

ZONING REGULATIONS

Of

KEYA PAHA COUNTY, NEBRASKA

Adopted by Resolution 96-3-2 of the Keya Paha County Board of Commissioners
May 12, 1996
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Prepared by

The Keya Paha County Planning Commission

With assistance by

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ARTICLE 1 – GENERAL PROVISIONS

SECTION 101 – TITLE

These zoning regulations shall be known, referred to, and cited as the Zoning Resolutions of Keya Paha County, Nebraska.

SECTION 102 – JURISDICTION

The provisions of this Resolution shall apply within the boundaries of Keya Paha County, Nebraska, excluding the lands included, now or in the future, in the corporate limits of the Villages of Springview and Burton, Nebraska, as defined on the Official Zoning Map of Keya Paha County, Nebraska.

SECTION 103 – PURPOSE

In pursuance of and in compliance with the authority conferred to Nebraska counties by Section 23-114.03 of the Nebraska Statutes as amended, this Resolution is enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of Keya Paha County and for implementation of the duly adopted Keya Paha County Comprehensive Plan.

ARTICLE 2 – APPLICATION OF REGULATIONS

SECTION 201 – GENERAL

The zoning regulations set forth by this Resolution within each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

SECTION 202 – ZONING AFFECTS EVERY BUILDING AND USE

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, enlarged, moved or structurally altered except in conformity with all zoning regulations herein specified for the zoning district in which it is located. Further, no building or structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of persons, to occupy a greater percentage of lot area, to have a narrower or smaller front, side or rear yard than is herein permitted, or be in any other manner contrary to the provisions of this Resolution.

SECTION 203 – YARD AND LOT SIZE REDUCTION PROHIBITED

No yard, lot or tract existing at the time of adoption of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards, lots or tracts created after the effective date of this Resolution shall meet or exceed the minimum requirements established by this Resolution.

SECTION 204 – PROVISIONS OF THIS RESOLUTION DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Where the provisions of any other local, state or federal law or effective regulation, which are more restrictive than those contained in this Resolution, the provisions of such other local, state or federal law or effective regulation shall govern.

ARTICLE 3 – CONSTRUCTION AND DEFINITIONS

SECTION 301 – CONSTRUCTION

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Resolution:

301.01 TENSE: Words used in the present tense include the future tense

302.02 NUMBER: Words used in the singular include the plural, and words used in the plural include the singular.

302.03 SHALL AND MAY: The word “shall” is mandatory; the word “may” is permissive.

302.04 GENDER: The masculine shall include the feminine and the neuter.

302.05 HEADINGS: In the event that there is any conflict or inconsistency between the headings of an Article, Section, or paragraph of this Resolution and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

SECTION 302 – GENERAL TERMINOLOGY

The word “County” shall mean the County of Keya Paha, Nebraska. The words “County Board” shall mean the Keya Paha County Board of Commissioners. The words “Planning Commission” shall mean the Keya Paha County Planning Commission duly appointed by the Keya Paha County Board of Commissioners. The words “Board of Zoning Adjustment” and Board shall mean the Keya Paha County Board of Zoning Adjustment duly constituted in accordance with this Resolution.

SECTION 303 – DEFINITIONS

Words or terms not herein defined shall have their ordinary meanings in relation to the context.

For the purposes of this Resolution, certain words and terms used herein are defined as follows:

303.01 ABUT: Any situation where a lot borders directly on another lot or is separated from the adjoining lot by a public road right-of-way which is twenty (20) feet or less in width.

303.02 ACCESSORY USE OF BUILDING: A building or use which is subordinate and incidental to that of the main or principal building or use located on the same lot or tract.

303.03 AGRICULTURAL USE: The business and science of cultivating the soil, producing crops and /or breeding, feeding, pasturing of livestock, dairying, raising and management of fish, bees and other animals, truck farming, forestry or orchards and the non-commercial storage and processing of agricultural products produced on the premises, provided that such use shall not include any use which results in the confined raising or feeding of more than two thousand (2000) fowl or two hundred fifty (250) head of cattle, swine, sheep or other animals, at any one time, in buildings, pens, lots or other confined spaces which are designed for on-going confined raising or feeding of animals. Confined feeding or management of animals for consumption by the owner’s household or the seasonal confinement of cattle for calving purposes shall not be considered a confined feeding or management operation for commercial production.

303.04 ANIMAL HUSBANDRY: The care and raising of animals.

303.05 BASEMENT: A building space wholly or partially underground and having more than one-half (1/2) of its height, measured from its floor to the top of its average wall height, below the average elevation of the finished grade of the soil around said space.

303.06 BED AND BREAKFAST, BOARDING OR LODGING HOUSE: A building, other than a hotel or motel, where for compensation and by arrangement for definite periods, meals or lodging and meals are provided for customers.

303.07 BUILDABLE AREA: The portion of a lot or tract of land remaining after the front, side and rear yards, as herein defined, have been provided.

303.08 BUILDING: A structure having a roof and walls and used or intended to be used for sheltering of persons, animals or property. When divided or separated by other than common walls, each portion or section of a building shall be considered to be a separate building.

303.09 BUILDING HEIGHT: The vertical distance, measured from the average ground level at the front of a building or structure to the highest point of the building roof, excluding chimneys, antennas or other similar appurtenances.

- 303.10 CAMPGROUND: Any premises where two (2) or more camping units are parked or placed for camping purposes, or any premises used or set apart for supplying camping space for two (2) or more camping units for camping purposes to the public. Campground shall include any building, structures, vehicles or enclosures used or intended to be used wholly or in part for the accommodation of campers.
- 303.11 CAMPING UNIT: Any vehicle, trailer, tent or other moveable shelter used for camping purposes.
- 303.12 CERTIFICATE OF ZONING COMPLIANCE/CERTIFICATE OF OCCUPANCY: A certificate issued by the zoning administrator, stating that the premises have has been inspected after erection, construction, reconstruction, alteration or moving of a building or structure or after a change in the use of land and that the premises complies in all respects with the requirements of this Resolution and may be occupied for the use declared.
- 303.13 COMPATIBLE USE: A land use of one type that is suitable for direct association or location near or abutting a land use of a different type because of its consistency with the Intent statement of the zoning district in which said uses are located, because of similar or comparable buildings and use activities, and because neither use will diminish the use, value and enjoyment of the other.
- 303.14 COMPREHENSIVE PLAN: The plan or series of plans for the future development of the County recommended by the Planning Commission and adopted by the County Board of Commissioners.
- 303.15 CONDITIONAL USE: A land use that would not be generally compatible with other permitted land uses in a zoning district, but which if controlled as to number, area, location, relation to surrounding uses or other attributes, could become compatible with such permitted land uses and would promote the public health, safety, convenience and general welfare.
- 303.16 CONDITIONAL USE PERMIT: A written permit issued by the zoning administrator upon approval of a special exception to these regulations to permit a conditional use by the County Board of Commissioners. Such permit shall give permission to the applicant to develop the specified conditional use and shall specify the conditions of approval of such use as established by the County Board of Commissioners.
- 303.17 CONFINED ANIMAL FEEDING/MANAGEMENT USE: The confined raising or feeding of cattle, swine, sheep, fowl or other animals in buildings, pens, lots or other confined spaces which are designed for on-going confined raising or feeding of animals for commercial production and which are not used for raising of crops or pasturing of animals. Confined feeding or management of animals for consumption by the owner's household and the seasonal confinement of cattle for calving purposes shall not be considered a confined feeding or management operation for commercial production.
- 303.01 DWELLING: Any building or portion thereof, which is designed and/or used for residential purposes.
- 303.02 DWELLING, MULTI-FAMILY: A building or portion thereof designed and/or used for residential purposes by three (3) or more families living independently of each other and contained three (3) or more dwelling units.
- 303.03 DWELLING, SINGLE-FAMILY: A dwelling unit having accommodations for and occupied by one family.
- 303.04 DWELLING, TWO-FAMILY (DUPLEX): A dwelling having independent accommodations for and occupied by two families.
- 303.05 DWELLING UNIT: One room or combination of rooms connected together, which constitute a separate and independent housekeeping establishment containing independent cooking, sleeping and restroom facilities.
- 303.06 FAMILY: An individual or two (2) or more persons related by blood, marriage or adoption, or a group

of not more than five (5) persons (excluding servants) who may not be so related, living together in a single dwelling unit.

- 303.07 FLOOD PLAIN: Those lands within the zoning jurisdiction of Keya Paha County which are subject to a one percent (1%) or greater chance of flooding in any given year. Determination of flood plains shall be based on historical high water marks and interpolation of such high water marks by the Natural Resource District or other agency with the capability of determining such flood plains with acceptable accuracy.
- 303.08 FLOOR: A level or story in a building.
- 303.09 FLOOR AREA: The sum of the gross horizontal areas of the one and several floors of all buildings or portions thereof, on the lot or tract.
- 303.10 FRONTAGE (LOT): The length of the property abutting on one (1) side of a road right-of-way measured along the dividing line between the property and the road right-of-way.
- 303.11 FRONTAGE (RIVER): The length of the property abutting the ordinary high water shoreline of any river, creek or stream.
- 303.12 GENERAL MANAGEMENT PLAN OF THE NIOBRARA NATIONAL SCENIC RIVER: A plan formulated by the National Park Service of the United States Department of Interior to guide management of the Niobrara River and the lands along said River in order to protect the scenic quality and character of the River and the lands along said River. In the event said General Management Plan has not been formulated and officially adopted at the time of adoption of this Resolution, all references in this Resolution to said General Management Plan shall be construed to mean that such regulation or regulations of the Resolution which requires a finding of consistency with such General Management Plan shall be referred to the National Park Service for review and recommendation prior to any action by the Planning Commission, Board of Zoning Adjustment and/or the Board of Commissioners, whichever body has jurisdiction over the review of such item or items regulated by this Resolution.
- 303.13 GROUP DAY CARE CENTER/NURSERY SCHOOL: An establishment other than a public, private non-religious or parochial school, which provides day care, playgroups, nursery school or education for five (5) or more unrelated children.
- 303.14 GROUP HOME: A facility, licensed or approved by the State of Nebraska or other appropriate agency, in which more than two (2) persons who are unrelated by blood, marriage or adoption reside while receiving therapy or counseling, but not nursing care, for any of the following purposes:
- a. Adaptation to living with, or rehabilitation from, disabilities:
 - b. Adaptation to living with, or rehabilitation from, emotional or mental disorders, or mental retardation;
 - c. Rehabilitation from the effects of drug or alcohol abuse;
 - d. Supervision while under a program of alternatives to imprisonment, including, but not limited to pre-release, work release and probationary programs.
- 303.15 HOME OCCUPATION: An occupation or business enterprise conducted in a dwelling unit by members of the family occupying the dwelling unit, established in accordance with standards established in this Resolution.
- 303.16 INCOMPATIBLE USE: A land use of one type that is unsuitable for direct association or location near or abutting a land use of a different type because of its inconsistency with the Intent statement of a

zoning district in which such uses are located, because of major differences in buildings and use activities, and because such use would diminish the use, value and enjoyment of the other.

303.17 JUNK YARD: See Salvage Yard

303.18 LANDFILL: A waste disposal site employing an engineered method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting and applying cover material over all exposed waste designed in accordance with the requirements of the Nebraska Department of Environmental Quality and licensed by said Department.

303.19 LOT (ZONING): A piece, parcel or plot of land under single ownership or control, not divided by any public street or alley, but having frontage on a public street, officially approved private street, or private roads by use which is occupied or intended to be occupied by one principal building and its accessory buildings or structures. A lot may consist of a single lot of record, a portion of a lot of record, a combination of complete lots of record, a combination of complete lots of record and portion of lots of record, or portions of lots of record.

303.20 LOT AREA: The total horizontal area of a lot, excluding all street or alley right-of-ways.

303.21 CORNER: A lot which has frontage on two (2) or more streets or roads at the intersection of said streets or roads.

