

RESOLUTION 2020-98

WHEREAS: On August 7, 2019 the Keith County Commissioners adopted by Resolution 2019-56 the Update to the Keith County, Nebraska Zoning and Subdivision Regulations;

WHEREAS: The Keith County Board of Commissioners may from time to time amend, change, modify or repeal the adopted Zoning Regulations according to law;

WHEREAS: The Keith County Planning Commission has determined the need to adopt Article 25 (attached) to the Keith County, Nebraska Zoning and Subdivision Regulations;

WHEREAS: The Keith County Planning Commission recommends the Keith County Board of Commissioners adopt Article 25 to the current Keith County Zoning and Subdivision Regulations;

WHEREAS: The County Board after due notice in the official county newspaper, held a public hearing on August 12, 2020 on the recommended text amendment.

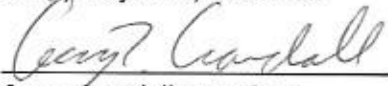
NOW THEREFORE BE IT RESOLVED, THAT

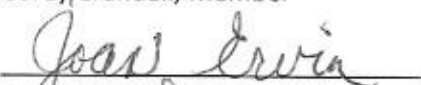
The Keith County Board of Commissioners hereby approves the adoption of Article 25, attached as Exhibit A and incorporated herein by reference, to the Update to the Keith County, Nebraska Zoning and Subdivision Regulations of August 7, 2019.


Dated this 12th day of August, 2020.

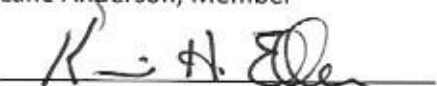
KEITH COUNTY NEBRASKA
BOARD OF COMMISSIONERS


Toney Krajewski, Chairman

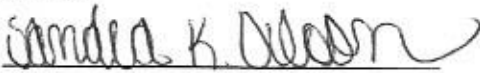

Corey Crandall, Member


Joan Ervin, Member


Lane Anderson, Member


Kim Elder, Member

ATTEST:


Sandra K. Olson, Keith County Clerk

Article 25 – Dwelling Unit: Vacation Rental

Section 1 Initiation of Conditional Use Permit

An application for a Conditional Use Permit may be obtained by the owner of the property for which the Conditional Use Permit would apply or an authorized agent for the owner.

Section 2 Eligible Zoning Districts for Dwelling Unit: Vacation Rental

A Conditional Use Permit is allowed in the following zoning districts only:

- Rural Residential
- Rural Residential 2
- Tourist Services
- Residential Medium Density
- Mixed Residential

Section 2 Application

- A. All applications for a Conditional Use Permit shall be submitted to the Planning Commission (or its authorized staff representative) at least 20 days prior to a regular meeting of the Planning Commission.
- B. A Conditional Use Permit application can be obtained from the Keith County website at www.keithcountyne.gov under the Planning/Zoning tab, or an application can be obtained from the Planning/Zoning office.
- C. The application, when submitted, shall be accepted only when it includes all of the following information:
 1. Floor plan and number of occupants
 2. Tenant rules and regulations
 3. Site map of the area
 4. Contact phone number and email address
 5. Current sales tax permit from the NE Department of Revenue
 6. Current lodging tax permit from the NE Department of Revenue
 7. If the Dwelling Unit: Vacation rental is situated upon a property that is not owned by the applicant, a written/signed letter of approval from the property owner shall accompany the application
- D. An application fee as may be adopted by Resolution of the County Commissioners shall be submitted to cover processing and hearing costs. Payment may be made in the form of personal check, cashiers check, or money order and made out to the Keith County Treasurer.

