net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface coverages.	■
Site master plan, including general envelopes of buildings, parking, open space, and other site features.	■
Description and location of all use types included in the project, including maximum floor areas devoted to each use.	■
Location and design of vehicular, bicycle, and pedestrian circulation systems, including relationship to external transportation system.	■
Schematic location and development standards for open space, including conceptual landscape plan.	■
Grading plan, including erosion control plans.	■
Location of existing and proposed utilities, sanitary sewers, storm water facilities, and water, gas, and electrical distribution systems.	■
General locations and sizes of signs and street graphics.	■
Proposed site development regulations, including the ratio of building area to site area, building and impervious coverage, setbacks, maximum heights, and other design standards specific to the project.	□
Detailed site plan, displaying specific location or building envelope limits for all major site structures: location of open spaces: parking facilities.	■

Exterior building elevations if applicable for evaluative purposes	□
Detailed open space and landscape plan.	□
Utility plans for all proposed utility improvements.	□
Location, size, style, and lighting of signage, including directional and signage control.	□
Location and design of proposed site lighting.	□
Proposed public and private ownership boundaries, including proposed private lots and common ownership areas.	■

■ Required for all applications □ Required if submitted for credit toward development points

Section 7 Lake Area

The Keith County-Lake McConaughy area provides a natural setting for wildlife and yet provides recreation for the people. The following standards are intended to accomplish the following:

- Preserve the open space required for the wildlife of the area.
- Control traffic upon streets and roads.
- Preserve an individual site's natural characteristics.
- Provide for orderly development.
- Encourage integrated planning to achieve the objectives of the Keith County Comprehensive Plan.
- Protect the water quality and quality of the Lake area.

Standards:

The standards contained in Article 18 Section 7 shall apply to portions of these areas of Keith County, which shall hereinafter be referred to as the Lake Area **(See Figure 18.1)**:

- All areas south of Nebraska highway 92 and north of the high-water elevation of Lake McConaughy, as designated by CNPPID.
- All areas south of the Union Pacific Rail Road right of way in 21-15-38
- South ½ of the South ½ and the West ½ of the West ½ of 27-15-38
- Sections 28 and 34 - Township 15 North - Range 38 West
- Sections 2, 3, 7, 8, 9, 10, and 12 - Township 14 North - Range 39 West
- North ½ and the North ½ of the South ½ of Sections 4 and 5 - Township 14 North - Range 39 West
- North ½ of Section 11 - Township 14 North - Range 39 West
- North ½ and the North ½ of the South ½ of Section 31 - Township 15 North - Range 39 West
- Sections 32 and 33 - Township 15 North - Range 39 West
- Sections 16, 17, 18, 21, 22, 23, 25, and 26 - Township 15 North - Range 40 West
- North ½ of Sections 19, 20, and 27 - Township 15 North - Range 40 West
- North ½ and the North ½ of the South ½ of Section 36 - Township 15 North - Range 40 West
- Section 8, 9, 10, 11, 13, and 14 - Township 15 North - Range 41 West
- North ½ of Section 15 - Township 15 North - Range 41 West
- North ½ of the North ½ of Section 16 - Township 15 North - Range 41 West
- North ½ of Section 24 - Township 15 North - Range 41 West

A. Open space shall be established within subdivisions within the Lake area. Open space is defined as land upon which no structures, fences nor hedges may be placed, and over which the general public may have access.

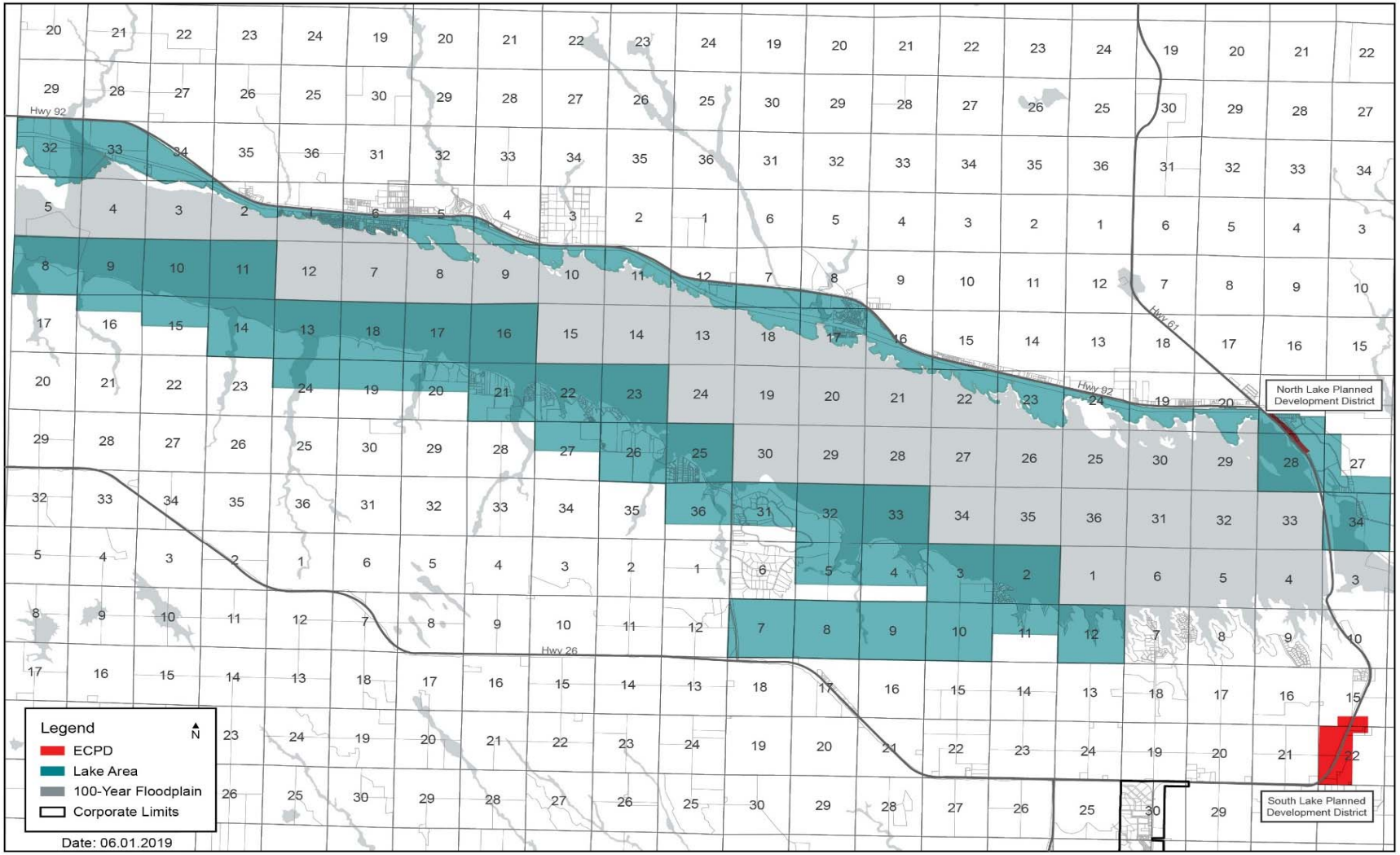
B. Within the Lake area, the condition shall determine, based upon the terrain and contour of the site, the spacing and the type of open space shall be determined by the following formula:

Total Gross Density per acre X 2 + 5 = % of public space required. Gross density being total acreage inclusive of streets, cul-de-sacs, utility easements and other like or similar public dedications.

C. Before approval by the Commission use of the open space, for pedestrian use only, for vehicular use only, or both, must be determined.

D. All roads within a subdivision within the lake area must lead from a public road and must comply with the road standards of Keith County that are in effect at the time.

Entryway Corridor Planned Development District (ECPD) Overlay / Lake Area (Figure 18.1)



Article 19 – Energy Systems and Communication Towers

Section 1 Intent

It is the intent of this regulation to:

- **A.** Promote the safe, effective and efficient use of wind and solar energy systems; as well as communication towers.
- **B.** Facilitate economic opportunities for local residents; and
- **C.** Promote the supply of wind and solar energy in support of increasing energy production from renewable energy sources within Keith County.

***Utility substations and transmission lines are permitted in all districts so long as they are required and permitted by and meet the regulations of the Nebraska Public Service Commission and the Nebraska Power Review Board.**

Section 2 Definitions

ALTERNATIVE TOWER STRUCTURE - Light/power poles, electric transmission towers, and similar natural or man-made alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA - A transducer that couples' electromagnetic energy between the air and communications equipment for the purpose of sending or receiving data.

COLLOCATION - The placement of the antennas of two or more service providers upon a single tower or alternative tower structure.

COMMERCIAL SOLAR ENERGY SYSTEM (CSES) - A facility for the primary purpose of wholesale sales of generated electricity. A CSES, also known as a **SOLAR FARM**, is the principal use of the land for the parcel on which it is located. It is designed for providing energy to off-site users or export to the wholesale market.

COMMERCIAL WIND ENERGY SYSTEM (CWES) - A wind energy system of equal to or greater than 100kw in total generating capacity

COMMUNICATION TOWER - A structure for the transmission or broadcast of radio, cellular, television, radar, or microwaves; provided, however, that noncommercial radio tower not exceeding 50 feet in height and amateur radio antenna installations shall not be considered communication towers.

DECOMMISSIONING SECURITY - A security instrument that is posted or given within 90 days of Board approval of the wind energy permit by the owner to ensure sufficient funding is available for removal of a wind energy system and reclamation at the end of the useful life of such a system

ELECTRICAL (OR ELECTRIC OR UTILITY) GRID- The interconnected network of equipment that delivers electricity from suppliers to consumers.

FAIL ZONE - The area, defined as the furthest distance from the tower base, in which a Commercial, Non-Commercial or Meteorological tower will collapse in the event of structural failure.

FALL ZONE - The area, defined as the furthest distance from the tower base, in which a guyed or un-guyed tower will collapse in the event of a structural failure. This area is 1.1 times (hub height + rotor diameter).

FEEDER LINE - Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the project distribution system, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy system.

GLARE - The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

INTERCONNECTION AGREEMENT- A contract between the homeowner and the local utility allowing the homeowner to connect their solar power system to the electric grid. Also known as net metering.

METEOROLOGICAL TOWER – Is for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy System. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.

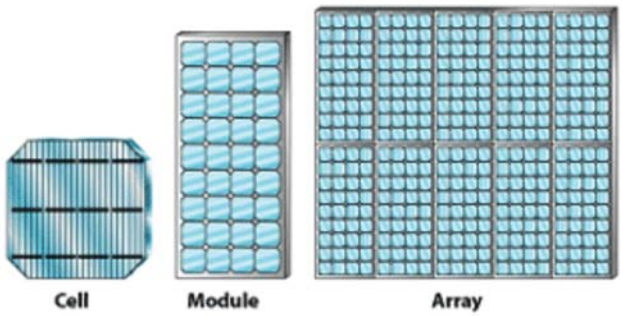
NONPARTICIPATING PROPERTY - Real property on which there is no WES or SES or real property on which a WES or SES is located but is owned, operated and managed separately on adjacent properties.

OFF GRID SOLAR ENERGY SYSTEM - A solar energy system that is not connected to an electric circuit served by an electric utility company. This system is accessory to the primary land use, designed to supply energy for the primary use.

OPERATOR - The person, persons or entities responsible for the day to day operation and maintenance of any WES or SES, including any third party subcontractors.

OWNER - The entity or entities with an equity interest in the WES or SES, including their respective successors and assigns. Owner does not refer to the property owner from whom land is leased to locate WES or SES, unless the property owner has an equity interest in the WES or SES.
PARTICIPATING PROPERTY - Real property on which the WES or SES is located or real property under lease for the purpose of locating WESs or SESs in a Wind Farm.
PERSONAL WIND ENERGY SYSTEM (PWES) - A wind energy system consisting of less than 100kw which is intended primarily for onsite consumption of electrical power.
PHOTOVOLTAIC(S)- Photovoltaic technologies convert sunlight to electricity through a naturally occurring process in certain types of material, which are called semiconductors.
PUBLIC CONSERVATION LANDS - Land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
RATED NAMEPLATE CAPACITY- The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).
ROTOR DIAMETER - The diameter of the circle described by the moving rotor blades.
SHADOW FLICKER - Shadows on the ground and surrounding structures that may emanate from the rotating blades of a wind turbine.
SITE PLAN - Documents, including a scale diagram describing the purpose, scope and details of a proposed Wind Energy System and/or Solar Energy System. Requirements for the Site Plan are set forth in of this regulation. A Site Plan is intended as a general document that provides Keith County an overview of a proposed WES or SES. More specific information is required with the Wind Energy or Solar Energy Permit.
SOLAR ENERGY - Radiant energy (direct, diffuse and/or reflective) received from the sun.
SOLAR ENERGY SYSTEM (SES) - An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.
SOLAR FARM – A commercial large-scale solar energy system facility for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal use of the land for the parcel on which it is located. It is designed for providing energy to off-site users or export to the wholesale market.
SOLAR PANEL - That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.
SOLAR RELATED EQUIPMENT - Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

A. **SOLAR ARRAY**: A grouping of multiple solar modules with purpose of harvesting solar energy.
B. **SOLAR CELL**: The smallest basic solar electric device which generates electricity when exposed light.
C. **SOLAR MODULE**: A grouping of solar cells with the purpose of harvesting solar energy.



SUBSTATIONS - Any electrical facility to convert electricity produced by wind turbines or solar panels for interconnection with high voltage transmission lines.

TOTAL HEIGHT - The highest point, above ground level, reached by a rotor tip or any other part of the WES or SES.
WIND ENERGY TOWER - The vertical structures that support the electrical, rotor blades, or meteorological equipment.
TOWER HEIGHT - The total height of the Wind Energy System exclusive of the rotor blades.
TRANSMISSION LINE - The electrical power lines that carry voltages and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
WETLANDS - The type as identified on the National Wetlands Inventory Mapper Legend.
WIND ENERGY SYSTEM - An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. Equipment that converts and then stores or transfers energy from the wind into usable forms of electrical energy and includes any base, blade, foundation, generator, nacelle, accessory building, rotor, tower, transformer, turbine, vane, wire, or other components used in the system. Accessory facilities, including but not limited to: power lines, transmission lines, transformers, substations and meteorological towers. The WES is designed to provide energy to off-site users or export to the wholesale market. The energy may be used on-site or distributed into the electrical grid.
WIND ENEGRY SYSTEM PROJECT - All necessary devices that together convert wind energy into electricity, including but not limited to any wind energy system, towers, substations, rotors, nacelles, generators, electrical components, foundations, transformers, electrical cables, transmission poles and lines, roads, operation and maintenance buildings, and all other and associated or related support facilities.
WIND ENERGY PERMIT - A document issued by the County Board that approves the specific construction of large wind energy conversion systems. Requirements for the Wind Energy Permit are set forth in Section 7 of the CWES regulation.
WIND FARM - Multiple large wind energy conversion systems under a single operational control or ownership designed for the primary purpose of sale, resale or offsite use of energy produced. A Wind Farm may be located on more than one property.
WIND TURBINES - Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

COMMERCIAL WIND ENERGY SYSTEM (CWES)

Section 1 Applicability and Permit Requirements

This Regulation applies to all commercial wind energy systems, wind farms and/or substations that generate electricity to be sold to wholesale or retail markets. Each commercial wind energy system, wind farm and/or substation shall require both a site plan and a wind energy permit. Permanent Meteorological towers shall be considered part of the system. Temporary meteorological towers are exempt from this section.

- **A.** CWES Project facilities shall be constructed to meet, and be maintained in compliance with all Federal, State and Local requirements.
- **B.** Written statements providing proof that the CWES Project is in full compliance with these relevant requirements shall be provided to the Keith County Zoning Administrator.
- **C.** If credible issues arise at any time during the review, and/or the approval development proposal process, related to compliance of Federal, State and/or Local requirements, the Applicant at the discretion of the Planning Commission or the County Board may be requested to provide additional studies, reports, maps and/or graphic depictions prepared by a professional qualified in the relevant discipline detailing the issues, characteristics, special features, potential impact, and mitigation measures that may be needed to minimize the issues. Nothing in these
- **D.** Regulations is intended to preempt other applicable Federal, State and/or Local laws and regulations.

Section 2 Site Plan Procedure

Applicant intending to construct and operate a commercial wind energy system, wind farm and/or substation shall submit a site plan as required by and specified by this Regulation to the Planning Commission and the County Board for review and approval.
The Site Plan Approval is meant to consider the land use from a local zoning and land use perspective and puts Keith County, adjacent counties, neighboring property owners and the general public on notice that a property is under consideration for a potential CWES, wind farm and/or substation.

A. Site Plan Approval

1. The site plan must meet the requirements of the Site Plan Application.
2. No wind energy permit shall be issued without a County Board approved site plan.
3. The applicant shall provide a complete application. An incomplete site plan shall be returned to the applicant until all required information is received.
4. Upon submittal of the site plan, the Zoning Administrator shall have ten (10) business days to determine if the site plan is complete.
5. The Zoning Administrator shall forward the Site Plan to the Planning Commission for consideration and recommendation to the County Board.
6. Prior to consideration of the site plan application, the Planning Commission and County Board shall comply with the procedure in the Article 20 Conditional Uses Permitted by Special Review, in regards to giving public notice.

B. The Site Plan Approval shall comply with all Federal, State and local regulations.

1. A site plan approval shall expire three (3) years from the date of approval by the Board unless construction of the CWES has been initiated.
2. A site plan approval may be extended for a period of one (1) year upon written application filed at least 90 days prior to the expiration date.

C. The site plan approval shall contain, at a minimum, the following information.

1. The name, address and phone number of project developer, applicant, project owner, project operator, and all property owners.
2. The legal description and address of the project.
3. A general description of the project including an overview of the project; the project location; the equipment manufacturer; the number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the feeder lines. A summary description of the developer, applicant, owner and operator, including their respective business structures.
4. A general description showing the location of the property lines, existing utility lines, easements, roads, right-of-ways, pipelines, etc. within the geographical boundaries of the project.
5. A general description of the proposed CWES, including the estimate of total number of systems, lighting and estimate of total height of each CWES.
6. A general location of each proposed wind turbine, electrical collection system, transmission/interconnection facility, substation and any related accessory buildings.
7. Identification of proposed county or municipal roads to be used for the purpose of transporting CWES, substation parts, cement, and/or equipment for construction, operation or maintenance of the CWES.
8. A general plan showing setback lines and layout of proposed structures and their distance from all property lines and existing structures.
9. Location of wetlands, scenic, natural areas (including bluffs), public conservation lands, easements, and government and/or military areas within the geographical boundaries of the proposed Wind Energy System.

D. The following documents shall be provided with the Site Plan.

1. Documentation of land ownership or legal control of the property.
2. Statement that each CWES will be installed in compliance with manufacturer's specifications.
3. Statement that the Owner will construct and operate each CWES or Wind Farm in compliance with all applicable local, state and federal codes, laws, orders, regulations and rules.
4. Preliminary construction documents describing general plans for appropriate drainage, erosion control and infrastructure improvements. A preliminary stormwater pollution prevention plan shall be included.
5. Decommissioning plan in accordance with of this Regulation and with all applicable State and Federal Regulations.
6. An Acoustical Analysis that certifies that the noise requirements within this regulation can be met.
7. An analysis on potential shadow flicker on any occupied structure on a nonparticipating property with direct line-of-sight to the CWES. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at those locations from sun-rise to sun-set over the course of a year. The analysis shall include a mitigation plan.