303.22 LOT DEPTH: The average horizontal distance between the front and rear lot lines of any given lot.

303.23 LOT OF RECORD: A lot which is part of a subdivision plat or lot, plot or parcel described by metes and bounds recorded in the office of the County Clerk of Keya Paha County, Nebraska at the time of adoption of this Resolution.

303.24 LOT WIDTH: The horizontal distance between the side lot lines, measured at a right angle from one side lot line at the minimum front yard building setback distance set forth in the various zoning districts specified in this Resolution.

303.25 MANUFACTURED HOME: A factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Housing and Urban Development, or any successor regulations thereto. A manufactured home, when placed on a lot shall meet the following minimum requirements and if it does not it shall be defined as a mobile home:

- A. The home shall have not less than nine hundred (900) square feet.
- B. The home shall have not less than eighteen (18) feet exterior width.
- C. The roof shall be pitched with a minimum vertical rise of two and one-half (2½) inches for each twelve (12) inches of horizontal run.
- D. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built single-family construction.
- E. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile or rock, and
- F. The home shall have wheels, axles, transporting lights, and removable towing apparatus removed.

- 303.26 **MOBILE HOME:** A detached dwelling unit which was originally designed for long term human habitation and which was constructed and fabricated into a complete unit at a factory and capable of being transported to a location for use on its own chassis and wheels, identified by model number and serial number by its manufacturer, and designed primarily for placement on a non-permanent foundation when used for residential or other purposes, but not including any structure which meets the definition of Manufactured Home or Modular Home, as defined in this Resolution.
- 303.27 **MOBILE HOME LOT:** A lot, tract or parcel of land for the placement of one (1) mobile home.
- 303.28 **MOBILE HOME PARK:** Any parcel or land area under single ownership and control upon which sites for parking of two (2) or more mobile homes connected to utilities and used by persons for living or sleeping purposes are provided by lease, rent or free of charge.
- 303.29 **MOBILE HOME SUBDIVISION:** A parcel of land which has been or is intended to be subdivided into two (2) or more lots for sale to persons to place a mobile home on said lot.
- 303.30 **MODULAR HOME:** A manufactured housing unit, as defined in Section 71-1557 of the Nebraska Revised Statutes 1943, which bears the seal of the Nebraska Department of Health or successor.
- 303.31 **NON-CONFORMING LOT OF RECORD:** A lawfully created lot which is part of a recorded subdivision or parcel of land, the deed to which was recorded prior to the date of adoption of this Resolution, which does not comply with the minimum lot areas, width and other lot standards established in the various zoning districts created by this Resolution.
- 303.32 **NON-CONFORMING STRUCTURE:** A lawfully erected structure in existence at the date of adoption of this Resolution which does not comply with the lot coverage, height, yard requirements or other standards applicable to new structures in the zoning district in which said structure is located.
- 303.33 **NON-CONFORMING USE:** A lawfully established use of land in existence at the date of adoption of this Resolution which does not comply with the regulations of this Resolution.
- 303.34 **ORDINARY HIGH WATER MARK:** A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape such as scouring, debris accumulation, lack of vegetation or a distinct change from aquatic to terrestrial vegetation.
- 303.35 **PERMANENT FOUNDATION:** The substructure of a structure to which the structure is permanently attached which provides a permanent support for said structure around its entire perimeter and it points within its perimeter where needed.
- 303.36 **PARKING SPACE, OFF-STREET:** An area, open or enclosed, which is sufficient in size to permit the parking of one (1) or more vehicles, together with a driveway connecting said parking area to a street or road to permit ingress and egress by said vehicle.
- 303.37 **PRINCIPAL BUILDING:** A building in which the principal use on the lot is situated.
- 303.38 **PRIVATE ROAD/ROADWAY:** A publicly authorized and approved, but privately owned, open unoccupied space other than a public road or privately owned road by use, reserved as the principal means of access to abutting property.
- 303.39 **QUARTER SECTION:** The portion of a square section of land, as defined by the definitions and requirements of the Survey of Public Lands of the United States, which has approximately equal dimensions on all four (4) sides, has two (2) intersecting sides that coincide with two (2) intersecting section lines and contains approximately one-fourth (1/4) of the land area contained within the square section.

- 303.40 RECREATIONAL VEHICLE: A temporary dwelling for travel, recreation and vacation use including travel trailers, camping trailers, pickup campers, motor coaches, camp cars, tent trailers, boats or any other vehicular portable structure.
- 303.41 ROAD/ROADWAY: A public right-of-way set aside for public travel which affords the principal means of access to abutting property.
- 303.42 ROAD CENTERLINE: A line extending down the center of a road or street right-of-way, as established by official survey.
- 303.43 ROADSIDE STAND: A structure or portion thereof used for the shelter, display and sale of fruit, vegetables and other agricultural crops produced on the premises.
- 303.44 SALVAGE YARD: A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, inoperable appliances, inoperable motor vehicles, machinery or parts thereof, or other used materials are bought, sold, exchanged, stored, baled or cleaned, excluding pawn shops, used appliances or furniture sales or operable used vehicle sales establishments.
- 303.45 SETBACK: A horizontal distance, as prescribed in the various zoning districts established in this Resolution, from the front, side or rear lot lines of any lot onto such lot in which a building may not be constructed.
- 303.46 SIGN: Any identification, description, display or illustration which is affixed to, painted, or represented directly or indirectly upon a building or other outdoor surface or parcel of land which directs attention to an object, product, place, activity, business, person, service or interest.
- 303.47 STORY: That portion of a building included between the surface of any floor and the surface of the next floor above, or if there be no floor above, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if more than four (4) feet of said basement is above the average finished grade of the adjoining ground.
- 303.48 STORAGE (PERMANENT): Storage of any item for a period of thirty (30) days or more on the same property.
- 303.49 STREET: See ROAD.
- 303.50 STRUCTURE: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.
- 303.51 STRUCTURAL ALTERATIONS: Any change in the supporting members of a structure, such as bearing walls, partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls.
- 303.52 USE: The purpose or activity for which land and buildings thereon is designed, arranged, intended or for which it is occupied or maintained.
- 303.53 VARIANCE: The relaxation of the height, lot area, size or structure or buildings or size of yards and open space terms of this Resolution where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the owner, a literal enforcement of the requirements of this Resolution would result in unnecessary and undue hardship.
- 303.54 YARD: Open space on a lot unoccupied and unobstructed by any building or structure or portion thereof, except for fences, retaining walls, posts and other customary yard accessories.

- 303.55 YARD, FRONT: A yard extending across the entire width of a lot between the road right-of-way line and the nearest point of a building. A corner lot has two (2) front yards.
- 303.56 YARD, REAR: A yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest point of a building.
- 303.57 YARD, SIDE: A yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest point of a building.
- 303.58 YARD, TRANSITIONAL: A yard applicable when a non-residential zoning district abuts or is adjacent across a road or alley from a residentially zoned area.
- 303.59 ZONING ADMINISTRATOR: A person duly designated by the Keya Paha County Board of Commissioners to administer and enforce the regulations established under this Resolution.
- 303.60 ZONING DISTRICT: One of several sets of zoning regulations designed for a particular class of land uses which establishes uniform regulations governing the use, height, area, size, and intensity of use of land within unincorporated area of the County.

ARTICLE 4 – ESTABLISHMENT AND DESIGNATION OF DISTRICTS

SECTION 401 – PLANNING COMMISSION RECOMMENDATIONS

It shall be a purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Planning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report to the Board of Commissioners, and the Board of Commissioners shall not hold its public hearing or take final action on such recommendations until it has received the final report of the Planning Commission.

SECTION 402 – DISTRICTS CREATED

For the purpose of this Resolution, there are hereby created the following zoning districts for Keya Paha County, as named and described in Article 5 of this Resolution:

1. AG – 1 Agricultural District
2. AG – 2 River Corridor District

SECTION 403 – OFFICIAL ZONING MAP

The County is hereby divided into zones, or districts, as shown on the Official Zoning map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Resolution. The Official Zoning Map shall be identified by the signature of the Chairperson of the County Board of Commissioners and attested by the County Clerk under the following words: “This is to certify that this is the Official Zoning Map of Keya Paha County referred to in Section 403 of Resolution No. 96-3-2 of the County of Keya Paha, Nebraska” together with the date of adoption of this Resolution. The signed copy of the Official Zoning map shall be maintained in the office of the County Clerk for the use and benefit of the public.

SECTION 404 – OFFICIAL ZONING MAP CHANGES

404.01 CHANGES ON OFFICIAL ZONING MAP: If, in accordance with the provisions of this Resolution, changes are made in the zoning district boundaries or other explanatory matter portrayed on the Official Zoning map, such changes shall be promptly entered on said Official Zoning Map after amendment of same has been approved by the County Board together with an entry on the Official Zoning Map as follows: “On (date), by official action of the County Board of Commissioners, the following change(s) was/were made in the Official Zoning Map: (brief description of the change)”,

which entry shall be signed by the Chairperson of the County Board of Commissioners and attested by the County Clerk. No changes to this Resolution, which involves matter portrayed on the Official Zoning Map, shall become effective until after such change and entry on such Official Zoning Map have been made.

404.02 CHANGES IN COMFORMITY WITH PROCEDURES: No change of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Resolution.

404.03 PENALTIES FOR UNAUTHORIZED CHANGES: Any unauthorized change of any kind by any person or persons shall be considered a violation of this Resolution and punishable in accordance with this Resolution and applicable law.

404.04 FINAL AUTHORITY OF OFFICIAL ZONING MAP: Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the County Clerk, shall be the final authority as to the current zoning status of land within Keya Paha County, Nebraska.

SECTION 405 – OFFICIAL ZONING MAP REPLACEMENT

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret, the County Board of Commissioners may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original Official Zoning Map, or any subsequent amendment thereof. Each new Official Zoning Map shall be identified by the signature of the chairperson of the County Board of Commissioners and attested by the County Clerk under the following words: “This is to certify that this Official Zoning map supersedes and replaces the official Zoning Map adopted on (date of adoption of original map) as part of Resolution No. (number of original adoption resolution) of the Keya Paha, Nebraska Board of County Commissioners”. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof shall be preserved together with all available records pertaining to its adoption and amendment.

SECTION 406 – RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map the following rules shall apply:

406.01 Boundaries indicated as approximately following the centerlines of roads, streets, or highways shall be construed to follow such centerlines.

406.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines and boundaries indicated as approximately following the corporate limit boundaries of any municipality shall be construed to follow such corporate limit boundaries.

406.03 Boundaries indicated as following railroad lines shall be construed to follow a line midway between the tracks of the main railroad track.

406.04 Boundaries indicated as following shorelines of rivers, streams, canals, lakes, ponds or other bodies of water shall be construed to follow such shorelines and in the event of change in the shoreline shall be construed as moving with the shoreline. Boundaries indicated as following the centerline of rivers, streams, canals, lakes, ponds, or other bodies of water shall be construed to follow such centerline.

- 406.05 Boundaries indicated as parallel to or extensions of features indicated in Items 1 through 5 immediately above shall be so construed.
- 406.06 Distances not specifically set forth on the Official Zoning map shall be determined by the Map scale.
- 406.07 Where a district boundary line divides a lot which was under single ownership and control at the date of adoption of this Resolution, to Board of Zoning Adjustment may, upon application, permit the extension of the regulations for either portion of a lot, not to exceed one hundred fifty (150) feet beyond the boundary line indicated on the Official Zoning Map, into the remaining portion of the lot.
- 406.08 Boundaries of the Ag – 2 River Corridor District within each section which follow approximately the section lines, quarter section lines and quarter-quarter section lines shall be construed to follow such section, quarter section and quarter-quarter section lines.
- 406.09 In circumstances not covered by Items 1 through 8 immediately above or where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Zoning Adjustment shall interpret the district boundaries to best accomplish the objectives of the Intent statements of the zoning districts involved.

