

MUNICIPAL PLANNING

CHAPTER 11

MUNICIPAL PLANNING

ARTICLE 1. COMPREHENSIVE PLAN; ADOPTED BY REFERENCE.

§11-101 COMPREHENSIVE PLAN.

1. The Comprehensive Development Plan for the Municipality and for that area within one (1) mile of its corporate limits, dated February 19, 2007 (Ord. 2007-1), amended September 17, 2007, (Ord. 2007-10) together with all explanatory material and supporting documentation, incorporated herein by reference, is hereby adopted as the Comprehensive Development Plan of the Village of Eagle, Nebraska and declared to be part of this Code.
2. Three (3) copies of the Comprehensive Development Plan of the Municipality, together with all changes, amendments, or additions thereto, shall be maintained in the office of the Municipal Clerk and shall be available for public inspection during regular office hours.

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ARTICLE 2. ZONING REGULATIONS

§11-201 ZONING REGULATIONS; ADOPTED BY REFERENCE, MAP. ¹

1. The Village and the Board of Trustees do hereby adopt Zoning Regulations dated June 18, 2007 (Ord. 2007-03) and amended September 17, 2007 (Ord. 2007-11 and 2007-12) for the Village and for that area within one (1) mile of the corporate limits, said Zoning Regulations, together with all explanatory material and supporting documentation, being incorporated herein by reference and declared to be a part of this Code.

2. The official Zoning Map for the Village and for that area within one (1) mile of its corporate limits shall be identified by the signature of the Chairman of the Board of Trustees, attested by the Village Clerk and bear the Seal of the Village under the following words:

“This is to certify that this is the Official Zoning Map referred to in Zoning Regulations of the Village of Eagle, Nebraska, adopted June 18, 2007, 2007 amended September 17, 2007”

3. Three (3) copies of the Zoning Regulations of the Village, and three (3) copies of the official Zoning Map of the Village and for that area within one (1) mile of its corporate limits, together with all changes, amendments, or additions thereto, shall be maintained in the office of the Village Clerk and shall be available for public inspection during regular office hours. *(Modification to regulations 2.02; 4.14; 5.06; 5.07; 5.08; &5.17 by Ordinance 2008-7. Effective Date 12/03/2008)*

§11-202 ZONING REGULATIONS; FEE STRUCTURE.

If an applicant for a change of zoning; an amendment of zoning district; an appeal of a decision of the building official; a variance; a special exception; a conditional use and interpretation of zoning ordinance; an occupancy permit; or a building permit pursuant to the Zoning Regulations for the Municipality desires to have the Municipality prepare the necessary application forms and provide for the proper administrative actions in submitting such application, the applicant and compliance with administrative procedures by initially depositing with the Municipal Clerk an amount for such application as designated in Schedule A. Upon receipt by the Municipal Clerk of the deposit from the applicant, the Municipality shall prepare the necessary application forms and provide for the required administrative procedures for the submission of such application. Upon completion of the application forms and required administrative procedures, the Municipal Clerk shall itemize the actual costs to the Municipality for such application forms and administrative procedures. Within

¹ Specific Zoning Regulations modified by Ordinance 2008-7.

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30 days after the itemization of such costs, the Municipal Clerk shall send a copy of such itemization to the applicant and either reimburse applicant for the amount of the applicant's deposit that exceeds the actual costs for preparation of the application forms and compliance with administrative procedures, or shall bill said applicant for the amount that exceeds the deposited amount. Provided: Nothing contained herein shall in any way be construed to guarantee, assure, or otherwise provide that the Municipal Governing Body will necessarily grant or approve such application. The payment of deposit and election to pay the costs for such application is the responsibility and obligation of the applicant regardless of whether such application is granted or denied, approved or disapproved, or acted upon in any other way by said Governing Body.

SCHEDULE A

REQUIRED DEPOSIT WITH ESTIMATED FEES AND EXPENSES, NOT INCLUDING APPLICATION FEES

| | |
|------------------------|----------|
| Change of Zoning: | \$ 50.00 |
| Amend Zoning District: | \$150.00 |
| Appeal | \$ 50.00 |
| Variance | \$100.00 |
| Special Exception | \$ 50.00 |
| Conditional Use | \$ 50.00 |
| Interpretation | \$ 50.00 |
| Occupancy Permit | \$ 50.00 |
| Building Permit | \$ 50.00 |

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ARTICLE 3. SUBDIVISION REGULATION

§11-301 SUBDIVISION REGULATIONS; ADOPTED BY REFERENCE.

1. The Chairman and Board of Trustees do hereby adopt Subdivision Regulations, dated June 18, 2007,(Ord. 2007-4) of the Village, together with all explanatory material and supporting documentation, and are hereby incorporated by reference and declared to be a part of this Code.
2. The Subdivision Regulations shall include any amendments thereto as are made from time to time.
3. One (1) copy of the Subdivision Regulations shall be kept on file with the City Clerk and available for public inspection during regular office hours.

§11-302 SUBDIVISION REGULATIONS; FEE STRUCTURE.