8. Certification that the applicant has provided any airport located within 1 mile of a proposed commercial WES a copy of the site plan submitted to the County and a copy of the submitted FAA form for approval.
9. A proposed phasing plan showing areas or location of CWES for the purposes of permitting.
10. Commercial WES located within one (1) mile of Lake McConaughy, Lake Ogallala, North Platte and South Platte Rivers, shall submit an Environmental Assessment Worksheet from the U.S. Environmental Protection Agency.
    i. Also neither a Conditional Use Permit nor a Keith County Building Permit shall be issued until the applicant has complied with the requirements of the following entities:
        a. U.S. Fish and Wildlife
        b. U.S Army Corps of Engineers
        c. Federal Aviation Agency
        d. Nebraska Game and Parks
        e. Nebraska Historical Society
        f. Nebraska Department of Natural Resources
        g. Nebraska Department of Roads
        h. Nebraska Public Power District
        i. Central Nebraska Public Power & Irrigation District (CNPPID)

E. Approval of the Site Plan shall not constitute approval of the Wind Energy Permit. Rather, it shall be deemed an expression of approval or conditional approval of the submitted site plan a guide for the preparation of the Wind Energy Permit. Any modifications to the Site Plan must be reported to the Zoning Administrator immediately.

Section 3 Design and Installation

A. Design Safety Certification
1. CWESs shall conform to applicable industry standards, including those of the American National Standards Institute (“ANSI”) and National Electrical Commission (“NEC”).
2. Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL "), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL "), <u>or an equivalent third party</u>.

B. Prior to granting of a Wind Energy Permit under these Regulations, a Professional Engineer licensed in the State of Nebraska shall certify, as part of the Zoning Certificate application, prior to construction that the foundation and tower design of the CWES is within accepted professional standards, given local soil and climate conditions.

C. All wind turbines shall be installed with a tubular, monopole type tower.

D. Controls and Brakes
1. All CWES shall be equipped with a redundant braking system.
2. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes.
3. Mechanical brakes shall be operated in a fail-safe mode.
4. Stall regulation shall not be considered a sufficient braking system for over speed protection.

E. Electrical Components
1. All electrical components of the CWES shall conform to applicable state, and national codes, and international standards.

F. Color and finish
1. All wind turbines and towers that are part of a commercial/utility WES shall be white, grey, or another non-obtrusive color.
2. Finishes shall be matte or non-reflective.

G. Clearance
1. Clearance of rotor blades or airfoils must maintain a minimum of 25 feet of clearance between their lowest point and the ground.

H. Lighting
1. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations.

I. Climb Prevention

1. All CWES towers must be unclimbable by design or protected by anti-climbing devices such as:
    i. fences with locking portals at least six feet high; or
    ii. anti-climbing devices 15 feet vertically from the base of the CWES tower.

J. Safety Signs

1. All CWES shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage.
2. Other signs shall be posted on the turbine and at the entrance to the site with the 911 address and with emergency contact information.
3. A plainly visible warning sign regarding voltage be placed at the base of all pad-mounted transformers and substations.
4. No other signage or logos of any type shall be installed on the towers except for signs related to safety, warning, emergency contact, and manufacturer's name or logo.

K. Height

1. The total height shall comply with all Federal, State and local regulations, including FAA guidelines. Applicants are strongly encouraged to contact the Keith County Airport and the Nebraska Department of Transportation Aeronautics Division concerning airport operations and approaches to flying safety and airspace conflicts prior to submitting an application.

L. Feeder Lines

1. All communications and feeder lines installed as part of a CWES shall be buried, where feasible.

M. Setbacks

1. The center of the base of each CWES shall be located no less than ½ the blade diameter or 150', whichever is greater, from the adjacent property lines, easements, public roads and road right-of-way, third party transmission lines, irrigation canals, and communication towers.
2. All CWES towers shall be set back at least 1 mile from CNPPID Right of Way and the top of the riverbank in regards to the North Platte and South Platte Rivers.
3. All CWES towers shall be set back from public and private airfields in compliance with FAA Regulations.
4. All CWES towers shall be set back at least 1,000 feet from any dwelling. <u>The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial wind energy system.</u>
5. The setback shall be measured from any future road or right-of-way if a planned change or expanded road or right-of-way is known.

N. Soil Erosion and Water Quality

1. The applicant shall be responsible for soil erosion and water quality stemming from construction, operation or maintenance of the CWES.
2. The applicant will minimize all applicable concerns and/or potential impacts with existing local, state and federal agencies.
3. The applicant shall be responsible for the control of all invasive and noxious weeds on all disturbed areas.

O. Federal Aviation Administration

1. The Applicant(s) for the CWES shall comply with all applicable FAA requirements.

P. Nebraska Department of Transportation Aeronautics Division

1. The applicant(s) shall comply with all applicable requirements.

Section 4 Use of Public Roads

Applicant shall:

A. Identify all county roads to be used for the purpose of transporting CWES, substation parts, cement, and/or equipment for construction, operation or maintenance of the CWES and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.

B. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility.

C. If during construction the road(s) and/or bridge(s) become unsafe for the posted speed limit or applicable weight limit, construction shall cease and applicant shall be responsible for restoring the road(s) and/or bridge(s) to preconstruction conditions.
D. Be responsible for restoring the road(s) and bridge (s) to preconstruction conditions.
E. A County Road Use, Repair & Maintenance Agreement shall be signed at the time of the wind energy permit is approved.

Section 5 Noise Levels and Shadow Flicker

A. No commercial WES shall exceed 50 dBA at the nearest occupied dwelling.
B. Shadow flicker on any occupied structure on a nonparticipating property shall not exceed thirty (30) minutes per day and thirty (30) hours per year.
C. The Applicant, as part of the site plan approval application process, shall appropriately demonstrate compliance with the above noise and shadow flicker requirements.

Section 6 Compliance with Additional Laws and Regulations
Nothing in these regulations is intended to preempt other applicable State and Federal laws and regulations.

Section 7 Wind Energy Permit Procedure
Upon approval of the site plan, the Owner may submit a wind energy permit application to the Zoning Administrator. No wind energy permit shall be issued without a County Board approved site plan. The applicant shall provide a complete application. Upon submittal of the permit application, the Zoning Administrator shall have ten (10) business days to determine if the application is complete. An incomplete application shall be returned to the applicant until all required information is received. The Zoning Administrator shall forward the Wind Energy Permit Application to the Planning Commission for consideration and recommendation to the County Board. Prior to consideration of the permit application, the Planning Commission and County Board shall comply with the procedure in Article 20 Conditional Uses Permitted by Special Review, in regards to giving public notice.

A. The wind energy permit application shall contain, <u>at a minimum</u>, the following information.
1. The name, address and phone number of project developer, applicant, project owner, project operator, and all property owners, with documentation of land ownership, or lease.
2. The legal description and address of the project.
3. A narrative description of the project including an overview of the project; the project location; the equipment manufacturer; the number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the feeder lines. A summary description of the developer, applicant, owner and operator, including their respective business structures, shall be included.
4. A final site plan for the installation of the wind energy systems, showing the location of property lines, utility lines, easements, roads, right-of-ways, pipelines, etc. within the geographical boundaries of the project. The final site plan shall show the location, layout and setback lines of each tower, guy lines, and anchor base where required, electrical collection system, transmission/interconnection facility, substation, construction area and all related accessory structures within the geographical boundaries of the project. Identification of roads for construction access shall be included. All temporary and permanent accessory buildings and/or ancillary equipment shall be included. This site layout shall include distances and be drawn to scale.
5. Utility substations and transmission lines are permitted in all districts so long as they are required and permitted by and meet the regulations of the Nebraska Public Service Commission and the Nebraska Power Review Board.
6. A narrative description of the CWES, including the estimate of total number of systems, lighting and estimate of total height of each CWES.
7. Certification by a professional Engineer competent in disciplines of CWES regarding the safety of the design, specifications and compatibility of the tower structure with the rotors and other components of the CWES.

8. Certification by a professional Engineer for the footing design for the towers.
9. The latitude and longitude of the individual CWES. Included will be an area or zone in close proximity and meets the required setbacks.
10. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other CWES not owned by the applicant, within 10 rotor distances of the proposed Wind Farm or CWES.
11. Location of wetlands, scenic, natural areas (including bluffs), public conservation lands, easements, and government and/or military areas within the geographical boundaries of the proposed CWES.
12. An Acoustical Analysis that certifies that the noise requirements within this regulation can be met.
13. Evidence that there will be no interference with any commercial and/or public safety communication towers. A copy of the letter(s) notifying all communication tower operators, Warren Air Force Base and any other relevant State or Federal Agency within five miles of the proposed CWES location or Wind Farm. A list of all recipients of the letter shall be included.
14. A Copy of a "letter of intent to interconnect" or interconnection agreement signed by the utility company.
15. Decommissioning Security and Plan as required by this regulation and with all applicable state and federal regulations.
16. Analysis that certifies that the shadow flicker requirements within this regulation can be met.
17. Final Stormwater Pollution Prevention Plan approved by the Nebraska Department of Environment and Energy.
18. A complete copy of approval from the FAA.
19. A complete copy of permit to build from the Nebraska Department of Transportation Aeronautics Division.
20. All required studies, reports, certifications and approvals demonstrating compliance with the provisions of this regulation and with all applicable state and federal regulations.

Section 8 Operation

A. Interference

1. The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any CWES.
2. The applicant shall notify all communication tower operators and any other relevant State or Federal Agency within five miles of the proposed CWES location upon application to the county for permits.

B. Coordination with Local Fire Department

1. The Applicant, Owner or Operator shall submit to the local fire department and/or the Emergency Management Director a copy of the site plan.
2. Upon request by the local fire department and/or the Emergency Management Director, the Owner or Operator shall cooperate with the relevant agency to develop any emergency response plan.
3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

C. Materials Handling, Storage and Disposal

1. All solid wastes related to the construction, operation and maintenance of the CWES shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
2. All hazardous materials related to the construction, operation and maintenance of the CWES shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal regulations.

Section 9 Liability Insurance

- **A.** The Owner or Operator of the CWES Project shall maintain a current general liability policy covering bodily injury and property damage with limits of at least $10 million per occurrence and $10 million in the aggregate.
- **B.** The Applicant shall provide proof of insurance to the County Board prior to the Board's approval of the submitted application. If the application is approved, the Owner or Operator of the CWES shall provide proof of insurance to the County Board annually.

Section 10 Discontinuation and Decommissioning Security

- **A.** Each Commercial WES shall have a Decommissioning plan outlining the anticipated means and cost of removing the CWES at the end of their serviceable life or upon being discontinued use. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning without regard to salvage value of the equipment.
- **B.** The Decommissioning Plan shall include:
    1. All CWES and accessory facilities shall be removed to 4 feet below ground level within 180 days of the discontinuation of use.
    2. Roads and disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
    3. Owner shall post, within 90 days at the time of the wind energy permit approval, a Decommissioning Security in an amount determined by the County Board. The Security may be in the form of a performance bond or surety bond or other form of financial assurance as may be acceptable to the County Board.
- **C.** A CWES shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the CWES to service.

<u>PERSONAL WIND ENERGY SYSTEM (PWES)</u>

Section 1 Intent

The purpose of this regulation is to facilitate the construction, installation, and operation of Personal Wind Energy Systems in Keith County. This ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

Section 2 Personal Wind Energy Systems

- **A.** Shall be systems installed to provide for full or partial onsite consumption of utility supplied electricity.
- **B.** Tower Height: In all districts except the Agricultural District tower heights shall not exceed 30 feet. Any tower exceeding 30 feet shall be required to submit an application for conditional use. In the Agricultural District there is no height limitation except that imposed by FAA regulations.
- **C.** Setbacks: PWES shall be located in the rear yard of all Residential Districts, further; all towers shall adhere to these setbacks:
    a. The center of the base of each PWES shall be located no less than 1.1 times the total height from the adjacent property lines, easements, public roads and road right-of-way, third party transmission lines, irrigation canals, and communication towers.
    b. All PWES towers shall be set back at least 1,320' from CNPPID Right of Way and the top of the riverbank in regards to the North Platte and South Platte Rivers.
    c. All PWES towers shall be set back from public and private airfields in compliance with FAA Regulations.
- **D.** PWES shall not exceed 50 dba, as measured at the closest neighboring inhabited dwelling unit. Temporary exceptions may include severe wind storms or power outages requiring higher demand.
- **E.** Compliance with Keith County Building Code:
    a. All PWES will require a building permit.

b. Permit application will include an engineered drawing showing compliance with nationally recognized building codes. The permit shall include standard drawings of the tower structure, turbine structure, footings, guy wire anchors and a professional engineers stamp.
c. Evidence of Notification to the servicing utility informing the utility that the PWES will be connected to the utilities grid.
d. Evidence that PWES, when located within 1,320 feet of Lake McConaughy, Lake Ogallala, North Platte and South Platte Rivers, has complied with the requirements of the following entities:
    i. U.S. Fish and Wildlife
    ii. Nebraska Game and Parks
    iii. Nebraska Historical Society
    iv. Nebraska Public Power District
    v. Central Nebraska Public Power & Irrigation District (CNPPID)

COMMERCIAL SOLAR ENERGY SYSTEM (CSES)

Section 1 Commercial Solar Energy Systems

A. Applicability and Permit Requirement

1. This Regulation applies to all solar energy systems and/or substations that generate electricity to be sold to wholesale or retail markets. Each solar energy system and/or substation shall require a site plan.
2. Solar energy systems shall be constructed to meet, and be maintained in compliance with all Federal, State and Local requirements.
3. Written statements providing proof that the CSES is in full compliance with these relevant requirements shall be provided to the Keith County Zoning Administrator.
4. If credible issues arise at any time during the review, and/or the approval development proposal process, related to compliance of Federal, State and/or Local requirements, the Applicant at the discretion of the Planning Commission or the County Board may be requested to provide additional studies, reports, maps and/or graphic depictions prepared by a professional qualified in the relevant discipline detailing the issues, characteristics, special features, potential impact, and mitigation measures that may be needed to minimize the issues.
5. Nothing in these Regulations is intended to preempt other applicable Federal, State and/or Local laws and regulations.
6. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

B. Site Plan

Applicant intending to construct and operate a solar energy system, and/or substation shall submit a site plan as required by and specified by this Regulation. The Site Plan shall contain the following information and documentation:

1. The name, address and phone number of project developer, applicant, project owner, project operator, and all property owners, with documentation of land ownership, or lease.
2. The legal description and address of the project.
3. A general description of the project including an overview of the project; the project location; the equipment manufacturer; and name plate generating capacity.
4. A general description showing the location of the property lines, existing utility lines, easements, roads, right-of-ways, pipelines, etc. within the geographical boundaries of the project.
5. A general description of the proposed CSES, including any changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.
6. A general location of the proposed CSES, electrical collection system, transmission/interconnection facility, substation and any related accessory buildings.
7. Identification of proposed county or municipal roads to be used for the purpose of transporting CSES, substation parts, cement, and/or equipment for construction, operation or maintenance of the CSES.

8. A general plan showing setback lines and layout of proposed structures and their distance from all property lines and existing structures.
9. Location of wetlands, scenic, natural areas (including bluffs) public conservation lands, easements, and government and/or military areas within geographical boundaries of proposed CSES.
10. Blueprint of the solar energy system signed by a professional engineer showing the proposed layout of the system and any potential shading from nearly structures.
11. Electrical diagram detailing the solar energy system, associated components, and electrical interconnection methods, with all National and State Electrical Code compliance disconnects and overcurrent devices.
12. Documentation of the major system components to be used, including the PV panels, mounting system and inverter.
13. Name, address and contact information for proposed system installer.
14. Documentation of land ownership or legal control of the property.
15. Statement that the CSES will be installed in compliance with manufacture's specifications.
16. Certification that applicant has provided the Keith Airport Authority a copy of the site plan and conditional use permit application.
17. Certification that applicant has provided Warren Air Force Base a copy of the site plan and conditional use permit application.
18. Statement that the Owner will construct and operate the CSES in compliance with all applicable local, state and federal codes, laws, orders, regulations and rules.
19. Proof of Liability Insurance.
20. The owner of a CSES shall provide written confirmation that the public utility company to which the CSES will be connected has been informed of the intent to install a grid connected system and approved of such connection.
21. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Nebraska.

C. Compliance with Laws, Ordinances and Regulations

1. The construction and operation of all solar energy systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements.
2. All buildings and fixtures forming part of a solar energy system shall be constructed in accordance with the State Building Code.

D. Design and Installation

1. Design Safety Certification
    i. CSES's shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI") and National Electrical Commission ("NEC"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL "), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SPCC), or an equivalent third party.
    ii. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
2. Electrical Components
    i. All electrical components of the CSES shall conform to applicable federal and state codes and standards.
3. Lighting
    i. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations.
    ii. Lighting of solar energy systems shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system

shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

4. Safety Signs
    i. All CSES shall have a sign or signs posted at the base of all pad-mounted transformers and substation, warning of high voltage. Other signs shall be posted at the entrance to the site with the 911 address and with emergency contact information. A plainly visible warning sign regarding voltage be placed at the base of all pad-mounted transformers and substations. No other signage or logos of any type shall be installed except for signs related to safety, warning, emergency contact, and manufacturer's name or logo.
5. Safety
    i. All electrical control devices associated with the CSES shall be locked to prevent unauthorized access or entry. Ground-mounted CSES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
6. Feeder Lines
    i. All communications and feeder lines installed as part of a CSES shall be buried, where feasible.
7. Glare
    i. All CSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
    ii. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
8. Land Clearing, Soil Erosion and Habitat Impacts
    i. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the solar energy system or otherwise prescribed by applicable laws, regulations, and bylaws.
9. Setbacks
    i. Setback from the property line shall be 50 feet.
    ii. Setback from any occupied dwelling shall be 100 feet.
    iii. The setback shall be measured from any future road or right-of-way if a planned change or expanded road or right-of-way is known.
    iv. The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a Solar Energy System.
10. Soil Erosion and Water Quality
    i. The owner or operator shall be responsible for soil erosion and water quality stemming from construction, operation or maintenance of the CSES. The applicant will minimize all applicable concerns and/or potential impacts with existing local, state and federal agencies.
    ii. The owner or operator shall be responsible for the control of all invasive and noxious weeds on all disturbed areas.

Section 2 Operation

Materials Handling, Storage and Disposal

A. All solid wastes related to the construction, operation and maintenance of the CSES shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

B. All hazardous materials related to the construction, operation and maintenance of the CSES shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal regulations.

C. The owner or operator shall submit to the local fire department and/or the Emergency Management Director a copy of the site plan. Upon request by the local fire department and/or the Emergency Management Director, the owner or operator shall cooperate with the relevant agency to develop any

emergency response plan. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

Section 3 Maintenance Plan
The owner or operator shall submit a plan for the operation and maintenance of the solar energy system, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the CSES.

Section 4 Liability Insurance

- **A.** The owner or operator of the CSES shall maintain a current general liability policy covering bodily injury and property damage with limits of at least $10 million per occurrence and $10 million in the aggregate.
- **B.** The owner or operator shall provide proof of insurance to the County Board prior to the Board's approval of the submitted application.
- **C.** If the application is approved, the Owner or Operator of the CSES shall provide proof of insurance to the County Board annually.

Section 5 Discontinuation and Decommissioning Security

- **A.** Each CSES shall have a Decommissioning plan outlining the anticipated means and cost of removing the CSES at the end of their serviceable life or upon being discontinued use.
    1. A CSES shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the CSES to service.
    2. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning without regard to salvage value of the equipment.
- **B.** The Decommissioning Plan shall include:
    1. All CSES and accessory facilities shall be removed no more than 180 days after the date of discontinued operations. (of the discontinuation of use).
    2. Stabilization or re-vegetation of the site as necessary to minimize erosion. Owner may leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
    3. Roads and disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
    4. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
- **C.** Owner shall post, within 30 days at the time of the conditional use permit approval, a Decommissioning Security in an amount determined by the County Board. The Security may be in the form of a performance bond or surety bond or other form of financial assurance as may be acceptable to the County Board.