SECTION 407 – ANNEXATION RULE

Annexation of land to any incorporated municipality shall remove such land from the jurisdiction of this Resolution.

ARTICLE 5 – ZONING DISTRICTS

SECTION 501 – AG – AGRICULTURAL DISTRICT

- 501.01 INTENT: The intent of this district is to preserve land best suited for agricultural uses by preventing the introduction of encroachment of uses of land which would be or could become incompatible with the agricultural character and uses permitted within this district and by controlling the location and extent of non-agricultural uses to minimize any incompatibility with the agricultural character of this district.
- 501.02 PERMITTED PRINCIPAL USES AND STRUCTURES: The following uses and structures shall be permitted.
1. Agricultural uses, as defined in Section 303.03 of this Resolution, provided that may confined raising or feeding of two thousand (2000) or fewer fowl or two hundred fifty (250) or fewer head of cattle, swine, sheep or other animals, at any one time shall be permitted only in compliance with the following requirements:
 - A. Such confined feeding/management use shall not be located closer than one-half (1/2) mile to any church, school or any dwelling unit not of the same ownership and on the same premises.
 - B. Surface water runoff or other drainage from such confined feeding/management use shall not flow directly or indirectly into any river, stream or other drainage way which would allow any untreated runoff or other drainage from such use to flow beyond the property lines of the property on which such use is located.
 2. Grain and produce storage structures including commercial storage warehouses or elevators and plant seed sales and storage facilities.
 3. Irrigation facilities, including irrigation wells, center pivots, re-use pits, well houses and related structures, flood control and erosion control facilities.

4. Public service facilities, including public, parochial, private non-religious schools, road maintenance equipment sheds, fire stations, public utility substations and utility distribution systems.
5. Churches, cemeteries and related uses.
6. Fish hatcheries, game farms and commercial hunting and fishing where such hunting and fishing does not involve development of lodges or other buildings devoted solely to the support of such hunting and fishing activities. Temporary housing of hunters and fishermen shall be permitted.
7. Forestry, tree farms and plant nurseries.
8. Signs, both on-site and outdoor advertising signs.
9. Radio, television, microwave and other types of erected towers.
10. Single-family dwelling, including manufactured housing and mobile homes as defined in Sections 303.41 and 303.42, provided such dwelling comply with all of the following conditions:
 - A. Such dwellings, if not on the same lot with and of the same ownership as any existing confined animal feeding/management use, shall be separated from any existing confined animal feeding/management use, as defined in Sections 303.17, or any confined animal feeding/management use permitted under Section 303.03 of this Resolution, by a distance of not less than one-half (1/2) mile. Such distance shall be measured from the nearest point of the area used or approved, under this Resolution, to be used for confined animal feeding/management use to the closest point of the dwelling.
 - B. Such dwelling shall be located on a lot with an area of not less than one (1) acre and a minimum lot width as set forth in Section 501.07 of this Resolution, provided that a larger lot may be required if the regulations of the Nebraska Department of Health and/or the Nebraska Department of Environmental Quality with regard to proper sizing and location of a septic tank and tile field or lagoon sewage disposal system and further provided that a smaller lot and minimum lot width may be permitted as a special exception where clustering of ranch or farm dwellings or residential subdivisions make adequate provisions for water supplies and sewage disposal. In no instance shall such smaller lot size be less than ten thousand (10,000) square feet and a minimum lot width less than seventy-five (75) feet.
 - C. The lot on which such dwelling is located shall front on or have access to an existing public roadway other than a roadway classified by the Keya Paha County Board of Commissioners as a minimum maintenance road, officially approved private road or private road by use or other unimproved roadway, provided that if such dwelling is located on a minimum maintenance road, an officially approved private road, private road by use or other unimproved roadway, Keya Paha County shall not construct or improve such roadways and, with the exception of existing minimum maintenance roads, shall not be committed to accepting such roadway as a publicly maintained County road even if such roadway is improved to County road standards by the owner(s) of such roadway.
 - D. The total number of dwelling units and mobile homes shall not exceed a total of two (2) per quarter section, except for clustering of ranch or farm dwellings and residential subdivision authorized as special exceptions in accordance with Article 10 of this Resolution.

501.03 PERMITTED ACCESSORY USES AND STRUCTURES: The following uses and structures shall be permitted as accessory to the permitted principal uses and structures:

1. Accessory uses and structures normally and commonly appurtenant to the permitted principal uses and structures.
2. Home occupations, in accordance with Section 612 of this Resolution.
3. Roadside stands for the temporary sale of produce grown on the premises.

501.04 SPECIAL EXCEPTION USES: After the provisions of this Resolution relating to special exceptions has been fulfilled, the Board of Commissioners may, in accordance with the procedures and requirements of Article 10 of this Resolution, permit the following as special exception uses in the AG – 1, Agricultural District:

1. Confined animal feeding/management uses, as defined in Section 303.17 of this Resolution, which are in excess of two thousand (2,000) fowl or 250 head of cattle, swine, sheep or other animals, provided such confined animal feeding/management use shall meet all of the following requirements:
 - A. Such confined animal feeding/management uses shall not be located closer than one-half (1/2) mile to church, school or any dwelling unit not of the same ownership and on the same premises as such confined animal feeding/management use. Measurement of this distance shall be from the point of the confined animal feeding/management use nearest said church, school or dwelling to the nearest point of such dwelling, church or school. Any existing confined animal feeding/management use that is located within one-half (1/2) mile to any existing church, school or dwelling unit not of the same ownership and on the same premises with such confined animal feeding/management use, shall not be expanded in any way that would decrease the distance between dwelling, church or school. Exceptions to this minimum one-half (1/2) mile distance requirement may be approved as part of granting of a special exception where special types of confined feeding/management operations, topography, prevailing winds or other factor or combination of other factors exist and it is determined that reduction of this minimum spacing distance will not interfere with the future use and enjoyment of adjoining properties.
 - B. All runoff, control ponds and basins, methods of manure disposal and similar activities shall be developed to minimize air and water pollution and shall be as required by the Nebraska Department of Health and/or the Nebraska Department of Environmental Quality and shall be in place prior to the introduction of any animals for feeding or management.
2. Reduction in the minimum one-half (1/2) mile separation distance between a confined feeding/management use involving less than two thousand (2,000) fowl or two hundred fifty (250) head of cattle, swine, sheep or other animals and any church, school or any dwelling unit not of the same ownership and on the same premises where reduction of such minimum separation is warranted due to special types of confined feeding/management operations, topography, prevailing winds or other factor or combination of other factors and where it is determined that reduction of such one-half (1/2) mile separation distance will not interfere with the future use and enjoyment of adjoining properties.
3. General welding and agricultural equipment repair businesses, automobile repair and body shop businesses and other commercial business and industrial uses determined by the Board of Commissioners to be reasonably compatible with the surrounding land uses with regard to traffic generation, noise, odors, dust, vibrations and potential air, soil or water pollution or explosion or other hazards.

4. Livestock auction barns and yards.
5. Crop dusting businesses and related aircraft landing strips and airports.
6. Commercial fuel and fertilizer bulk plants, provided such plants are located at a distance of not less than one-half (1/2) mile from any dwelling unit, church or school.
7. Solid waste landfills, recycling facilities and transfer stations when in compliance with all requirements established by the Board of Commissioners in granting a special exception and in compliance with all requirements of the Nebraska Department of Environmental Quality.
8. Salvage (Junk) yards, provided such uses are separated from any existing dwelling unit, church, school or cemetery by a distance of not less than one-half (1/2) mile.
9. Clustering of dwelling units, including manufactured homes and mobile homes as defined in Sections 303.41 and 303.42 of this Resolution, for ranch or farm dwellings or in residential subdivisions with the total number of dwelling units in excess of two (2) dwelling units per quarter section limitation set forth in Section 501.02 above and in accordance with the following limitations and consideration of the following factors:
 - A. If such clustered dwelling units are located on a minimum maintenance road, an officially approved private road, private road by use or other unimproved roadway, Keya Paha County shall not construct or improve such roadways and, with the exception of existing minimum maintenance roads, shall not be committed to accepting such roadway as a publicly maintained County road even if such roadway is improved to County road standards by the owner(s) of such roadway.
 - B. Each dwelling unit in excess of the two (2) per quarter section limitation set forth in Section 501.02 above shall be located on a lot with an area of not less than one (1) acre and a minimum lot width as set forth in Section 501.07 of this Resolution, provided that a larger lot may be required if the regulations of the Nebraska Department of Health and/or the Nebraska Department of Environmental Quality with regard to the proper sizing and location of a septic tank and tile field or lagoon sewage disposal system and further provided that a smaller lot and minimum lot width may be authorized as a special exception in accordance with Article 10 of this Resolution where clustering of ranch or farm dwellings or residential subdivisions make adequate provisions for water supplies and sewage disposal. In no instance shall such smaller lot size be less than ten thousand (10,000) square feet and a minimum lot width less than seventy-five (75) feet.
 - C. Consideration shall be given to the impacts of such residential development on local schools, roadways, bridges and public services.
10. Two-family and multi-family dwellings, provided such higher density residential uses are located near municipalities within the County or in such other areas where the development of higher density uses can be adequately served by roadways, water, sewer, as well as law enforcement, fire protection and other public services, as determined by the Board of Commissioners.
11. Public and private recreational uses and commercial recreational enterprises, including parks, playgrounds, campgrounds, riding stables, game lodges, canoe outfitters, rental cabins, camp stores, public or commercial river access sites and other similar uses including bed and breakfast operations and motels.
12. Mineral extraction and sand and gravel extraction facilities and operations.
13. Childcare, day care and nursing home facilities, and group homes.

14. Other uses and structures determined by the Board of Commissioners to be comparable with the above stated special exception uses and consistent with the Intent statement of this zoning district.

501.05 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically allowed in this District as permitted uses, accessory uses or special exception uses shall be prohibited.

501.06 MINIMUM LOT AREA REQUIREMENTS: The following shall be the minimum lot area requirement for uses located within this district:

1. The minimum lot area for a single-family dwelling unit, manufactured home or mobile home shall be one (1) acre, provided that a larger lot area may be required by the standards and regulations of the Nebraska Department of Health and the Nebraska Department of Environmental Quality with regard to proper sizing and location of septic tank and tile field or lagoon sewage disposal systems and further provided that a smaller lot and minimum lot width may be permitted as a special exception where clustering of ranch or farm dwellings or residential subdivisions make adequate provisions for water supplies and sewage disposal. In no instance shall such smaller lot be less than ten thousand (10,000) square feet and a minimum lot width less than seventy-five (75) feet.
2. The minimum lot area for uses identified as special exception uses in this District other than clustered ranch and farm dwellings and dwelling units in residential subdivisions, shall be the lot area appropriate for such uses, as determined by the Board of Commissioners in granting of any such use in accordance with Article 10 of this Resolution, provided that no lot shall be less than one (1) acre in area.

501.07 MINIMUM LOT WIDTH AND FRONTAGE: The following shall be the minimum lot width and frontage requirements for uses located within this district:

1. The minimum lot width shall be one hundred fifty (150) feet and the minimum lot frontage shall be sixty-six (66) feet, except that the minimum lot width and frontage for uses identified as special exception uses in this district shall be the lot width and frontage appropriate to such uses as determined by the Board of Commissioners in granting of any such use in accordance with Article 10 of this Resolution, provided that no lot shall have a width less than one hundred fifty (150) feet and a minimum frontage less than sixty-six (66) feet.

501.08 MINIMUM YARD REQUIREMENTS: The following shall be the minimum yard requirements for uses located within this district:

1. Front Yard – Twenty-five (25) feet
2. Side Yard – Ten (10) feet
3. Rear Yard – Ten (10) feet

501.09 MAXIMUM HEIGHT: The maximum height for any building designed for human habitation shall be thirty-five (35) feet. There shall be no limitation for buildings not designed for human habitation.

