

EAGLE, NEBRASKA

Cass County

Zoning Ordinance 2023

Adopted by
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on January 2, 2024

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ARTICLE 1: TITLE AND PURPOSE

Section 1.01 Title

This Ordinance may be known and may be cited and referred to as the Zoning Ordinance of Eagle, Nebraska.

Section 1.02 Purpose

This ordinance has been made in accordance with a comprehensive plan and to promote the health, safety, and general welfare of the community; to lessen congestion in streets; to secure safety from fire and other dangers; to provide adequate light and air; to promote the distribution of population, land classifications and land development to support provisions for adequate transportation, water flows, water supply, drainage, sanitation, recreation, and other public requirements; to protect property against blight and depreciation; and to secure economy in governmental expenditures.

ARTICLE 2: DEFINITIONS

Section 2.01 Rules

For the purpose of this ordinance, the following rules shall apply:

- 2.01.01 Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.
- 2.01.02 The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, commission, trustee, receiver, agent or other representative.
- 2.01.03 The word "shall" is mandatory.
- 2.01.04 The words "use", "used", "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.
- 2.01.05 The word "commission" shall refer to the Planning Commission of Eagle, Nebraska.
- 2.01.06 Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.

Section 2.02 Definitions

- 2.02.01 **ABANDONMENT** shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.
- 2.02.02 **ABUTTING** shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley, street, federal or state highway.
- 2.02.03 **ACCESS OR ACCESS WAY** shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Regulation.
- 2.02.04 **ACCESSORY BUILDING** see Accessory Structure.
- 2.02.05 **ACCESSORY LIVING QUARTERS** shall mean living quarters within an accessory structure located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.
- 2.02.06 **ACCESSORY STRUCTURE** shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.
- 2.02.07 **ACCESSORY USE** shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.
- 2.02.08 **ACREAGE** shall mean any tract or parcel of land, which does not qualify as a farm or development.
- 2.02.09 **ADJACENT** shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".
- 2.02.10 **ADULT DAY CARE CENTER** shall mean a facility that provides care for the elderly and/or functionally impaired adults in a protective setting.

- 2.02.11 **ADULT COMPANIONSHIP ESTABLISHMENT** shall mean an establishment, which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 2.02.12 **ADULT ESTABLISHMENT** shall mean any business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.
- 2.02.13 **ADULT HOTEL OR MOTEL** shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
- 2.02.14 **ADULT MASSAGE PARLOR, HEALTH CLUB** shall mean a massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 2.02.15 **ADULT MINI-MOTION PICTURE THEATER** shall mean a business premise within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 2.02.16 **ADULT MOTION PICTURE ARCADE** shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."
- 2.02.17 **ADULT MOTION PICTURE THEATERS** shall mean a business premise within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction of description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 2.02.18 **ADULT NOVELTY BUSINESS** shall mean a business, which has as a principal activity the sale of devices, which simulate human genitals, or devices, which are designed for sexual stimulation.
- 2.02.19 **ADULT SAUNA** shall mean a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 2.02.20 **ADVERTISING STRUCTURE** shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure.

- 2.02.21 **AESTHETIC ZONING** shall mean zoning to accomplish a standard of exterior architectural appeal and/or neighborhood harmony.
- 2.02.22 **AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES** shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residence of hired men, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.
- 2.02.23 **AGRICULTURE** shall mean the use of land for agricultural purposes, of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use. Agricultural use shall not be construed to include any parcel of land of less than ten acres or any non-agricultural commercial or industrial development.
- 2.02.24 **AIRPORT** shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.
- 2.02.25 **AIRPORT HAZARD ZONE** consists of Operation Zones, Approach Zones, Turning Zones and Transition Zones. The outer boundary of the Hazard Zone is composed of a series of connected tangents and simple curves that also constitute the outer boundaries of the Approach and Turning Zones.
- 2.02.26 **ALLEY** shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this regulation related to frontage on a dedicated street.
- 2.02.27 **ALTERATION** shall mean any change, addition or modification in construction or occupancy of an existing structure.
- 2.02.28 **ALTERATION, STRUCTURAL** see Structural Alteration.
- 2.02.29 **AMENDMENT** shall mean a change in the wording, context, or substance of this Regulation, an addition or deletion, or a change in the district boundaries or classifications upon the zoning map.
- 2.02.30 **AMUSEMENT ARCADE** shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.
- 2.02.31 **AMUSEMENT PARK** shall mean a facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.
- 2.02.32 **ANIMAL HOSPITAL** shall mean a facility in which the practice conducted typically or may include in-patient as well as out-patient diagnostics and treatment for animals. A veterinarian is in attendance at all hours of operation and sufficient staff is available to provide timely and appropriate care.
- 2.02.33 **ANIMALS, DOMESTIC** see Household Pet.
- 2.02.34 **ANTENNA** shall mean any attached or external system of wires, poles, rods, and reflecting disks or similar devices used for the transmission or reception of electromagnetic waves (see

also Satellite Dish Antenna and Tower).

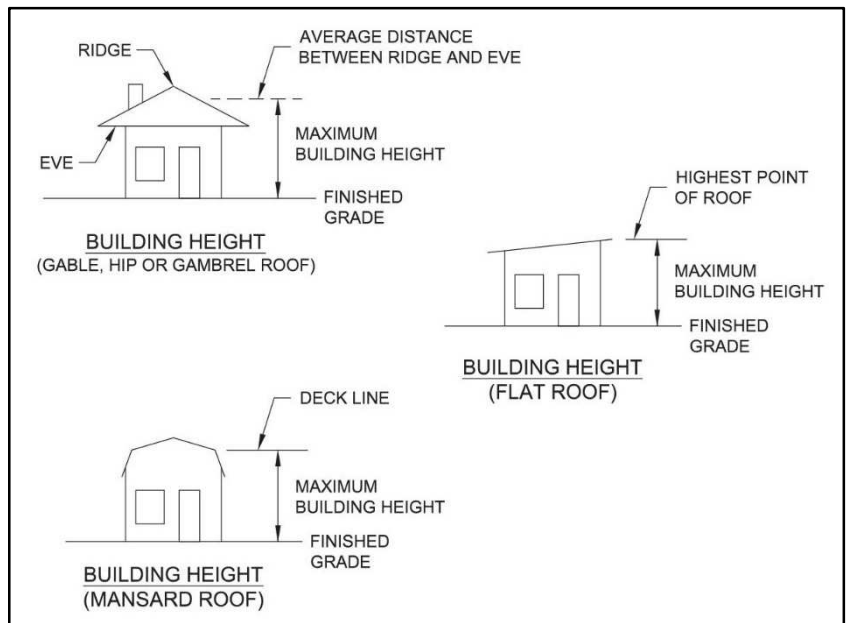
- 2.02.35 **ANTIQUÉ SHOPS** shall mean a place offering primarily antiques for sale. An antique for the purpose of this regulation shall be a work of art, piece of furniture, decorative object, or the like, of belonging to the past, at least 30 years old.
- 2.02.36 **APARTMENT** shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit (see also Dwelling Unit).
- 2.02.37 **APARTMENT HOUSE** see Dwelling, Multi-Family.
- 2.02.38 **APPEARANCE** shall mean the outward aspect visible to the public.
- 2.02.39 **APPLICANT** the titleholder of record, his agent, or a person holding a notarized letter authorizing the person to represent the legal owner of the property.
- 2.02.40 **APPROPRIATE** shall mean the sympathetic, or fitting, to the context of the site and the whole community.
- 2.02.41 **APPURTENANCES** shall mean the visible, functional objects accessory to and part of buildings.
- 2.02.42 **ARCHITECTURAL CANOPY SIGN** see Sign, Architectural Canopy.
- 2.02.43 **ARCHITECTURAL CHARACTER** see Architectural Concept.
- 2.02.44 **ARCHITECTURAL CONCEPT** shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.
- 2.02.45 **ARCHITECTURAL FEATURE** shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.
- 2.02.45.1 **LINES** shall mean visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.
- 2.02.45.2 **MASS** shall pertain to the volume, bulk of a building or structure.
- 2.02.45.3 **TEXTURE** shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.
- 2.02.46 **ARCHITECTURAL STYLE** shall mean the characteristic form and detail, as of buildings of a particular historic period.
- 2.02.47 **AREA** a piece of land capable of being described with such detail that its location may be established and boundaries ascertained.
- 2.02.48 **ARTISAN PRODUCTION SHOP** shall mean a building or portion thereof used for the creation of original handmade works of art or craft items by more than three but less than six artists or artisans, as either a principal or accessory use.
- 2.02.49 **ARTIST STUDIO** shall mean a place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, dance, and writing.

- 2.02.50 **ATTACHED** having one or more walls in common with a principal building or connected to a principal building by an integral architectural element.
- 2.02.51 **ATTACHED PERMANENTLY** shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.
- 2.02.52 **ATTRACTIVE** shall mean having qualities that arouse interest and pleasure in the observer.
- 2.02.53 **AUTOMATIC TELLER MACHINE (ATM)** shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.
- 2.02.54 **AUTOMOBILE WRECKING YARD** shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.
- 2.02.55 **AUTOMOTIVE REPAIR** shall mean buildings and premises where the primary use is light maintenance activities such as lubricants, batteries, tires, motor vehicle accessories, engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls.
- 2.02.56 **BAR** shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises (see also Nightclub).
- 2.02.57 **BARREL, FLUID** shall equal 31.5 gallons.
- 2.02.58 **BASEMENT** shall mean that portion of a building that is partly or completely below grade.
- 2.02.59 **BEACON** shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
- 2.02.60 **BED & BREAKFAST INN** shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.
- 2.02.61 **BEDROOM** shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.
- 2.02.62 **BERM** shall mean a raised form of earth to provide screening or to improve the aesthetic character.
- 2.02.63 **BEST INTERESTS OF COMMUNITY** shall mean interests of the community at large and not interest of the immediate neighborhood.
- 2.02.64 **BIG BOX RETAIL** shall mean a singular retail or wholesale user. These uses typically include: membership wholesale clubs emphasizing large bulk sales, discount stores, pharmacies, grocery stores, especially warehouse style point sale concepts and department stores.
 - 2.02.64.1 **LARGE BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 200,000 square feet of gross floor area.
 - 2.02.64.2 **MEDIUM BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 120,000 square feet of gross floor area.
 - 2.02.64.3 **SMALL BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 40,000 square feet of gross floor area.

- 2.02.65 **BILLBOARD** see Sign, Billboard.
- 2.02.66 **BLOCK** shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, unplatted land, Municipal-County boundaries, or adjoining property lines.
- 2.02.67 **BLOCK FRONTAGE** shall mean that section of a block fronting on a street between two intersecting streets or other block boundary.
- 2.02.68 **BOARD OF ADJUSTMENT** shall mean that board that has been created by the Municipality and which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations.
- 2.02.69 **BOARDING OR ROOMING HOUSE** shall mean a building containing a single dwelling unit and provisions for not more than five (5) guests, where lodging is provided with or without meals for compensation.
- 2.02.70 **BODY SHOP** shall mean buildings and premises where the primary use is body repair, media blasting, and painting.
- 2.02.71 **BOND** any form of security including a cash deposit, security bond, collateral, property, or instrument of credit in an amount and form satisfactory to the governing body which meets the intent of such security required by this regulation.
- 2.02.72 **BOUNDARY ADJUSTMENT** the transfer of property by deed to a respective owner or owners of contiguous property for the purpose of adjusting a boundary line and not for the purpose of creating an additional lot or parcel.
- 2.02.73 **BREW-ON PREMISES STORE** shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.
- 2.02.74 **BREW PUB** shall mean a restaurant or hotel, which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed 25 percent of the total floor area of the commercial space.
- 2.02.75 **BREWERY** shall mean an industrial use that brews ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 10,000 barrels of beverage (all beverages combined) annually.
- 2.02.76 **BREWERY, CRAFT** shall mean a brewpub or a microbrewery.
- 2.02.77 **BREWERY, MICRO** shall mean a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 10,000 barrels per year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.
- 2.02.78 **BROADCASTING TOWER** shall mean a structure for the transmission or broadcast of radio, television, radar, or microwaves which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding fifty (50) feet in height shall not be considered broadcast towers.
- 2.02.79 **BUFFER** shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road (see also Screening).