<u>PERSONAL SOLAR PHOTOVOLTAIC PANEL SYSTEMS</u>

Section 1 Intent
The purpose of this regulation is to facilitate the construction, installation, and operation of Personal Solar Photovoltaic Panel Systems in Keith County. This ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

Section 2 Personal Solar Photovoltaic Panel System

- **A.** Personal Solar Photovoltaic Panel Systems, shall be permitted by right on or near existing or newly constructed structures or facilities in any zoning district under the following standards. The system use may be residential, commercial, agricultural, or any type of arrangement which must involve a net-metering agreement with an Electric Company or Power District, unless the system is not connected to a public-utility power grid.
    1. Types of Personal Solar Panel Systems: The physical structure and connections to existing structures shall conform to the applicable state building and electric codes.

i. Roof-Mounted Solar Panel Systems:
The collector surface and mounting devices for roof-mounted solar photovoltaic panel systems shall allow a 3-foot buffer from the bottom and side edges of the roof, and may not exceed the permitted height of accessory structures in the zoning district where the system is to be installed.

a. Sloped Roof-Mounted Solar Panel Systems.
For a roof-mounted system installed on a sloped roof, the system must be installed at the same angle as the roof on which it is installed. An exception to this is a roof with less than a 4/12 pitch will be allowed a maximum height increase of eighteen (18) inches between the roof and highest edge or surface of the system.

b. Flat Roof-Mounted Solar Panel Systems.
Roof-mounted systems may be mounted on a flat roof at an optimum angle to the sun for maximum energy production when the building parapet or roof design provides full screening of the solar panels from public streets or right-of-ways.

ii. Ground-Mounted Solar Panel Systems, including Solar Powered Domestic Wells:
A solar panel which is ground-mounted may be located anywhere on the property, provided it does not exceed sixteen (16) feet in height, from the panel edge closest to the ground, meets the setbacks in each zoning district, and is not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage's.

2. Approved Solar Components
   ii. All electric solar system components must be listed, labeled, and recognized by a Nationally Recognized Testing Laboratory (NRTL) and approved by the Authority Having Jurisdiction (AHJ).
   iii. Electric solar system components must be designed with antireflective coating(s).
3. Application Requirements
   i. Plan applications for a personal solar photovoltaic panel system shall be accompanied by a copy of the schematics included in the public utility application for connection. Systems that will not connect to a public-utility power grid, shall be accompanied by horizontal and vertical (elevation) to-scale drawings with dimensions.
   ii. The schematics or drawings must show the location of the system on the building for a roof-mounted system or on the property for a ground-mounted system, including the property lines.
4. Compliance with Electrical Codes
   i. All Personal Solar Panel Systems shall be in conformance with electrical requirements for inspection.
   ii. The installation must be approved by a State Electrical Inspector.

B. Fees
1. There is an application fee of $150.00 for a personal solar photovoltaic panel system.
2. This fee shall be paid prior to the issuance of the Building Permit.

COMMUNICATION TOWERS

Section 1 Intent

The Communications Act of 1934 as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunications services. Keith County recognizes that facilitating the development of wireless service technology can be an economic development asset to the County and of significant benefit to the County and its residents.

This Section is intended to regulate telecommunication towers, facilities and antennas within the zoning jurisdiction of Keith County in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunications services; to avoid potential damage to property caused by telecommunication towers, facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound; and to ensure that towers and antennas are compatible with surrounding land uses.

Section 2 General Standards

The following minimum standards shall apply to all communication towers when seeking a conditional use permit:

- **A.** The height of a communication tower shall not exceed the distance between the base of a tower and any permanent structure, utility line, property line, or road (fall zone);
- **B.** Communication towers shall not be constructed unless evidence is demonstrated that the communication transmitter(s) in question cannot be practically collocated on either an existing structure or an existing communication tower (See Section 5);
- **C.** Security Fencing: Towers, guy anchor supports, and ground-based equipment buildings must be enclosed by security fencing not less than eight feet in height and equipped with an appropriate anti-climbing device.
- **D.** Communication towers shall not contain transmitters which interfere with public safety, commercial or residential radio or television signals;
- **E.** All communication towers shall be in compliance with the rules and regulations of other federal or state agencies that may regulate tower location, design and construction;
- **F.** All communication towers must comply with FAA regulations.
- **G.** All communication towers must comply with FCC regulations; and,
- **H.** All communication towers must comply with Article 20 Conditional Uses Permitted by Special Review.

Section 3 Exception

The following exception shall apply when seeking a conditional use permit. All exceptions shall apply to the general standards.

- **A.** An accessory use as defined in Article 6; and,
    1. The Applicant shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Conditional Use Permit in the amounts of at least $1 million per occurrence and $1 million in the aggregate.
    2. The Applicant shall provide proof of insurance to the Keith County Board prior to the Board's approval of the submitted application. If the application is approved, the Owner shall provide proof of insurance to the Keith County Board annually.
    3. Any accessory use/structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated as stated in the underlying zoning district.
- **B.** The Applicant shall include a written statement with respect to indemnification.
    1. Such statement shall require the applicant and owner, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the County, and its officers, Boards, employees, commission members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising there from, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Communication Tower and accessories, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the County, or its servants or agents.
    2. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the County.

Section 4 Application Requirements

All applications for a conditional use permit for a communication tower shall contain the following items:

- **A.** A vicinity map showing all permanent structures, roads, and utility lines within a mile radius of the proposed tower; and,
- **B.** Written evidence that the communication tower meets the requirements listed in Section 2 General Standards or satisfactory proof that Section 3 Exception applies.

C. An engineer's report and plan specifications.

Section 5 Collocation

A. Design Requirements:

1. In addition to all applicable Keith County building and zoning regulations, all communications towers shall be designed and installed to accommodate the collocation of additional similar communications equipment.

B. Availability of Suitable Existing Structures:

1. No new communication towers shall be permitted unless the applicant demonstrates to the satisfaction of the Planning and Zoning Department that no existing tower or existing alternative tower structure, within the coverage area as detailed in the coverage area map provided by the Applicant, can accommodate the applicant's proposed communications equipment/antenna(s).
2. All evidence submitted shall be signed by appropriate licensed professionals or qualified industry experts.
3. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed equipment/antenna(s) shall consist of one or more of the following:
   i. Existing towers or suitable alternative tower structures are not located within the area required to meet the applicant's technical requirements.
   ii. Existing towers or structures are not of sufficient height to meet the applicant's technical requirements.
   iii. Existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment.
   iv. Site separation distance requirements from other stations.
   v. Site RF human exposure limits.
   vi. The cost or contractual provisions that would be imposed on the applicant to share an existing tower or structure or to adapt an existing tower or structure exceed the costs of new tower development.
   vii. Site transmitter power restrictions that conflict with the applicant's proposed equipment/antenna(s).
   viii. The applicant adequately demonstrates that the existing site is not generally suitable for co-location or there are other limiting factors that render existing towers and structures unsuitable.

C. Collocation of Antenna on Existing Communication Tower

1. Antennas may be collocated on existing towers if the following standards are met:
   i. Written permission from the tower owner.
   ii. Accommodate Additional Loading: It must be demonstrated, by a structural engineer's report and construction drawings, that the tower can accept the additional loading created by the collocation.
   iii. Same Tower Type: A tower that is modified or reconstructed to accommodate the collocation of an additional antenna must be of the same tower type as the existing tower, unless a monopole is determined to be more appropriate at the specific location.

Article 20 - Conditional Uses Permitted by Special Review

Section 1 Intent and Review Considerations

A. Conditional uses are generally those types of uses which, under desirable conditions are allowable in the district in which they are listed as conditional uses. The Planning Commission and the Keith County Board shall consider the following in approving or denying a request for a conditional use permit:

1. Compatibility with the surrounding area.
2. Positive and negative short and long-range impacts of the proposed use.
3. The need for the use, especially at the requested location.
4. Compatibility of the proposed land uses designated in the Keith County Comprehensive Plan.
5. The uses effect on the health, safety and welfare of the inhabitants of the area and the County.
6. Compatibility with the intent of this resolution and specifically, the district in which the use is proposed.
7. If condition uses involving utility facilities shall become permanent upon approval, it shall be noted in the application.

B. It is understood that these conditional uses are not automatically approved after the required review. Conditions may arise which would find irresolvable conflicts between the proposed use and existing or long term use of the area and its impact on the neighborhood or the County. To the extent practical, conditions may be attached to the approval of a proposed use to assure compliance with the objectives of this resolution.

Section 2 Application Requirements

A. All applications for a conditional use shall be submitted to the Planning Commission (or its authorized staff representative) at least 20 days prior to a regular meeting of the Planning Commission.

B. The application, when submitted, shall be accepted only when it includes the following information:

1. A certified boundary survey of adequate legal description of the property for which the application is made to adequately define the location of the site.
2. Authorization from the property owner agreeing to submittal of the application if the owner is not the applicant.
3. Date prepared, north arrow, scale, and location of section lines and section corners.
4. Contour lines at intervals not exceeding five feet based on U.S.G.S. data. Spot elevations on a 100-foot grid shall be required to indicate the topography of flat land.
5. Locations, names, tangent lengths, center line radius of each curve and its interior angle and width of all proposed and existing streets, highways, private roadways, and other public ways within and adjacent to the conditional use permit.
6. Location, width, and direction of flow of all watercourses in and adjacent to the conditional use permit, including the limits of any floodplain.
7. Location and size of all existing and proposed septic lines, storm sewer lines, water mains, culverts, fire hydrants and existing power lines and other underground structures or cables within the proposed development and adjacent streets and roads.
8. Location, sizes, and uses of all proposed and existing buildings.
9. The following information shall be submitted with the conditional use permit application:
    a. The name of the conditional use permit;
    b. The name, address and phone number of the developer;
    c. Record owner of the property;
    d. The name, address and phone number of the person or company responsible for the preparation of the conditional use permit;
    e. Complete legal description certified by a surveyor or engineer including the number of acres in the development;
    f. Statement of present zoning and proposed use or uses of the property;
    g. Profiles and grades of the proposed streets and private roadways;
    h. If a public or community septic system is proposed, the size and location of all proposed septic lines including observation holes and any pump stations, and the location and type of any proposed community treatment facility;
    i. If individual septic systems are proposed, percolation tests and data based on one test hole per proposed lot or certified information from a soil engineer indicating the estimated percolation rate and suitability of the soil;
    j. If a public or community water system is proposed, the location and size of all

proposed water mains, fire hydrants, storage facilities, and any extension to existing mains must be shown or to a proposed community well. In the case of a community water system, the proposed well locations, along with data from test wells based on a ten (10) acre grid of the entire development showing quality and quantity of the water obtained from the test wells, the type of water treatment to be used must be shown and documented. The results of these preliminary tests shall in no way guarantee the quality or quantity of the water to the individual lots and the data obtained shall not be used to imply that an adequate quantity or acceptable quality of water is available for the proposed large scale development;

k. A complete drainage study including a map of the drainage area and resulting run-off from all land lying outside the limits of the development which discharge storm water into or through the large scale development, a map showing all internal drainage areas and resulting run-off, proposals as to how the computed quantities of run-off will be handled, and the drainage calculations and computations;

l. A site grading plan showing existing and proposed contours;

m. All deviations from the provisions of these regulations shall be fully noted and the reasons given for said deviations. This shall not imply that the County will grant any deviations, but will evaluate the requests on an individual basis.

10. A statement regarding the applicants approach to providing and improving, if applicable, public roads, parks and other related public improvements.

11. Due to the unusual circumstances related to a particular request, or where an unusual hardship may occur, the Planning Commission or its authorized agent may waive any of the above application requirements. Waivers authorized by the authorized agent must be communicated to the Planning Commission and Board of County Commissioners. Waivers by the authorized agent do not preclude the Planning Commission or the Keith County Commissioners from requiring said information at a later date.

C. An application fee as may be adopted by resolution of the Keith County Commissioners shall be submitted to cover processing and hearing costs.

Section 3 Procedures

A. Upon receipt of a complete application and application fee, the Planning Commission or its authorized staff representative shall set the request for public hearing by publishing a description of the request and the time, date and place for hearing at least ten days prior to the scheduled hearing date. Adjacent property owners abutting or across the street (or alley) from the subject site, shall be notified in writing of the proposed request and scheduled hearing time, date and place. If, in opinion of the Planning Commission or its authorized agent, the proposed use could impact a much larger area, the notice may be extended. Current tax records shall be used to determine ownership. Should the applicant request a delay of hearing more than twice after due notice to affected landowners and a publication in the official county newspaper, said applicant shall be required to pay a full fee for renewal of the Conditional Use by Special Permit or Zoning Map Amendment application.

B. The staff representative for the Planning Commission shall, prior to the hearing, accomplish the following:

1. Refer the request to other interested agencies and county departments for comment.
2. Prepare a staff report outlining findings and recommendations that will assist the Planning Commission in making a decision in the matter.
3. Refer the report to the Planning Commission and the applicant at least three days prior to the scheduled hearing date.

C. The Planning Commission shall hear and review the matter and within 35 days of the first hearing, do one of the following:

1. Recommend approval with or without conditions to the Keith County Commissioners and reasons for approval.
2. Recommend denial to the Keith County Commissioners and reasons for said denial.
3. Table the matter for a specified period of time with the consent of the applicant for further study and review.

D. The Planning Commission recommendations shall be forwarded to the Keith County Commissioners along with the application file. Said recommendations shall be recorded in the Planning Commission meeting minutes or in some other written form for review by the Keith County Commissioners.

E. The Keith County Clerk shall set a hearing date before the Keith County Commissioners and provide

notification in the manner prescribed in Section 3 - A above.

F. The Keith County Commissioners shall hear and review the matter and shall, within 35 days of said hearing, do one of the following:

1. Approve the request.
2. Approve the request with conditions necessary to protect the public health, safety and welfare.
3. Deny the request.
4. Table the matter for a specified period of time with the consent of the applicant for further study and review.
5. The reasons for the Keith County Commissioner's action on the request shall be defined in the official minutes of the Keith County Commissioners meeting.

G. Within one (1) year of the approval, construction on the proposed project shall have commenced or the approval is void. However, the applicant may file a letter requesting an extension prior to the expiration of the initial approval. The Planning Commission shall review the extension request and recommend to the Keith County Commissioners approval for a specified period up to 12 months or denial, indicating their reasons for such action.

H. The Planning Commission's recommendation shall be forwarded to the Keith County Commissioners for final disposition. The Keith County Commissioners shall then approve the extension up to a maximum of 12 months or deny the request, defining their reasons for such action.

I. No further extension shall be granted. After expiration, a new application is required if construction has not started and processed in the manner described herein and approved before the use could be developed.

J. Starting of construction after approval and prior to expiration and diligently pursuing it, permanently establishes the applicant's rights to the approved use unless conditions of approval state otherwise.

Article 21 - Signs

Section 1 Intent
The primary purpose of this article is to establish the regulations for the use of signs and sign structures, including general signs, roof signs, wall signs and fascia signs. This article also contains the general provisions that apply to sign placement, maintenance, repair and removal, as well as requirements for wall, free-standing, directional and temporary signs.

Section 2 Applicability
All signage in Keith County shall follow the regulations of Article 21, unless specific regulations are listed in the respective district articles.

Section 3 Definitions
The following words and terms shall, for the purposes of this article and as used elsewhere in this code, have the meanings shown herein.
ABANDONED SIGN - A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.
ANIMATED SIGN - A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

ELECTRONICALLY ACTIVATED - Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted in Items 1 and 2 as follows:

1. Flashing - Animated signs or animated portions of signs where the illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this regulation, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds.

2. Patterned illusionary movement - Animated signs or animated portions of signs where the illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

ENVIRONMENTALLY ACTIVATED - Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

MECHANICALLY ACTIVATED - Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

ARCHITECTURAL PROJECTION - Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. (See also AWNING, BACKLIT AWNING, CANOPY ATTACHED, and CANOPY FREE-STANDING)
AWNING - An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.
AWNING SIGN - A sign displayed on or attached flat against the surface or surfaces of an awning. (See also WALL or FASCIA SIGN)
BACKLIT AWNING - An awning with a translucent covering material and a source of illumination contained within its framework.
BANNER - A flexible substrate on which copy or graphics may be displayed.
BANNER SIGN - A sign utilizing a banner as its display surface.
BILLBOARD – (See OFF-PREMISE SIGN & OUTDOOR ADVERTISING SIGN)
BUILDING ELEVATION - The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.
CANOPY (ATTACHED) - A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. (See also MARQUEE)

CANOPY (FREE-STANDING) - A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.
CANOPY SIGN - A sign affixed to the visible surface(s) of an attached or free-standing canopy.
CHANGEABLE SIGN - A sign with the capability of content change by means of manual or remote input, including signs that are:

> **ELECTRNICALLY ACTIVATED** - Changeable sign where the message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light emitting devices; or it may be from an external light source designed to reflect off the changeable component display. (See also ELECTRONIC MESSAGE SIGN OR CENTER)
> **MANUALLY ACTIVATED** - Changeable sign where the message copy or content can be changed manually.

COMBINATION SIGN - A sign that is supported partly by a pole and partly by a building structure.
COPY - Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.
DEVELOPMENT COMPLEX SIGN - A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, that is controlled by a single owner or landlord.
DIRECTIONAL SIGN - Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.
DOUBLE-FACED SIGN - A sign with two faces, back to back.
ELECTRIC SIGN - Any sign activated or illuminated by means of electrical energy.
ELECTRONIC MESSAGE SIGN OR CENTER - An electrically activated changeable sign where the variable message capability can be electronically programmed.
EXTERIOR SIGN - Any sign placed outside a building.
FASCIA SIGN – (See WALL or FASCIA SIGN)
FLASHING SIGN – (See ANIMATED SIGN, ELECTRONICALLY ACTIVATED)
FREE-STANDING SIGN - A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or on the ground.
FRONTAGE (BUILDING) - The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.
FRONTAGE (PROPERTY) - The length of the property line(s) of any single premise along either a public way or other properties on which it borders.
GROUND SIGN – (See FREE-STANDING SIGN)
ILLUMINATED SIGN - A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).
INTERIOR SIGN - Any sign placed within a building, but not including “window signs” as defined by this regulation. Interior signs, with the exception of window signs as defined, are not regulated by this article.
MANSARD - An inclined decorative roof-like projection that is attached to an exterior building facade.
MARQUEE – (See CANOPY ATTACHED)
MARQUEE SIGN – (See CANOPY SIGN)
MENU BOARD - A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has not more than 20 percent of the total area for such a sign utilized for business identification.
MULTIPLE-FACED SIGN - A sign containing three or more faces.
OFF-PREMISE SIGN – (See OUTDOOR ADVERTISING SIGN)
ON-PREMISE SIGN - A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
OUTDOOR ADVERTISING SIGN - A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
PARAPET - The extension of a building facade above the line of the structural roof.
POLE SIGN – (See FREE-STANDING SIGN)
POLITICAL SIGN - A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.
PORTABLE SIGN - Any sign not permanently attached to the ground or to a building or building surface.

PROJECTING SIGN - A sign other than a wall sign that is attached to or projects more than 18 from a building face or wall or from a structure where the primary purpose is other than the support of a sign.
REAL ESTATE SIGN - A temporary sign advertising the sale, lease or rental of the property or premises on which it is located.
REVOLVING SIGN - A sign that revolves 360 degrees about an axis. (See also ANIMATED SIGN, MECHANICALLY ACTIVATED)
ROOF LINE - The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.
ROOF SIGN - A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and that is wholly or partially supported by such a building.
Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs.
SIGN - Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.
SIGN AREA - The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, that comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50% of the sum of the area of all faces of the sign.
SIGN COPY - Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.
SIGN FACE - The surface on, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface on which the sign copy is displayed by a distinct delineation, such as a reveal or border.

1. In the case of panel or cabinet-type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate on which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
4. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN STRUCTURE - Any structure supporting a sign.
TEMPORARY SIGN - A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.
UNDER CANOPY SIGN OR UNDER MARQUEE SIGN - A sign attached to the underside of a canopy or marquee.
V SIGN - Signs containing two faces of approximately equal size, erected on common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90 degrees with the distance between the sign faces not exceeding 5 feet at their closest point.
WALL OR FASCIA SIGN - A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall, including signs affixed to architectural projections from a building provided that the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.
WINDOW SIGN - A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

Section 4 General Provisions

A. Conformance to codes.

1. Any sign hereafter erected shall conform to the provisions of this regulation and the provisions of the International Building Code and of any other regulation within this jurisdiction.

B. Signs in rights-of-way.

1. Signs other than an official traffic sign or similar sign shall not be erected within 2 feet of the lines of any street, or within any public way, unless specifically authorized by other regulations or regulations of this jurisdiction or by specific authorization of the Zoning Administration.