SECTION 502 AG – 2 AGRICULTURAL – RIVER CORRIDOR DISTRICT

502.01 INTENT: The intent of this district is to protect the unique combination of ecosystems found along the Niobrara River Valley and preserve the agricultural character of this river corridor by protecting existing agricultural uses and discouraging land uses which would or could become incompatible with the agricultural uses or which would be inconsistent with the provisions of the General Management Plan of the Niobrara National Scenic River or which would destroy or significantly diminish the natural beauty, scenic quality and environmental balance of the river corridor.

502.02 PERMITTED PRINCIPAL USES AND STRUCTURES: The following uses and structures shall be permitted:

1. Agricultural uses, as defined in Section 303.03 of this Resolution, provided that any confined raising or feeding of two thousand (2,000) fowl or two hundred fifty (250) or fewer head of cattle, swine, sheep or other animals, at anyone time shall be permitted only in compliance with the following requirements:
 - A. Such confined feeding/management use shall not be located closer than one-half (1/2) mile to any church, school or any dwelling unit not of the same ownership and o the same premises as the confined animal feeding management use.
 - B. Surface water runoff or other drainage from such confined feeding/management use shall not flow directly or indirectly into any river, stream or other drainage way which would allow any untreated runoff or other drainage from such use to flow beyond the property lines of the property on which such use is located.
 - C. Such confined feeding/management use shall not be visible from the Niobrara River surface.
2. Plant seed sales and storage facilities.
3. Irrigation facilities, including irrigation wells, center pivots, re-use pits. Well houses and related structures, flood control and erosion control facilities.
4. Aquacultural uses, game farms.
5. Forestry, tree farms, plant nurseries, and timber harvesting and management accomplished in accordance with a plan, prepared by a professional forester, which is consistent with the Niobrara National Scenic River Management Plan.
6. On-premise signs advertising a business on the premise, on and off-premise directional signs to provide direction information to the public, but contain no advertising other than the business name. Off-premise advertising signs (billboards) are expressly prohibited. All signs shall be limited in surface area on one side to forty (40) square feet.
7. Single-family dwellings, including manufactured housing as defined in Section 303.41 of this Resolution, but excluding mobile homes, as defined in Section 303.42 of this Resolution, provided such dwellings comply with all of the following requirements:
 - a. Such dwellings, if not on the same lot with and of the same ownership as any existing confined animal feeding/management use, shall be separated from any existing confined animal feeding/management use, as defined in Sections 303.17 or any confined animal feeding/management use permitted under Section 303.03 of this Resolution, by a distance of not less than one-half (1/2) mile. Such distance shall be measured from the nearest point of the area used or approved, under this Resolution, to be used for confined animal feeding/management use to the closest point of the dwelling.
 - b. Such dwellings shall be located on a lot with an area, above any ordinary high water mark, or not less than one (1) acre and a minimum lot width as set forth in Section 502.07 of this Resolution, provided that a larger lot may be required if the regulations of the Nebraska Department of Health and/or the Nebraska Department of Environmental Quality with regard to proper sizing and location of a septic tank and tile field or lagoon sewage disposal system and further provided that a smaller lot and minimum lot width may be authorized as a special exception in accordance with

Article 10 of this Resolution where adequate provisions for water supply and sewage disposal for clustering of ranch or farm dwellings or residential subdivisions are made.

- c. The lot on which such dwellings is located shall front on or have access to an existing public roadway other than a roadway classified by the Keya Paha County Board of Commissioners as a minimum maintenance road, officially approved private road or private road by use or other unimproved roadway, provided that if such dwelling is located on a minimum maintenance road, an officially approved private road, private road by use or other unimproved roadway, Keya Paha County shall not construct or improve such roadways and, with the exception of existing minimum maintenance road, shall not be committed to accepting such roadway as a publicly maintained County road, even if such roadway is improved to County road standards by the owners(s) of such roadway.
- d. The total number of dwelling units shall not exceed a total of one (1) per quarter section, or part thereof created by the River dividing a quarter section, except for clustering of ranch or farm dwellings and residential subdivisions, authorized as special exceptions in accordance with Article 10 of this Resolution, where such clustering of dwellings or dwellings in a residential subdivision is consistent with the General Management Plan of the Niobrara National Scenic River and developed to meet the minimum requirements of this Resolution.

502.03 PERMITTED ACCESSORY USES AND STRUCTURES: The following uses and structures shall be permitted as accessory to the permitted principal uses and structures:

1. Accessory uses and structures normally appurtenant to the permitted principal uses and structures.
2. Home occupations, in accordance with Section 612 of this Resolution.
3. Roadside stands for the temporary sale of fruits, vegetables and other agricultural produce produced on this premises.

502.04 502.04 SPECIAL EXCEPTION USES: After the provisions of this Resolution relating to special exception has been fulfilled, the Board of Commissioners may, in accordance with the procedures and requirements of Article 10 of this Resolution, permit the following as special exception uses in the AG – 2 Agricultural- River Corridor District:

1. Grain and produce storage facilities, excluding commercial storage warehouses or elevators.
2. Public and private recreational uses and commercial recreational enterprises, including parks, playgrounds, campgrounds, riding stables, game lodges, canoe outfitters, rental cabins, camp stores, public or commercial river access sites, bed and breakfast and other similar uses.
3. Clustering of dwelling units, including manufactured homes as defined in Section 303.41 of the Resolution, but excluding mobile homes as defined in Section 303.42 of this Resolution, for ranch or farm dwellings or dwellings in residential subdivisions with the total number of dwelling units in excess of the one (1) dwelling unit per quarter section limitation set forth in Section 502.02 above and in accordance with the following limitations and consideration or the following factors:
 - a. If such clustered dwelling units are located on a minimum maintenance road, an officially approved private road, private road by use or other unimproved roadway, Keya Paha County shall not construct or improve such roadways and, with the exception of existing minimum maintenance roads, shall not be committed to accepting such roadway as a publicly maintained County road even if such roadway is improved to County road standards by the owner(s) of such roadway.
 - b. Each dwelling unit in excess of one (1) per quarter section limitation set forth in Section 502.02 above shall be located on a lot with an area above the ordinary high water mark of not less than

one (1) acre and a minimum lot width as set forth in Section 502.07 of this Resolution, provided that a larger lot may be required if the regulations of the Nebraska Department of Health and /or the Nebraska Department of Environmental Quality with regard to proper sizing and location of a septic tank and tile field or lagoon sewage disposal system and further provided that a smaller lot and minimum lot width may be authorized as a special exception in accordance with Article 10 of this Resolution where clustering of ranch or farm dwelling or residential subdivision make adequate provision for water supplies and sewage disposal. In no instance shall such smaller lot size be less than ten thousand (10,000) square feet and a minimum lot width less than seventy-five (75) feet.

4. Reduction in the minimum one-half (1/2) mile separation distance between a confined feeding/management use involving less than two thousand (2,000) fowl or two hundred fifty (250) head of cattle, swine, sheep or other animals and any church, school or any dwelling unit not of the same ownership and on the same premises where reduction of such minimum separation is warranted due to special types of confined feeding/management operations, topography, prevailing winds or other factor or combination of other factors where it will not interfere with the future use and enjoyment of adjoining properties.
5. Other uses and structures determined by the Board of Commissioners to be comparable with the above stated special exception uses and consistent with the Intent statement of this zoning district and the General Management Plan of the Niobrara National Scenic River.

502.05 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically allowed in the District as permitted uses, accessory uses or special exception uses shall be prohibited.

502.05 MINIMUM LOT AREA REQUIREMENTS: The following shall be the minimum lot area requirements for uses located within this district:

1. The minimum lot area for a single-family dwelling unit shall be one (1) acre, provided that a larger lot area may be required by the standards and regulations of the Nebraska Department of Health and the Nebraska Department of Environmental Quality with regard to proper sizing and location of septic tank and tile field, lagoon sewage or other approved disposal system and further provided that no part of any such sewage disposal system shall be located within fifty (50) feet of any ordinary high water mark or wetland area. A smaller lot and minimum lot width may be authorized as a special exception in accordance with Article 10 of this Resolution where clustering of ranch or farm dwellings or residential subdivisions make adequate provisions for water supplies and sewage disposal. In no instance shall such smaller lot size be less than ten thousand (10,000) square feet.
2. The minimum lot area for uses identified as special exception uses in this District, other than clustered ranch and farm dwellings and dwelling units in residential subdivisions, shall be the lot area appropriate for such uses, as determined by the Board of Commissioners in granting of any such use in accordance with Article 10 of this Resolution, provided that no lot shall be less than one (1) acre in area.

502.07 MINIMUM LOT WIDTH AND FRONTAGE: The minimum lot width shall be one hundred fifty (150) feet and the minimum lot frontage shall be sixty-six (66) feet, except that the minimum lot width and frontage for uses identified as special exception uses in this district shall be the lot width and frontage appropriate to such uses, as determined by the Board of Commissioners in granting of any such use in accordance with Article 10 of this Resolution, provided that no lot shall have a width less than one hundred fifty (150) feet and a minimum frontage less than sixty-six (66) feet.

502.08 MINIMUM YARD REQUIREMENTS: The following shall be the minimum yard requirements shall apply to all uses located within this district, provided, however, any building located along the Niobrara River shall be set back a distance of not less than two hundred (200) feet from the ordinary

high water mark nearest the proposed building development:

1. Front Yard – Seventy-five (75) feet
2. Side Yard – Ten (10) feet
3. Rear yard – Ten (10) feet

502.09 MAXIMUM HEIGHT: The maximum height for any building designed for human habitation shall be thirty-five (35) feet. There shall be no limitation for buildings not designed for human habitation.

ARTICLE 6 – SUPPLEMENTAL DISTRICT REGULATIONS

SECTION 601 APPLICATIONS

The supplemental regulations set forth in this Article qualify and supplement all zoning district regulations and are declared to be part of this Resolution and applicable to all uses and structures in all zoning districts.

SECTION 602 YARD

Minimum yards shall be required along all public roadways as set forth in the district regulations. Any yard abutting a roadway shall be deemed a front yard for purposes of determining yard depth requirements. Yards equal to or exceeding the minimum yard requirements of each district shall be provided with the following qualifications:

602.01 Any yard so placed or oriented that none of the specific yard definitions contained in this Resolution are applicable shall necessitate a determination by the Zoning Administrator of a suitable yard dimension which will be consistent with the intent of the yard requirements within the applicable zoning district.

602.02 No structure shall project into a required front, side or rear yard except for the exceptions:

- a. An eave, cornice, overhang, awning, balcony, or bay window projecting not more than four (4) feet from the building wall.
- b. The ordinary projection of belt courses, sills, lintels, chimneys and other similar ornamental or architectural features, provided such features do not project more than eighteen (18) inches from the building wall.
- c. Unenclosed, uncovered steps, entrance platforms, ramps, terraces, or landings not over two (2) feet above grade level and not projecting more than eight (8) feet from the building wall.

SECTION 603 FENCES AND WALLS

Nothing in this Resolution shall be deemed to prohibit the erection and maintenance of any fence in connection with agricultural uses or any retaining wall in association with any use in any zoning district and any ornamental fence, wall or structural screen fence shall be permitted in any yard. Nothing in this Resolution shall be deemed to prohibit the installation of living screens consisting of trees, shrubs or other plant material.

SECTION 604-YARD EXEMPTIONS

Such appurtenant features as sidewalks, walkways, driveways, curbs, drainage and erosion control installations, mail boxes, lamp posts, bird baths, and similar installations are permitted accessory uses on any lot.