- 2.02.80 **BUFFER ZONE** shall mean an area of land that separates two zoning districts and/or land uses that acts to soften or mitigate the effects of one use on the other.
- 2.02.81 **BUILDING** shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Temporary Structure". Trailers, with or without wheels, shall not be considered as buildings.
- 2.02.82 **BUILDING ACCESSORY** see Accessory Structure.
- 2.02.83 **BUILDING, AREA OF** shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.
- 2.02.84 **BUILDING CODE** shall mean the various codes of the Municipality that regulate construction and requires Building Permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work regulated by the International Building Code, and other codes adopted by the municipality that pertain to building construction.
- 2.02.85 **BUILDING HEIGHT** shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof, measured from the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance at the exterior wall of the Building.

2.02.86 **BUILDING OFFICIAL** the designee of the Municipality of Eagle, who is responsible for the enforcement of the applicable building code and conditional uses.



2.02.87 **BUILDING PERMIT** a document that must be issued by the Building Official prior to erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, or demolishing any building or structure

regulated by this Zoning Ordinance or by the applicable building codes of Eagle. Issuance of a building permit follows review of plans by the Building Official to determine that the proposed use of building or land complies with the provisions of this Zoning Ordinance.

- 2.02.88 **BUILDING, PRINCIPAL** shall mean a building within which the main or primary use of the lot or premises is located (see also Principal Use).
- 2.02.89 **BUILDING SETBACK LINE** shall mean the minimum of distance as prescribed by this regulation between any property line and the closed point of the building line or face of any building or structure related thereto.
- 2.02.90 **CAMPGROUND** shall mean a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles, and which primary purpose is recreational, having

open areas that are natural in character.

- 2.02.91 **CAR WASH** shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles, not including semi-trailer tractors, buses, and commercial fleets.
- 2.02.92 **CAR WASH, INDUSTRIAL** shall mean a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.
- 2.02.93 **CARPORT** shall mean a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.
- 2.02.94 **CELLAR** shall mean a building space having more than one-half (2) of its height below the average adjoining grade lines.
- 2.02.95 **CEMETERY** shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium's, crematoriums, and mausoleums.
- 2.02.96 **CHANGE OF USE** the replacement of an existing use by a new use.
- 2.02.97 **CHANNEL** shall mean the geographical area within either the natural or artificial banks of a watercourse or drainage way.
- 2.02.98 **CHARITABLE** shall mean a public or semi-public institutional use of a philanthropic, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.
- 2.02.99 **CHILD CARE** shall mean the provision of care as follows:
1. To four or more children under age 13 at any time of families other than that of the provider;
2. For on the average of less than 12 hours per day;
3. For compensation, either indirect or direct;
4. On a regular basis; and
5. By a person other than their parents/guardians.
- 2.02.100 **CHILD CARE CENTER** shall mean a facility licensed to provide child care for thirteen (13) or more children. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.
- 2.02.101 **CHURCH** a permanently located building commonly used for religious worship fully enclosed with walls and having a roof and conforming to applicable legal requirements.
- 2.02.102 **CLEAR VIEW ZONE** shall mean the area of a corner lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic (see also Sight Triangle).
- 2.02.103 **CLUB** shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.
- 2.02.104 **CLUSTER DEVELOPMENT** a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.
- 2.02.105 **CODE** shall mean the Municipal Code of Eagle.
- 2.02.106 **COFFEE KIOSK** shall mean a retail food business in a freestanding building that sells coffee, or other beverages, and remade bakery goods from a drive-through window to customers seated in their automobiles for consumption off the premises and that provides no indoor or

outdoor seating.

- 2.02.107 **COHESIVENESS** shall mean the unity of composition between design elements of a building and/or a group of buildings and the landscape development.
- 2.02.108 **COMMISSION** shall mean the Eagle Planning Commission.
- 2.02.109 **COMMON AREA OR PROPERTY** shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the Owners of the individual building sites in a planned development or condominium development.
- 2.02.110 **COMMUNITY CENTER** shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.
- 2.02.111 **COMPATIBILITY** shall mean harmony in the appearance of two or more external design features in the same vicinity.
- 2.02.112 **COMPATIBLE USES** shall mean a land use which is congruous with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.
- 2.02.113 **COMPREHENSIVE PLAN** shall mean the Comprehensive Plan of Eagle, Nebraska as adopted by the governing body, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in Section 23-174.05, R.R.S. 1943, as the same may, from time-to-time, be amended.
- 2.02.114 **CONDITIONAL APPROVAL** shall mean approval of a subdivision which requires the subdivider to take certain specified action in order to secure approval of the subdivision. The Resolution approving a subdivision shall specify the condition to be met and the time by which the condition is to be met.
- 2.02.115 **CONDITIONAL USE** shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.
- 2.02.116 **CONDITIONAL USE PERMIT** shall mean a permit issued by the governing body that authorizes the recipient to make conditional use of property in accordance with the provisions of Article 6 and any additional conditions placed upon, or required by said permit.
- 2.02.117 **CONDOMINIUM** shall be as defined in the Nebraska State Statutes Sections 76-824 to 76-894, the Condominium Law, whereby four or more apartments are separately offered for sale.
- 2.02.118 **CONFLICTING LAND USE** shall mean the use of property which transfers over neighboring property lines with negative economic, or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.
- 2.02.119 **CONGREGATE HOUSING** shall mean a residential facility for four or more persons fifty-five (55) years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility (see also Life Care Facility).

- 2.02.120 **CONSERVATION** shall mean the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.
- 2.02.121 **CONSERVATION AREA** shall mean environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.
- 2.02.122 **CONSERVATION EASEMENT** shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.
- 2.02.123 **CONSTRUCTION** on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, blasting, and landscaping.
- 2.02.124 **CONVENIENCE STORE** shall mean a one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket.") It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic (see also Self-Service Station).
- 2.02.125 **CONTIGUOUS** shall mean the same as "Abut".
- 2.02.126 **COPY CENTER** shall mean a retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include the collating and binding of booklets and reports.
- 2.02.127 **COUNTY** Cass County, Nebraska.
- 2.02.128 **COURT** shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and abounded on two (2) or more sides by such buildings.
- 2.02.129 **COURT, INNER** shall mean a court enclosed on all sides by the exterior walls of a building or buildings.
- 2.02.130 **COURT, OUTER** shall mean a court enclosed on all but one (1) side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.
- 2.02.131 **COVERAGE** the percentage of lot covered by buildings and structures.
- 2.02.132 **CUL-DE-SAC** shall mean a short public way that has only one outlet for vehicular traffic and terminates in a vehicular turn-around.
- 2.02.133 **CURVE LOT** see Lot, Curve.
- 2.02.134 **DEDICATION** the intentional appropriation of land by the owner to some public use.
- 2.02.135 **DENSITY** shall mean the number of dwelling units per gross acre of land.
- 2.02.136 **DEPARTMENT STORE** see "BIG BOX RETAIL".
- 2.02.137 **DETACHED** fully separated from any other building or jointed to another building in such a manner as not to constitute an enclosed or covered connection.
- 2.02.138 **DETENTION BASIN** shall mean a facility for the temporary storage of stormwater runoff.

- 2.02.139 **DEVELOPER** shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.
- 2.02.140 **DEVELOPMENT** shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.
- 2.02.141 **DEVELOPMENT CONCEPT PLAN** see Site Plan.
- 2.02.142 **DEVELOPMENT REVIEW** shall mean the review, by the Municipality of subdivision plats, site plans, rezoning requests, or permit review.
- 2.02.143 **DISTRICT OR ZONE** sections of zoning area for which this Zoning Ordinance governing the use of land, building height and bulk, size of yards, and intensity of activity are uniform.
- 2.02.144 **DOG** any canine species over six (6) months of age; a dog younger than 12 months is a puppy.
- 2.02.145 **DOG KENNEL** see Kennel, Commercial; and Kennel, Private.
- 2.02.146 **DOMESTIC ANIMALS** see Household Pet.
- 2.02.147 **DOMESTIC LIVESTOCK USE** Any activity involving the breeding, raising, caring for, housing, and principally the hobby/personal use of domestic animals and products derived from those animals by the occupant, owner, or leaser of the lot on which such use is located. Such animals may include, but need not be limited to, chickens, sheep, goats, alpacas, cattle, horses or swine, and other species not defined as household pets or regulated elsewhere in this Ordinance.
- 2.02.148 **DOWNZONING** shall mean a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.
- 2.02.149 **DRAINAGEWAY** shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided, that in the event of doubt as to whether a depression is a watercourse or drainage way, it shall be presumed to be a watercourse.
- 2.02.150 **DRIVE-IN FACILITY** shall mean an establishment where customers can be served without leaving the confinement of their vehicle.
- 2.02.151 **DRIVEWAY** shall mean any vehicular access to an off-street parking or loading facility.
- 2.02.152 **DUMP** shall mean a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.
- 2.02.153 **DUPLEX** shall mean the same as "Dwelling, Two (2) Family".
- 2.02.154 **DWELLING** any building or portion thereof which is designed and used exclusively for single family residential purposes, excluding mobile homes.
- 2.02.155 **DWELLING, FARM** the specifics for said building should meet the standards for single family dwelling.
- 2.02.156 **DWELLING, 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 standards promulgated by the United States Department of Housing and Urban Development.