C. Projections over public ways.

1. Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet from grade level to the bottom of the sign. Signs, architectural projections or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.

D. Traffic visibility.

1. Signs or sign structures shall not be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

E. Computation of frontage.

1. If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.

F. Animation and changeable messages.

1. Animated signs, except as prohibited in Section 4, are permitted as a conditional use only.

G. Maintenance, repair and removal.

1. Every sign permitted by this regulation shall be kept in good condition and repair. Where any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the Zoning Administration, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this regulation, the owner thereof or the person or firm using same shall, upon written notice by the Zoning Administration forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this regulation, or shall remove it. If within 10 days the order is not complied with, the Zoning Administration shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

H. Obsolete sign copy.

1. Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within 30 days after written notification from the Zoning Administration; and upon failure to comply with such notice, the Zoning Administration is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.

I. Nonconforming signs.

1. Any sign legally existing at the time of the passage of this regulation that does not conform in use, location, height or size with the regulations of the zone in which such sign is located, shall be considered to be a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

i. Structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.

ii. Any legal nonconforming sign shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50 percent of the replacement cost of the sign as determined by the Zoning Administration.

iii. Signs that comply with either Item i or ii need not be permitted.

Section 5 Exempt Signs

A. Exempt signs.

The following signs shall be exempt from the provisions of this article. Signs shall not be exempt from Section 4(D).

1. Official notices authorized by a court, public body or public safety official.
2. Directional, warning or information signs authorized by federal, state or municipal governments.
3. Memorial plaques, building identification signs and building cornerstones where cut or carved into a masonry surface or where made of noncombustible material and made an integral part of the building or structure.
4. The flag of a government or noncommercial institution, such as a school.
5. Religious symbols and seasonal decorations within the appropriate public holiday season.
6. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
7. Street address signs and combination nameplate and street address signs that contain no advertising copy and that do not exceed 6 square feet in area.

Section 6 Prohibited Signs

A. Prohibited signs.

The following devices and locations shall be specifically prohibited:

1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
2. Except as provided for elsewhere in this code, signs encroaching on or overhanging public right-of-way. Signs shall not be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
3. Signs or sign structures which resemble, imitate simulate, or conflict with traffic control signs or devices included in the Manual of Uniform Traffic Control Devices, which otherwise mislead or confuse persons traveling on public streets, roads, and highways, which create a traffic hazard, or which violate any of the provisions of Section 60-6,127 or Section 60-6,128 of the Nebraska Rules of the Road or any other applicable State statutes.
4. Portable signs except as allowed for temporary signs.
5. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
   a. The primary purpose of such a vehicle or trailer is not the display of signs.
   b. The signs are magnetic, decals or painted on an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
   c. The vehicle or trailer is in operating condition, legally registered and licensed to operate on public streets where applicable, and actively used or available for use in the daily function of the business to which such signs relate.
6. Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
7. Balloons, streamers or pinwheels except those temporarily displayed as part of a special sale, promotion or community event. For the purposes of this subsection, "temporarily" means not more than 20 days in any calendar year.

Section 7 General Standards

A. **GROSS AREA OF SIGN** – The area within the physical limits of the sign exclusive of the base or structure on which it is mounted or suspended. If the sign is double faced or more, then all faces of the sign shall be used to compute the gross area. The area of a wall sign shall be the smallest rectangular area which contained all the letters, figures, or logos.

B. **SIGN HEIGHT** – Sign height shall be measured from the ground elevation at the base of the sign to the highest part of the sign.

C. **ILLUMINATED SIGNS** – Lighting for signs shall direct 75% of the projected light onto the face of the sign. Lighting shall be directed away from any residential use. Lighted sign in close proximity to traffic signal shall not use red, amber or green lighting.

D. **ELECTRONIC MESSAGE SIGN OR CENTER** – Shall be limited to the following uses;

   i. A sign giving public service information.

   ii. A sign giving current time, temperature, weather of news.

E. **OUTDOOR ADVERTISING SIGN SPACING** – Outdoor advertising sign spacing shall be a minimum of one-half (½) mile.

Section 8 Sign Permits and Approval

All signs shall require a zoning permit from the Zoning Administrator prior to installing any new sign, unless otherwise exempted. All signs located adjacent to controlled highways must meet the Nebraska Department of Roads Outdoor Advertising Rules and Regulations as well as any applicable county regulations.

Section 9 General Sign Types

Sign types and the computation of sign area shall be as depicted in Figures 21-1 through 21-4.

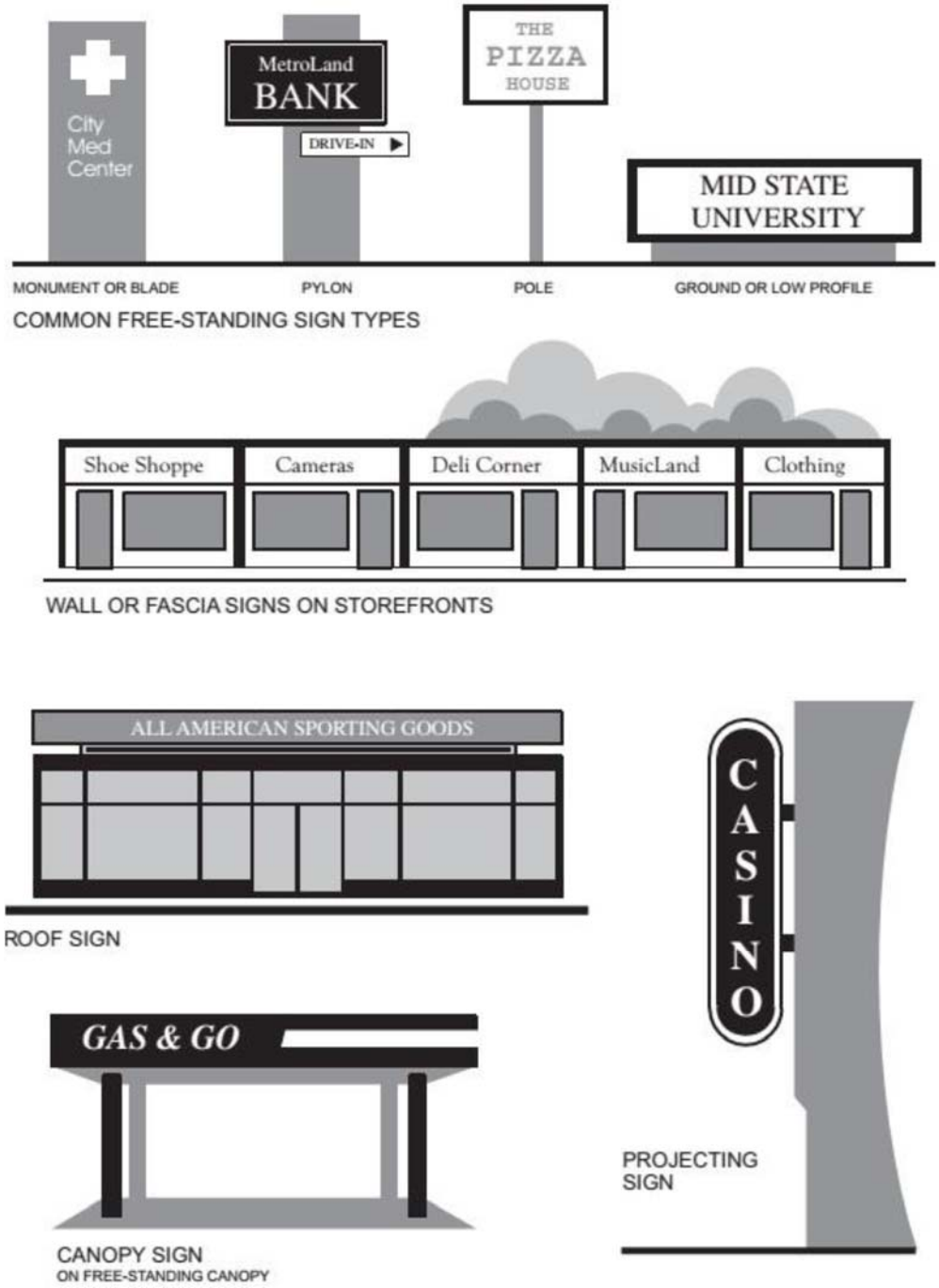


Figure 21-1: General Sign Types

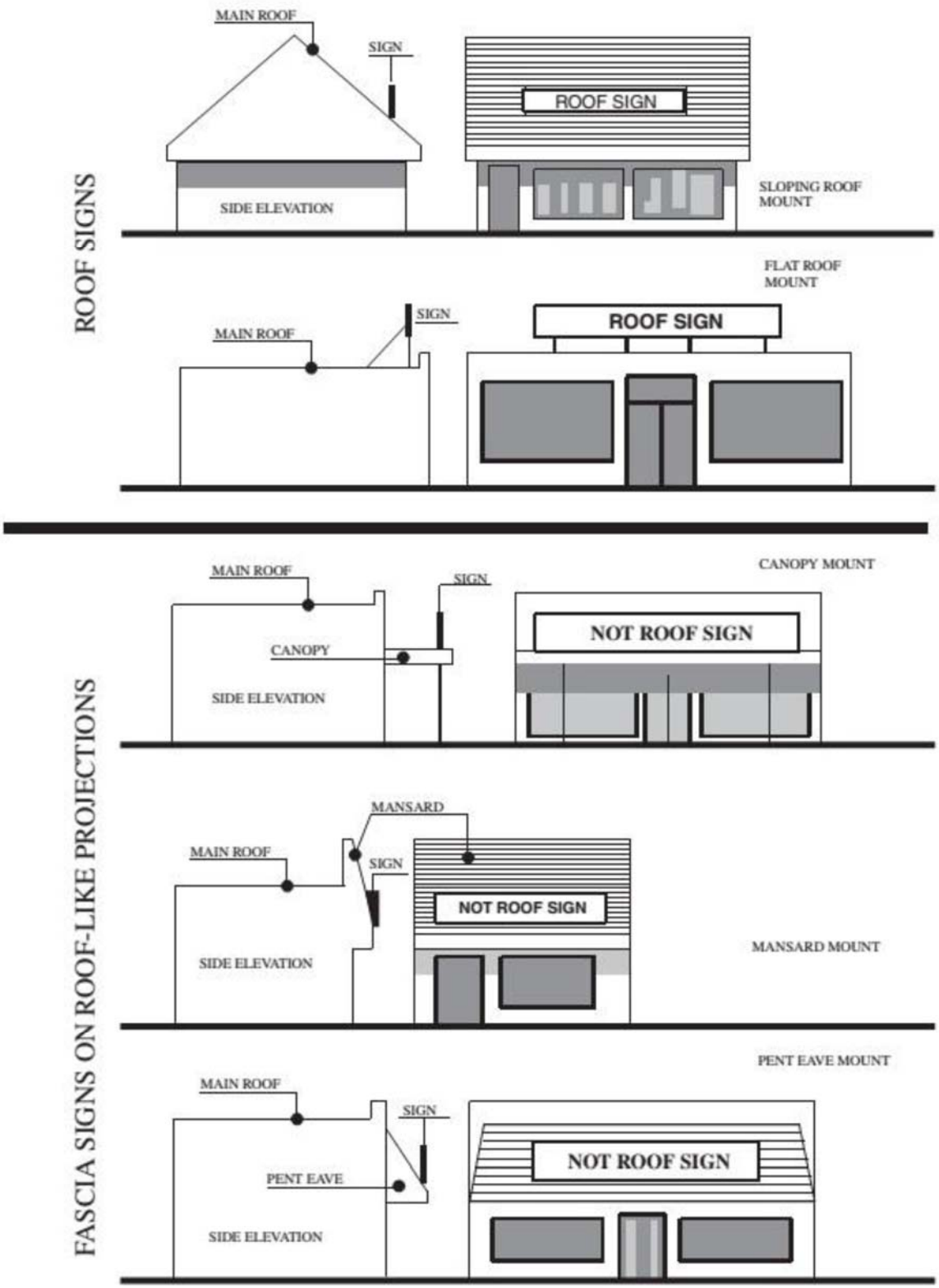


Figure 21-2: Comparison--Roof and Wall or Fascia Signs

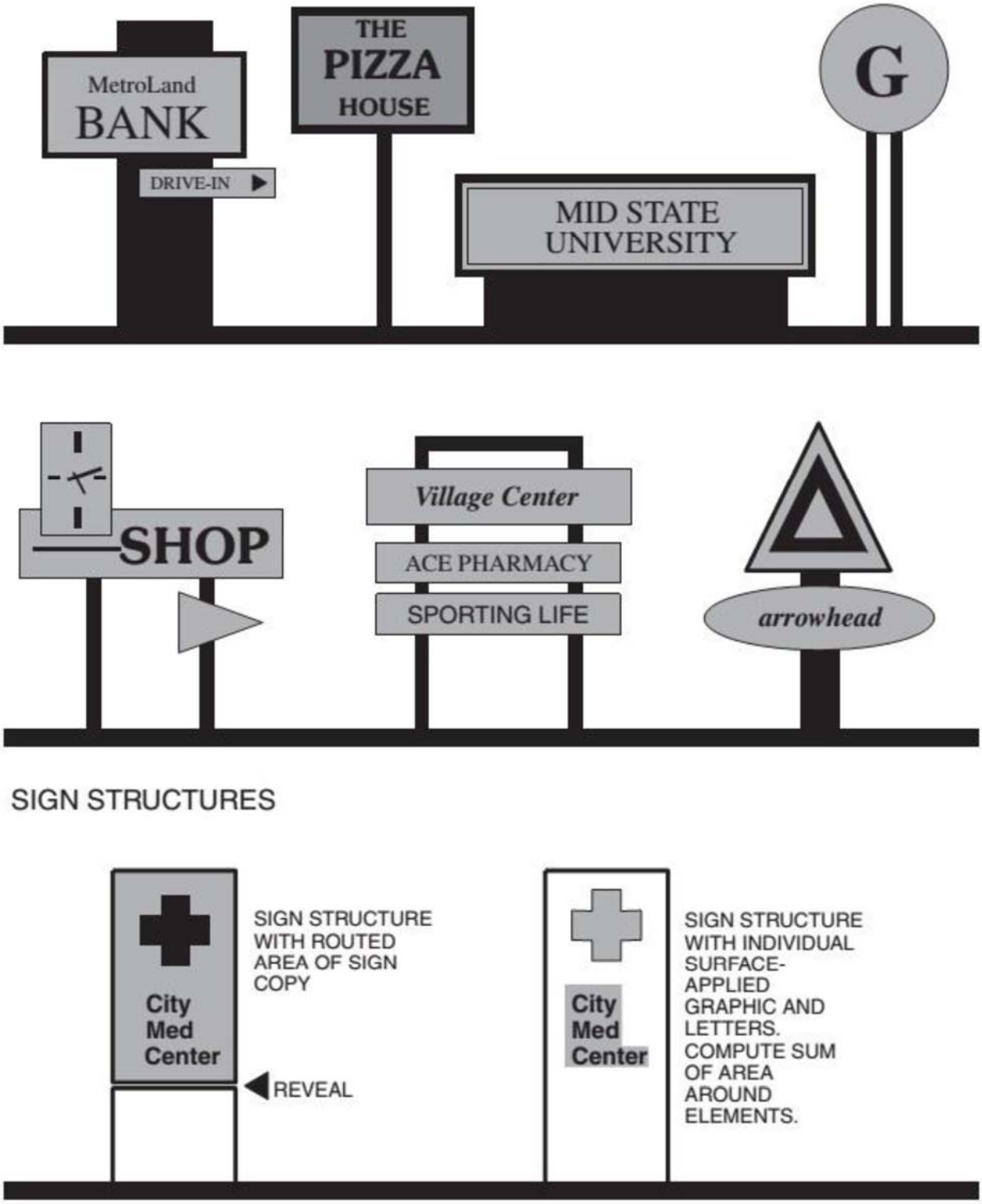


Figure 21-3: Sign Area—Computation Methodology

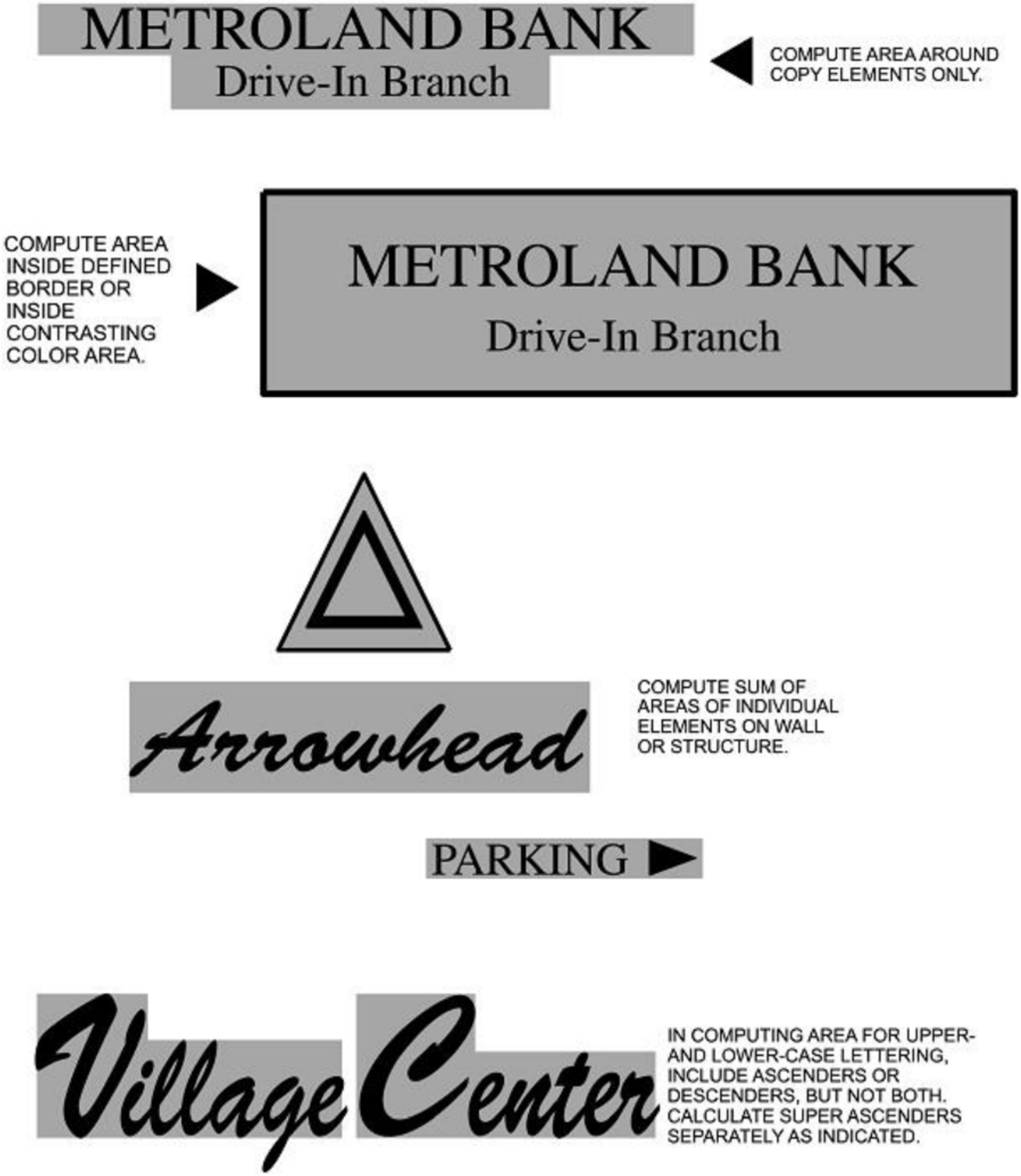


Figure 21-4: Sign Area—Computation Methodology

	Zoning District								
Sign Type	**A**	**TA**	**RR**	**RR2**	**MRD**	**TS**	**HD**	**GB**	**HI**
Animated	CUP	CUP	No	No	No	CUP	CUP	CUP	CUP
Banner	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes
Canopy (Marquee)	No	No	No	No	No	Yes	Yes	Yes	Yes
Changeable	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes
Combination	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes
Development	CUP	CUP	No	No	No	CUP	CUP	CUP	CUP
Directional	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Electronic Message	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes
Free-Standing (Pole)	CUP	CUP	No	No	No	CUP	CUP	CUP	CUP
Illuminated	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Menu Board	No	No	No	No	No	Yes	Yes	Yes	Yes
On-Premise	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Outdoor Advertising	CUP	CUP	No	No	No	CUP	CUP	CUP	CUP
Political	Temp	Temp	Temp	Temp	Temp	Temp	Temp	Temp	Temp
Portable	Temp	Temp	Temp	Temp	Temp	Temp	Temp	Temp	Temp
Projecting	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes
Real Estate	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Roof	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes
Temporary	Temp	Temp	Temp	Temp	Temp	Temp	Temp	Temp	Temp
Wall or Fascia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Window	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes

	Zoning District									
Maximum Sizes	**A**	**TA**	**RR**	**RR2**	**MRD**	**TS**	**HD**	**GB**	**HI**	
<u>Animated</u> **Max. Square Ft.** **Max. Height Ft.** **Max. Number** **Setback**	 200 45 1 100 ft	 200 45 1 100 ft				 200 45 1 50 ft	 200 45 1 50 ft	 200 45 1 50 ft	 200 45 1 50 ft	
<u>Banner</u> **Max. Square Ft.** **Max. Height Ft.** **Max. Number**	 32 N/A N/A	 32 N/A N/A				 32 N/A N/A	 32 N/A N/A	 32 N/A N/A	 32 N/A N/A	
<u>Canopy (Marquee)</u> **Max. Square Ft.** **Max. Height Ft.** **Max. Number** **Setback**						 200 25 1 Req.	 200 25 1 Req.	 200 25 1 Req.	 200 25 1 Req.	
<u>Changeable</u> **Max. Square Ft.** **Max. Height Ft.** **Max. Number**	 32 N/A N/A	 32 N/A N/A				 32 N/A N/A	 32 N/A N/A	 32 N/A N/A	 32 N/A N/A	
<u>Combination</u> **Max. Square Ft.** **Max. Height Ft.** **Max. Number** **Setback**	 100 40 1 Req.	 100 40 1 Req.				 100 40 1 Req.	 100 40 1 Req.	 100 40 1 Req.	 100 40 1 Req.	