SECTION 605 DIVISIONS OF LOTS

After any portion of a lot has been developed under the provisions of this Resolution, such lot may be divided into smaller lots only if each resulting lot and any buildings thereon comply in all respects to all regulations of the zoning district in which said lot is located.

SECTION 606 STORAGE

Except as specifically authorized by an approved special exception no portion of any yard on any lot shall be used for the permanent storage, as defined in Section 303.64 of this Resolution, of inoperable motor vehicles, boats, or travel trailers or motor vehicles, boats, or travel trailers without current license plates or stickers, unoccupied mobile homes or travel trailers, or parts thereof. Storage of such items may occur, however, in completely enclosed buildings or outdoors if such items are screened from view from the roadway on which said lot has frontage and screened from view from adjoining property under separate ownership. Where such permanent storage occurs along the Niobrara River such storage shall be located above the ordinary high water mark and screened from view from the River by a non-fence screen comprised of trees and shrubs.

SECTION 607 ROADWAY INTERSECTION VISIBILITIES

On a corner lot nothing shall be erected, placed or allowed to grow above a height of two and one-half (2 ½) feet above the centerline elevation of the intersection of two or more roadways within a triangular area formed by the edge of the roadways and a line connecting points twenty-five (25) feet from the intersection of said edge of roadway lines.

SECTION 608 CONVERSIONS OF USE

Any use of land which is converted to another use shall comply in all respects with the requirements of this Resolution.

SECTION 609 ACCESSORY USES

Accessory uses shall be permitted as specified in all zoning districts in accordance with the following provisions:

609.01 Any accessory use shall be incidental to, subordinate to and commonly associated with the primary use of the lot.

609.02 Any accessory use shall be operated and maintained under the same ownership and control and on the same lot as the primary use of the lot.

609.03 Any accessory use shall be clearly subordinate to the primary use of the lot in height, area, bulk, and extent.

609.04 Any accessory use shall be permitted only after the erection and operation of a primary use of the lot.

SECTION 610 LOADING REQUIREMENTS

In all zoning districts and in connection with every use there shall be an adequate number of vehicle parking

spaces provided at the time of establishment of any use or building in accordance with the following:

- 611.01 Adequate access to public or private roadway serving the use shall be provided for the required parking spaces.
- 611.02 Each automobile parking space shall have a width of not less than eight (8) feet and a total area of not less than one hundred eighty (180) square feet, exclusive of space required for ingress and egress to said parking space.
- 611.03 Parking spaces shall be provided on the same lot as the principal use requiring such parking.
- 611.04 Residential uses shall have not less than two (2) parking spaces, not on public right-of-way, per dwelling unit, including spaces provided in garages or carports.

SECTION 612 HOME OCCUPATIONS

A home occupation, in compliance with the following restrictions, shall be permitted to accompany residential uses by the grant of an occupancy permit:

- 612.01 The home occupation shall be conducted within the dwelling unit or accessory building and only by a member or members of the occupants of the dwelling unit.
- 612.02 The home occupation is clearly subordinate to the residential use of the lot and does not change the residential character of the lot nor infringe upon the right of neighboring owners to enjoy their property.
- 612.03 No equipment or machinery shall be used in any home occupation that is perceptible off of the lot by reason of noise, smoke, odor, dust vibration, electrical interference or radiation.
- 612.04 No outdoor display of goods or products shall be permitted.
- 612.05 One (1) non-animated, non-flashing sign no larger than ten (10) square feet in area may be used to identify the home occupation.
- 612.06 Off-street parking appropriate to such home occupation shall be associated with the parking for the dwelling unit and in no event shall parking for such home occupation be permitted on any public road right-of-way.

SECTION 613 BUILDING DEVELOPMENTS ALONG NIOBRARA NATIONAL SCENIC RIVER

In order to permit the owners of property along the Niobrara River to enjoy the scenic quality of the River valley in a manner similar to those canoeing, tubing, or otherwise enjoying the scenery along the river or utilizing roadways within the Ag – 2 Agricultural – River Corridor Zoning District and to protect such land owners' opportunities to enjoy the views of the River and related scenic vistas, whether along the river or along buildings associated with uses authorized in the Ag – 2 Agricultural River Corridor Zoning District as permitted uses, accessory uses, special exceptions or an approved variance, when developed within sight distance from any location on the Niobrara River surface or from a public roadway shall comply with the following standards:

- 613.01 In the development of residential dwellings and other buildings designed for human habitation the opportunity to optimize scenic views from such dwellings and other buildings shall be preserved while minimizing the negative impacts on the natural scenic beauty of the Niobrara River valley, by having such dwellings and habitable buildings designed or located so as to optimize such scenic views from said buildings while being difficult to see or not readily noticeable in summer months because of placement, screening, berming, or use of natural tone building material types and colors. In order to accomplish these objectives the following provisions shall apply to each dwelling or habitable building:

- a. Such buildings may be placed in a manner that will optimize the scenic views from such buildings provided such buildings shall be placed in a manner where the natural topography, existing or installed natural (living) screening material, or berming and installation of natural (living) screening material shall result in fifty (50) percent or more of each building not being visible from the upstream surface of the River in the summer months. Visibility of such buildings from the downstream surface of the River shall be permitted.
- b. In the development of uses within the AG – 2 Agricultural – River Corridor Zoning District, development of any roadway to serve any building development authorized shall be located so that such roadway does not result in any existing dwelling or habitable building on any property being closer than seventy-five (75) feet from the nearest edge of such roadway.
- c. In the location and construction of such dwellings and other buildings, the construction of roadways, driveways, berms or other construction requiring clearing of or disturbance of the soil surface, the clearance of trees and natural vegetation shall be minimized and such disturbed areas shall be seeded back to grasses, trees, and vegetation native to or adaptable to the area. Where necessary to prevent erosion of areas along roadways, provisions shall be made to limit and control erosion thus minimizing potential damage to adjoining properties and to the scenic quality and water quality of the River.
- d. To summarize, criteria for building with the AG-2 Agriculture-River Corridor Zoning Districts:
 1. Low profile buildings
 2. Natural or scenic blending colors
 3. Non-reflective materials
 4. Underground wiring
 5. Screening to be in place and maintained

ARTICLE 7 – NON-CONFORMING USES

SECTION 701 INTENT

Within the zoning districts established by this Resolution or future amendments to such districts, there exist 1) lots, 2) buildings or structures, 3) uses of land and buildings or structures, and 4) characteristics of use, which were lawful prior to the adoption or future amendment of this Resolution, but which would be prohibited, regulated or restricted under the terms of this Resolution or future amendment. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Resolution that non-conformities shall not be enlarged, expanded, or

extended, nor be used as grounds for adding other buildings, structures or uses prohibited in the zoning district in which such non-conformities are located.

SECTION 702 LIMITATIONS ON EXPANSION

Non-conforming buildings, structures and uses are declared by this Resolution to be incompatible with the intent of the zoning districts and permitted uses in the zoning districts. A non-conforming use of a building or structure, a non-conforming use of land, or a non-conforming use of a building or structure and land in combination shall not be extended or enlarged in any way after adoption of this Resolution or amendment thereto.

SECTION 703 HARDSHIPS

To avoid any undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction or designated use of any building or structure for which actual construction has been lawfully initiated prior to the effective date of the Resolution or amendment thereto where actual construction activity has been carried on diligently. Actual construction is defined to include the placing of construction materials in a permanent position and fastened in a permanent manner, excavation for construction of a building or structure has begun and has been diligently carried on, or where a building permit for such construction has been issued.

SECTION 704 EXCEPTIONS

Notwithstanding other requirements of this Section, a lawfully established residential use rendered non-conforming by adoption of this Resolution or amendment thereto, may be enlarged, altered, or reconstructed, subject to the following restrictions:

704.01 Such residential use shall comply with Section 705 of this Resolution

704.02 This provision shall not be construed to include more than one use on a lot and shall be applicable so long as such use remains otherwise lawful.

SECTION 705 NON-CONFORMING LOTS OF RECORD

In any zoning district in which single-family structures are permitted, a single-family dwelling unit and customary accessory buildings may be erected on any single lot of record after the effective date of this Resolution or amendment thereto notwithstanding limitations imposed by this Resolution or amendment thereto subject to the following conditions:

705.01 Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are applicable to the zoning district in which such lot is located, provided that erection of said single-family dwelling unit shall comply with the yard requirements of the zoning district in which said lot is located. Variance of said minimum yard requirements shall be obtained only through action of the Board of Zoning Adjustment.

705.02 If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in the same ownership are of record on the effective date of this Resolution or amendment thereto and if all or part of the lots do not meet the requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purpose of this Resolution and no portion of said parcel shall be used or sold in any manner which diminishes compliance with the minimum lot width and area requirements of the zoning district in which said parcel is located nor shall any division of any parcel be made which creates a lot with width or area which is less than the requirements set forth in the zoning district in which said parcel is located.

SECTION 706 NON-CONFORMING USES OF LAND

Where on the effective date of this Resolution or amendment thereto, a lawful use of land exists which would not be permitted under the requirements of this Resolution or amendment thereto and where such use involves no buildings or structures with a replacement cost exceeding two hundred fifty dollars (\$250), the use may be continued so long as it remains otherwise lawful in accordance with the following conditions:

- 706.01 If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the requirements of this Resolution or amendments thereto.
- 706.02 No additional buildings or structure not conforming to the use restrictions and other regulations of this Resolution or amendment thereto shall be erected in connection with such non-conforming use.
- 706.03 No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel of land on which it is located that has not been used in connection with such non-conforming use.
- 706.04 No such non-conforming use shall be enlarged or expanded to occupy a greater area of the lot or parcel of land on which it is located than was used in association with such use on the effective date of this Resolution or amendment thereto.

SECTION 707 NON-CONFORMING USES OF BUILDINGS/STRUCTURES & LAND IN COMBINATION:

If lawful use involving individual buildings or structures and land in combination, exists at the effective date of this Resolution or amendment thereto that would not be permitted in the zoning district in which said non-conforming use of buildings or structures and land in combination is located, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 707.01 No existing building or structure devoted to a use not permitted in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use to a use permitted in the zoning district as a permitted use, an accessory use or a special exception use.
- 707.02 Any non-conforming use may be extended throughout any parts of a building or structure which were arranged or designed for such uses of the effective date of this Resolution or amendment thereto, but no such use shall be extended to occupy any land outside such building or structure which was not in use as of the effective date of this Resolution or amendment thereto.
- 707.03 If no structural alterations are made, any non-conforming use of a building or structure and land in combination, may as a special exception, be changed to another non-conforming use provided that the County Board of Commissioners, in granting said special exception, shall find that the proposed use is equally appropriate or more appropriate to the intent of the zoning district than is the existing use. In granting such special exception, the Board of Commissioners may set conditions for such proposed use to assure that such use will remain appropriate for location in the zoning district.
- 707.04 Any building or structure or building or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use shall thereafter conform to the requirements of this Resolution and the non-conforming use may not thereafter be resumed.
- 707.05 When a non-conforming use of a building or structure or building or structure and land in combination is discontinued or abandoned for twelve (12) consecutive months, except when governmental action impeded access to the premises, the building, structure and land shall not thereafter be used for any use that is not in compliance with this Resolution or amendment thereto.
- 707.06 Where non-conforming use status applies to a building or structure, a building or structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction, for the purposes of this Resolution, is defined as damage to an extent of more than seventy-five percent (75%) of the replacement cost at the time of destruction.

SECTION 708 REPAIRS AND MAINTENANCE

Maintenance and ordinary repairs, replacement of non-bearing walls or members, fixtures, heating and cooling equipment, wiring or plumbing within any non-conforming building or structure may be performed notwithstanding any other requirements of this Resolution or amendment thereto.

SECTION 709 USES UNDER SPECIAL EXCEPTION

A use authorized as a special exception use under the terms of this Resolution shall not be deemed a non-conforming use, except where such use is not in compliance with any conditions of use established in the granting of such special exception by the Board of Commissioners, provided however, that a change of one non-conforming use to another non-conforming use, authorized by special exception, shall remain a non-conforming use.