- 2.02.157 **DWELLING, MOBILE HOME** Any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or roller, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.
- 2.02.157.1 Permanently Attached: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such mobile home in order to relocate it on another site in accordance to manufacturers recommendations.
- 2.02.157.2 Permanent Foundation: Base on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42" below the final ground level.
- 2.02.158 **DWELLING, MODULAR** (Is considered a conventional type single-family dwelling). Any prefabricated structure, used for dwelling purposes, moved on to a site in an essentially complete constructed condition, in one or more parts, and when completed is a single family unit on a permanent foundation, attached to the foundation with permanent connections. To be a modular home it shall meet or be equivalent to the construction criteria as defined by the Nebraska State Department of Health and Human Services under the authority granted by Section 71-1555 through 71-1567 Revised Statutes of Nebraska 1943, in addition to any amendments thereto, those that do not meet the above criteria shall be considered a mobile home.
- 2.02.159 **DWELLING, MULTI-FAMILY** shall mean a building or buildings designed and used for occupancy by three (3) or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.
- 2.02.160 **DWELLING, SEASONAL** shall mean a dwelling designed and used as a temporary residence and occupied less than six months in each year.
- 2.02.161 **DWELLING, SINGLE FAMILY** a building having accommodations for or occupied exclusively by one family which meet all the following standards:
- 2.02.161.1 The home shall have no less than nine hundred (900) square feet of floor area, above grade, for single story construction;
- 2.02.161.2 The home shall have no less than an eighteen (18) foot exterior width;
- 2.02.161.3 The roof shall be pitched with a minimum vertical rise of two and one-half (2 1/2) inches for each twelve (12) inches of horizontal run;
- 2.02.161.4 The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction;
- 2.02.161.5 The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or is a standing seam residential grade steel material, or rock;
- 2.02.161.6 The home shall be placed on a continuous permanent foundation;

- 2.02.161.7 The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district;
- 2.02.161.8 Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of thirty-six (36) inches below the final ground level.
- 2.02.162 **DWELLING, SINGLE-FAMILY (ATTACHED)** shall mean a one-family dwelling unit that is attached to one additional single-family dwelling. Said dwelling units are separated by an unpierced common wall through the center of the structure that also sits along the property line separating ownership of the structure.
- 2.02.163 **DWELLING, TWO (2) FAMILY** shall mean a building designed or used exclusively for the occupancy of two (2) families living independently of each other and having separate kitchen and toilet facilities for each family. See also duplex.
- 2.02.164 **DWELLING UNIT** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet and sleeping facilities.
- 2.02.165 **EASEMENT** shall mean a space or a lot or parcel of land reserved for or used for public utilities or public or private uses.
- 2.02.166 **EDUCATIONAL INSTITUTION** shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (1) Offer general academic instruction equivalent to the standards established by the State Board of Education; or (2) Confer degrees as a college or university or undergraduate or graduate standing; or (3) Conduct research; or (4) Give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition.
- 2.02.167 **EFFECTIVE DATE** shall mean the date that this Ordinance shall have been adopted, amended, or the date land areas became subject to the regulations contained in this Ordinance as a result of such adoption or amendment.
- 2.02.168 **ELEEMOSYNARY INSTITUTION** shall mean any building or group of buildings devoted to and supported by charity.
- 2.02.169 **ENCLOSED** a roofed or covered space fully surrounded by walls.
- 2.02.170 **ENCROACHMENT** shall mean an advancement or intrusion beyond the lines or limits as designated and established by the Regulation, and to infringe or trespass into or upon the possession or right of others without permission.
- 2.02.171 **ENLARGEMENT** shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.
- 2.02.172 **ERECTED** shall mean constructed upon or moved onto a site.
- 2.02.173 **EXPRESSWAY** shall mean a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.

- 2.02.174 **EXTERIOR BUILDING COMPONENT** shall mean an essential and visible part of the exterior of a building.
- 2.02.175 **EXTERNAL DESIGN FEATURE** shall mean the general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.
- 2.02.176 **EXTRATERRITORIAL JURISDICTION** shall mean the area beyond the corporate limits, in which Eagle has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers.
- 2.02.177 **FACADE** shall mean the exterior wall of a building exposed to public view from the building's exterior.
- 2.02.178 **FACTORY** shall mean a structure or plant within which something is made or manufactured from raw or partly raw materials into forms suitable for use.
- 2.02.179 **FAMILY** shall mean a household head and one or more persons related to the head by blood, marriage or adoption living together in a single dwelling unit.
- 2.02.180 **FAMILY CHILD CARE HOME I** shall mean a child care operation in the provider's place of residence which serves between four and eight children at any one time. A Family Child Care Home I provider may be approved to serve no more than two additional school-age children during non-school hours. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.
- 2.02.181 **FAMILY CHILD CARE HOME II** shall mean a child care operation either in the provider's place of residence or a site other than the residence, serving twelve or fewer children at any one time. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.
- 2.02.182 **FARM** an area containing at least ten (10) acres or more which is used for growing of the usual farm products such as vegetables, fruit, and grain, and the storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.
- 2.02.183 **FARM PRODUCTS** fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey, or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese, and other dairy products), and fish.
- 2.02.184 **FARMERS MARKET** an outdoor market at a fixed location open to the public, operated by a governmental agency, a non-profit corporation, or one (1) or more producers at which (a) 75% of the vendors sell Farm Products or value-added Farm Products, and (b) at least 75% of the vendors who regularly participate during the market's hours of operation are Producers, or family members, or employees of Producers.
- 2.02.185 **FEEDLOT** shall mean a lot, yard, corral or other area in which livestock are confined, primarily for the purpose of feeding and growth prior to slaughter. The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze.
- 2.02.186 **FENCE** shall mean a structure serving as an enclosure, barrier or boundary.

- 2.02.187 **FENCE, OPEN** shall mean a fence, including gates, which has, for each one foot (1') wide segment extending over the entire length and height of fence, fifty percent (50%) or more of the surface area in open spaces which affords direct views through the fence.
- 2.02.188 **FENCE, SOLID** shall mean any fence which does not qualify as an open fence.
- 2.02.189 **FLOOD** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters. (2) The usual and rapid accumulation of runoff of surface waters from any source.
- 2.02.190 **FLOOD PLAIN** shall mean those lands which are subject to a one percent (1%) or greater chance of flooding in any given year.
- 2.02.191 **FLOODWAY** means the channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- 2.02.192 **FLOOR AREA** whenever the term "floor area" is used in this Regulation as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.
- 2.02.193 **FOOD SALES** shall mean establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
- 2.02.193.1 **FOOD SALES (LIMITED)** shall mean food sales establishments occupying 10,000square feet or less of space.
- 2.02.193.2 **FOOD SALES (GENERAL)** shall mean food sales establishments occupying more than 10,000 square feet of space. Typically a supermarket.
- 2.02.194 **FRONTAGE** shall mean that portion of a parcel of property which abuts a dedicated public street or highway.
- 2.02.195 **FRONTAGE ROAD** minor streets parallel to and adjacent to arterial streets and highways, which reduce the number of access points to the arterial street or highway for the purpose of increased traffic safety.
- 2.02.196 **GARAGE, PRIVATE** shall mean a detached accessory structure or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.
- 2.02.197 **GARAGE, PUBLIC** shall mean any garage other than a private garage.
- 2.02.198 **GARAGE, REPAIR** see Automotive Repair.
- 2.02.199 **GARBAGE** shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.
- 2.02.200 **GATED COMMUNITIES** shall mean residential areas that restrict access to normally public spaces. These are subdivisions of usually high-end houses. The type of gates can range from elaborate guard houses to simple electronic arms.
- 2.02.201 **GOVERNING BODY** shall mean the elected municipal board members or council of Eagle, Nebraska.

- 2.02.202 **GRADE** the horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.
1. For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be the grade.
 2. For buildings having walls facing more than one street, the grade shall be the average of the grades of all walls facing each street.
 3. For buildings having no walls facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade.
 4. Any wall approximately parallel to and not more than five feet (5') from a street line is considered as facing the street.
- 2.02.203 **GRAPHIC ELEMENT** shall mean a letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.
- 2.02.204 **GREENHOUSE** shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.
- 2.02.205 **GREENWAY** shall mean a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set aside for a walkway, bicycle trail, bridle path, or other similar access-way.
- 2.02.206 **GROSS FLOOR AREA (GFA)** the sum of the gross horizontal areas of the floor(s) of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are measured from the faces of the exterior walls of each such floor.
- 2.02.207 **GROUND COVER** shall mean plant material used in landscaping which remains less than twelve (12) inches in height at maturity (see also Landscaping).
- 2.02.208 **GROUND WATER** shall mean water occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.
- 2.02.209 **GROUP CARE HOME** shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four hour care for individuals in a residential setting.
- 2.02.210 **GROUP DAY CARE** an establishment other than a public or parochial school, which provides day care, play groups, nursery schools, or education for five or more unrelated children.
- 2.02.211 **GROUP HOME FOR THE HANDICAPPED** shall mean a dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; or (2) A record of having such an impairment.
- 2.02.212 **GROUP HOUSING** shall mean two or more separate buildings on a lot, each containing one or more dwelling units.
- 2.02.213 **GUEST ROOM** shall mean a room which is designed to be occupied by one (1) or more guest for sleeping purposes, having no kitchen facilities, not including dormitories.
- 2.02.214 **HABITABLE** state of a structure that allows for human occupation. Indications of habitability

include, without limitation, heat in the winter months, no infestation of vermin, roaches, termites, or mold, and access to potable water.

- 2.02.215 **HALF-STORY** shall mean a story under a gable, hip or gambrel roof, plates of which are not more than three (3) feet above the floor of such story.
- 2.02.216 **HALFWAY HOUSE** shall mean a licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.
- 2.02.217 **HARD SURFACED** shall mean any surface used for movement of vehicular and/or pedestrians which is properly designed and paved with either asphalt or concrete.
- 2.02.218 **HARMONY** shall mean a quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.
- 2.02.219 **HAZARDOUS WASTE** shall mean waste products of industrial or chemical process including finished surplus, used, contaminated, or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material.
- 2.02.220 **HEALTH CLUB** shall mean privately owned for profit facilities such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.
- 2.02.221 **HEALTH RECREATION FACILITY** shall mean an indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.
- 2.02.222 **HEDGE** shall mean a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.
- 2.02.223 **HEIGHT OF BUILDING** see Building Height.
- 2.02.224 **HOME IMPROVEMENT CENTER** shall mean a facility of more than 30,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, garden supplies, and cutlery.
- 2.02.225 **HOME OCCUPATION** shall mean an "in-home" or "home based" or entrepreneurial business operating from a residential dwelling. Home occupations are considered accessory uses to properties in all zoning districts. Home occupations include (but not limited to) art/craft making, seamstress services, professional offices (real estate/insurance/medical), multi-level marketing, vending services, service businesses (contracting/janitorial), instruction (music), consulting, wholesale/catalogue sales, personal service (Beauty/barber), shops, and renting of rooms for residential purposes. Any portion of a residential property, including a home phone, computer, mailing address, etc., used in deriving income or sales, will require a resident to obtain a Home Occupation Permit. Child care homes and Child Care Centers are exempt from Home Occupation Permits except for any signage restrictions.
- 2.02.226 **HOMEOWNERS ASSOCIATION** shall mean a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.
- 2.02.227 **HOTEL** shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel"

includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel.

2.02.228 **HOUSE TRAILER** see Dwelling: Mobile Home.

2.02.229 **HOUSEHOLD PET** shall mean any animal or creature kept inside a residential dwelling not outside, and in no event shall include any of the following: any live monkey, raccoon, skunk, fox, poisonous or dangerous insect or reptile, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal which can be normally found in a live state.

2.02.230 **IMPERVIOUS COVERAGE** the total horizontal area of all buildings, roofed, or covered spaces, paved surface areas, walkway, driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

2.02.231 **IMPERVIOUS SURFACE** shall mean a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as rock, gravel, or clay and conventionally surfaced streets, roots, sidewalks, parking lots, and driveways.

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

2.02.233 **INCIDENTAL USE** shall mean a use, which is subordinate to the main use of a premise.

2.02.234 **INDUSTRIAL PARK** a planned, coordinated development of a tract of land with two or more separate industrial buildings. The development is planned, designed, constructed, and managed on an integrated and coordinated basis with an enforceable master plan and/or covenants, conditions, and restrictions with special attention to on-site vehicular circulation, parking, utility needs, building design, and orientation and open space.

2.02.235 **INDUSTRY** shall mean the manufacture, fabrication, processing reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

2.02.236 **INFILL DEVELOPMENT** shall mean the construction of a building or structure on a vacant parcel located in a predominately built up area.

2.02.237 **INFILL SITE** shall mean any vacant lot, parcel, or tract of land within developed areas of the Municipality, where at least 80 percent of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, schools, and fire protection have already been constructed or are provided.