Section 3 Procedures

- A. Upon receipt of a complete application and filing fee, the Planning Commission or its authorized staff representative shall set the request for public hearing by publishing a description of the request and the date and place for the hearing at least ten (10) days prior to the scheduled hearing date.
 1. Adjacent property owners within 300' of the subject site shall be notified in writing of the proposed request and scheduled hearing time, date and place
 2. If, in the opinion of the Planning Commission or its authorized agent, the proposed use could impact a much larger area, the notice area may be extended
 3. Current tax records shall be used to determine ownership

4. Should the applicant request a delay of hearing more than twice after due notice to affected landowners and a publication in the official county newspaper, said applicant shall be required to pay a full fee for renewal of the Conditional Use Permit application
 5. Failure to receive notice, however, shall not invalidate any subsequent action taken by the Planning Commission or the County Board so long as such notice was in fact published and mailed in accordance with these provisions
- B. The staff representative for the Planning Commission shall, prior to the hearing, accomplish the following:
1. Refer the request to other interested agencies and county department for comment if applicable
 2. Prepare a staff report outlining findings and recommendations that will assist the Planning Commission in making a decision on the matter
 3. Refer the report to the Planning Commission and the applicant at least three (3) days prior to the scheduled hearing date
- C. The Planning Commission shall hear and review the matter and, within 35 days of the first hearing, submit a recommendation of approval or denial to the County Board of the Conditional Use Permit for Dwelling Unit: Vacation Rental.

The following conditions shall be imposed for the Conditional Use Permit for Dwelling Unit: Vacation Rental:

1. Quiet time after 11:00 p.m.
2. Trash to be disposed of properly
3. No on-street or on-road parking
4. In the event a Dwelling Unit: Vacation Rental is operating without a Keith County Conditional Use Permit for the same, there shall be a per day fine imposed of \$150
5. Dwelling Unit: Vacation Rental Conditional Use Permits shall expire upon the sale or transfer of the property
6. Two or more written complaints in a six-month time period shall initiate a written warning to the property owner. A response to the complaint is required to be received from the property owner. The Planning Commission and the County Board will review said complaints and at their discretion may terminate the Conditional Use Permit for Dwelling Unit: Vacation Rental

The following additional conditions may be imposed for the Conditional Use Permit for Dwelling Unit: Vacation Rental:

1. Density may be a condition for denial of a Conditional use Permit for Dwelling Unit: Vacation Rental
 2. An occupancy limit may be imposed
 3. A number of on-site parking spaces may be imposed
 4. No fire pit
- D. The Planning Commission recommendations shall be forwarded to the County Commissioners along with the application file. Said recommendation shall be recorded in the Planning Commission meeting minutes or in some other written form for review by the County Board.

- E. The County Clerk shall set a hearing date before the County Commissioners and notification shall be provided in a manner prescribed in Section 3A.
- F. The County Commissioners shall hear and review and matter, and shall within 35 days of said hearing do one of the following:
 - 1. Approve the request
 - 2. Deny the request
 - 3. Table the matter for a specified period of time with the consent of the applicant for further study and review
- G. The reasons for the County Board action on the request shall be defined in the official minutes of the County Commissioners meeting.

Section 4 Protests

If a protest against the proposed Conditional Use Permit is filed in the office of the County Clerk within 14 days after the Planning Commission public hearing, duly signed and acknowledged by the owners within the 300' notification range, such Conditional use Permit for Dwelling Unit; Vacation Rental shall not become effective except by favorable vote of a 2/3 majority of the County Board.

Section 5 Amendment to Conditions

In the event the property owner is not satisfied with the conditions placed upon the Conditional Use Permit for Dwelling Unit; Vacation Rental, within ten (10) days following the decision of the County Board, the property owner may request in writing a review or relaxation of the conditions imposed by the County Board. The property owner shall provide supporting documentation with the written request; all shall be submitted to the Planning Commission staff.

Upon receipt of the request with supporting documentation, the County Clerk shall place the matter on the regular meeting agenda for County Board review and approval or denial of the request.

Section 6 Appeal – Board of Adjustment

Any appeal to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision. Such appeal shall be made within ten (10) days from the date of decision by any county officer or department.

The Board of Adjustment regulations are found in Article 23 of the Keith County Zoning Regulations.