707.07 Any building or structure or building or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use shall thereafter conform to the requirements of this Resolution and the non-conforming use may not thereafter be resumed.

707.08 When a non-conforming use of a building or structure or building or structure and land in combination is discontinued or abandoned for twelve (12) consecutive months, except when governmental action impeded access to the premises, the building, structure and land shall not thereafter be used for any use that is not in compliance with this Resolution or amendment thereto.

707.09 Where non-conforming use status applies to a building or structure, a building or structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction, for the purposes of this Resolution, is defined as damage to an extent of more than seventy-five percent (75%) of the replacement cost at the time of destruction.

ARTICLE 8 – ADMINISTRATION AND ENFORCEMENT

SECTION 801 ORGANIZATION

The administration and enforcement of this Resolution is hereby vested in the Keya Paha County Planning Commission, the Keya Paha County Board of Zoning Adjustment, the Keya Paha County Board of Commissioners, the Zoning Administrator designated by the Board of Commissioners and the Keya Paha County Attorney.

SECTION 802 AUTHORITIES

Planning Commission:

With regard to the proper administration and enforcement of this Resolution the Keya Paha County Planning Commission will have the following authorities:

802.01 Hear and recommend action by the Board of Commissioners regarding all applications for amendments to the text of this Resolution and/or changes (rezonings) to the Keya Paha County Official Zoning Map.

802.02 Prescribe uniform rules of procedure pertaining to applications, public hearing and issuance of permits.

802.03 Periodically review the effectiveness of this Resolution and initiate amendments or make recommendations for amendments to the Board of Commissioners.

802.04 Invoke any authorized remedy for the enforcement of this Resolution

Board of Zoning Adjustment:

With regard to proper administration and enforcement of this Resolution, the Keya Paha County Board of Zoning Adjustment shall have the following authorities:

- 802.05 Hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator when such order, requirement, decision, or determination is appealed by the person or persons affected by such order, requirement, decision or determination.
- 802.06 Hear and authorize specific appeals at variance with the requirements of this Resolution that would not be contrary to the public interest, where owing to special conditions demonstrated and after written findings of legitimate hardship, as defined and specified in Section 901.06, Subparagraph 3a of this Resolution, a literal enforcement of the provisions of this Resolution would result in a legitimate and unnecessary hardship and not merely an inconvenience.
- 802.07 Hear and decide appeals regarding interpretation of zoning district boundaries, as indicated on the Official Zoning Map, in accordance with the requirements and limitations of this Resolution.
- 802.08 Prescribe uniform rules of procedure pertaining to investigations, findings of fact, applications, appeals and public hearings.
- 802.09 Invoke any legal remedy for the enforcement of this Resolution including full power to order discontinuance of any use and stays or work (stop work orders) on any premises in violation of the requirements of this Resolution.

Board of Commissioners:

With regard to proper administration and enforcement of this Resolution, the Keya Paha County Board of Commissioners shall have the following authorities:

- 802.10 Hear and decide special exception applications upon which it is required to act under the terms of this Resolution.
- 802.11 Consider and adopt amendments to the text of this Resolution and/or changes (rezonings) to the Keya Paha County Official Zoning Map, after review and recommendations by the Planning Commission.
- 802.12 Consider and adopt a schedule of permit and application fees for administration of this Resolution, after review and recommendation by the Planning Commission.
- 802.13 Provide for the proper and constant enforcement of this Resolution through appointment of a Zoning Administrator and sufficient budget to enable the Planning Commission, the Board of Zoning Adjustment, the Board of Commissioners, the Zoning Administrator and the County Attorney to carry out the responsibilities assigned to them by adoption of this Resolution.

Zoning Administrator:

With regard to proper administration and enforcement of this Resolution, the Keya Paha County Zoning Administrator shall have the following authorities:

- 802.14 Make available to the public application forms for amendments to this Resolution and/or Official Zoning Map, for appeals to the Board of Zoning Adjustment, and special exception requests to the Board of Commissioners and to issue building permits and certificates of zoning compliance (occupancy permits) as required by this Resolution and to maintain records of all such applications and permits issued.
- 802.15 Conduct inspections of buildings, structures, premises, and the uses of land to determine compliance with the terms of this Resolution and report said findings and violations to the Planning Commission, Board of Zoning Adjustment and/or Board of Commissioners for the purpose of ordering of compliance with the requirements of this Resolution.

- 802.16 Provide interpretation of the text of this Resolution and the Official Zoning Map when necessary and such other technical and clerical assistance as the Planning Commission, Board of Zoning Adjustment and Board of Commissioners may require.
- 802.17 Maintain and provide information to the public regarding the requirements of this Resolution and provide for the timely publishing of legal notices and other notifications relative to administration of this Resolution as prescribed by law.
- 802.18 Maintain permanent and current records with regard to this Resolution, including but not limited to all maps, amendments, building permits, certificates of zoning compliance, variances, appeals, special exception and application thereof together with all records of meetings and public hearings pertaining to this Resolution.

SECTION 803 RESPONSIBILITIES

The following shall be the responsibilities of various entities involved in the proper administration and enforcement of this Resolution:

- 803.01 It is the intent of this Resolution that all questions of interpretation and enforcement regarding this Resolution shall first be presented to the Zoning Administrator and that such questions shall be presented to the Board of Zoning Adjustment only on appeal from a decision of the Zoning Administrator and that recourse from the decisions of the Board of Zoning Adjustment shall be to the courts, as prescribed by law.
- 803.02 It is further the intent of this Resolution that the duties of the Board of Commissioners relative to this Resolution shall be limited to those specified in Section 802.10 through 802.13 of this Resolution and shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure of deciding such questions shall be as stated in this Resolution.
- 803.03 If the Zoning Administrator shall find that any of the provisions of this Resolution are being violated, he/she shall notify the person or persons responsible for such violation in writing, indicating the nature of the violation and ordering the action or actions necessary to correct and eliminate such violation. The Zoning Administrator shall have full authority to order discontinuances of prohibited or unauthorized uses of land, buildings or structures, removal of prohibited or unauthorized buildings or structures or prohibited or unauthorized additions thereto, discontinuances of any work being done in violation of the requirements of the Resolution, and the taking of any other legal action necessary to ensure compliance with or prevent violation of the provision of this Resolution.
- 803.04 The Zoning Administrator, operating through the County Attorney, shall have express authority to initiate and carry out any and all legal actions appropriate and necessary to enforce the provisions of this Resolution and any orders of the Board of Zoning Adjustment without further authorization by the Board of Commissioners. Adoption of this provision by the Keya Paha County Board of Commissioners is expressly intended to authorize the Zoning Administrator and County Attorney to initiate and carry out all legal actions appropriate and necessary to enforce the provisions of this Resolution that is or may be applicable under the laws of the State of Nebraska.

SECTION 804 BUILDING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to or structurally altered without a zoning/building permit therefore, issued by the zoning Administrator, provided however, that no zoning/building permit shall be required for any non-residential agricultural building or structure and further provided that such non-residential agricultural building and structures shall comply with all requirements of this Resolution and other applicable County regulations or laws or regulations of the State of Nebraska. No zoning/building permit shall be issued by the Zoning Administrator except in conformity with all provision of this Resolution unless the Zoning Administrator shall receive written authorization from the Board of Zoning Adjustment in the form of an administrative appeal review or approved variance or a written authorization from

the Board of Commissioners in the form of an approved special exception, as provided for in this Resolution.

SECTION 805 APPLICATIONS FOR A BUILDING PERMIT

The following requirements shall apply to all requests for a zoning/building permit:

- 805.01 All applications for a zoning/building permit shall be made on forms prescribed for such application by the Board of Commissioners and shall have incorporated into said forms a place for drawing of a plot plan showing the actual dimensions and shape of the lot to be built upon, the sizes and locations of all existing and proposed building and structures or additions to buildings or structures on the lot, existing and proposed parking areas, water supply and sewage disposal facility locations, and such other information as may be pertinent to said application.
- 805.02 The application shall include the name(s), address(es), and telephone numbers of the applicant and such other information as may be lawfully required by the Zoning Administrator, including existing and proposed uses of land, buildings and structures, existing or proposed building or structure alterations, the number of families, housekeeping units on the premises, conditions existing on the premises, provision for water supply, sewage disposal, solid waste disposal and erosion control, soil conditions and permeability, such other information as may be necessary to determine conformance with the requirements of the Resolution and enforcement thereof.
- 805.03 Upon receipt of a completed zoning/building permit application and receipt of any applicable application fee, the Zoning Administrator shall make two (2) copies of the zoning/building permit application and return one (1) copy to the applicant after he/she shall have marked the copy of the permit as approved or disapproved.
- 805.04 When the Zoning Administrator approves a zoning/building permit for erection or any building or structure or erection of any addition to or alteration thereof, he/she shall issue one (1) copy of such approved building permit to the Keya Paha County Assessor.
- 805.05 Zoning/building permits are issued on the basis of plot plans and information presented by the applicant and approved by the Zoning Administrator shall authorize only the use, arrangement and construction set forth in such plot plan and permit and no other use, arrangement or construction. If the Zoning Administrator determines that the use, arrangement or construction developed under any approved permit is not proceeding according to the approved permit and applicable regulations or conditions, the Zoning Administrator shall revoke said permit and issue a written stop work order and require that such use, arrangement or construction be brought into conformance with the approved zoning permit.

SECTION 806 EXPIRATION OF BUILDING PERMIT

If the work described in any approved zoning/building permit has not been initiated within ninety (90) calendar days of the date of approval of such permit or if work described in any approved permit has not been completed within two (2) years of the date of approval of such permit, the said permit shall expire and be canceled by the Zoning Administrator and written notice of such cancellation shall be provided to the person or persons affected together with written notice that further work, as described in the canceled permit is prohibited, unless the applicant can qualify for a new zoning/building permit.

SECTION 807 CERTIFICATES OF ZONING COMPLIANCE FOR NEW USES OR CHANGES OF USE

The following requirements shall apply to the issuance of all certificates of zoning compliance (occupancy permits):

- 807.01 It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises or both or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use until a Certificate of Zoning Compliance shall have been issued therefore by the Zoning Administrator stating that the proposed use of the building, structure or land conforms with the requirements of this Resolution.

807.02 No Certificate of Zoning Compliance shall be issued by the Zoning Administrator except in conformity with all provisions of this Resolution unless the Zoning Administrator shall receive written authorization from the Board of Zoning Adjustment in the form of an administrative appeal review or approved variance or a written authorization from the Board of Commissioners in the form of an approved special exception, as provided for in this Resolution.

807.03 Zoning/building permits issued on the basis of plot plans and information presented by the applicant and approved by the Zoning Administrator shall authorize only the use, arrangement and construction set forth in such approved plot plan and permit and no other use, arrangement or construction. If the Zoning Administrator determines that the use, arrangement or construction developed under any approved permit is not according to the approved building permit and applicable regulations or conditions, the Zoning Administrator shall not issue a Certificate of Zoning Compliance, but shall instead inform the applicant in writing of the violations and specify the actions necessary to bring such use, arrangement or construction into compliance with the approved zoning permit.

807.04 A Certificate of Zoning Compliance, once issued, shall remain in effect so long as the use of the land, buildings and structures is used in accordance with said Certificate.

SECTION 808 FAILURES TO OBTAIN BUILDING PERMIT/CERTIFICATE OF ZONING COMPLIANCE

Failure to obtain required Zoning/Building Permits and Certificates of Zoning Compliance or failure to comply with the plans and application information under which such permits or certificates were issued shall be a violation of this Resolution and punishable as provided in Section 1202 of this Resolution.