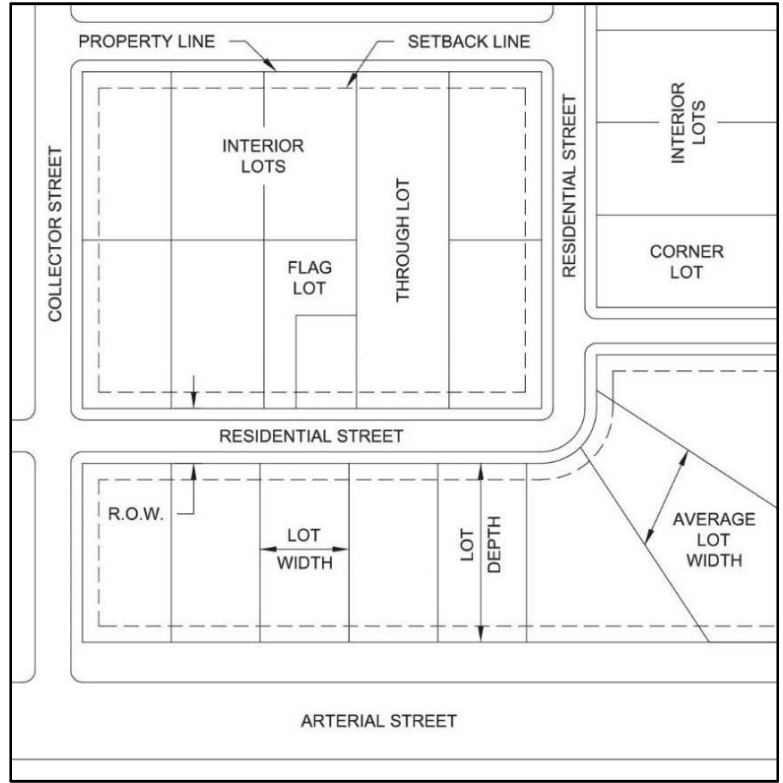
2.02.238 **INOPERABLE MOTOR VEHICLE** shall mean any motor vehicle which: (1) Does not have a current state license plate; or, (2) Which may or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle which is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

2.02.239 **INTENSITY** shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.

- 2.02.240 **INTENT AND PURPOSE** shall mean that the Commission and Board by the adoption of this Regulation, have made a finding that the health, safety, and welfare of the Community will be served by the creation of the District and by the regulations prescribed therein.
- 2.02.241 **JUICE BAR** See Adult Establishment.
- 2.02.242 **JUNK** shall be any worn-out, cast-off, old, or discarded articles of scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.
- 2.02.243 **JUNK YARD** shall mean any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, used tires, parts and equipment resulting from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. For motor vehicles, see "Automobile Wrecking Yard".
- 2.02.244 **KENNEL BOARDING AND TRAINING** any lot or premises on which three (3) or more dogs, cats, or non-farm/non-domestic animal or any combination of five (5) or more thereof, at least four (4) months of age, are boarded, bred, or trained for a fee.
- 2.02.245 **KENNEL, COMMERCIAL** an establishment where four or more dogs or cats, or any combination thereof, other household pets, or non-farm/non-domestic animals at least four months of age are groomed, bred, boarded, trained, or sold as a business.
- 2.02.246 **LAGOON** shall mean a wastewater treatment facility which is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the minimum design criteria established by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services. All lagoons shall have the proper permits approved prior to starting construction.
- 2.02.247 **LANDFILL** shall mean a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.
- 2.02.248 **LANDSCAPE** shall mean plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.
- 2.02.249 **LANDSCAPING** shall include the original planting of suitable vegetation in conformity with the requirements of this Regulation and the continued maintenance thereof.
- 2.02.250 **LAUNDRY, SELF SERVICE** shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.
- 2.02.251 **LEED** a professional credential that means Leadership in Energy and Environmental Design as administered and regulated by the United States Green Building Council.
- 2.02.252 **LIFE CARE FACILITY** shall mean a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals and culminating in full health and continuing care nursing home facility (see also Congregate Housing).
- 2.02.253 **LIGHT CUT-OFF ANGLE** shall mean an angle from vertical, extending downward from a luminaire, which defines the maximum range of incident illumination outward at the ground plane.
- 2.02.254 **LIMITS OF GRADING** shall mean the outermost edge of the area in which the existing topography is to be altered by cutting and/or filling.

- 2.02.255 **LOADING SPACE** shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.
- 2.02.256 **LOFT** a space within a building designed for commercial or industrial use, generally constructed prior to 1930.
- 2.02.257 **LOGIC OF DESIGN** shall mean accepted principles and criteria of validity in the solution of the problem of design.
- 2.02.258 **LOT** shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Recorder and abutting at least one (1) public street or right-of-way, two (2) thoroughfare easements, or one (1) private road.
- 2.02.259 **LOT AREA** shall mean the total area, on a horizontal plane, within the lot lines of a lot.
- 2.02.260 **LOT CONSOLIDATION** a method for approval of lot boundary adjustments which reduces the number of lots to not greater than two (2).
- 2.02.261 **LOT, CORNER** shall mean a lot located at the intersection of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.
- 2.02.262 **LOT COVERAGE** shall mean the portion of a lot or building site which is occupied by any building or structure, including paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.
- 2.02.263 **LOT, CURVE** shall mean a lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of three hundred (300) feet or less.
- 2.02.264 **LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
- 2.02.265 **LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.
- 2.02.266 **LOT, FLAG** shall mean a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.
- 2.02.267 **LOT, FRONTAGE** shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.
- 2.02.268 **LOT, INTERIOR** shall mean a lot other than a corner lot.
- 2.02.269 **LOT LINE** the property boundary line(s) of record that divides one lot from another or a lot from the public or private street right-of-way or easement. Once established, lot lines may not be redefined due to a change of address which would result in a new definition of the prior defined lot lines.

1. Front line: the lot lines separating the lot and a public or private street right-of-way. For an interior lot, the lot line separating the lot from the right-of-way or easement. For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the Utilities Superintendent, or as may be noted on the final plat. For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Utilities Superintendent at the time of application for the original building permit for the lot, or as may be noted on the final plat.
2. Rear line: the lot line which is opposite and most distant from the front line.
3. Side Line: any lot line that is neither a front or a rear lot line. A side lot line separating a lot from a street, private way or court is a street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.



LOT, TYPES

- 2.02.270 **LOT, NONCONFORMING** shall mean a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Register of Deeds, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this Regulation.
- 2.02.271 **LOT, THROUGH** shall mean a lot having frontage on two (2) dedicated streets, not including a corner lot.
- 2.02.272 **LOT OF RECORD** shall mean a lot held in separate ownership as shown on the records of the County Register of Deeds at the time of the passage of a regulation or regulation establishing the zoning district in which the lot is located.
- 2.02.273 **LOT PLATTED** a lot which is part of a subdivision of the plat of which, or the appropriate permit for which, has been legally approved by the Municipality and recorded in the office of the Register of Deeds for Cass County.
- 2.02.274 **LOT WIDTH** shall mean the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- 2.02.275 **MAIL ORDER SERVICE** an establishment primarily engaged in the retail sale of products by television, telemarketing, internet, catalog, and mail order. Such a use may include warehousing, shipping, and receiving of merchandise intended for retail sale.

- 2.02.276 **MANUFACTURED/MOBILE HOME PARK** a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or sold. This does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection, or sale.
- 2.02.277 **MANUFACTURED HOME SUBDIVISION** shall mean any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.
- 2.02.278 **MANUFACTURING** shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.
- 2.02.279 **MAP, OFFICIAL ZONING DISTRICT** shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the governing body.
- 2.02.280 **MASSAGE ESTABLISHMENT** shall mean any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and/or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing device. Said establishment shall comply with all state regulations as per §71-1,278 through §71-1,283, Nebr. R.R.S., 1943
- 2.02.281 **MASSAGE PARLOR** see Adult Massage Parlor, Health Club.
- 2.02.282 **MASTER FEE SCHEDULE** shall mean a fee schedule maintained by the Municipality and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, Subdivision, and Building Inspection activities.
- 2.02.283 **MECHANICAL EQUIPMENT** shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.
- 2.02.284 **MEDICAL, DENTAL OR HEALTH CLINIC** any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists, and in which no patients are lodged overnight, but which may include an apothecary.
- 2.02.285 **MINI-STORAGE OR MINI-WAREHOUSE** see Self-Service Storage Facility.
- 2.02.286 **MISCELLANEOUS STRUCTURES** shall mean structures, other than buildings, visible from public ways. Examples are: memorials, staging's, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, transformers, drive-up facilities.
- 2.02.287 **MIXED USE** shall mean properties where various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

- 2.02.288 **MOBILE HOME** every transportable or relocated device of any description originally designed to be mobile and designed for living quarters, including double-wide models, that is eight (8) body feet or more in width and forty (40) body feet or more in length, built on a permanent chassis, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. This includes the term “trailer homes.”
- 2.02.289 **MONOTONY** shall mean repetitive sameness, lacking variety and variation, and/or reiteration.
- 2.02.290 **MONUMENT** an identification marker established by certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.
- 2.02.291 **MOTEL** see Hotel.
- 2.02.292 **MOTOR VEHICLE** shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs.
- 2.02.293 **NEBRASKA REVISED REISSUED STATUTES** 1943 and the abbreviated term Nebr. R. R. S., 1943 are one and the same.
- 2.02.294 **NIGHTCLUB** shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided (see also Bar).
- 2.02.295 **NONCOMMUNITY WATER SUPPLY SYSTEM** shall mean any public water supply system that is not a community water supply system.
- 2.02.296 **NON-CONFORMING BUILDING** shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.
- 2.02.297 **NON-CONFORMING STRUCTURE** a structure which does not comply with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located.
- 2.02.298 **NON-CONFORMING USE** shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulation.
- 2.02.299 **NON-FARM BUILDINGS** are all buildings except those buildings utilized for agricultural purposes on a farmstead of ten (10) acres or more which produces one thousand dollars or more of farm products each year.
- 2.02.300 **NUISANCE** anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses of a reasonable person such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter, or meets any section of the definition of a nuisance as described in the Eagle Municipal Code.
- 2.02.301 **NURSERY** shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.
- 2.02.302 **NURSERY SCHOOL** see Preschool.
- 2.02.303 **NURSING HOMES OR CONVALESCENT HOME** An institution or agency licensed by the State for the reception, board, care or treatment of three or more unrelated individuals.