	Zoning District									
Sign Type	**A**	**TA**	**RR**	**RR2**	**MRD**	**TS**	**HD**	**GB**	**HI**	
Development **Max. Square Ft.** **Max. Height Ft.** **Max. Number** **Setback**	 500 35 1 1/2	 500 35 1 1/2	 500 35 1 1/2	 500 35 1 1/2	 500 35 1 1/2	 500 35 1 1/2	 500 35 1 1/2	 500 35 1 1/2	 500 35 1 1/2	**2,3**
Directional **Max. Square Ft.** **Max. Height Ft.** **Max. Number** **Setback**	 16 8 1 25 ft	 16 8 1 25 ft	 16 8 1 25 ft	 16 8 1 25 ft	 16 8 1 25 ft	 16 8 1 25 ft	 16 8 1 25 ft	 16 8 1 25 ft	 16 8 1 25 ft	**4,5**
Free Standing (Ground) **Max. Square Ft.** **Max. Height Ft.** **Max. Number** **Setback**	 50 10 1 50 ft	 50 10 1 50 ft				 32 10 1 1/2	 32 10 1 1/2	 32 10 1 1/2	 32 10 1 1/2	
Free Standing (Pole) **Max. Square Ft.** **Max. Height Ft.** **Max. Number** **Setback**	 100 40 1 50 ft	 100 40 1 50 ft				 100 40 1 1/2	 100 40 1 1/2	 200 40 1 1/2	 100 40 1 1/2	
Illuminated **Max. Square Ft.** **Max. Height Ft.** **Max. Number**	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Menu Board **Max. Square Ft.** **Max. Height Ft.** **Max. Number** **Setback**						 120 10 1 Req.	 120 10 1 Req.	 120 10 1 Req.	 120 10 1 Req.	
On-Premise **Max. Square Ft.** **Max. Height Ft.** **Max. Number** **Setback**	 32 10 1 100 ft.	 32 10 1 100 ft.	 6 4 1 1/2	 6 4 1 1/2	 6 4 1 1/2	 32 10 1 1/2	 32 10 1 1/2	 32 10 1 1/2	 32 10 1 1/2	
Outdoor Advertising **Max. Square Ft.** **Max. Height Ft.** **Max. Number** **Setback**	 600 20 1 100 ft	 600 20 1 100 ft				 600 20 1 1/2	 600 20 1 1/2	 600 20 1 1/2	 600 20 1 1/2	
Political **Max. Square Ft.** **Max. Height Ft.** **Max. Number** **Setback**	 32 4 2 50 ft	 32 4 2 50 ft	 6 1 25 ft	 6 1 25 ft	 6 1 25 ft	 32 4 1 25 ft	 32 4 1 25 ft	 32 4 1 25 ft	 32 4 1 25 ft	
Portable **Max. Square Ft.** **Max. Height Ft.** **Max. Number** **Setback**	 32 4 1 50 ft	 32 4 1 50 ft	 32 4 1 1/2	 32 4 1 1/2	 32 4 1 1/2	 32 4 1 1/2	 32 4 1 1/2	 32 4 1 1/2	 32 4 1 1/2	

	Zoning District									
Sign Type	**A**	**TA**	**RR**	**RR2**	**MRD**	**TS**	**HD**	**GB**	**HI**	
Projecting										
Max. Square Ft.	32	32				32	32	32	32	
Max. Height Ft.	15	15				15	15	15	15	
Max. Number	1	1				1	1	1	1	
Setback	1/2	1/2				1/2	1/2	1/2	1/2	
Real Estate										
Max. Square Ft.	32	32	6	6	6	32	32	32	32	
Max. Height Ft.	15	15				4	4	4	4	
Max. Number	2	2	1	1	1	1	1	1	1	
Setback	50 ft	50 ft	1/2	1/2	1/2	1/2	1/2	1/2	1/2	
Roof										
Max. Square Ft.	200	200				200	200	200	200	
Max. Height Ft.	45	45				45	45	45	45	
Max. Number	1	1				1	1	1	1	
Setback	Req	Req				Req	Req	Req	Req	**1**
Temporary										
Max. Square Ft.										
Max. Height Ft.										
Max. Number										**1**
Wall or Fascia										
Max. Square Ft.	200	200				200	200	200	200	
Max. Height Ft.	15	15				15	15	15	15	
Max. Number	1	1				1	1	1	1	
Setback	1/2	1/2				1/2	1/2	1/2	1/2	
Window										
Max. Square Ft.	50	50				50	50	50	50	
Max. Height Ft.	15	15				15	15	15	15	
Max. Number	1	1				1	1	1	1	
Setback	Req	Req				Req	Req	Req	Req	

1 Wall/Window signs shall not exceed 10 percent of the total wall area or the number indicated whichever is greater.
2 Ground signs may be increased from 32 square feet in area to 50 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual ground sign for every use/storefront.
3 Ground signs may be increased from 50 square feet in area to 75 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual ground sign for every use/storefront.
4 Pole signs may be increased from 100 square feet in area to 150 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.
5 Pole signs may be increased from 200 square feet in area to 300 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.

Req. mean required setback for the district. 1/2 means 1/2 of the required setback.

Article 22 - Floodplain

Section 1 Statutory Authorization, Findings of Fact and Purposes

A. Statutory Authorization

The Legislature of the State of Nebraska has in Section 31-1001 to 31-1002, R.R.S. 1943 assigned the responsibility to local governmental units to adopt floodplain management regulations designed to protect the public health, safety and general welfare. Therefore, the Board of Commissioners of Keith County, Nebraska, ordains as follows:

B. Findings of Fact

1. **Flood Losses Resulting from Periodic Inundation**
   The flood hazard areas of Keith County, Nebraska, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base all of which adversely affect the public health, safety and general welfare.
2. **General Causes of the Flood Losses**
   These flood losses are caused by: (1) The cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

C. Statement of Purpose

It is the purpose of this resolution to promote the public health, safety and general welfare and to minimize those losses described in Section B.1 by applying the provisions of this resolution to:

1. Restrict or prohibit uses that are dangerous to health, safety or property in time of flooding or cause undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including pubic facilities that serve such uses, by provided with flood protection at the time of initial construction.
3. Protect individuals from buying lands that are unsuited for intended purposes because of flood hazard.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

Section 2 Definitions

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Article its most reasonable application. These definitions apply only to this Article. For example, the Floodplain definitions refer to manufactured homes, generally, the Keith County zoning and subdivision regulations refer to Single Wide Manufactured Homes.

BASE FLOOD - The flood having one percent chance of being equaled or exceeded in any given year.

BASEMENT - Any area of the building having its floor subgrade (below ground level) on all sides.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

EXPANSION OF EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters. (2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - An official map of a community, on which the Administrator has

delineated both the special flood hazard areas and the risk premium applicable to the community.
FLOODPLAIN - Any land area susceptible to being inundated by water from a source. (See FLOODING)
FLOOD PROOFING - Any combination of structural and non-structural additions, changes or adjustments to structure that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
FLOODWAY - The channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
HISTORIC STRUCTURE - Any structure that is (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.
LOWEST FLOOR - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Article.
MANUFACTURED HOME - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufacture home" does not include a recreational vehicle.
MANUFACTURED HOME PARK OR SUBDIVISION - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
NEW CONSTRUCTION - For floodplain management purposes, "new construction" means structures for which the "start of construction commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.
NEW MANUFACTURED HOME PARK OF SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
100 YEAR FLOOD - The condition of flooding having a one percent chance of annual occurrence.
PRINCIPALLY ABOVE GROUND - At least 51 percent of the actual cash value of the structure is above ground.
RECREATIONAL VEHICLE - A vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
REGULATORY FLOOD ELEVATION - The water surface elevation of the 100-year flood.
SPECIAL FLOOD HAZARD AREA - The land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.
START OF CONSTRUCTION – (For other than new construction or substantial improvements under the coastal Barrier Resources Act (Pub.L.97-348)) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection or temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.
STRUCTURE - A walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures that have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".
VARIANCE - A grant of relief to a person from the terms of a floodplain management article.
VIOLATION - Failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

Section 3 Local Administrator Responsibilities
The Keith County Floodplain Administrator shall be appointed to these responsibilities by resolution of the Governing Body and the appointment shall continue during good behavior and satisfactory service. The Keith County Floodplain Administrator is authorized and directed to enforce all of the provisions of this Article and all other articles of Keith County, Nebraska, now in force or hereafter adopted related to zoning, subdivision or building codes. During temporary absence or disability of the Keith County Zoning Administrator, the Keith County Board of County Commissioners shall designate an acting administrator.

Section 4 Designation of Current FIRM
Keith County, Nebraska, hereby designates the current Flood Insurance Rate Map **dated September 30, 2005, Panel Numbers 31101C0025C thru 31101C0700C** and any revisions thereto, as the official map to be used in determining those areas of special flood hazard,

Section 5 Permits Required
Permits Required: No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development.

A. Within special flood hazard areas on the official map, separate floodplain development permits are required for all new construction, substantial improvements and other developments, including the placement of manufactured homes.

B. Application: To obtain a floodplain development permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. Every application shall:
    1. Identify and describe the development to be covered by the permit.
    2. Described the location of the development by lot, block, tract and street address, or similar description that will readily identify and definitely locate the proposed building or development.
    3. Indicate the use or occupancy for which the proposed development is intended.
    4. Be accompanied by plans and specifications for proposed construction, which are
    5. Be signed by the permittee or their authorized agent who may be required to submit evidence to indicate such authority.
    6. Within designated floodplain areas, be accompanied by elevations of the lowest floor, including basement, or in the case of flood proofed non-residential structures, the elevation to which it shall be flood proofed. The Keith County Floodplain Administrator shall maintain documentation or certification of such elevations.
    7. Provide other information as may be required by the Keith County Floodplain Administrator. (i.e., require a statement from the applicant that they are aware that elevating or flood proofing structures above the minimum levels will result in premium reduction, especially in the case of non-residential flood proofing when a minus one foot (-1"0 penalty is assessed at the time of rating the structure for the policy premium.)

Section 6 Development Permit Application Review
The Keith County Floodplain Administrator shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State Law.

Section 7 Application Review

The Keith County Floodplain Administrator, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufacture homes and other development(s) (as defined in Section 21 of this Article) shall:

A. Obtain, review and reasonably utilize, if available, any regulatory flood elevation data and floodway data available from Federal, State or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within special flood hazard areas on the official map that the following performance standards be met:

1. Until a floodway has been designated - No development or substantial improvement may be permitted within the identified floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the 100-year flood more than one foot at any location.
2. Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least on foot above the base flood elevation.
3. Non-residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated at least one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the local administrator.
4. Required for all new construction and substantial improvements -That fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either by certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
    a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
    b. The bottom of all opening shall be no higher than one foot above grade.
    c. Openings may be equipped with screen, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Require the use of construction materials that are resistant to flood damage.

C. Require the use of construction methods and practices that will minimize flood damage.

D. Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

E. New structures shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

F. Assure that all manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Manufactured homes shall be anchored in accordance with State Laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirement (or their equivalent) shall be met:

1. Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at the intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side.
2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactures homes less than 50 feet long requiring four additional ties per side.
3. All components of the anchoring system are capable of carrying a force of 4800 pounds.

4. Any additions to manufactured home are similarly anchored.

G. Assure that all manufactured homes proposed to be placed or substantially improved within special flood hazards areas shall be on sites:

1. Outside of a manufactured home park or subdivision.
2. In a new manufactured home park or subdivision.
3. In an expansion to an existing manufactured home park or subdivision.
4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least one foot above the base flood elevation and be securely fixed to an adequately anchored foundation system in accordance with the provisions of Section 7.F.

H. Assure that manufactured homes to be placed or substantially improved on sites in an existing manufacture home park or subdivision within special flood hazard areas on the community's official map that are not subject to the provisions of Section 7.G be elevated so that either:

1. The lowest floor of the manufactured home is at least one foot above that base flood elevation, or;
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the grade and be securely fixed to an adequately anchored foundation system in accordance with the provisions of Section 7.F.

I. Require that recreational vehicles placed on sites within the identified special flood hazard areas on the community's official map either

1. Be on the site for fewer than 180 consecutive days.
2. Be fully licensed and ready for highway use, or
3. Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this Article.

A recreational vehicle is ready for highway use if it is on its wheels, or its jacking system is attached to the site only by "quick disconnect" type utilities and security devices, and has no permanently attached additions.

Section 8 Subdivision Applications

The Keith County Planning Commission, the Keith County Planning and Zoning Administrator, and the Keith County Floodplain Administrator and the Keith County Board of Commissioners shall review all subdivision applications in accordance with the Keith County Zoning Regulations and this article. Proposed developments shall:

A. All such proposed developments are consistent with the need to minimize flood damage.

B. Subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions), greater than five (5) acres, or 50 lots, whichever is less, include within such proposals regulatory flood elevation data in special flood hazard areas.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

D. All public utilities and facilities are located so as to minimize or eliminate flood damage.

Section 9 Water and Sewage Systems

New and replacement water and sewage systems shall be constructed to eliminate or minimize infiltration by, or discharge into floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

Section 10 Storage of Material and Equipment

The storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

Section 11 Flood-Carrying Capacity Within Any Watercourse

The Keith County Board of Commissioners will ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. Keith County will notify, in riverine situations, adjacent

communities and the State Coordinating Office (Nebraska Department of Natural Resources) prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Federal Emergency Management Agency.

Section 12 Variance Procedures

- **A.** The Keith County Board of Adjustments as established by the Keith County Board of Commissioners shall hear and decide appeals and requests for variances from the requirements of this article.
- **B.** The Keith County Board of Adjustments shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Keith County Planning and Zoning Administrator or the Keith County Floodplain Administrator, in the enforcement or administration of this Article.
- **C.** Any person aggrieved by the decision of the Keith County Board of Adjustments or any taxpayer may appeal such decision to the District Court as provided in Section 23-168, R.R.S. 1943.
- **D.** The Keith County Board of Adjustments shall consider all technical evaluations, relevant factors, standards specified in other section of this article, and;
    1. The danger that materials may be swept onto other lands to the injury of others;
    2. The danger to life and property due to flooding or erosion damage;
    3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
    4. The importance of the services provided by the proposed facility to the community;
    5. The necessity to the facility of a waterfront location, where applicable;
    6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
    7. The compatibility of the proposed use with existing and anticipated development;
    8. The relationship of the proposed use to the Comprehensive Plan and floodplain management programs for that area;
    9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
    10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
    11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Section 13 Conditions for Variances

- **A.** Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2-5 below have been fully considered. As the lot size increased beyond the on-half acre, the technical justification required for issuing the variance increases.
- **B.** Variances may be issued for the repair or rehabilitation of historic structure upon a determination that the proposed repair or rehabilitation will not preclude the structure's necessary to preserve the historic character and design of the structure
- **C.** Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief.
- **D.** Variances shall only be issued upon:
    1. A showing of good and sufficient cause,
    2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and,
    3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or articles.
- **E.** The applicant shall be given a written notice over the signature of a community official that:
    1. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage, and,

2. Such construction below the base flood level increases the risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this article.

Section 14 Nonconforming Use

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of the article, but which is not in conformity with the provisions of this article may be continued subject to the following conditions:

1. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this article.
2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that if its reconstructed in conformity with the provision of this article. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Section 15 Penalties for Violation

Violation of the provision of this article or failure to comply with any of its requirement (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof by fined not more than $500.00, and in addition, shall pay all costs and expenses involved in the case. Each day of such violation shall be considered a separate offense.

Nothing herein contained shall prevent the Keith County Planning and Zoning Administrator, and the Keith County Floodplain Administrator Department, the Keith County Board of Commissioners and the Keith County Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 16 Abrogation and Greater Restrictions

It is not intended by this article to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this article imposes greater restrictions, the provision of this article shall prevail. All other articles inconsistent with this article are hereby repealed to the extent of the inconsistency only.

Section 17 Interpretation

In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal, of any other powers granted by state statutes.

Section 18 Warning and Disclaimer of Liability and Severability

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge opening restricted by debris. This article does not imply that areas outside floodplain district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This article shall not create liability on the part of Keith County, Nebraska, or any officer or employee thereof for any flood damages that may result from reliance on this article or any administrative decision lawfully made thereunder.

If any section, clause, provision or portion of this article is adjudges unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not be affected thereby.

Section 20 Appeal

Where the Keith County Planning and Zoning Administrator or the Keith County Floodplain Administrator deny a request for a permit to develop or a variance, the applicant may apply for such permit or variance directly to the Keith County Board of Adjustments.

Section 21 Conflicting Articles

This article shall take precedence over conflicting articles or parts of articles. The Keith County Board of Commissioners may, from time to time, amend this article to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this article are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Floodplain Management Act.

Article 23 - Board of Adjustment

Section 1 Purpose - Membership
The Board of Adjustment shall consist of five (5) members, each to be appointed for a term of three (3) years and be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One (1) member only of the Board of Adjustment shall be appointed by the County Commissioners from the membership on the Planning Commission and the loss of membership on the Planning Commission by such member shall also result in his/her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment.

Section 2 Meetings
Meetings of the board shall be held at the call of the chairman at such other times as the board may determine. Such chairman, or in his/her absence the acting chairman, may administer oaths and compel the attendance of witnessed. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board and shall be a public record.

Section 3 Appeals
Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision of the zoning administrator. Such appeal shall be made within ten (10) days from the date of decision by any county officer or department.

The appeal filed in writing shall define the appeals be requested and the grounds therefore. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the records upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate and stay would, in his/her opinion, cause imminent peril to the life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

Section 4 Hearing
The chairman of the Board of Adjustments shall set a hearing within 30 days of receipt of the appeal by the clerk of the board. The time, date, place of the hearing and description of the request shall be published in the local newspaper of general distribution ten (10) days prior to actual hearing. The clerk of the board shall also notify the interested parties in the case of the hearing date, time and place.