ARTICLE 9 – BOARD OF ZONING ADJUSTMENT

SECTION 901 ESTABLISHMENT AND PROCEDURE

A Board of Zoning Adjustment is hereby created and shall be known as the Keya Paha County Board of Zoning Adjustment. The Board of Zoning Adjustment shall be appointed by the Board of Commissioners and shall consist of five (5) members, plus one (1) additional member designated as an alternate member who shall attend meetings and serve only when one of the regular members is unable to attend for any reason. One (1) member of the Board of Zoning Adjustment shall be appointed from the membership of the Keya Paha County Planning Commission by the Board of Commissioners and the loss of membership on the Planning Commission shall also result in the immediate loss of membership on the Board of Zoning Adjustment and the appointment of another Planning Commission member to the Board of Zoning Adjustment by the Board of Commissioners. No member of the Board of Commissioners shall be a member of the Board of Zoning Adjustment.

SECTION 902 TERMS OF OFFICE

The members appointed to the Board of Zoning Adjustment shall be appointed for a term of three (3) years and be removable for cause by the Board of Commissioners upon written charges and after public hearing to consider and decide on such charges. Vacancies shall be filled by appointment for the unexpired terms of any member whose term becomes vacant.

SECTION 903 ELECTIONS OF OFFICERS

The Board of Zoning Adjustment shall annually elect one (1) of its members as Chairperson, another as Vice-Chairman, who shall act as Chairperson in the Chairperson's absence. Each member shall serve until a successor has been selected.

SECTION 904 SECRETARY OF THE BOARD OF ZONING ADJUSTMENT

The Board of Zoning Adjustment shall annually elect one (1) of its members as Secretary/Treasurer or shall appoint the Zoning Administrator to serve as Secretary/Treasurer to the Board of Zoning Adjustment.

SECTION 905 RECORDS OF THE BOARD OF ZONING ADJUSTMENT

The Board of Zoning Adjustment shall adopt bylaws and rules of procedure in accordance with the provision of this Resolution necessary to conduct its affairs. Meetings of the Board of Zoning Adjustment shall be held at the call of the Chairperson and at such other times as a majority of the Board shall determine. The Chairperson, or in his/her absence the Vice-Chairperson may administer oaths and compel attendance of witnesses. All meetings of the Board of Zoning Adjustment shall be open to the public. The Board shall keep written minutes of its proceedings, indicating evidence presented, findings of fact made by the Board, decisions of the Board, the attendance of members, and the vote of each member upon each question. Records of all actions of the Board shall be kept in the office of the County Clerk and shall be open to public inspection.

SECTION 906 QUORUMS AND VOTING

A quorum for the Board of Zoning Adjustment shall be three (3) members. Action by the Board on any question other than an appeal from the decision of the Zoning Administrator or a variance application shall require a concurring vote of three (3) members of the Board. Action by the Board on an appeal to overturn a decision of the Zoning Administrator or for approval or denial of a variance application shall require the concurring vote of four (4) members.

SECTION 907 POWERS AND DUTIES

The Board of Zoning Adjustment shall have the following powers and only the following powers:

907.01 Administrative Review: To hear and decide appeals where it is alleged by the appellant that there is an error in order, requirement, decision or refusal made by an administrative official or any agency based on or made in the enforcement of this Resolution or any regulation relating to the location or soundness of structures.

907.02 Zoning Map Interpretation: To hear and decide, in accordance with the provision of this Resolution, requests for interpretation of any map.

907.03 Variances: To hear applications for and authorize, in specific cases, a variance from the specific terms of this Resolution which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship, and provided that the spirit of this Resolution shall be observed, public safety and welfare secured and substantial justice done. A variance shall not be granted by the Board of Zoning Adjustment unless and until the Board shall have made written findings that all of the following conditions have been met:

- a. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of adoption of this Resolution, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of particular requirements of this Resolution would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship on the owner of such property, the Board of Zoning Adjustment, upon an appeal relative to such property, shall have the power to authorize 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 this Resolution, but no variance shall be authorized by the Board of Zoning Adjustment unless the Board finds that:
 - 1) The strict application of the regulations 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 shall not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of such

variance;

- 4) The granting of such variance is based upon reasons of demonstrable and exceptional hardships as distinguished from variations for purposes of the owner's convenience, profit or caprice.

- b. 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 nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to this Resolution.

907.04 Requirement for Written Application and Conditions: A variance from the terms of this Resolution shall not be granted by the Board of Zoning Adjustment unless and until a written application for a variance is submitted to the Zoning Administrator on an application form prescribed by the Board of Zoning Adjustment and payment of an applicable fee and such application shall demonstrate that special conditions and circumstances exist which are peculiar to the land, buildings or structure involved and that said special conditions and circumstances are not applicable to other lands, buildings or structures in the same zoning district and vicinity, that the literal enforcement of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and vicinity, that the special conditions and circumstances do not result from the actions of the applicant, and that granting of the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, buildings, or structures in the same zoning district and vicinity.

907.05 Effect of Non-Conformance: Non-conforming use of lands, buildings or structures in the same zoning district and vicinity and permitted or non-conforming use of lands, buildings or structures in other zoning districts shall not be considered grounds for a determination that the applicant would be deprived of rights enjoyed by other properties and shall not be grounds for granting of a variance.

907.06 Findings of the Board of Zoning Adjustment of Variances: Prior to taking any action to authorize or deny a variance application, the Board of Zoning Adjustment shall:

- a. Make a finding that the application for a variance is complete and in compliance with the requirements of this Resolution. Such finding shall be recorded in the minutes of the Board.
- b. Make findings that the particular reasons set forth in the application for a variance justify a granting of the variance in accordance with the limitations for granting such variance as described in Section 907.03 of this Resolution and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structures involved and such findings shall be recorded in the minutes of the Board.
- c. Making a finding that the granting of the variance will be in harmony with the general purpose and intent of the Resolution and will be injurious to adjacent lands or otherwise detrimental to the public welfare. Such finding shall be recorded in the minutes of the Board.

907.07 Conditions of Approval Imposed: In authorizing any variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards in conformity with this Resolution to assure continued acceptability of variance. Violations of such conditions or safeguards when made part of written terms under which the variance is authorized shall be deemed a violation of this Resolution and punishable as set forth in Section 1202 of this Resolution and any other applicable laws. In addition, the Board of Zoning Adjustment shall attach a condition to any variance authorized by the Board that such authorization shall be acted upon by the applicant within one (1) year from the date of authorization of such variance and that if such variance has not been acted upon by the applicant within this time limitation such authorization shall automatically be revoked.

907.08 Use Variances: Under no circumstances shall the Board of Zoning Adjustment grant a variance to allow a use not permissible in the zoning district involved or grant a variance for any use expressly or by implication prohibited by the terms of this Resolution in the zoning district involved.

SECTION 908 PUBLIC HEARINGS

Prior to acting on any powers granted to it under this Resolution, the Board of Zoning Adjustment shall give public notice of a public hearing. Such notice shall be published in the legal newspaper of general circulation in the County and in the local newspaper of any county which has territory within three (3) miles of the property affected by such action one (1) time at least ten (10) days prior to such public hearing and such notice shall fix the time, place and subject of the hearing. In addition, notice shall also be given to the Chairperson of any municipal, county or any joint planning commission, having jurisdiction over land within three (3) miles of the property affected by the petition or in the absence of a planning commission, the clerks of such units of government and to the Board of Education in which the real estate affected by the petition is located. If the real estate affected by the petition is located within the Ag-2 Agricultural – River Corridor Zoning District, such notice shall be provided to the Niobrara Council. A copy of such notice shall be mailed to the applicant. Any party may appear in person or be represented by an agent or attorney at the public hearing and be heard.

SECTION 909 BOARD HAS POWERS OF ADMINISTRATIVE OFFICIAL ON APPEALS

In exercising the above mentioned powers, the Board of Zoning Adjustment may reverse or affirm, wholly or partially, or modify the order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the administrative official from whom the appeal is taken. The concurring vote of four (4) members of the Board of Zoning Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to affect any variance under this resolution.

SECTION 910 APPEALS

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Zoning Adjustment, or any officer, department, board or bureau of the County, may seek review of such decisions by the District Court for the County in the manner provided by the laws of the State of Nebraska, particularly by Section 23-168.04 of such laws. Such petition for review shall be presented to the Court within fifteen (15) days after the filing of the decision of the Board of Zoning Adjustment in the office of the Zoning Administrator.

ARTICLE 10 – SPECIAL EXCEPTIONS

SECTION 1001 GENERAL POWERS

The Keya Paha County Board of Commissioners may grant special exceptions to property owners for the use of their property in conformance and compliance with the limitations and procedures set forth herein. Granting of a special exception shall only allow property owners to put their property to a special exception use if such use is listed among those uses specifically identified in the zoning district in which the subject property is located as special exception uses. The power to grant special exceptions shall be the exclusive authority of the Board of Commissioners and Board of Commissioners has formally adopted and shall comply with the following standards and procedures:

SECTION 1002 APPLICATION REQUIREMENTS

A written application and site plan for a special exception shall be initiated by a property owner or authorized agent of such owner(s) and shall be submitted to the Zoning Administrator on forms prescribed by the Board of Commissioners. Said application shall be signed by the applicant or the applicant's authorized agent and the applicant shall pay any applicable application fee. Such application shall indicate the Section for this Resolution under which the special exception is being sought and, at a minimum, shall indicate the following:

1002.01 A legal description of the property on which the proposed special exception is requested, including the specific size and dimensions of the area on which the proposed special exception use

would be located if less than the total property owned by the applicant;

- 1002.02 The size and locations of all existing and proposed buildings and structures;
- 1002.03 A detailed description of the use proposed and the activities involved in such use;
- 1002.04 The location(s) of access to public roadway(s);
- 1002.05 The type and locations of easements affecting the property;
- 1002.06 A description of the provisions made for adequate water supply, sewage disposal, public utilities, and erosion control;
- 1002.07 The extent and location of parking, loading and refuse disposal and collection facilities;
- 1002.08 A description and map of trees and shrubs to be retained and those that are to be removed and the method(s) for minimizing the number of trees and shrubs requiring removal combined with an indication of how the removed trees and shrubs shall be disposed of;
- 1002.09 The location of residential dwellings and other non-agricultural land uses within one (1) mile of the property in question;
- 1002.10 An indication of surface water drainage onto, through and off of the subject property which would occur after development of the proposed special exception use;
- 1002.11 The type, location and size of all proposed signs;
- 1002.12 For industrial uses, a description of how the use or uses proposed will address the compatibility issues of traffic generation, noise, odor, dust, vibration, radiation or potential air, water, and soil pollution or explosion hazards;
- 1002.13 Any areas on the property subject to flooding or considered to be a wetland;
- 1002.14 If the real estate affected by the special exception petition is located in the AG – 2 Agricultural - River Corridor Zoning District, the application shall include statements of how the proposed special exception is consistent with the Management Plan of the Niobrara National Scenic River.

SECTION 1003 PUBLIC NOTICE

Prior to consideration of a special exception use application, the Board of Commissioners shall instruct the Zoning Administrator to give public notice in the legal newspaper of general circulation in the County and in the local newspaper of any county which has territory within three (3) miles of the property affected by such action one (1) time at least ten (10) calendar days prior to such public hearing and such notice shall fix the time, place, and subject of the public hearing. In addition, notice shall also be given to the Chairperson of any municipal, county, or joint planning commission having jurisdiction over land within three (3) miles of the property affected by the petition or in the absence of a planning commission, the clerks of such units of government and to the Board of Education in which the real estate affected by the petition is located. If the real estate affected by the petition is located within the Ag – 2 Agricultural – River Corridor zoning district, such notice shall be provided to the Niobrara Council. A copy of such notice shall be mailed to the applicant. Any party may appear in person or be represented by an agent or attorney at the public hearing and be heard.