- 2.02.304 **OFFICE** shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.
- 2.02.305 **OFFICIAL MAP** see Map, Official Zoning District.
- 2.02.306 **OFF-STREET PARKING AREA or VEHICULAR USE** shall refer to all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.
- 2.02.307 **OPEN LOTS** shall mean pens or similar concentrated areas, including small shed-type areas or open front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are subsequently or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.
- 2.02.308 **OPEN SPACE** shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.
- 2.02.309 **OPEN SPACE, COMMON** shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.
- 2.02.310 **OUTLOT** shall mean a lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued on any private structures.
- 2.02.311 **OUTDOOR ADVERTISING** shall include the definitions of "Advertising Structure" and "Sign".
- 2.02.312 **OUTDOOR STORAGE CONTAINER** a fully enclosed, detached, and self-supporting structure, by itself incapable of motion or movement. The container must be manufactured/assembled off-site and transportable, by means other than its own, to a location where it is set into place on a graded surface of concrete, asphalt, or approved aggregate material and not upon a foundation or wheels. It shall be made of metal or a similar stable, durable, and acceptable material and shall not include a foundation, plumbing, electricity, or other mechanical systems as part of its assembly or use.
- 2.02.313 **OVERLAY DISTRICT** shall mean a district in which additional requirements act in conjunction with the underlying zoning district. The original zoning district designation does not change.
- 2.02.314 **OWNER** shall mean one or more persons, including corporations, limited liability companies, trusts, partnerships and associations who/which have title to the property, building or structure in question.
- 2.02.315 **PAINTBALL** shall mean all guns and other devices used for the purpose of firing pellets containing a latex paint at a person or target.
- 2.02.316 **PAINTBALL COURSE, COMMERCIAL** shall mean a commercial recreational park containing obstacle courses for the purpose of staging paintball battles. Said facility generally collects a fee, either as membership or on a visit by visit basis that allows individuals to participate in paintball activities.
- 2.02.317 **PARCEL** shall mean a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.
- 2.02.318 **PARK** shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

- 2.02.319 **PARKING AREA, PRIVATE** shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.
- 2.02.320 **PARKING AREA, PUBLIC** shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.
- 2.02.321 **PARKING SPACE, AUTOMOBILE** shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine (9) feet by twenty (20) feet, plus such additional area as is necessary to afford adequate ingress and egress.
- 2.02.322 **PARKWAY** shall mean an arterial highway with full or partial control of access, and located within a park or ribbon of park like development.
- 2.02.323 **PAVED** permanently surfaced with poured concrete, concrete pavers, or asphalt.
- 2.02.324 **PERFORMANCE GUARANTEE** shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with these regulations as well as with approved plans and specifications of a development.
- 2.02.325 **PERMANENT FOUNDATION** shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.
- 2.02.326 **PERMANENTLY ATTACHED** shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.
- 2.02.327 **PERMEABLE SURFACE** (also known as porous or pervious surfaces) a surface allowing water to percolate into the soil. Impermeable/impervious surfaces are solid surfaces that do not allow water to penetrate, forcing it to run off.
- 2.02.328 **PERMITTED USE** shall mean any land use allowed without condition within a zoning district.
- 2.02.329 **PERSON** shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, company, corporation, estate, trust, receiver, syndicate, county, special district or any other group or combination acting as an entity, except that it shall not include Eagle, Nebraska.
- 2.02.330 **PET SHOP** shall mean a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, cattle, goats, sheep and poultry.
- 2.02.331 **PLANNED DEVELOPMENT** shall mean a development of land which is under unified control and its planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
- 2.02.332 **PLANNING COMMISSION** shall mean the Planning Commission of Eagle, Nebraska.
- 2.02.333 **PLANT MATERIALS** shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.
- 2.02.334 **PLAT** shall mean a map showing the location, boundaries, and legal description of individual properties.

- 2.02.335 **PLAT, FINAL** the Final Plat of the plat, subdivision or dedication of land prepared for filing or recording in conformance with these regulations.
- 2.02.336 **PLAT, PRELIMINARY** the preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of these regulations.
- 2.02.337 **PLAT OF RECORD** a map prepared in accordance with the provisions of these regulations and any other applicable local regulations to be placed on record in the office of the Register of Deeds of Cass County.
- 2.02.338 **POD** a portable storage container designed and intended for the temporary placement upon property for the onsite storage of household or other goods, with a size typically not exceeding 16 ft. x 8 ft. x 8 ft.
- 2.02.339 **POLICY** shall mean a statement or document of the municipality, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.
- 2.02.340 **PRESCHOOL** shall mean an early childhood program which provides primarily educational services, where children do not nap and where children are not served a meal.
- 2.02.341 **PREMISES** shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or land within a prescribed area.
- 2.02.342 **PRINCIPAL BUILDING** a building in which the primary use of the property is conducted. Any building or structure containing a dwelling unit shall be deemed a principal building or structure in all residential zoning districts.
- 2.02.343 **PRINCIPAL USE** the primary activity or structure for which a lot is used, as permitted by this Zoning Ordinance.
- 2.02.344 **PRODUCER** a person or entity that raises or produces Farm Products on land that the person or entity farms and owns, rents, or leases.
- 2.02.345 **PROHIBITED USE** shall mean any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.
- 2.02.346 **PROMOTIONAL DEVICE** shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, excluding the U.S. flag, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping shall be considered as a promotional device.
- 2.02.347 **PROPORTION** shall mean a balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.
- 2.02.348 **PROTECTED ZONE** shall mean all lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of the Zoning Regulation.
- 2.02.349 **PUBLIC UTILITY** shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.
- 2.02.350 **PUBLIC WATER SUPPLY** shall mean a water supply system designed to provide public piped water fit for human consumption, if such system has at least fifteen (15) service connections or

regularly serves at least twenty-five individuals. This definition shall include: (1) Any collection, treatment, storage, or distribution facilities under the control of the operator of such system and used primarily in connection with such system; and (2) Any collection or pretreatment storage facilities not under such control which are used primarily in the connection with such system.

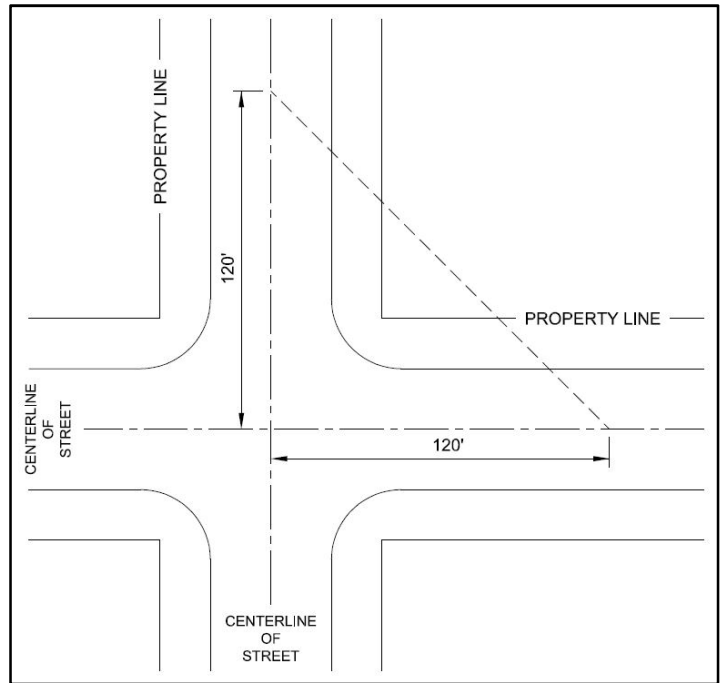
- 2.02.351 **RAILROAD** shall mean the land use including the right-of-way (R. O. W.) abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.
- 2.02.352 **RECREATIONAL FACILITY** facilities used by the public for passive and active recreation. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheatres, race tracks, wildlife conservation areas used for public viewing, and theme parks.
- 2.02.353 **RECREATIONAL VEHICLE (RV)** shall mean a vehicular unit less than forty (40) feet in overall length, eight (8) feet in width, or twelve (12) feet in overall height, primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.
- 2.02.354 **RECREATIONAL VEHICLE (RV) PARK** shall mean a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.
- 2.02.355 **REDEVELOPMENT** the act of preserving and/or rehabilitating existing buildings. In extreme cases, a building or structure could be demolished for the purposes of a new use or building.
- 2.02.356 **REGULATION** a specific requirement set forth by this Zoning Ordinance which must be followed.
- 2.02.357 **REINSPECTION FEE** shall mean any fee charged for an inspection other than the initial inspection when required work has not or was not completed and results in additional trips to the site by the inspector or agent of the municipality.
- 2.02.358 **REPLAT** the further subdivision of a lot or parcel of land previously subdivided, whether the re-subdivision results in more lots or fewer lots.
- 2.02.359 **RESIDENCE** shall mean a building used, designed, or intended to be used as a home or dwelling place for one (1) or more families.
- 2.02.360 **RESTAURANT** shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building.
- 2.02.361 **RESTAURANT, DRIVE-IN** shall mean an establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.
- 2.02.362 **RESTAURANT, ENTERTAINMENT** shall mean an establishment where food and drink are prepared, served, and consumed, within a building or structure that integrally includes electronic and mechanical games of skill, simulation, and virtual reality, play areas, video arcades or similar uses, billiards, and other forms of amusement.
- 2.02.363 **RESTAURANT, FAST FOOD** shall mean an establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carryout, or drive-in; and where food and/or beverages are usually served in paper, plastic, or other disposable containers.

- 2.02.364 **RETAIL TRADE** shall mean uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.
- 2.02.365 **RETENTION BASIN** shall mean a pond, pool, or basin used for the permanent storage of stormwater runoff.
- 2.02.366 **REVERSE SPOT ZONING** shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and that uniquely burdens an individual owner largely to secure some public benefit. Reverse spot zoning usually results from downzoning a tract of land to a less intensive use classification than that imposed on nearby properties.
- 2.02.367 **REZONING** shall mean an amendment to or change in the zoning regulations either to the text or map or both.
- 2.02.368 **REZONING, PIECEMEAL** shall mean the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.
- 2.02.369 **RIGHT-OF-WAY** shall mean an area or strip of land, either public or private, on which an irrevocable rite of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.
- 2.02.370 **ROAD** shall mean the same as "Street".
- 2.02.371 **ROAD, PRIVATE** shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties not to exceed more than twelve lots served by such road (see also right-of-way and Street).
- 2.02.372 **ROAD, PUBLIC** shall mean public right-of-way reserved or dedicated for street or road traffic (see also right-of-way and Street).
- 2.02.373 **ROOM** shall mean an un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.
- 2.02.374 **SATELLITE DISH ANTENNA** shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.
- 2.02.375 **SCALE** shall mean a proportional relationship of the size of parts to one another and to the human figure.
- 2.02.376 **SCHOOL, DAY, PRE-, OR NURSERY** shall mean a school or center for children under school age, whether licensed as a day care center or not, shall be approved by the Nebraska State Fire Marshall as being in safety conformance with the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code and shall be approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards.
- 2.02.377 **SCREENING** shall mean a structure of planting that conceals from view from public ways the area behind such structure or planting.
- 2.02.378 **SELECTIVE CLEARING** shall be the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.
- 2.02.379 **SELF-SERVICE STATION** shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

- 2.02.380 **SELF-SERVICE STORAGE FACILITY** shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.
- 2.02.381 **SEPARATE OWNERSHIP** shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.
- 2.02.382 **SERVICE STATIONS** shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.
- 2.02.383 **SETBACK LINE, FRONT YARD** shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line or highway setback line when one has been established.
- 2.02.384 **SETBACK LINE, REAR YARD OR SIDE YARD** shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the district.
- 2.02.385 **SHOPPING CENTER** shall mean a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the elements.
- 2.02.386 **SHOPPING CENTER, COMMERCIAL STRIP** shall mean a commercial development, usually one store deep, that fronts on a major street for a distance of one municipal block or more. Includes individual buildings on their own lots, with or without on-site parking and small linear shopping centers with shallow on-site parking in front of the stores.
- 2.02.387 **SHOPPING CENTER, OUTLET** shall mean a commercial development that consists mostly of manufacturers' outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and clustered style centers.
- 2.02.388 **SHIPPING CONTAINER/STORAGE OR SHIPPING CONEX** a reusable enclosed or semi-enclosed vessel, cargo, container, or truck trailer:
1. Originally, specifically, or formerly designed or used for the packing, shipping, movement, or transportation of freight, articles, goods, belongings, or commodities; or
 2. Designed for or capable of being mounted or moved on a railcar, truck, or vessel' or
 3. Designed for or capable of being mounted on a chassis or bogie for movement by truck tractor or similar device.
- 2.02.389 **SHRUB** shall mean a multi-stemmed woody plant other than a tree.
- 2.02.390 **SIDEWALK CAFE** shall mean an area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof.
- 2.02.391 **SIGHT TRIANGLE** is an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2 feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, 60 feet in each direction long the centerline of the streets. At the intersection of major or arterial streets, the 60 foot distance shall be increased to 120 feet for each arterial leg of the intersection.