Section 5 Authority
The Board of Adjustment shall have the following powers:

- **A.** To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official or an agency based on or made in the enforcement of the zoning regulation or any regulation relating to the location or soundness of structures;
- **B.** To hear and decide, in accordance with the provisions of any regulation, request for interpretation of any map or for decisions upon other special questions upon which the board is authorized by any such regulation to pass; and
- **C.** Whereby reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, to authorize, upon appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of zoning regulations, but no such variance shall be authorized unless the Board of Adjustment finds that:
    1. The strict application of the resolution would produce undue hardship.
    2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

3. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.
4. The granting of such variance is based upon the reasons of demonstrable and exceptional hardship as distinguished from variations for purpose of convenience, profit of caprice.

No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring in nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the resolution. In exercising the above mentioned powers, the board may, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as shall be proper, and to that end shall have the power of the officer or agency from whom the appeal is taken, the concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in under any such resolution or to effect any variation in such resolution.

Article 24 - Amendments

Section 1 Initiation of Amendment

An application for an amendment may be initiated in any one of the following ways:

- **A.** By the owner of the property for which the amendment would apply or an authorized agent for the owner; or
- **B.** By the Zoning Administrator; or
- **C.** By the Planning Commission; or
- **D.** By the County Commissioners who would instruct the Planning Commission to review an amendment.

An amendment to either the text or to the zoning map is considered to be an amendment to this resolution.

Section 2 Application

- **A.** All applications for amendments shall be submitted to the Planning Commission (or its authorized staff representative) at least 20 days prior to a regular meeting of the Planning Commission.
- **B.** The application, when submitted, shall be accepted only when it includes all of the following information:
  1. A certified survey boundary survey or adequate legal description of the property for which the application is made to adequately define the location of the site by dimensions.
  2. Authorization from the property owner agreeing to the submittal of the application if the owner is not the applicant.
  3. A vicinity map that defines access to the site and defines adjacent zoning and land use. In urban areas, this information shall be shown for a distance of 600 feet from the site; in rural areas, this distance shall be extended to 2,500 feet, (the Planning Commission may request a larger area of coverage if the proposed use may impact a much larger area).
- **C.** An application fee as may be adopted by resolution of the County Commissioners shall be submitted to cover processing and hearing costs.

Section 3 Procedures

- **A.** Upon receipt of a complete application and filing fee, the Planning Commission or its authorized staff representative shall set the request for public hearing by publishing a description of the request and the time, date and place for the hearing at least ten (10) days prior to the scheduled hearing date.
  a. Adjacent property owners abutting or across the street or alley from the subject site shall be notified in writing of the proposed request and scheduled hearing time, date and place.
  b. If, in the opinion of the Planning Commission or its authorized agent, the proposed use could impact a much larger area, the notice area may be extended.
  c. Current tax records shall be used to determine ownership.
  d. Should the applicant request a delay of hearing more than twice after due notice to affected landowners and a publication in the official county newspaper, said applicant shall be required to pay a full fee for renewal of the Conditional Use by Special Permit or Zoning Map Amendment application.
  e. Failure to receive notice, however, shall not invalidate any subsequent action taken by the Planning Commission or the County Board so long as such notice was in fact published and mailed in accordance with these provisions.
- **B.** The staff representative for the Planning Commission shall, prior to the hearing, accomplish the following:
  1. Refer the request to other interested agencies and the county departments for comment.
  2. Prepare a staff report outlining findings and recommendations that will assist the Planning Commission in making a decision in the matter.
  3. Refer the report to the Planning Commission and the applicant at least three (3) days prior to the scheduled hearing date.
- **C.** The Planning Commission shall hear and review the matter and, within 35 days of the first hearing, submit a recommendation of approval or disapproval of such proposed amendment based upon the evidence presented of:
  a. The existing uses of land and zoning classifications of property in the area that will be affected by the proposed amendment;
  b. The suitability of the property in question to the new zoning classification;
  c. The effect of the proposed amendment on the use of land and administration of zoning in the County;

d. The accessibility of the property to County services; streets and roads, sewage and water facilities and refuse disposal services; and
e. The general health, safety and welfare of the community and any other considerations deemed appropriate by the Planning Commission in furtherance of the objectives of zoning and the Keith County Comprehensive Plan.

D. The Planning Commission recommendations shall be forwarded to the County Commissioners along with the application file. Said recommendations shall be recorded in the Planning Commission meeting minutes or in some other written form for review by the County Commissioners.

E. The County Clerk shall set a hearing date before the County Commissioners and provide notification in the manner prescribed in Section 3A.

F. The County Commissioners shall hear the review the matter and shall, within 35 days of said hearing, do one of the following:
1. Approve the request.
2. Deny the request.
3. Table the matter for a specified period of time with the consent of the applicant for further study and review.

G. The reasons for the County Commissioners action on the request shall be defined in the official minutes of the County Commissioners meetings.

Section 4 Protests
If a protest against the proposed amendment is filed in the Office of the County Clerk within 14 days after the Planning Commission public hearing, duly signed and acknowledged by the owners of 20 percent or more either of the area of the lots, included in the proposed amendment, or of those immediately adjacent in the rear thereof extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of such opposite lots, such proposed amendment shall not become effective except by the favorable vote of a 2/3 majority of the County Board.

Section 5 Similar Amendments
A proposed rezoning request for a similar classification and/or area to one already reviewed by the County Commissioners shall not be reconsidered by the County Commissioners within 12 months of the date of such County Commissioners action. Submission by a different applicant or minor changes in boundaries shall not be adequate reason to circumvent this requirement.

Section 6 Time Limitations on Amendments to the Zoning District Map
At the time the Planning Commission and the County Commissioners consider an initial zoning request, a rezoning request and/or any amendments to the zoning district map, the applicant shall be advised that the land must be developed in accordance with the designated zoning classification within two (2) years after the date of granting same and that, in the event such development is not completed or substantially commenced within said two (2) year period, the County may, at its sole and exclusive option, review said zoning classification and initiate proceedings to rezone the land to the classification said land held immediately prior thereto or to such other zoning classification as may be determined by the County Commissioners.

Article 25 – Dwelling Unit: Vacation Rental

Section 1 Initiation of Conditional Use Permit
An application for a Conditional Use Permit may be obtained by the owner of the property for which the Conditional Use Permit would apply or an authorized agent for the owner.

Section 2 Eligible Zoning Districts for Dwelling Unit: Vacation Rental
A Conditional Use Permit is allowed in the following zoning districts only:

Rural Residential
Rural Residential 2
Tourist Services
Residential Medium Density
Mixed Residential

Section 2 Application

A. All applications for a Conditional Use Permit shall be submitted to the Planning Commission (or its authorized staff representative) at least 20 days prior to a regular meeting of the Planning Commission.
B. A Conditional Use Permit application can be obtained from the Keith County website at www.keithcountyne.gov under the Planning/Zoning tab, or an application can be obtained from the Planning/Zoning office.
C. The application, when submitted, shall be accepted only when it includes all of the following information:
    1. Floor plan and number of occupants
    2. Tenant rules and regulations
    3. Site map of the area
    4. Contact phone number and email address
    5. Current sales tax permit from the NE Department of Revenue
    6. Current lodging tax permit from the NE Department of Revenue
    7. If the Dwelling Unit: Vacation rental is situated upon a property that is not owned by the applicant, a written/signed letter of approval from the property owner shall accompany the application
D. An application fee as may be adopted by Resolution of the County Commissioners shall be submitted to cover processing and hearing costs. Payment may be made in the form of personal check, cashiers check, or money order and made out to the Keith County Treasurer.

Section 3 Procedures

A. Upon receipt of a complete application and filing fee, the Planning Commission or its authorized staff representative shall set the request for public hearing by publishing a description of the request and the date and place for the hearing at least ten (10) days prior to the scheduled hearing date.
    1. Adjacent property owners within 300' of the subject site shall be notified in writing of the proposed request and scheduled hearing time, date and place
    2. If, in the opinion of the Planning Commission or its authorized agent, the proposed use could impact a much larger area, the notice area may be extended
    3. Current tax records shall be used to determine ownership
    4. Should the applicant request a delay of hearing more than twice after due notice to affected landowners and a publication in the official county newspaper, said

applicant shall be required to pay a full fee for renewal of the Conditional Use Permit application

5. Failure to receive notice, however, shall not invalidate any subsequent action taken by the Planning Commission or the County Board so long as such notice was in fact published and mailed in accordance with these provisions

B. The staff representative for the Planning Commission shall, prior to the hearing, accomplish the following:
    1. Refer the request to other interested agencies and county department for comment if applicable
    2. Prepare a staff report outlining findings and recommendations that will assist the Planning Commission in making a decision on the matter
    3. Refer the report to the Planning Commission and the applicant at least three (3) days prior to the scheduled hearing date

C. The Planning Commission shall hear and review the matter and, within 35 days of the first hearing, submit a recommendation of approval or denial to the County Board of the Conditional Use Permit for Dwelling Unit: Vacation Rental.

The following conditions shall be imposed for the Conditional Use Permit for Dwelling Unit: Vacation Rental:

1. Quiet time after 11:00 p.m.
2. Trash to be disposed of properly
3. No on-street or on-road parking
4. In the event a Dwelling Unit: Vacation Rental is operating without a Keith County Conditional Use Permit for the same, there shall be a per day fine imposed of $150
5. Dwelling Unit: Vacation Rental Conditional Use Permits shall expire upon the sale or transfer of the property
6. Two or more written complaints in a six-month time period shall initiate a written warning to the property owner. A response to the compliant is required to be received from the property owner. The Planning Commission and the County Board will review said complaints and at their discretion may terminate the Conditional Use Permit for Dwelling Unit: Vacation Rental

The following additional conditions may be imposed for the Conditional Use Permit for Dwelling Unit: Vacation Rental:

1. Density may be a condition for denial of a Conditional use Permit for Dwelling Unit: Vacation Rental
2. An occupancy limit may be imposed
3. A number of on-site parking spaces may be imposed
4. No fire pit

D. The Planning Commission recommendations shall be forwarded to the County Commissioners along with the application file. Said recommendation shall be recorded in the Planning Commission meeting minutes or in some other written form for review by the County Board.

E. The County Clerk shall set a hearing date before the County Commissioners and notification shall be provided in a manner prescribed in Section 3A.

F. The County Commissioners shall hear and review and matter, and shall within 35 days of said hearing do one of the following:
    1. Approve the request
    2. Deny the request
    3. Table the matter for a specified period of time with the consent of the applicant for further study and review
G. The reasons for the County Board action on the request shall be defined in the official minutes of the County Commissioners meeting.

Section 4 Protests
If a protest against the proposed Conditional Use Permit is filed in the office of the County Clerk within 14 days after the Planning Commission public hearing, duly signed and acknowledged by the owners within the 300' notification range, such Conditional use Permit for Dwelling Unit; Vacation Rental shall not become effective except by favorable vote of a 2/3 majority of the County Board.

Section 5 Amendment to Conditions
In the event the property owner is not satisfied with the conditions placed upon the Conditional Use Permit for Dwelling Unit: Vacation Rental, within ten (10) days following the decision of the County Board, the property owner may request in writing a review or relaxation of the conditions imposed by the County Board. The property owner shall provide supporting documentation with the written request; all shall be submitted to the Planning Commission staff.

Upon receipt of the request with supporting documentation, the County Clerk shall place the matter on the regular meeting agenda for County Board review and approval or denial of the request.

Section 6 Appeal – Board of Adjustment
Any appeal to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision. Such appeal shall be made within ten (10) days from the date of decision by any county officer or department.

The Board of Adjustment regulations are found in Article 23 of the Keith County Zoning Regulations.

Subdivision Regulations

Subdivision Article 1 - General Information

Section 1 Purpose
The purpose of these regulations is to provide for the orderly development of Keith County and its environs by insuring, through prescribed rules and standards, functional arrangements of street layouts, open space, adequate community facilities and utilities; to provide for general conditions favorable for the health, safety and convenience of the community; and to provide for the continued improvements of the standard of living for the citizens by promoting new ideas and effective, efficient and attractive community design.

Section 2 Authority
These regulations are hereby adopted and enacted under authority of the Revised State Statutes Chapters 23-372 through 23-377, and amendments thereto, and comprise requirements, standards, and specifications with respect to provisions for the proper location and width of streets, building lines, open space, safety, recreation; and the manner in which streets will be graded and improved; and, to the extent to which water, sewer, and other utility services shall be provided; and, to provide for the approval of preliminary plats and final plats, and endorsement thereof by the Keith County Planning Commission and by the Keith County Board of County Commissioners. No final plat of a subdivision shall be approved and accepted by the Board of County Commissioners unless to conforms to the provisions of these regulations.

Section 3 Applicability
- **A.** Each separate primary use building within the planning area of the County shall be situated on a separate and single subdivided lot of record.
- **B.** No subdivision of land shall be permitted within the county planning area unless a plat is approved in accordance with provisions of these regulations.
- **C.** These regulations shall not only apply to subdivisions as herein set forth, but shall also apply, insofar as payment of costs for improvements of subdivisions is concerned, to those subdivisions, or parts thereof, already platted and approved, which are undeveloped, wholly or partially.

Section 4 Exemptions, Waivers, and Variances
- **A.** These regulations shall not apply to subdivisions of burial lots in cemeteries.
- **B.** These regulations shall not apply to a division of land into lots or parcels of which the smallest lot created is more than ten (10) acres and not involving a new street.
- **C.** The Planning Commission may recommend and the County Board of Commissioners may grant waivers from the provisions of these regulations, but only after determining that:
    - a. There are unique circumstances or conditions affecting the property that are not the result of actions by the subdivider.
    - b. The waivers are necessary for the reasonable and acceptable development of the property.
    - c. The granting of the waivers will not be detrimental to the public or injurious to adjacent and nearby properties.
- **D.** The requirement of filing and recording a plat for subdivision shall not be waived.
- **E.** The Planning Commission and County Commissioners may also grant reasonable variances to these regulations if the subdivider concurrently submits an application for, and obtains approval of, a large scale development. The subdivider shall indicate where the plans vary from these regulations and shall present sufficient evidence to support the request, indicating why the request will not be detrimental to the public health, safety and welfare.

Section 5 Provisions are Minimum Requirements
In their interpretation and application, the provisions of this resolution shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, and morals. Convenience, as remedial and shall be liberally constructed to further its underlying purpose.

Section 6 Application of Overlapping Regulations
Whenever both a provisions of this resolution and any other provisions of this resolution or any provision in any other law, resolution, rule or regulation of any kind, contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern. All uses and, all area, width and yards permitted under the terms of this resolution shall be in conformity with all other provisions of law.

Section 7 Small Scale vs Large Scale Requirements

If the total area of the subdivision development exceeds the following size requirements, it is subject to the provisions of Subdivision Article 5 Large Scale Development.

‘A’ District - 75 acres or more in area,
‘TA’, ‘RR’, ‘RR2’, or ‘RM’ Districts – Five (5) acres or more in area,
‘TS’, ‘HD’, or ‘GB’ Districts – Five (5) acres or more in area,
‘HI’ Zoning District – Ten (10) acres or more in area.

If the subdivision development is smaller than the above sizes, it is classified as a Small Scale Subdivision.

Small Scale Subdivisions within the designated Lake Area, are also subject to the provisions of Article 18, Section 8.

Subdivision Article 2 - Plat Review and Submittal Requirements

Section 1 Filing Preliminary Plat with Zoning Administrator
A preliminary plat and final plat shall be required for all subdivisions. The subdivider shall file with the Zoning Administrator the preliminary plat in the form hereinafter provided, together with the owners' statement and accompanying data, and said number of copies if determined by the Zoning Administrator. The time of filing such preliminary plat shall be the time said plat and accompanying data is received in the Zoning Administrator's office. The Zoning Administrator shall distribute copies of the preliminary plat and owners' statement and accompanying data to other agencies who are directly concerned with the proposed subdivision. When a change of zone, special permit, use permit, or large scale development is required, such application shall accompany the filing of the preliminary plat.
Concept Plan: If desired, the applicant may, prior to submitting complete preliminary plat plans, submit a general plan for the subject site. This general plan will define the location, proposed zoning, capital improvements such as water and sewer treatment facilities, general land contour, dominate physical features such as bluffs, canyons, rivers or lakes, ingress or egress locations, major highways and other schematic concepts to provide a general development concept of the project. This general Concept Plan shall be submitted to the Keith County Planning Commission for discussion purposes only. The Planning Commission may make suggested changes or may, in principle, make a general statement of agreement. However, the review and statements shall not constitute an official public hearing, no official action shall be taken or implied to have taken place.

Section 2 Staff Review of Preliminary Plat
The following shall be the method of processing preliminary plats:

- **A.** Each agency which is directly concerned with the proposed subdivision shall, within 15 days from receipt of a copy of the preliminary plat, file with the Zoning Administrator its approval of said plat or a report indicating in what manner such preliminary plat does not conform to the requirements of these regulations and all other rules, regulations, and standards adopted pursuant to these regulations over which such agency has administrative responsibility.
- **B.** Within 30 days from the filing of the preliminary plat, the Zoning Administrator shall notify the subdivider in writing of the recommended approval, conditional approval, or disapproval of the preliminary plat based upon a review of the recommendations of the various agencies and the Administrator's own review of the design of the subdivision, and shall designate the improvements which will be required under the provisions of these regulations before approval of the preliminary plat is granted.
- **C.** If the recommendation is for conditional approval or disapproval, the Zoning Administrator shall submit to the subdivider a statement of the reasons for such recommendation and indicate the revisions necessary to secure a recommendation of approval. One (1) copy of the preliminary plat together with a copy of the Zoning Administrator's statement shall be permanently filed in the Planning Department.
- **D.** The approval or conditional approval of the preliminary plat by the Zoning Administrator does not constitute an approval of the subdivision.

Section 3 Filing Preliminary Plat for Planning Commission Hearing
Following the recommendation of the Zoning Administrator, the subdivider shall file a written response indicating agreement or disagreement with the revisions necessary to secure a recommendation of approval and file as many copies of the preliminary plat as determined by the Zoning Administrator for hearing by the Planning Commission. The response and preliminary plat are to be submitted at least 20 days before the Planning Commission meeting.

Section 4 Modification of Procedures
The procedures prescribed in these regulations may be modified to provide that the Planning Commission may directly schedule the preliminary plat for a hearing; provided:

- **A.** The subdivider files the preliminary plat as required in these regulations at least 30 days prior to the Planning Commission meeting;
- **B.** Said filing is accompanied by a request that the procedure be modified; and
- **C.** The Zoning Administrator determines that the preliminary plat substantially complies with the requirements of these regulations and adopted design standards.
- **D.** However, no hearing shall be held by the Planning Commission until notice of said hearing has been given as provided in these regulations.

Section 5 Procedures for Processing of Preliminary Plat

A. The subdivider shall submit to the zoning administrator the preliminary plat and supplemental material specified with written application for conditional approval. Said complete submittal shall occur as indicated in Sections 1, 2, 3, and 4 above.

B. At the time of the filing of the application for a subdivision, the subdivider shall provide evidence of title and evidence that all taxes and special assessments have been paid on the land which is the subject of the subdivision application.

C. The subdivider shall submit a complete list of the names and mailing addresses of all owners of record of all land within 300 feet of the perimeter of the property being proposed for subdivision.

D. The subdivider or subdivider's representative shall be in attendance at the Planning Commission meeting when the Preliminary Plat is discussed.