SECTION 1004 PUBLIC HEARING, CONSIDERATION AND PROCEDURES

At public hearing, the Board of Commissioners shall hear the applicant's petition and all comments by the public in attendance and shall review the special exception request in accordance with the requirements set forth immediately below. The Board of Commissioners shall act to approve or disapprove the request, provided that if the Board approves such request it shall specify conditions and limitations to assure compliance with the requirements set forth immediately below. Upon approval of a special exception use, the Board of Commissioners shall cause a written statement specifying the conditions and limitation of such approval be mailed to the applicant within seven (7) calendar days of the date of such approval. If the Board disapproves a request, it shall state the reason(s) for such disapproval and shall provide a written statement specifying a reason(s) for the disapproval to the applicant within seven (7) calendar days of the date of such disapproval.

SECTION 1005 REQUIREMENTS GOVERNING REVIEW & APPROVAL OF SPECIAL EXCEPTION

In reviewing any special exception application, the Board of Commissioners shall consider all aspects of the proposed use including, at a minimum, those aspects of use listed below to determine the acceptability of the proposed use and its location. At the option of the Board of Commissioners, the Board of Commissioners may request technical support from the National Park Service or other public or private agency or entity in the review of any special exception request. Such technical support may take any form including, but not limited to technical data and advice, comments or recommendations. The Board of Commissioners shall, as part of their review of any special exception request on real estate located within the Ag – 2 Agricultural – River Corridor zoning District, refer such special exception application to said Council seeking a review of the proposal for consistency with the Niobrara national Scenic River Management Plan. If the Council's review indicates inconsistencies with said Management Plan, recommendations from the Council on how such proposal might be amended to make it consistent with said management Plan shall be sought. In granting any requirements or limitations regarding each aspect of use listed below to assure continued acceptability of the special exception use. Such conditions shall be made either by reference to a site plan for the proposed use or by attaching specific written statements. At a minimum, the aspects of acceptability include:

- 1005.01 Both ingress and egress to the property and special exception use and the existing and proposed buildings and structures thereon is appropriate with particular reference to automobile and pedestrian safety, traffic flow, site distance, roadway and bridge capacities, convenience and access in case of fire or catastrophe;
- 1005.02 Off-street parking, including spaces for handicap persons, and loading areas are appropriate relative to needed capacity, convenience and safety;
- 1005.03 Refuse disposal and collection facilities and other service facilities are appropriate relative to location, capacity and safety;
- 1005.04 Public utilities availability, capacity and location of related facilities are appropriate to the use;
- 1005.05 Water supply and sewage disposal facilities are appropriate relative to site, capacity, topography, soil conditions, location, surface water drainage and, where applicable, are located at least the minimum prescribed distance from the ordinary high water mark of any river, stream or water course;
- 1005.06 The number, location, size and height of buildings and structures proposed is appropriate relative to the size of the site and protection of adjoining properties and scenic views;
- 1005.07 Front, side and rear yards meet or exceed the minimum yard requirements of the zoning district in which the special exception use is to be located;
- 1005.08 Signs, if any, and proposed exterior lighting are appropriate relative to adjoining properties, vehicular and pedestrian safety and access to the special exception use;
- 1005.09 Provisions to preserve and protect existing trees, vegetation and windbreaks and the method(s) of disposal of the trees and vegetation to be removed is appropriate to the desire to preserve the existing

environment and protect the scenic quality of the area, particularly along the Niobrara River Valley;

1005.10 Provisions to avoid development within any area subject to flooding and/or to avoid modification of any wetlands;

1005.11 For proposed industrial uses, the types of operations to be conducted on the site will not result in inappropriate levels of traffic, noise, dust, odor, vibration or undue potentials for air, water pollution and explosion hazards;

1005.12 If the real estate affected by special exception petition is located in the AG – 2 Agricultural – River Corridor Zoning District, the consistency of the proposed special exception with the Management Plan of the Niobrara National Scenic River.

SECTION 1006 CONDITIONS, SAFEGUARDS AND LIMITATIONS OF USE

In consideration of any special exception use application, the Board of Commissioners may prescribe any additional conditions, safeguards or limitations appropriate to assure the compatibility of the special exception use with adjacent lands, with the intent of the zoning district in which such use is to be located, and with the spirit of this Resolution.

SECTION 1007 EXPIRATION OF SPECIAL EXCEPTION AUTHORIZATIONS

Development of any approved special exception use shall be commenced within one (1) year of the date of approval of such special exception use by the Board of Commissioners and development of said approved special exception use shall be completed within two (2) years from the date of approval of such special exception use by the Board of Commissioners or such approval is automatically revoked. Development or completion of any special exception use approval that has been so revoked shall be permitted only after reapplication and approval of such special exception use application by the Board of Commissioners.

ARTICLE 11 – AMENDMENTS

SECTION 1101 AUTHORITY

The County Board of Commissioners may from time to time amend, supplement, modify the district boundaries or repeal the regulations contained in this Resolution, provided no such amendment, supplement, modification, change of boundaries or repeal shall become effective until such proposed modification shall have been submitted to the Planning Commission for recommendation and report and after public notice has been provided and public hearings have been held by both the Planning Commission and Board of Commissioners. A proposal for modification or repeal may be initiated by the Planning Commission, the Board of Commissioners or upon application of any owner of property under the jurisdiction of this Resolution. A filing fee, as established by the County Board of Commissioners shall be paid for each application to modify this Resolution prior to such application by the Planning Commission and Board of Commissioners, provided that such fee shall be waived where the proposed modification is initiated by the Planning Commission or Board of Commissioners.

SECTION 1102 PUBLIC NOTICE AND PUBLIC HEARINGS

Prior to consideration of amending, supplementing, changing, modifying or repealing of all or part of this Resolution, notice of public hearings by the Planning Commission and Board of Commissioners shall be provided as follows:

1102.01 At least ten (10) calendar days prior to the date of public hearing, a notice fixing the time and place of such public hearing together with a description of the modification or repeal proposed shall be given by publication of such notice in the legal newspaper in general circulation in the County and in the local newspaper of any county which has territory within three (3) miles of the property affected by such action. In addition notice shall also be given to the Chairperson of any municipal, county or joint

planning commission having jurisdiction over land within three (3) miles of the property affected by such modification or in the absence of a planning commission to the clerks of such units of government and to the Board of Education in which the real estate affected by such modification is located. If such proposed modification is not a general revision of an existing provision of this Resolution and will affect only a specific property, the public notice shall include the general location and legal description of such specific property.

1102.02 In addition, notice of the public hearing shall be mailed by certified mail to owners of record of real estate that is located within three (3) miles of the property affected by such modification at least ten (10) calendar days prior to such public hearings.

1102.03 The provision of this Section in reference to notification by certified mail shall not apply to:

- a. A proposed modification of this Resolution where such modification will apply throughout the County or throughout an existing zoning district;
- b. Additional or different types of zoning districts are proposed, whether or not such additional or different zoning districts are made applicable to areas or parts of areas already within a zoning district of the County;
- c. In these instances only the publication of public notice in the newspaper, and notice to other counties and planning commissions having jurisdiction over lands within three (3) miles of lands which will be affected by such modification and notification of the Board of Education of the school district(s) in which lands which would be affected by the proposed modification are located, as set forth above, shall be required.

SECTION 1003 AMENDMENT CONSIDERATION AND ADOPTION

1103.01 Planning Commission: The procedure for the consideration and adoption of any proposed amendment to this Resolution shall be in like manner as that required for consideration and adoption of the Resolution. For action on amendments to be the text of this Resolution or the zoning district boundaries indicated on the Official Zoning Map, a quorum of the Planning Commission shall be the entire membership of the Commission. Passage of a motion by the Planning Commission to approve or disapprove a proposed amendment shall require a simple majority of all members of the Commission and shall constitute a recommendation for approval or disapproval to the Board of Commissioners.

1103.02 Board of Commissioners: When the Planning Commission submits a recommendation of approval or disapproval regarding any amendment to this Resolution, the Board of Commissioners, after public notice and public hearing as described above, may act to agree or disagree with said Planning Commission recommendation and shall act to approve or disapprove said amendment. Passage of a motion to adopt a resolution approving an amendment or passage of motion to disapprove an amendment, regardless of the recommendation of the Planning Commission shall require a simple majority vote of the Board of Commissioners.

SECTION 1104 AMENDING OFFICAL ZONING MAP

Should any amendment adopted by resolution of the Board of Commissioners serve to modify the location of zoning district boundaries as set forth on the Keya Paha County Official Zoning Map, the Board of Commissioners shall cause the Official Zoning Map to immediately be modified to reflect the adopted amendment and such change shall be witnessed by the signature of the Chairperson of the Board of Commissioners. Adoption of any resolution to amend the Official Zoning Map shall become effective only after such amendment is reflected on such Official Zoning Map and such change has been witnessed by the signature of the Chairperson of the County Board of Commissioners and attested to by the County Clerk.

SECTION 1105 PROTESTS

Regardless of whether or not the Planning Commission approves or disapproves a proposed amendment, if a protest against any amendment, signed by the owners of twenty percent (20%) or more of the area of lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots is filed, such amendment shall not become effective except by the favorable vote of two-thirds majority of the County Board of Commissioners.

ARTICLE 12 – COMPLAINTS, VIOLATIONS, REMEDIES AND PENALTIES

SECTION 1201 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating the cause and basis of the complaint, shall be filed with the Zoning Administrator. The Zoning Administrator shall properly record receipt of such complaint, immediately investigate the complaint and take appropriate action thereon in accordance with the regulations and requirements of this Resolution.

SECTION 1202 PENALTIES FOR VIOLATION

Violation of the provision of this Resolution or failure to comply with any of its requirements, including violation of condition and safeguards established in connection with approvals of variance and special exception uses, shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of these requirements or condition and safeguards established in connection with approvals of variance and special exception uses shall, upon conviction thereof, be punished by a fine or imprisonment as provided by the provision of Section 23.114.05 R.R.S., or other applicable statute and in addition shall pay all costs and expenses associated with prosecution of such violation. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense. In addition, the County Board or other proper local authority of the County, as well as any owner or owners of property within the district affected may institute any appropriate action or proceedings to prevent such violation and such owner or owners of property may institute proceedings to compel specific performance by the proper official or officials of any duty imposed by the provision of this Resolution. Nothing contained herein shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation of this Resolution.

SECTION 1203 REMEDIES

In case any building or structure is erected, constructed, reconstructed, altered, repaired, moved, converted or maintained, or any building, structure or land is used in violation of this Resolution or the conditions and safeguards established in connection with the approval of any variance or special exception use, the Zoning Administrator and County Attorney shall institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, movement, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct business or use in or about such premises.

ARTICLE 13 – SCHEDULE OF FEES

SECTION 1301 AUTHORITY

The County Board of Commissioners shall establish a schedule of fees for building permits, Certificates of Zoning Compliance, appeals, rezoning applications, special exception use applications and variance application and other matters pertaining to the effective administration of this Resolution. The schedule of fees shall be posted in the office of the Zoning Administrator and County Clerk at all times. Said schedule of fees may be altered or amended from time to time by action of the Board of Commissioners.

SECTION 1302 NON-PAYMENT OF FEES

Until all applicable fees have been paid in full by the applicant, no action shall be taken on any application or permit.

ARTICLE 14 – LEGAL STATUS PROVISION

SECTION 1401 SEPARABILITY

Should any Article, Section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 1402 PURPOSE OF CATCH HEADS

The catch head titles appearing in connection with the Articles and Sections contained within this Resolution are inserted simply for convenience to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing and interpreting the terms and provisions of this Resolution.

SECTION 1403 REPEAL OF CONFLICTING RESOLUTIONS

All resolutions and regulations in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

SECTION 1404 EFFECTIVE DATE

This Resolution shall take effect and be in force from and after its passage and publication according to law.