2.02.392 **SIGN** shall mean and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest.

2.02.393 **SIGN, ADVERTISING** shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related or make reference to the primary use, business activity, or service conducted on the premises.



SIGHT TRIANGLE, 120 FEET

2.02.394 **SIGN, ANIMATED** shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

2.02.395 **SIGN, ANNOUNCEMENT** shall mean a small announcement or professional signs, not over 6 square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature.

2.02.396 **SIGN, ARCHITECTURAL CANOPY** shall mean an enclosed, illuminated (backlit awning) or non-illuminated structure that is attached to the wall of a building and with the sign's area integrated into its surface.



SIGN, ARCHITECTURAL CANOPY SIGN, AWNING OR CANOPY

2.02.397 **SIGN AREA** of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.

2.02.398 **SIGN, AUDIBLE** shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and / or sounds to attract attention to the sign.

Audible signs also include signs conveying only the audible noise including music, spoken message, and/or sounds to attract attention.

2.02.399 **SIGN, AWNING OR CANOPY** shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

2.02.400 **SIGN, BANNER** shall mean any sign of lightweight fabric or similar material that is mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flag of any institution or business shall not be considered banners. Banner signs shall not represent a commercial message.



SIGN, BANNER

2.02.401 **SIGN, BILLBOARD** shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

2.02.402 **SIGN, BUILDING** shall mean any sign supported by, painted on or otherwise attached to any building or structure.

2.02.403 **SIGN, BUILDING MARKER** shall mean any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

2.02.404 **SIGN, CENTER IDENTIFICATION** shall mean any sign erected to provide direction to a development including multiple uses and / or structures within the development. Center Identification signs shall include the name of said development and may include, when permitted, the names of major tenants of the development. Center Identification Signs shall typically be similar to Ground (Monument) signs.



SIGN, BILLBOARD

2.02.405 **SIGN, CHANGEABLE COPY** shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without, altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for purposes of this ordinance.

2.02.406 **SIGN, CLOSED** shall mean a sign in which more than fifty percent (50%) of the entire area is solid or tightly closed or covered.

2.02.407 **SIGN, COMMERCIAL MESSAGE** shall mean any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

2.02.408 **SIGN, DESTINATION** shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.

2.02.409 **SIGN, ELECTRONIC MESSAGE DISPLAY** shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.



**SIGN, MONUMENT
SIGN, ELECTRONIC MESSAGE DISPLAY
SIGN, FLASHING**

2.02.410 **SIGN, FLASHING** shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.

2.02.411 **SIGN, FREESTANDING** shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

2.02.412 **SIGN, GROUND MONUMENT** shall mean a sign mounted directly to the ground.

2.02.413 **SIGN, ILLUMINATED** shall mean a sign illuminated in any manner by an artificial light source.

2.02.414 **SIGN, INCIDENTAL** shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental. Incidental signs may be either attached or painted on the wall.



**SIGN, GROUND MONUMENT
SIGN, CHANGEABLE COPY**

2.02.415 **SIGN, LOGO** shall mean signs owned and operated by an agent for the Nebraska Department of Roads. The signs are located in the right-of-way on interstate or primary highways. The signs are designed to accommodate businesses that furnish gas, food, lodging, or camping and meet any criteria established by the Nebraska Department of Roads.

2.02.416 **SIGN, MARQUEE** shall mean any permanent roof like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

2.02.417 **SIGN, NAMEPLATE** shall mean a sign not exceeding 2 square feet for each dwelling.

2.02.418 **SIGN, NON-CONFORMING** shall mean any sign that does not conform to the requirements of this Ordinance.

2.02.419 **SIGN, OBSOLETE** shall mean a sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six (6) months after the termination of the existence of such business or the termination of sale of the product advertised.

2.02.420 **SIGN, OFF-PREMISES** shall mean a sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located.

2.02.421 **SIGN, ON-PREMISE** shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.

2.02.422 **SIGN, OPEN** shall mean a sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

2.02.423 **SIGN, PENNANT** shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

2.02.424 **SIGN, POLE** shall mean a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.

2.02.425 **SIGN, PORTABLE** shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. Examples are: menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations (deliveries and transportation of personnel) of the business. This definition also includes any



SIGN, PROJECTING



SIGN, SUBDIVISION

and all sandwich boards supported by human beings or animals.

2.02.426 **SIGN, PROJECTING** shall mean a projecting sign attached to a building in such a manner that its leading edge extends more than eight (8) inches beyond the surface of such building or wall.

2.02.427 **SIGN, REAL ESTATE** shall mean a temporary sign that identifies property or properties that are for sale or lease.

2.02.428 **SIGN, ROOF** shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on and over the roof of a building and extending vertically above the highest portion of the roof.

2.02.429 **SIGN, ROOF (INTEGRAL)** shall mean any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the

sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.



SIGN, SUBDIVISION ENTRANCE

2.02.430 **SIGN, SETBACK** shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

2.02.431 **SIGN, SUBDIVISION** shall mean a sign erected on a subdivision which identifies the platted subdivision where the sign is located.

2.02.432 **SIGN, SUBDIVISION ENTRANCE** shall mean a sign that is permanently constructed at the entrance(s) of the subdivision and includes the name of the subdivision in the form of attached letters or sign. The subdivision entrance sign may include specific types of landscaping such as water, stone, brick, etc.

2.02.433 **SIGN, SURFACE** shall mean the entire area of a sign.

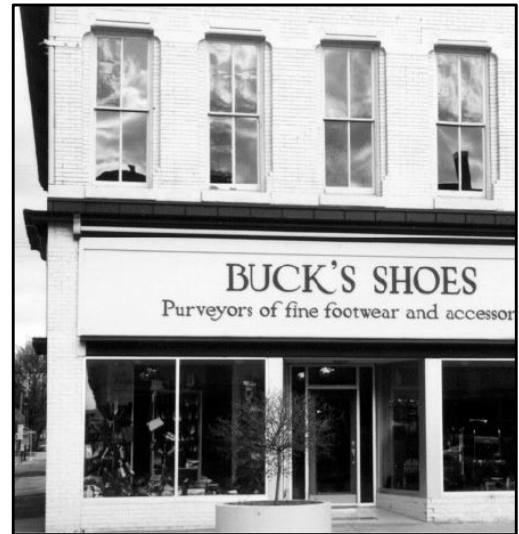
2.02.434 **SIGN, SUSPENDED** shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

2.02.435 **SIGN, TEMPORARY** shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

2.02.436 **SIGN, TOURIST ORIENTED DIRECTIONAL** shall mean a sign owned and operated by a contracted agent of the Nebraska Department of Roads and located in the right-of-way on rural highways and cannot be erected on the interstate or interchanges on expressways. These signs shall meet all applicable criteria established by the Nebraska Department of Roads.

2.02.437 **SIGN, VIDEO** shall mean any on-premises or off-premises sign that conveys either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen.

- 2.02.438 **SIGN, WALL** shall mean any sign attached parallel to, but within eight inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
- 2.02.439 **SIGN, WINDOW** shall mean any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.
- 2.02.440 **SIGN BASE** shall mean any decorative, functional element extending upward from grade to the start of the sign.
- 2.02.441 **SIMILAR USE** shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.
- 2.02.442 **SITE BREAK** shall mean a structural or landscape device to interrupt long vistas and create visual interest in a site development.
- 2.02.443 **SITE PLAN** shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.
- 2.02.444 **SITE, SEPTIC** shall mean the area bounded by the dimensions required for the proper location of the septic tank system.
- 2.02.445 **SKATE, IN-LINE** shall mean a boot-type device, which is placed on an individual's feet. In-line skates contain wheels on the bottom of the boot, which are attached in linear fashion.
- 2.02.446 **SKATE PARK** shall mean a recreational facility containing skateboard ramps and other obstacle courses and devices for use with skateboards and in-line skates.
- 2.02.447 **SKATEBOARD** shall mean a foot board mounted upon four or more wheels and is usually propelled by the user who sometimes stands, sits, kneels, or lays upon the device while it is in motion.
- 2.02.448 **SKATEBOARD PIPE/HALF PIPE** shall mean an outdoor structure which is shaped into a half circle or oval, that are designed and principally intended to permit persons on skateboards to move continuously from one side to the other.
- 2.02.449 **SKATEBOARD RAMP** shall mean an outdoor structure with an upward inclined surface, essentially one of the sides of a pipe, which are designed and principally intended to permit persons on skateboards to move from horizontal to vertical and back to horizontal.
- 2.02.450 **SLUDGE** shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.



SIGN, WALL

- 2.02.451 **SOLAR PANEL** shall mean a panel designed to absorb the sun's rays as a source of energy for generating electricity or heating.
- 2.02.452 **SOLAR FARM** shall mean an installation or area of land in which a large number of solar panels are set up in order to generate electricity. There is no official number of panels installed or acres of land used that qualify a project as a solar farm. Solar farms use a large number of solar panels to generate clean energy at utility-scale, which powers an electricity grid. Solar farms are also called solar parks, solar power stations, solar arrays, solar power plants, etc. depending on the area of the planet where they are built.
- 2.02.453 **SOLID WASTE** shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.
- 2.02.454 **SOLID WASTE COMPANY** shall mean any company or firm that takes away, removes, or transfers solid wastes from one location to another through the use of vehicles or rail cars.
- 2.02.455 **SPECIFIED ANATOMICAL AREAS** shall mean anatomical areas consisting of:
- 2.02.455.01 Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,
- 2.02.455.02 Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 2.02.456 **SPECIFIED SEXUAL ACTIVITIES** shall mean activities consisting of the following:
- 2.02.456.01 Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
- 2.02.456.02 Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
- 2.02.456.03 Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- 2.02.456.04 Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
- 2.02.456.05 Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or
- 2.02.456.06 Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
- 2.02.456.07 Human excretion, urination, menstruation, vaginal, or anal irrigation.
- 2.02.457 **SPOT ZONING** shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an upzoning to a more intensive use classification.