E. A plat review fee adopted by the County shall accompany the application for conditional approval.

F. The preliminary plat submittal shall contain and address the following information:

1. A certified boundary survey of adequate legal description of the property for which the application is made to adequately define the location of the site.
2. Authorization from the property owner agreeing to submittal of the application if the owner is not the applicant.
3. Date prepared, north arrow, scale, and location of section lines and section corners. Preliminary plats shall be a scale as agreed upon to with the Zoning Administrator so long as the information required is clearly shown and legible
4. Contour lines at intervals not exceeding five feet based on U.S.G.S. data. Spot elevations on a 100-foot grid shall be required to indicate the topography of flat land.
5. Locations, names, tangent lengths, center line radius of each curve and its interior angle and width of all proposed and existing streets, highways, private roadways, and other public ways within and adjacent to the conditional use permit.
6. Location, width, and direction of flow of all watercourses in and adjacent to the conditional use permit, including the limits of any floodplain.
7. Location and size of all existing and proposed septic lines, storm sewer lines, water mains, culverts, fire hydrants and existing power lines and other underground structures or cables within the proposed development.
8. Names of adjacent subdivisions together with arrangement of streets and lots.
9. The location of a proposed septic system with all facilities and well locations on each lot with the preliminary plat.
10. Lot lines and dimensions of lot lines
11. Lot numbers shall begin with the number one (1) and shall continue consecutively through a block with no omissions or duplications. Blocks shall be numbered in the same manner. Letters shall be used to designate outlots in alphabetical order.
12. Proposed areas of open space, both public and private.
13. Location, sizes, and uses of all existing buildings.
14. The following information, prepared by a registered professional engineer or surveyor, shall be submitted with the preliminary plat:
    a. The name of the preliminary plat, which must not be similar to an existing subdivision as to cause confusion;
    b. The name, address and phone number of the subdivider;
    c. Record owner of the property;
    d. The name, address and phone number of the person or company responsible for the preparation of the preliminary plat;
    e. Complete legal description certified by a surveyor or engineer including the number of acres in the development;
    f. Statement of present zoning and proposed use or uses of the property;
    g. Profiles and grades of the proposed streets and private roadways;
    h. If a public or community wastewater system is proposed, the size and location of all proposed septic lines including observation holes and any pump stations, and the location and type of any proposed community treatment facility;

i. If individual septic systems are proposed, percolation tests and data based on one test hole per proposed lot or certified information from a soil engineer indicating the estimated percolation rate and suitability of the soil;
j. If a public or community water system is proposed, the location and size of all proposed water mains, fire hydrants, storage facilities, and any extension to existing mains must be shown or to a proposed community well. In the case of a community water system, the proposed well locations, along with data from test wells based on a ten (10) acre grid of the entire development showing quality and quantity of the water obtained from the test wells, the type of water treatment to be used must be shown and documented. The results of these preliminary tests shall in no way guarantee the quality or quantity of the water to the individual lots and the data obtained shall not be used to imply that an adequate quantity or acceptable quality of water is available for the proposed large scale development;
k. A complete drainage study including a map of the drainage area and resulting run-off from all land lying outside the limits of the development which discharge storm water into or through the large scale development, a map showing all internal drainage areas and resulting run-off, proposals as to how the computed quantities of run-off will be handled, and the drainage calculations and computations;
l. A site grading plan showing existing and proposed contours;
m. All deviations from the provisions of these regulations shall be fully noted and the reasons given for said deviations. This shall not imply that the County will grant any deviations, but will evaluate the requests on an individual basis.

G. The subdivider shall indicate by a letter when improvements as required will be provided. Any proposed restrictive covenants for the land involved shall accompany the letter.

H. At least ten (10) days prior to the Planning Commission meeting at which the preliminary plat is to be considered for approval, the Planning Commission shall submit a copy of the proposal to the school board of each school district which the proposal development affects, and shall notify the school board of the meeting date. Copies of the plat may be submitted to any other agency that may be affected.

I. After review of the preliminary plat and negotiations with the subdivider, the Planning Commission shall reject or conditionally approve the preliminary plat within 40 days after the official meeting at which the plat was considered.

J. The action of the Planning Commission shall be noted on the preliminary plat, referenced and attached to any conditions determined. The plat is then relayed to the County Commissioners for approval or denial. If approved, it is filed with the Keith County Clerk.

K. Approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval of conditional approval of the submitted plat as a guide for the preparation of the final plat, which will be subject to further consideration by the Planning Commission and County Commissioners. Any approval of the preliminary plat shall be effective for a period of one (1) year unless the Planning Commission grants an extension prior to the one (1) year expiration date.

Section 6 Replat of existing subdivision or lots

A. A replat shall be defined as a recordable redraft of an existing recorded document of a plan, map, subdivision or chart of land showing actual or proposed features such as lots, roads, capital improvements, easements, contours, waterways, shorelines, rights of way and existing structures. An approved replat shall be considered a Final Plat.

B. The subdivider shall submit a complete list of the names and mailing addresses of all owners of record of all land within 300 feet of the perimeter of the property being proposed for a replat.

C. The subdivider or landowner of an existing subdivision or lot(s) shall be entitled to request a replat of an existing subdivision or lot(s) without having to prepare a preliminary plat. The replat shall be submitted 21 days before Planning Commission review.

D. The Planning Commission shall conduct a public hearing, with due notice to adjacent property owners within 300 feet and publication of the hearing in the official county newspaper ten (10) calendar days prior to the hearing.

E. The Planning Commission who shall hear and review the matter, and within 35 days of the first hearing, do one of the following:

1. Recommend approval to the County Commissioners and reasons for the approval.
2. Recommend denial to the County Commissioners and reasons for said denial.
3. Table the matter for a specified period of time with the consent of the applicant for further study and review.

F. The replat shall include the following:

1. North Arrow and Scale.
2. Legend indicating symbols used on the replat.
3. Vicinity Sketch.
4. Surveyors certificate.
5. Signature blocks for Planning Commission, County Board and County Clerk and statement of ownership.
6. Name of replatted subdivision.
7. Existing and new lot lines, existing and new blocks.
8. Square footage or acreages of new lots or blocks.
9. All existing improvements including agricultural, residential, commercial or industrial structures, roads, utilities, fences, accessory buildings, wells, septic tanks, and water lines.
10. Current zoning of the replat and adjacent property.
11. All new lots, blocks must be monumented in accordance with state standards.
12. All existing public or private easements and known encroachments.
13. Metes and Bounds descriptions of the replatted boundary.
14. Distances from existing improvements noted above to new property lines.

G. All existing and recorded protective covenants shall be provided at the time of the Replat.

H. A statement from the Keith County Treasurer that all taxes and liens have been satisfied.

I. Disapproval of replats shall be based on the following guidelines:

1. A new street or alley is needed or proposed.
2. Vacations of streets, alleys, setback lines, access control or easements are required or proposed.
3. Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.: or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
4. There is less street right-of-way than required by this Resolution or the Comprehensive Development Plan unless such dedication can be made by separate instrument.
5. All easement requirements have not been satisfied.
6. Such action taken during a replat will result in a tract without direct access to a street.
7. A substandard-sized lot or parcel will be created.

J. The replat shall be recorded, filing fees paid ten (10) calendar days after approval by the Keith County Board of Commissioners.

Section 7 Procedure for Approval of Final Plat

A. Final plats shall be submitted to the zoning administrator within one (1) year of approval of the preliminary plat unless the Planning Commission grants an extension prior to the one (1) year expiration date. The request for an extension must be in writing to the Zoning Administrator at least 20 days prior to the regularly scheduled Planning Commission meeting prior to the expiration date of the preliminary plat. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations and any other conditions required by the County. Submittal of any portion of the approved area shall be interpreted as satisfying the one-year requirement mentioned above.

B. Application for approval of the final plat shall be submitted to the Planning Commission at least 21 days prior to the meeting at which it is to be considered.

C. The original final plat and other exhibits required for approval shall be submitted. The final plat shall be drawn in ink on Mylar, or similar material, and shall be at a scale to be agreed to between the subdivider and the Zoning Administrator. The final plat shall show the following:

1. Date, title, name and location of subdivision.
2. Graphic scale and true north point.
3. Survey markers.
4. Dimension, angles and bearings, and complete legal description of the property.
5. Location and description of all permanent monuments set or located.
6. Location and names or numbers of lots, streets, easements, public highways, alleys and other features.
7. Lot setback lines.
8. Sufficient engineering data to reproduce any line on the ground.
9. Purpose for which sites are dedicated or reserved, and the transfer of ownership of the same.
10. The location and names of adjacent subdivisions, streets, alleys and easements.
11. Certification and signature by surveyor or engineer certifying the accuracy of the survey and plat.
12. Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the final plat as submitted.
13. Certification and signature recording the recommendation by the Planning Commission.
14. Certification and signature recording the approval by the County Commissioners and the acceptance of any dedications.
15. Certification and signature recording the approval of the final plat by the Keith County Clerk acting as the Register of Deeds.

D. The final plat shall be accompanied by:

1. Detailed construction plans of all required public improvements, said plans to be approved by the County.
2. The County will accept two (2) methods of providing the guarantee for installation of improvements:
    a. A bank escrow account as part of the financing of the project through a construction loan. This method must allow the County direct access to the funds in order to complete the infrastructure work if the subdivider fails to complete the required improvements.
    b. A performance bond that the subdivider will be required to purchase from an insurance company or other bonding agency. The amount of the performance bond shall be determined by three individual engineering reports paid for by the subdivider. The amount of the bond will be an average of the three reports.
3. Protective covenants in form for recording.
4. A statement from the County Treasurer that indicates that all taxes and liens on the property have been paid in full.
5. The final plat filing fee.

E. The Planning Commission shall approve or reject the final plat and have prepared a recommendation to the County Commissioners recommending approval or rejection. All reasons for recommending rejection shall be clearly stated. Notification of approval or rejection by the Planning Commission or the County Commissioners shall be provided to the subdivider within eighty days after submission of the final plat to the Planning Commission, unless an extension was agreed upon by the subdivider and the Planning Commission or the County Commissioners. The County Commissioners at their next regularly scheduled meeting following Planning Commission action shall review the final plat and Planning Commission recommendations.

F. As part of the final plat approval, the subdivider shall be required to sign and have notarized a subdivision agreement between the subdivider and the County spelling out the subdivider's responsibility for the final plat. The subdivision agreement shall be prepared by the Keith County Planning and Zoning Department and executed by the subdivider prior to forwarding the final plat to the Keith County Board of County Commissioners for final approval.

Section 8 Administrative Re-Plat

A. It is the intent of this section to provide for: lot combinations within existing subdivisions when under single ownership, and the division of existing lots within existing subdivisions not less than the minimum dimensions for the zoning district in which the lot(s) are located.

B. An Administrative Re-Plat would not require hearings before the Keith County Planning Commission or Keith County Board of Commissioner for approval.

1. A re-plat that qualifies as an Administrative Re-Plat shall be considered a Final Plat and recorded with the County Clerk.
2. The re-plat shall meet the requirements found in Section 6: F.
3. All existing and recorded protective covenants shall be provided with the re-plat.
4. Within Appendix 1: fees; there shall be a fee as decided by the Keith County Commissioners.
5. The re-plat shall be recorded, filing fees paid ten calendar days after approval by the Keith County Zoning Administrator.
6. A request for an Administrative Re-Plat shall not be approved if:
    i. A new street or alley is needed or proposed.
    ii. A street, alley or easement is proposed to be vacated.
    iii. A substandard lot or parcel would be created.
    iv. Approval of the re-plat would result in a land locked parcel.
    v. The lot has been previously subject to a re-plat and recorded.
    vi. Property taxes are in arrears or special assessments have not been satisfied.
7. At the time of submittal of the Administrative Re-Plat, the Keith County Zoning Administrator shall be provided one mylar and two copies of the proposed re-plat with signature blocks for the Administrator, Landowner, recording Clerk, Surveyor and Chairman of the Keith County Board of Commissioners.
8. In event of disapproval of the re-plat by the county administrator, the landowner shall have redress either through an appeal to the Keith County Board of Adjustment or by filing a Final Plat in accordance with Section 7 with review through the Keith County Planning Commission and Keith County Board of Commissioners.
9. At the discretion of the County Zoning Administrator the proposed re-plat may be remanded to the Keith County Planning Commission to be processed under standard Re-plat or Final Plat regulations as found in the Keith County Subdivision Ordinance.

Section 9 Waiver for Minor Subdivisions

A. The subdivider may make an application and the Planning Commission may grant a waiver of some or all of the requirements provided in Article 2 Section 1, 2, and 3 of these regulations for residential, commercial and industrial subdivisions where the following conditions exist:

1. The subdivisions will contain no more than four (4) lots.
2. All lots of the proposed subdivision shall be platted on existing streets or roads.
3. All streets serving the proposed lots shall meet or exceed the minimum design standards of Keith County.
4. Portable waters and sewer facilities shall meet the requirements of the Nebraska Department of Environment and Energy and the Nebraska Department of Health and Human Services and Keith County.
5. The development of the subdivision will not increase erosion or create a flooding potential.
6. The development of the subdivision will not be a detriment to the adjoining properties or to the character of the district.

B. A subdivider requesting a waiver under the provisions of Section 4 of these regulations shall submit said request in writing to the Zoning Administrator 21 days prior to the regular meeting of the Commission at which the request will be heard. The request for a waiver is sought by reference to the section numbers that appear in these regulations.

C. A plat review fee adopted by the County Commissioners shall accompany the application for conditional approval.

Subdivision Article 3 - Minimum Design Standards

Section 1 General Requirements

- **A.** All subdivision design shall conform to standards of the Comprehensive Plan and to the County Zoning Regulations.
- **B.** Each lot in a subdivision shall abut a public street or private roadway otherwise recommended by the Planning Commission and on exception approved by the County Commissioners.
- **C.** All subdivision design shall indicate that consideration was given for economic aspects of maintenance of safe, convenient, comfortable and attractive community facilities.
- **D.** No newly subdivided lot shall have access to an arterial street as such street is indicated in the Comprehensive Plan.

Section 2 Streets

- **A.** Right of way, street grade, and paving design shall be in conformance with minimum standards suggested in the Comprehensive Plan or as approved by the engineer.
- **B.** Arterial streets and collector streets shall be properly integrated with the existing and proposed system of streets and highways.
- **C.** Arterial and collector streets shall be improved with hard surfacing (as defined by NDOR Regulations) prior to any final plat being approved under these regulations.
- **D.** No subdivision shall prevent the extension of arterial and collector streets through and beyond the subdivision in a direction away from the center of the nearby city. The subdivider may plan and design the collector streets not extended on the Comprehensive Plan subject to approval of the Planning Commission.
- **E.** Local streets shall be designed to conform to topography, to discourage use of through traffic, to permit the design of efficient storm and sanitary sewerage systems; and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- **F.** Cul-de-sac streets designed to have one end permanently closed shall not exceed 600 feet in length and shall be posted as a non-through street. The terminating end of a Cul-de-sac shall have turn around with a minimum property line radius of 50 feet and minimum surfaced radius of 37.5 feet.
- **G.** Prior to approval by the County Board of Commissioners, the subdivider must have arrangements in place, in writing, for the maintenance of any internal public or private streets or roads. The maintenance issue should be discussed during the pre-application or Preliminary Plat process. Arrangements include maintenance by the County, Sanitary Improvement District, or Homeowners Association. Nothing in this section shall commit the County Board of Commissioners to accepting the streets and/or maintaining said streets or roads.
- **H.** The Planning Commission and County Commissioners may require dedicated passage (alleys) in commercial and industrial districts for off street loading and services access.
- **I.** Local streets shall be designed to allow extension beyond the subdivision shown on the preliminary plat submitted for approval.
- **J.** Curves in streets horizontal and vertical:
    1. A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.
    2. Where there is a deflection angle of more than ten (10) degrees in the alignment of a street, a curve with a radius adequate to insure safe sight distance shall be made. The minimum radii of curves shall be:

Street Type	Minimum Curve Radius
Arterial	300 feet
Collector	300 feet
Local	100 feet

    3. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of 200 feet, said sight distance being measured from a driver's eyes, which are assumed to be four and one half (4½) feet above the pavement surface, to an object

four (4) inches high on the pavement. Profiles of all streets, showing natural and finished grades, drawn to an approved scale, may be required.

K. Street Names - Proposed streets, which are in alignment with other existing streets, shall bear the name of such other existing streets. The name of a proposed street which is not in alignment with an existing street shall not be named so similarly to the name of any existing street as to cause confusion. To avoid duplication and confusion, the proposed names of all streets shall be approved by E-911 prior to such names being assigned or used.

L. The following exhibits are general guidelines for design speeds, and street standards;

Exhibit A Design Speeds

Design Speed (MPH)	15	20	25	30	35	40	50
Minimum Sight Distance (ft.)	80	120	160	200	240	275	350

Exhibit B Street Standards

Type of Road	# of Lanes	Shoulder width	ROW	Surfacing and Width	Maximum grade
Arterial	2	10 ft	66 ft	Hard Surface - 24'	7%
Collectors	2	10 ft	66 ft	Hard Surface - 24'	7%
Local	2	8 ft	50 ft	Hard Surface - 24'	10%

Exhibit C Other Road Widths

Travel Lane width	10-12 ft
Turning lane width	8-10 ft
Parking lanes	8 ft

Section 3 Intersection of Streets

A. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.

B. The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two. On local streets the "T" intersection is generally preferable to the crossroad intersection.

C. Arterial streets shall not be intersected by local streets or alleys.

D. The number of intersections along arterials or highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than 1,000 feet.

E. Street jogs with centerlines offset less than 150 feet shall be avoided.

F. All right of way lines at intersections with arterial streets shall have a corner radius of not less than 25 feet.

Section 4 Access Roads

A. In the interest of public safety and for the preservation of the traffic-carrying capacity of the street system, the Planning Commission and County Board of Commissioners shall have the right to restrict and regulate points of access to all property from the public street system. Such restrictions shall be based on the recommendation of the Nebraska Department of Roads, or the Keith County Highway Department, and indicated on the Final Plat.

B. Access roads shall intersection arterials, collectors, and other local rural streets and roadways at as near to right angles as topography and good design allows.

C. Access roads shall be limited to one (1) per every quarter (¼) mile.
D. The cost of installing all access roads including culverts shall be the responsibility of the subdivider.
E. Frontage roads between access roads, when necessary, shall be installed according to the road design standards and the installation shall be the responsibility of the subdivider.

Section 5 Easements

A. Easements across lots of centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.
B. Where subdivisions are traversed by a water course, drainage way, canal, or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

Section 6 Stormwater Runoff

A. Provisions shall be made to limit the peak rate of storm water discharge from the subdivision. Post development runoff shall not exceed pre-development runoff, based upon a 10-year storm event or as determined by the Keith County Highway Superintendent. Pre-development shall be the condition prior to improvements being completed.
B. In determining the size or type of the storm sewer system to be used, the design shall be sufficient to handle all computed runoff from the proposed development. For large drainage areas, natural drainage ways shall be maintained, and the County may require cross drainage structures such as culverts, bridges, etc.
C. See also Article 7: Section 3 of the Zoning Regulations in regards to Drainage and Erosion.

Section 7 Blocks

A. The lengths, widths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control, and safety of street traffic, and the limitations and opportunities of topography. Block lengths in residential areas shall not as a general rule be less than 600 feet in length between street lines unless dictated by exceptional topography or other limiting factors of good design.
B. Pedestrian ways or crosswalks, not less than ten (10) feet in width, shall be provided near the center and entirely across any block nine hundred feet or more in length where deemed essential, in opinion of the Planning Commission, to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities. Said pedestrian ways shall be dedicated to the public use unless other written agreement, deed restriction, etc., guarantees maintenance. To the extent practical, subdivision design should give high priority to the convenience and safety of the pedestrian.
C. All utility lines for electric power and telephone service shall be placed underground except where, in the opinion of the Planning Commission, such location is unfeasible or too costly. Poles for permitted overhead lines shall be placed in rear lot line easements.

Section 8 Lots

A. The size, shape, and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designated to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.
B. Minimum lot dimensions for residential type subdivisions shall conform to the requirements for the County Zoning Regulations.
C. Where residential lots border a railroad right of way, the depth of adjacent lots shall be increased by at least 25 feet more than the otherwise required minimum.
D. The depth of the lot shall not exceed three (3) times its width.

Subdivision Article 4 – Required Improvements

A. Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shall be required by the engineer. The monuments shall be of such material, size and length as required by State Survey requirements.

B. Utility and street improvements

1. Utility and street right of way shall be provided in each new subdivision in accordance with the requirements stated herein.