If an applicant for a subdivision application; an administrative subdivision; an improvement; a variance; or an annexation petition pursuant to the Subdivision Regulations desires to have the Municipality review the necessary application forms, the applicant shall initially deposit an amount for such review as indicated in Schedule B with the Municipal Clerk. If the applicant elects to have the Village of Eagle prepare the necessary application forms, the applicant may elect to pay the costs of preparation of application forms by initially depositing with the Municipal Clerk an amount for such preparation of application forms as designated in Schedule B. Upon receipt by the Municipal Clerk of the deposit from the applicant, the Municipality shall review or prepare the necessary application forms for the submission of such application. Upon completion of the review or preparation of the necessary application forms, the Municipal Clerk shall itemize the actual costs for such review or preparation of application forms. Within 30 days of completion of the itemization of costs, the Municipal Clerk shall either reimburse the applicant for the amount of the applicant's deposit that exceeds the actual costs of review or preparation of the application forms, or shall bill said applicant for the amount that exceeded the amount deposited. Provided: Nothing contained herein shall in any way be construed to guarantee, assure, or otherwise provide that the Municipal Governing Body will necessarily grant or approve such application. The payment of deposit and election to pay the costs for such review or preparation of application forms are the responsibility and obligation of the applicant regardless of whether such application is granted or denied, approved or disapproved, or acted upon in any other way by said Governing Body.

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**SCHEDULE B
REQUIRED DEPOSIT WITH ESTIMATED FEES AND EXPENSES**

| | Subdiv. Applic. | Admin. Subdiv. | Improv. | Variance | Annex. |
|-----------------------------|------------------------------|------------------------------|-------------------------|-----------------|---------------|
| Plat Review | \$200.00 + \$58.10/lot | \$200.00 + \$58.10/lot | \$15/type of Improv. | \$100.00 | \$100.00 |
| Public Costs | Actual Fee | Actual Fee | Actual Fee | Actual Fee | Actual Fee |
| Engin. Costs | \$250.00/hr | \$250.00/hr | \$250.00/hr. | \$250.00/hr | \$250.00/hr . |
| Legal Costs | \$125.00/hr | \$125.00/hr | 125.00/hr | \$125.00/hr | \$125.00/hr |
| Bond | | | Actual Bond Fee | | |
| Recording Fees | Actual Fee | Actual Fee | | | Actual Fee |
| REQUIRED DEPOSIT | \$1000 | \$100.00 | \$50.00 | \$50.00 | \$300.00 |

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ARTICLE 4. CONFLICTS

§11-401 CONFLICTS.

Where the provisions adopted by this Chapter conflict with one another or with the provisions of Chapter 9 of this Municipal Code, the most restrictive or stringent provisions shall govern.

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ARTICLE 5. MUNICIPAL FEE SCHEDULE

§11-501. FEE SCHEDULE

That the Chairman and Board of Trustees of the Village of Eagle, Nebraska, do hereby adopt the following fee schedule for the Village of Eagle, Nebraska, and for that area within one mile of the corporate limits:

| | |
|--|--|
| Cell Tower Permit | \$1,000.00 |
| Petition to Annex | \$ 250.00 plus all Village Engineer Fees, publication fees, postage, recording fees and legal review fees. |
| Sign Permit Fees (except those requiring conditional use permit: | |
| | |
| Real estate listing signs | No fee |
| Announcements | No fee |
| Wall Sign | \$5.00 |
| Name Plate | Conform with comprehensive plan book |
| Billboard | Not permitted |
| Ground sign | \$30.00 |
| Pole Sign | Conditional Use permit Required |
| Temporary Sign | \$25.00 |
| | |
| Office & Labor Charges: | |
| Copy charges (per page) | \$.25 standard; \$.50 legal; \$1.00 11x14 |
| Fax | \$1.00 per page |
| Long Distance | \$2.00 |
| Labor Charge for Village Employee | \$25.00 per hour |
| Copy of the Comprehensive Plan/Zoning Ordinance Book | \$175.00 |
| Copy of Municipal Code Book | \$175.00 |
| Zoning: | |
| Variance Request | \$ 100.00 |
| Special Exception Permit | \$ 100.00 |
| Application to Amend Zoning | \$ 150.00 |
| Conditional Use Permit | \$ 100.00 |
| | |
| Subdivision: | |
| Subdivision Application | \$100.00 |
| Preliminary Plat | \$1.00 per lot plus all fees charged by Village Engineer for review plus actual publication fees, postage, recording |

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| | fees, and legal review fees. |
| Final Plat | \$10.00 per lot plus all fees charged by Village Engineer for review plus actual publication fees, postage, recording fees and legal review fees. |
| Administrative Subdivision Application | \$100.00 plus publication fees, engineering fees, postage, legal review fees, and recording fees. |
| Special Event Permit | \$25.00 |
| Licenses: | |
| Cat and Dog Licenses | |
| Spayed /Neutered | \$5.00 per animal per year |
| Other | \$10.00 per animal per year |
| Tobacco License | Neb. Rev. Stat. §28-1423 or as amended |
| Occupation Tax | |
| On Sale only retailer of beer | \$50.00 |
| Off Sale only retailer of beer | \$50.00 |
| Retailer of alcoholic liquors, off sale only | \$100.00 |
| Class C License (on and off sale alcoholic liquors) | \$250.00 |
| Fireworks Permit | \$500.00 |
| Fireworks Bond | \$500.00 |

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ARTICLE 6: PENAL PROVISION.

§11-601 Violations, penalty.

- (1) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding five hundred (\$500.00) dollars. A new violation shall be deemed to have been committed every twenty-four hours of failure to comply with the provisions of this chapter.
- (2) (a) Whenever a nuisance exists as defined in this chapter, the Municipality may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.
(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as part of the judgment in the case. (Ref. 17-207, 17-505, 18-1720, 18-1722)