- 2.02.458 **STABLE** shall mean a facility, either as a principal or accessory use that is designed for the maintenance, rental, or storage of domesticated animals.
- 2.02.459 **STANDARD SYSTEM** shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.
- 2.02.460 **STATE** shall mean the State of Nebraska.
- 2.02.461 **STORAGE** shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than thirty (30) days.
- 2.02.462 **STORM DRAIN** shall mean a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.
- 2.02.463 **STORMWATER DETENTION** shall mean any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof. Said detention shall be designed by a licensed professional engineer and approved by the governing body.
- 2.02.464 **STORMWATER MANAGEMENT** shall mean the collecting, conveyance, channeling, holding retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, or groundwater, and/or runoff, together with applicable managerial (non-structural) measures.
- 2.02.465 **STORMWATER RETENTION AREA** shall mean an area designed by a licensed professional engineer and approved by the governing body to retain water to control the flow of stormwater.
- 2.02.466 **STORMWATER RUNOFF** shall mean surplus surface water generated by rainfall that does not seep into the earth but flows over land to flowing or stagnant bodies of water.
- 2.02.467 **STORY** shall mean that portion of a building, other than a basement between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.
- 2.02.468 **STORY, ONE-HALF** shall mean the same as "Half-Story".
- 2.02.469 **STREET** shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Regulation.
- 2.02.470 **STREET, ARTERIAL** shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a Municipality, or county with controlled access to abutting property.
- 2.02.471 **STREET CENTERLINE** shall mean the centerline of a street right-of-way as established by official surveys.
- 2.02.472 **STREET, COLLECTOR** shall mean a street or highway, which is intended to carry traffic from minor Street to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.
- 2.02.473 **STREET, CURVILINEAR** shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.
- 2.02.474 **STREET FRONTAGE** shall mean the distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

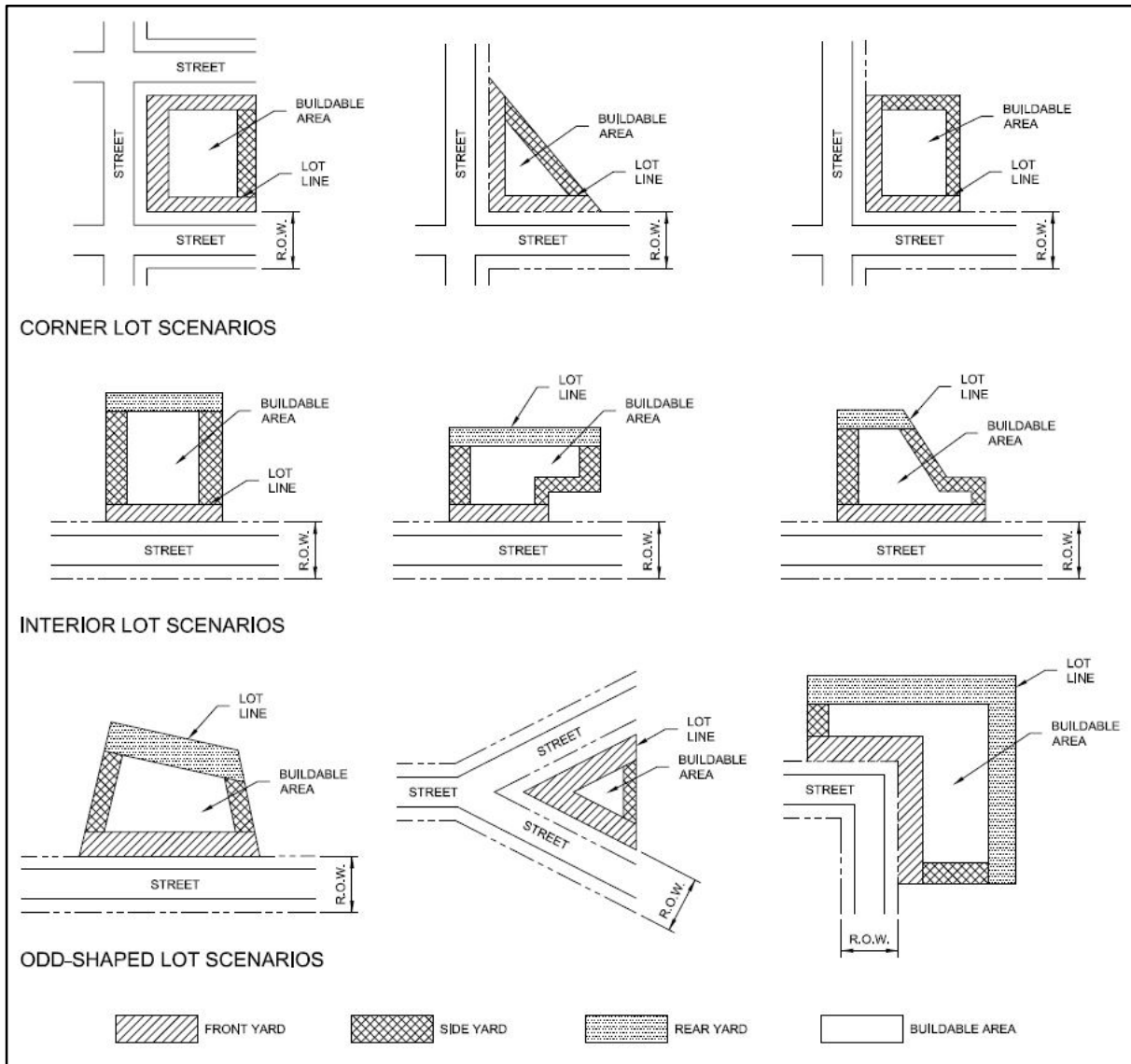
- 2.02.475 **STREET, FRONTAGE ACCESS** shall mean a street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties, and being separated from the major street by a dividing strip.
- 2.02.476 **STREET HARDWARE** shall mean man-made objects other than buildings that are part of the streetscape. Examples are: lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.
- 2.02.477 **STREET, LOCAL** shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.
- 2.02.478 **STREET, LOOPED** shall mean a continuous local street without intersecting streets and having its two (2) outlets connected to the same street.
- 2.02.479 **STREETS, MAJOR** shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets.
- 2.02.480 **STREET, PRIVATE** shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties.
- 2.02.481 **STREET, SIDE** shall mean that street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.
- 2.02.482 **STREETS LINE** shall mean a dividing line between a lot, tract, or parcel of land and the contiguous street.
- 2.02.483 **STREETSCAPE** shall mean the scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.
- 2.02.484 **STRUCTURE** shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.
- 2.02.485 **STRUCTURE, ADVERTISING** shall mean the same as "advertising structure".
- 2.02.486 **STRUCTURAL ALTERATIONS** any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered as structural alterations:
1. attachment of a new front where structural supports are not changed.
 2. addition of fire escapes where structural supports are not changed.
 3. new windows where lintels and support walls are not materially changed.
 4. repair or replacement of non-structural members.
- 2.02.487 **SUBDIVIDER** any person, group, corporation, partnership, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision.
- 2.02.488 **SUBDIVISION** shall mean the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes, and bounds description, lease, map, plat, or other instrument.

- 2.02.489 **SUBDIVISION OR DEVELOPER AGREEMENT** an agreement between a subdivider and the municipality that clearly establishes the sub divider's responsibility regarding project phasing, the provision of public and private facilities and improvements, and any other mutually agreed to terms and requirements.
- 2.02.490 **SURFACE WATERS** shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.
- 2.02.491 **SWIMMING POOL** shall mean a structure, and all appurtenant equipment, constructed either above or below grade
- 2.02.492 **TANK FARMS** a facility having two (2) or more storage containers for the transfer of inorganic liquids or gases from which no retail sale of the fuel to the public is or may be conducted.
- 2.02.493 **TANNING STUDIO** shall mean any business that uses artificial lighting systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment.
- 2.02.494 **TATOO PARLOR / BODY PIERCING STUDIO** shall mean an establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.
- 2.02.495 **TAVERN** (see Bar).
- 2.02.496 **TEMPORARY STRUCTURE** a structure without any foundation or footing and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Structure cannot be in place for more than six (6) months.
- 2.02.497 **TEMPORARY USE** a use intended for limited duration, not to exceed six months, to be located in a zoning district not permitting such use.
- 2.02.498 **THEATER** shall mean a building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service.
- 2.02.499 **TOWER** shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna.)
- 2.02.500 **TOWNHOUSE** a dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a town house structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.
- 2.02.501 **TRAILER, AUTOMOBILE** shall mean a vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.
- 2.02.502 **TRANSFER STATION (REFUSE)** shall mean any enclosed facility where solid wastes, trash, or garbage is transferred from one vehicle or rail car to another or where solid wastes, trash, or garbage is stored and consolidated before being transported for disposal elsewhere.
- 2.02.503 **TRUCK REPAIR** shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one (1) ton and buses but excluding pickups and other vehicles designed for the transport of under eight (8) passengers.

- 2.02.504 **UPZONING** shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single family residential district to a multiple family residential district.
- 2.02.505 **USE** the conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.
- 2.02.506 **USE, BEST** shall mean the recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes health, safety and general welfare.
- 2.02.507 **USE, HIGHEST** shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.
- 2.02.508 **USE, PERMITTED** any land use allowed without condition within a zoning district.
- 2.02.509 **USE, PRINCIPAL** shall mean the main use of land or structure, as distinguished from an accessory use (see also Building, Principal).
- 2.02.510 **USE, PROHIBITED** any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.
- 2.02.511 **USED MATERIALS YARD** shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards", and shall not include used tires or hazardous materials per Nebraska Department of Environment and Energy and/or US EPA guidelines.
- 2.02.512 **UTILITARIAN STRUCTURE** shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.
- 2.02.513 **UTILITY EASEMENT** shall mean the same as "Easement".
- 2.02.514 **UTILITY HARDWARE** shall mean devices such as poles, cross arms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.
- 2.02.515 **UTILITIES** the conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.
- 2.02.516 **UTILITIES, OVERHEAD OR UNDERGROUND "LOCAL DISTRIBUTION" SYSTEM OF** shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall be limited to include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.
- 2.02.517 **UTILITIES, OVERHEAD OR UNDERGROUND "TRANSMISSION LINE, SUPPLY LINE, WHOLESALE CARRIER OR TRUNK LINE, MAIN FEEDER LINE"**, or other applicable designation shall mean the main supply or feeder line serving a local distribution system of utilities, and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, and relay stations, and treatment plants.
- 2.02.518 **UTILITY SERVICE** shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.

- 2.02.519 **VALUE ADDED FARM PRODUCT** any product processed by a Producer from a Farm Product, such as baked goods, jams, and jellies.
- 2.02.520 **VARIANCE** relief from or variation of the provisions of this Zoning Ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning. A variance is a relaxation of the terms of the zoning Ordinance 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 the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Zoning Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.
- 2.02.521 **VEGETATION** shall mean all plant life; however, for purposes of this Zoning Regulation it shall be restricted to mean trees, shrubs, and vines.
- 2.02.522 **VEHICLE** shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks.
- 2.02.523 **VEHICLE, MOTOR** see Motor Vehicle.
- 2.02.524 **VIEW CORRIDOR** the line of sight identified as to height, width, and distance of an observer looking toward an object of significance to the community or the route that directs a viewer's attention.
- 2.02.525 **VINTAGE** denoting something of high quality, especially something from the past or characteristic of the best period of a person's work.
- 2.02.526 **WAIVER** permission to depart from the requirements of an Ordinance with respect to the submission of required documents.
- 2.02.527 **WAREHOUSE** shall mean a building used primarily for the storage of goods and materials.
- 2.02.528 **WAREHOUSE AND DISTRIBUTION** shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.
- 2.02.529 **WASTEWATER LAGOON** see Lagoon.
- 2.02.530 **WATERCOURSE** shall mean any channel, either artificial or natural, through which water flows.
- 2.02.531 **WATERS OF THE STATE** shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.
- 2.02.532 **WETLAND** shall mean an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.
- 2.02.533 **WHOLESALE ESTABLISHMENT** shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

- 2.02.534 **WHOLESALE TRADE** shall mean a use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.
- 2.02.535 **WIND FARM** an area of land with a group of energy-producing windmills or wind turbines.
- 2.02.536 **WIND ENERGY CONVERSION SYSTEM** shall mean a system utilizing such devices as wind charger, windmill, or wind turbine to convert the energy of wind movement into mechanical power for electricity.
- 2.02.537 **WIND TURBINE OR WIND ENERGY CONVERTER** shall mean a device that converts the wind's kinetic energy into electrical energy. Wind turbines are manufactured in a wide range of sizes, with either horizontal or vertical axis.
- 2.02.538 **YARD** shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory structures permitted by this Regulation.
- 2.02.539 **YARD, FRONT** shall mean a space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.
- 2.02.540 **YARD, REAR** shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.
- 2.02.541 **YARD, SIDE** shall mean a space extending from the front yard, or from the front lot line where no front yard is required by this Regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.
- 2.02.542 **ZONED LOT** shall mean a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.
- 2.02.543 **ZONING ADMINISTRATOR** the person or persons authorized and empowered by the Governing Body having jurisdiction to administer the requirements of this Zoning Ordinance.
- 2.02.544 **ZONING DISTRICT** a section of the Zoning Area for which uniform regulations governing the use, height, area, size and intensity of the use of buildings, land, and open spaces about buildings are herein established.
- 2.02.545 **ZONING DISTRICT, CHANGE OF** shall mean the legislative act of removing one (1) or more parcels of land from one (1) zoning district and placing them in another zoning district on the zoning map of Eagle.
- 2.02.546 **ZONING PERMIT** any permit required by the Municipality and issued by the Zoning Administrator, to be obtained by any person engaged in any activity governed by the regulations set forth in this Ordinance.