C. The following minimum improvements shall be required by the County before any subdivision is approved:

1. Sidewalks;
2. Street grading and hard surfacing;
3. Street name signs;
4. Street lights;
5. Bridges, culverts or other drainage facilities;
6. Complete public water system if required approved by the State of Nebraska;
7. Complete public sewage collection and treatment system if required approved by the State of Nebraska
8. Other improvements that maybe required by the County.

D. The following minimum improvements may be required by the County before any subdivision is approved:

1. Curb and gutter;
2. Paved alleys;
3. Paved streets
4. Firefighting system approved by the appropriate fire department.

E. Subdivisions with lots one (1) acre or greater in area may be exempt from C.1, C.2, and C.4 as stated above if so approved by the County.

F. Subdivisions with lots five (5) areas or greater in area may be exempt from C.1, C.2, C.4, C.7, and C.8 as stated above if so approved by the County.

Subdivision Article 5 – Large Scale Development

Section 1 Intent

It is the intent of the Article to augment normal zoning requirements by achieving the following:

- **A.** To encourage innovations in residential, commercial and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings.
- **B.** To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes on the technology of land development so that resulting economics may ensure the benefit of those who need homes.
- **C.** To lessen the burden of traffic on streets and highways.
- **D.** To encourage the building of new neighborhoods incorporating the best features of modern design.
- **E.** To conserve the value of the land.
- **F.** To provide a procedure that will relate the type, design and layout of residential, commercial and industrial development to the particular site, thereby encouraging preservation of the sites natural characteristics.
- **G.** To encourage integrated planning in order to achieve the above purposes and in order to achieve the objectives of the Keith County Comprehensive Plan.

Section 2 General Requirements

The owner or owners of any tract of land may submit to the County a plan for the use and development thereof for residential, commercial, or industrial purposes in the appropriate districts with the following minimum area requirements:

'A' District - 75 acres or more in area,
'TA', 'RR', 'RR2', or 'RM' Districts – Five (5) acres or more in area,
'TS', 'HD', or 'GB' Districts – Five (5) acres or more in area,
'HI' Zoning District – Ten (10) acres or more in area

A large scale development in the 'A' Zoning District where cultivated land, grazing land, or environmental sensitive land is preserved, and no new county roads are proposed, may receive a 10% density bonus. The design for such a large scale development shall accomplish the following objectives:

- Preserve the rural character of the open fields and pastures and natural wooded areas;
- Preserve the natural habitats;
- Preserve natural drainage courses; and
- Preserve the existing natural topography.

A large scale development shall generally conform to the permitted uses allowed by the underlying district.

Section 3 Procedures

- **A.** All requests for large scale developments shall be processed under the Conditional Uses Permitted by Special Review and the Subdivision Regulations. In addition to the information required therein, plans and details should be provided as needed to describe the project. The Planning Commission, if deemed necessary, can require additional information if needed to properly evaluate the proposed request.
- **B.** If desired, the applicant may, prior to submitting complete plans, submit a general plan for the subject site. This general plan will define location and density of land uses, access and other schematic concepts to provide a general concept of the project. This general master plan shall be submitted to the Planning Commission for review and comment only. No official action will be taken. The review is for informational purposes only.
- **C.** The final plan and development standards, after approval by the County, shall be recorded in the County Clerk office as Register of Deeds. Thereafter, all permits issued for development shall substantially conform to the approved recorded large scale development plans. Deviations from the recorded plans can only occur after reapplication, following the same procedure for new applications.
- **D.** In those instances, where land is also intended to be sold, the requirements of the Keith County Subdivision regulations shall also be met. To the extent logical, large scale development plans and subdivisions plans can be processed simultaneously.

Section 4 Standards

The following standards and conditions shall apply to all large scale development plans:

A. Public open space shall be dedicated, or developed as a private park based on the following formula:

Total Gross Density per acre X 2 + 5 = % of public space required. Gross density being total acreage inclusive of streets, cul-de-sacs, utility easements and other like or similar public dedications.

This public open space shall be used for public recreation and open space purposes only. In lieu of dedication of land as set forth hereinabove, the County Commissioners may decide to implement one or a combination of the following policies:

1. The County Commissioners may determine that the large scale development applicant shall pay the County in cash an amount based upon the average market value of the large scale development property and based upon the formula as set forth hereinabove. The fee shall be negotiated with the applicant and if the County and the applicant fail to agree on the value of the land, such value shall be fixed by a real estate appraisal by two (2) qualified appraisers who are acceptable to both the applicant and the County. If appraisals are required to satisfy negotiations, the cost of said appraisals shall be the applicant's responsibility.
2. In lieu of dedicating land within the proposed site. The applicant may dedicate an alternate parcel of land, consisting of the same number of acres which would be required to be dedicated from the proposed large scale development site based upon the above formula, in another area to which he/she has title which, in the sole and exclusive opinion of the County Commissioners is capable of being utilized for public purposes. In any event, the County Commissioners shall make the final decision. In determining which of the policies to implement, the Planning Commission and County Commissioners shall consider the following:
    - The site of the proposed large scale development and its adequacy for accommodating a public use site;
    - The public facility aspects of the County Comprehensive Plan;
    - The applicable school districts master plan;
    - The existing parking and other public uses in the area;
    - The topography and geology;
    - The location of land within the proposed large scale development available for public dedication;
    - The needs of people in the area; and
    - Any other appropriate factors.

B. Common and private open space shall also occur in large scale development areas at a rate not less than 40 percent of the total size.

1. Common private open space as required herein is shared jointly by all large scale development owners and residents and can be used for recreation or visual open space, but is not used by the general public, and is considered to be that portion of the site not developed as public open space, building pads, storage areas, driveways and parking areas. This is usually areas surrounding the lots that are not a part of the developable lots, outlots surrounding townhouse lots, or outlots dedicated as open space.
2. Private open space as required herein is outdoor space deeded to an individual resident or owner (usually part of the developable lots) of the large scale development that may be used for personal recreation space, visual relief or for similar purposes by the owner of said space.

C. The applicant shall provide for and establish an organization for the ownership and maintenance of any common open space, or show that there are adequate arrangements for the ownership and maintenance thereof. Approval of the organizational concept shall be part of the approved large scale development plan.

D. To encourage development of private common area and facilities in a manner usable by adjacent residents, the following incentives shall be applicable:

1. Recreation buildings - Each one (1) square foot of building ground coverage is counted as two (2) square feet of open space.
2. Swimming pool (enclosed) - Each one (1) square foot of building ground coverage is counted as two (2) square feet of required open space.
3. Swimming pool (open) - Each one (1) square foot of water surface is counted as one and one-half (1½) square feet of required open space.
4. Tennis court - Each one (1) square foot of court is counted as one and one-quarter (1¼) square feet of required open space.

5. Putting green - Each one (1) square foot of putting green is counted as two (2) square feet of required open space.
6. Tot lot or other play equipment - Each one (1) square foot of designated lot of equipment is counted as one and one-quarter (1¼) square feet of required open space.

E. To encourage use of the large scale development concepts, and to recognize the fact that good residential planning can effectively accommodate more people, densities may be increased in approved large scale developments over the density permitted outright in each zone at the rate of ten (10) percent over the allowed number of dwelling units based on the underlying district.

F. If approved by the County, a residential large scale development may include mix of dwelling unit types, reduction in setbacks, and other waivers of zoning and subdivision requirements. Nothing noted in the regulations for the large scale development is a guarantee of reductions, adjustments, or waivers. Each large scale development must request the specific reductions, adjustments, and waivers, and each is judged and evaluated on the individual circumstance. Generally, the design shall protect the welfare of existing and future residents within and adjacent to the project.

G. The application, when submitted, shall be accepted only when it includes the following information:

1. A certified boundary survey of adequate legal description of the property for which the application is made to adequately define the location of the site.
2. Authorization from the property owner agreeing to submittal of the application if the owner is not the applicant.
3. Date prepared, north arrow, scale, and location of section lines and section corners.
4. Contour lines at intervals not exceeding five (5) feet based on U.S.G.S. data. Spot elevations on a 100-foot grid shall be required to indicate the topography of flat land.
5. Locations, names, tangent lengths, center line radius of each curve and its interior angle and width of all proposed and existing streets, highways, private roadways, and other public ways within and adjacent to the conditional use permit.
6. Location, width, and direction of flow of all watercourses in and adjacent to the conditional use permit, including the limits of any floodplain.
7. Location and size of all existing and proposed septic lines, storm sewer lines, water mains, culverts, fire hydrants and existing power lines and other underground structures or cables within the proposed development and adjacent streets and roads.
8. Lot lines and dimensions of lot lines
9. Lot numbers shall begin with the number one (1) and shall continue consecutively through a block with no omissions or duplications. Blocks shall be numbered in the same manner. Letters shall be used to designate outlots in alphabetical order.
10. Proposed areas of open space, both public and private.
11. Location, sizes, and uses of all proposed and existing buildings.
12. The following information shall be submitted with the large scale development:
    a. The name of the large scale development;
    b. The name, address and phone number of the developer;
    c. Record owner of the property;
    d. The name, address and phone number of the person or company responsible for the preparation of the large scale development;
    e. Complete legal description certified by a surveyor or engineer including the number of acres in the development;
    f. Statement of present zoning and proposed use or uses of the property;
    g. Profiles and grades of the proposed streets and private roadways;
    h. If a public or community septic system is proposed, the size and location of all proposed septic lines including observation holes and any pump stations, and the location and type of any proposed community treatment facility;
    i. If individual septic systems are proposed, percolation tests and data based on one test hole per proposed lot or certified information from a soil engineer indicating the estimated percolation rate and suitability of the soil;
    j. If a public or community water system is proposed, the location and size of all proposed water mains, fire hydrants, storage facilities, and any extension to existing mains must be shown or to a proposed community well. In the case of a community water system, the proposed well locations, along with data from test wells based on a 10-acre grid of the entire development showing quality and quantity of the water obtained from the test wells, the type of water treatment to be used must be shown

and documented. The results of these preliminary tests shall in no way guarantee the quality or quantity of the water to the individual lots and the data obtained shall not be used to imply that an adequate quantity or acceptable quality of water is available for the proposed large scale development;

k. A complete drainage study including a map of the drainage area and resulting run-off from all land lying outside the limits of the development which discharge storm water into or through the large scale development, a map showing all internal drainage areas and resulting run-off, proposals as to how the computed quantities of run-off will be handled, and the drainage calculations and computations;

l. A site grading plan showing existing and proposed contours;

m. All deviations from the provisions of these regulations shall be fully noted and the reasons given for said deviations. This shall not imply that the County will grant any deviations, but will evaluate the requests on an individual basis.

13. A statement regarding the applicants approach to providing and improving, if applicable, public roads, parks and other related public improvements.

14. Due to the unusual circumstances related to a particular request, or where an unusual hardship may occur, the Planning Commission or its authorized agent may waive any of the above application requirements. Waivers authorized by the authorized agent must be communicated to the Planning Commission and Board of County Commissioners. Waivers by the authorized agent do not preclude the Planning Commission or the County Commissioners from requiring said information at a later date.

H. An application fee as may be adopted by resolution of the County Commissioners shall be submitted to cover processing and hearing costs.

Subdivision Article 6 - Public Lands and Reservations

A. Before final plat approval is given to the subdivider, shall be required to dedicate to the public use all streets, alleys, buffer strips and parks as may be required by the Planning Commission. Acceptance of these dedicated lands shall be recorded in the minutes of the county commissioners and on the subdivision plat.

B. Open park and recreation space shall be provided in the amount defined in the Zoning Regulations. This amount varies depending on the density of the proposed project.

C. Subdivider's of commercial and industrial subdivisions may be required to dedicate land for off street parking as determined necessary by the Planning Commission.

D. Before final plat approval is given, the subdivider may be required to reserve sites for schools and emergency services facilities as determined by the Planning Commission and County Board to be sufficient and in compliance with the Comprehensive Plan. Reservation of land for public acquisition shall be for a period not to exceed three (3) years from the date the plat is officially recorded.

E. Interior streets within a subdivision shall be maintained by the subdivider or a property owner's association established by the subdivider until such time as Keith County accepts maintenance responsibility for said streets.

Subdivision Article 7 – Operations, Maintenance and Private and Field Entrance

A. It is the stated intent of Keith County to primarily provide rural and countywide services. It is not intended that Keith County be obligated to provide urban services, i.e., utility systems maintenance, park maintenance, local road maintenance and related services normally required in housing projects. Therefore, it will be the obligation of the subdivider to present to the Keith County Planning Commission and the Keith County Commissioners a precise approach to handling and providing these services. Said approach may include the formation of districts, homeowners' organizations or other methods to operate and provide for long-term maintenance and service. Said approach shall be made binding on the subdivider in a form, agreement of contract in a manner which is accepted by the Keith County Commissioners.

B. The intent is to make uniform procedures for constructing and maintaining private and field entrances from county roads and for the safety and convenience of the traveling public. Keith County will request the landowner to consider the use of a frontage road when selling acreages that borders a county road. All entrances existing before January 1, 1996 will be allowed, unless Keith County finds a serious safety situation which would cause danger to the user or the traveling public.

C. When a private or field entrance is desired the party will make a written application to the Keith County Highway Department stating:

1. The need for the entrance
2. Width desired
3. Any drainage requirements.

D. A physical examination is required by the Keith County Highway Superintendent; the applicant will be notified of the action in writing.

E. If drainage is involved with the construction Keith County will require the applicant to purchase drainage pipe in a size that will ensure adequate drainage and meet State of Nebraska specifications. Keith County will install the drainage pipe; the applicant will pay the cost of installation and maintenance after installation.

Subdivision Article 8 – Administration and Enforcement

Section 1 General

A. It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the Planning Commission and County Board of Commissioners any violation or lack of compliance herewith.

B. No owner or agent of an owner, of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a Final Plat of such subdivision has been approved by the Planning Commission and County Board of Commissioners in accordance with the provisions of these regulations, and filed for record with Keith County Register of Deeds.

C. The subdivision or replat of any lot or any parcel by the use of metes and bounds description for the purpose of sale, transfer or lease which would evade these regulations shall not be permitted. All such subdivisions shall be subject to all the requirements contained in these regulations.

D. No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided, sold, transferred or leased in violation of the provisions of these regulations.

Section 2 Amendments

Any provisions of these regulations from time to time may be amended, supplemented, changed, modified or repealed by the governing body according to the law; provided, however, that such amendments, supplements, changes, modifications or repealed provisions shall not become effective until after study and report by the Commission.

Section 3 Violations and Penalties

Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be guilty of a misdemeanor. Such conviction shall carry a fine of up to 500 dollars plus the cost of prosecution for each violation. The non-payment of such fine and costs shall subject the guilty party to imprisonment in the county jail for a period of time not to exceed the lesser of 1) 30 days, or 2) the time necessary to pay such fine and costs in full. Each day a violation exists or continues shall constitute a separate offense.

Subdivision Article 9 – Legal Provisions

Section 1 Severability
It is hereby declared to be the legislative intent that the several provisions of this resolution shall be severable in accordance with the provisions set forth below.

Section 2 Provisions Declared Invalid
If any provision of this resolution is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

- **A.** The effect of such decision shall be limited to that lot, building, other structure of tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered.
- **B.** Such decision shall not affect, impair or nullify this resolution as a whole or the application of any provisions thereof to any other lot, building, other structure or tract of land.

Section 3 Repeals and Enactment

- **A.** All resolutions of the County inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed.
- **B.** The repeal of any of the above-mentioned does not revive another resolution or portions thereof repealed by said resolutions.
- **C.** Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any resolution repealed hereby for any offense committed prior to the repeal.
- **D.** This resolution shall take effect and be in full force from and after its passage and publication as required by law.

Section 4 Existing Permits and Private Agreements
This resolution is not intended to abrogate or annul:

- **A.** Any permits issued before the effective date of this resolution or
- **B.** Any easement, covenant or any other private agreement.

Appendix 1 - Fee Schedule

1.	Board of Adjustment Application.	$500
2.	Building permit for farm and non-farm residential structures, excluding Single Wide Manufactured Homes.	$.20 per sq/ft, $30 Minimum.
3.	Building permit for farm and non-farm residential garages.	$.10 per sq/ft, $30 Minimum.
4.	Building permit for non-farm accessory buildings over 200 sq/ft (Other than residential garages as defined in zoning ordinance.)	$.10 per sq/ft, $30 Min. or $3 per $1,000 of construction cost, whichever is greater.
5.	Building permit for fences, patios/decks, signs, and other non-building structures.	$30 or $2 per $1,000 of construction cost, whichever is greater.
6.	Building permit for covered or enclosed patios/decks.	$.10 per sq/ft, $30 Min. or $2 per $1,000 of construction cost, whichever is greater.
7.	Building permit for non-farm residential alterations.	$30
8.	Building permit for agricultural and non-agricultural commercial and industrial structures.	$.20 per sq/ft, $30 Min. or $3 per $1,000 of construction cost, whichever is greater. ***In no circumstance shall the permit fee exceed $10,000***
9.	Building permit for Single Wide Manufactured Home or Modular placement on private lot.	$.20 per sq/ft, $30 Min.
10.	Building permit for Single Wide Manufactured Home or Modular placement in approved Single Wide Manufactured Home park.	$50
11.	Building permit for dismantling unsafe buildings and structures.	No charge.
12.	Building permit for personal solar photovoltaic panel system.	$150
13.	Building permit for dirt work.	No charge.
14.	Certificate of Occupancy.	No charge.
15.	Communication Tower/Collocation	$100 Min. or $10 per $1,000 of construction cost, whichever is greater.
16.	Conditional Use Application.	$150 in addition to building permit fee plus any fees involved in consultants' reviews. $150 for a large scale development plus $30 per dwelling unit proposed if residential, or .20 cents per square foot request for commercial or industrial plus any fees involved with consultants review.
17.	Land Use Permits for non-commercial, on site farm storage or processing buildings or agricultural, horticultural, aqua or silva cultural products.	No charge.
18.	Minor Subdivision Final Plat Fee.	$50 + $5 per lot.
19.	Right of way permit for agricultural use.	No charge.
20.	Right of way permit for non-farm driveways and utilities.	$25 per driveway.
21.	Road Vacation Application.	$250
22.	Subdivision Preliminary Plat fee.	$150 + $30 per lot created.
23.	Subdivision Final Plat fee, Re-plat fee or Administrative Re-plat fee.	$150 + $5 per lot. In addition, the Developer shall pay any consultant fees charged for review of the subdivision and infrastructure plans. The preliminary plat fee may be waived if the development is associated with and processed with a conditional use permit.
24.	Text Amendment.	$150
25.	Zoning Amendment.	$150 per lot.

The indicated fee shall accompany any application for the above.

Construction without a permit. Anyone who applies for a building permit after construction or alteration has already commenced will be required to pay **double** the regular fee, as set out in the fee schedule above, with a minimum fee of $250 for such a permit.

Keith County
Planning/Zoning Regulations

Text Amendment No. 1
Adopted February 26, 2020

Request by the Planning/Zoning Administrator for a Public Hearing on updates to the 2019 Keith County Zoning Regulations.

1) Add Attached Accessory Building to Article 6 Definitions.
2) Amend Accessory Uses on an Individual Lot without a Primary Use in RR, RR2, and RM.
3) Add Camping and Storage of Boats and Recreational Vehicles and Figure 7-1 Camping and Storage Limitation Area to Article 7 General Provisions.
4) Add Dwelling Unit: Vacation Rental to Agricultural District and Trans Agricultural District. Amend definition in Article 6 Definitions.
5) Add Intermodal Containers to Article 7 General Provisions.
6) Remove “campground” and “court” from Hotel/Motel definition in Article 6 Definitions.
7) Remove H from Section 3 of Article 10 Residential – Rural District.
8) Add Living Quarters to Article 6 Definitions.

Text Amendment No. 2
Adopted August 12, 2020

Adding Article 25 for Dwelling Unit: Vacation Rental

Text Amendment No. 3
Adopted August 12, 2020

Exclusive to the Mako-Ch-Mni Subdivision, which shall not include County Road West B North, front yard and corner lot setbacks for all buildings shall be 25 feet from the property line