

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 the extraterritorial jurisdiction of the Municipality, dated November 19, 2018, together with all explanatory material and supporting documentation, including the Future Land Use Map, 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. *(Effective Date February 20, 2019, Ordinance 2018-13)*

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ARTICLE 2. ZONING REGULATIONS

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

1. The Board of Trustees does hereby adopt Zoning Regulations dated January 2, 2024 for the Municipality and for that area up to 1.25 miles outside of the corporate boundaries as specifically designated on the Zoning Map, said Zoning Regulations, together with all explanatory material and supporting documentation, 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 Municipality and for that area up to 1.25 miles of its corporate limits as ceded and agreed to by Cass County, shall be identified by the signature of the Chair 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 January 2, 2024.”

3. Three (3) copies of the Zoning Regulations, and three (3) copies of the official Zoning Map and for the extraterritorial jurisdiction beyond the corporate limits, 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. *(Effective date 1/17/2024, Ordinance 2023-06)*

§11-202 ZONING REGULATIONS; FEE STRUCTURE.

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 other permit application made pursuant to the Zoning Regulations for the Municipality shall file an application with the Municipal Clerk. Upon filing the application forms and required documents, the Municipal Clerk shall collect all fees and deposits (if any) as required herein prior to processing the application. In the event the deposit is not sufficient, the Clerk may request an additional deposit. 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 simply because the fee and deposit is paid. The payment of deposit and election to pay the costs for such application is the responsibility and obligation of the applicant regardless of

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whether such application is granted or denied, approved or disapproved, or acted upon in any other way by said Governing Body.

Upon the completion of the process, within 30 days, the Municipal Clerk shall send a copy of an itemization of the actual costs 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, which amount shall be paid within 30 days to the municipality.

SCHEDULE OF FEES, COSTS AND DEPOSITS:

ZONING:	FEES/COSTS/DEPOSITS
<i>CHANGE OF ZONING DISTRICT APPLICATION FEE (MAP)</i>	<i>\$250.00 plus actual costs of notice, publication and legal review *</i>
<i>ZONING TEXT AMENDMENT APPLICATION</i>	<i>\$ 250.00 plus actual cost of notice, publication and legal review *</i>
<i>SIGN PERMIT</i> <ul style="list-style-type: none"> * <i>Real Estate Listing (yard sign)</i> * <i>Public Announcements</i> * <i>Other Temporary Sign</i> * <i>All other signs</i> 	<i>No Fee</i> <i>No Fee</i> <i>\$25.00</i> <i>\$3.00 per square foot</i>
<i>TOWER DEVELOPMENT PERMIT</i>	<i>\$1,000.00 plus actual notice and engineer review costs *</i>
<i>SOLAR PANEL PERMIT</i>	<i>\$200.00 plus actual notice and engineer review costs *</i>
<i>APPEAL FEE – Board of Zoning Adjustment (appeals and variance requests)</i>	<i>\$250.00 plus actual costs of notice*</i>
<i>SPECIAL EXCEPTION OR CONDITIONAL USE PERMIT</i>	<i>\$200.00 plus actual notice and legal review*</i>
<i>OCCUPANCY PERMIT (for change of use or use after extended vacancy of structure) For remodeling or new construction, occupancy permits are included in the building permit fee.</i>	<i>\$100.00</i>
<i>* ACTUAL COSTS (notice, publication, legal and engineering review) – A deposit may be required in addition to the fee. The actual fee will be billed to the applicant and must be paid within 30 days of billing and prior to any permits being issued. The deposit shall be applied to actual fees and if there is excess, returned to applicant</i>	
<i>PENALTY FOR COMMENCING OR CHANGING USE OR WORK WITHOUT PERMIT</i> <i>-CEASE WORK OR USE ORDER SHALL BE ISSUED BY THE BUILDING/ZONING OFFICIAL.</i> <i>PRIOR TO ANY FURTHER USE OR CONSTRUCTION, THE FOLLOWING SHALL BE PAID:</i>	<i>-Double the Fee Set for all Categories above</i>

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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 6/21/2021,(Ord. 2021-09) 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.
(Effective Date July 6, 2021, Amended by Ordinance 2021-09)

§11-302 SUBDIVISION REGULATIONS; FEE STRUCTURE.

An applicant for a subdivision application; an administrative subdivision; an annexation petition or any other application filed pursuant to the Subdivision Regulations shall file the application with the Municipal Clerk. Upon filing the application forms and required documents, the Municipal Clerk shall collect all fees and deposits (if any) as required herein prior to processing the application. In the event the deposit is not sufficient, the Clerk may request an additional deposit. 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 simply because the fee and deposit is paid. 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.

Upon the completion of the process, within 30 days, the Municipal Clerk shall send a copy of an itemization of the actual costs 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, which amount shall be paid within 30 days to the municipality.

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SCHEDULE OF FEES, COSTS AND DEPOSITS:

SUBDIVISION REGULATIONS:	FEES, COSTS, and DEPOSITS
<i>SUBDIVISION APPLICATION (NOT ADMINISTRATIVE)</i>	\$250.00 – 1 to 9 lots \$500.00 – more than 10 lots
<i>PRELIMINARY PLAT REVIEW FEE</i>	\$10.00 per lot, plus actual cost of Engineer and Legal Review; Notices ; Recording *
<i>FINAL PLAT REVIEW FEE</i>	\$10.00 per lot, plus actual cost of Engineer and Legal Review, Notices, Recording *
<i>REVISED PRELIMINARY PLAT OR FINAL PLAT</i>	\$100.00 plus actual cost of Engineer and Legal Review; Notices; Recording *
<i>LOT SPLITS, CONSOLIDATIONS AND ADMINISTRATIVE SUBDIVISIONS</i>	\$150.00 plus actual cost of Engineer and Legal Review; recording *
<i>VACATION OF PLAT</i>	\$150.00 plus actual cost of Legal Review; recording *
<i>ANNEXATION PETITION</i>	\$500.00 plus legal and engineering review, notice; and recording *
* <i>ACTUAL COSTS – A deposit may be required in addition to the fee. The actual fee will be billed to the applicant and must be paid within 30 days of billing and prior to any permits being issued. The deposit shall be applied to actual fees and if there is excess, returned to applicant</i>	

(Effective Date July 6, 2021, Amended by Ordinance 2021-09)

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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:

Office & Labor Charges:	
Copy charges (per page)	\$.25 standard; \$.50 legal; \$1.00 11x14
Fax	\$1.00 per page
Labor Charge for public employee/appointee	\$40.00 per hour
Return Check Charge	\$35.00
Machine Hire and Labor (for nuisance, emergency and other work benefitting private property)	
Labor (per public employee/appointee)	\$40.00/ hr
Overtime (per public employee/appointee)	\$80.00/hr
Use of Pick-up Truck (includes labor)	\$50.00/hr
Mower (includes labor)	\$50.00/hr
Dump Truck (includes labor)	\$75.00/hr
Skid Steer (includes labor)	\$100.00/hr
Street Sweeper (includes labor)	\$100.00/hr
Snowplow (includes labor)	\$100.00/hr
Excavator (includes labor)	\$150.00/hour
Materials	Actual Cost
Dog & Cat Licenses	
Spayed/Neutered	\$6.00 per animal per year
Unaltered	\$10.00 per animal per year

(Effective Date June 1, 2010, Ordinance 2010-3.; Amended May 4, 2021; Ordinance 2021-07: Effective Date 5/19/2021)

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)