EXAMPLES OF POSSIBLE LOT CONFIGURATIONS AND YARD REQUIREMENTS

ARTICLE 3: DISTRICTS AND OFFICIAL MAP

Section 3.01 Districts

In order to regulate and restrict the height, location, size and type of buildings, structures and uses allowed on land within the corporate boundary of the municipality and the area of the extraterritorial jurisdiction, the municipality is hereby divided into districts.

Section 3.02 Provision for Official Zoning Map

3.02.01 The municipal zoning jurisdiction is hereby divided into 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 Ordinance. The Official Zoning Map shall be identified by the signature of the Municipal Chair or Mayor, attested by the Municipal Clerk, and bearing the seal of the municipality under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.02 of Ordinance No. 2023-06 of Eagle, Nebraska", together with the date of the adoption of this Ordinance.

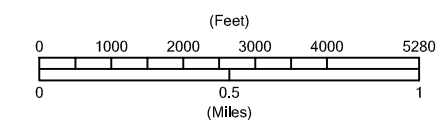
If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the governing body.

3.02.02 In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the governing body may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Governing Body Chair or Mayor attested by the Municipal Clerk and bearing the seal of the Municipality under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted January 2, 2024 by Ordinance No. 2023-06 of Eagle, Nebraska."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

EAGLE, NEBRASKA

Cass County

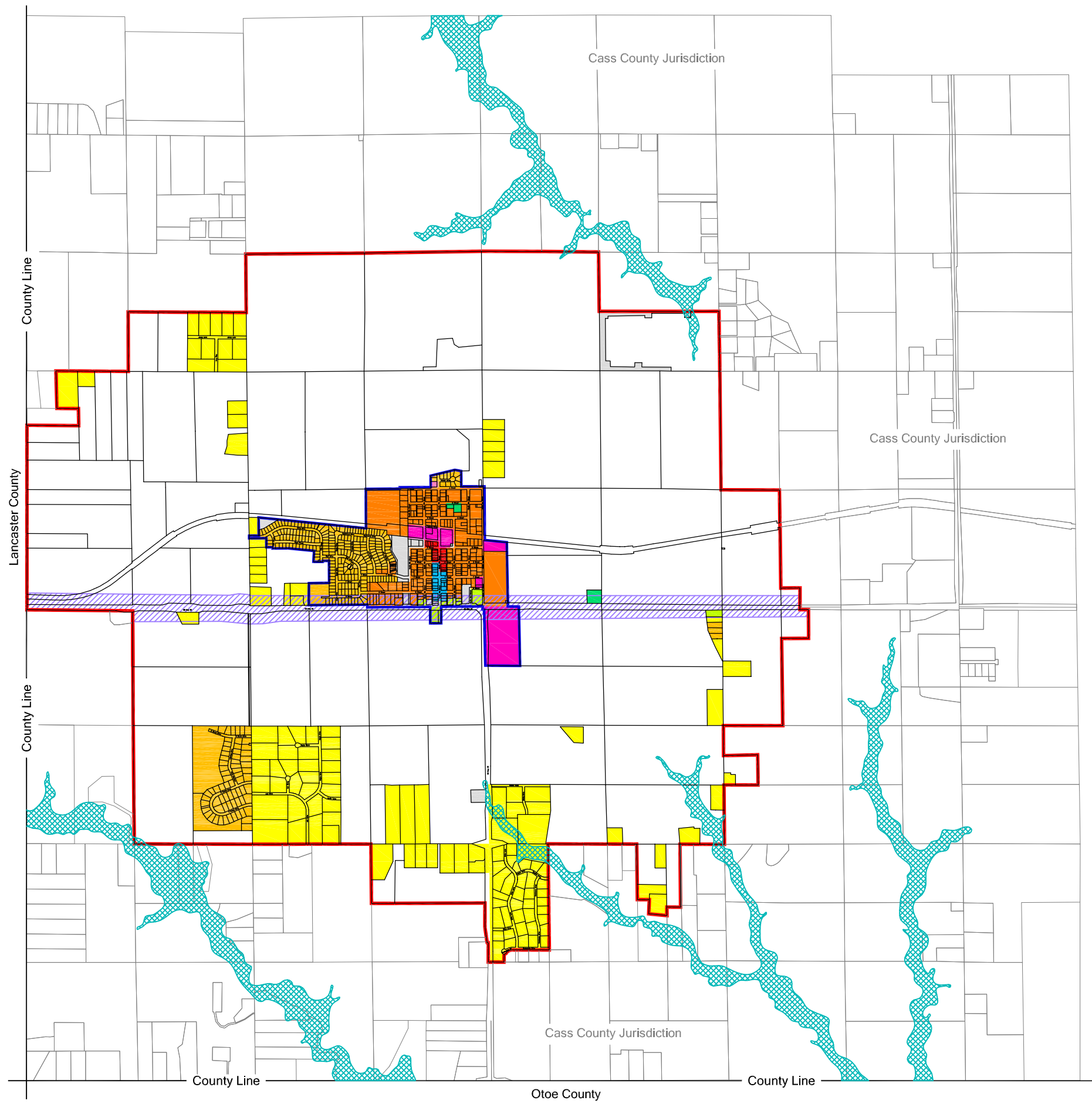


Legend

- Eagle Corporate Limits
- Eagle Extraterritorial Jurisdiction

Zoning Districts

- Municipal Property
- (AG) Agriculture
- (RE) Residential Estates
- (R-1) Residential Suburban
- (R-2) Residential Urban
- (RT) Residential Transitional
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ZONING MAP

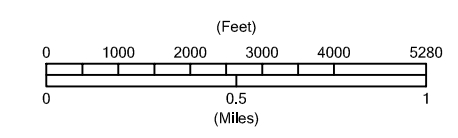
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This is a duplicate of the Official Zoning Map. The original copy is on file at the Eagle Municipal Office.



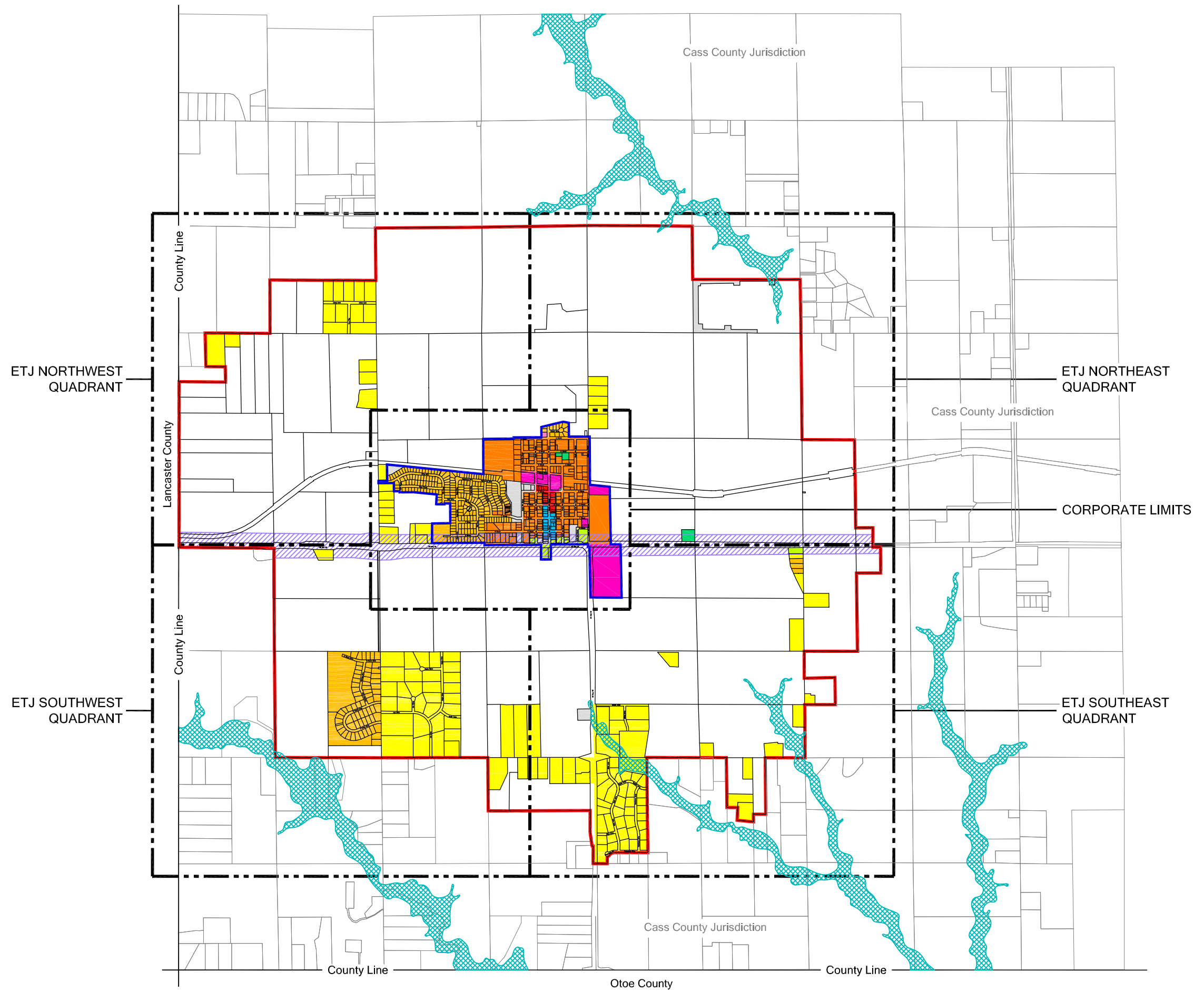
EAGLE, NEBRASKA

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Legend

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ZONING MAP SHOWING CORPORATE LIMITS DETAIL EXTRATERRITORIAL JURISDICTION QUADRANTS

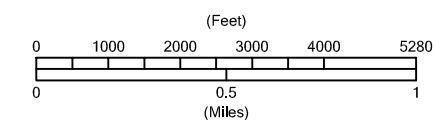
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Cass County

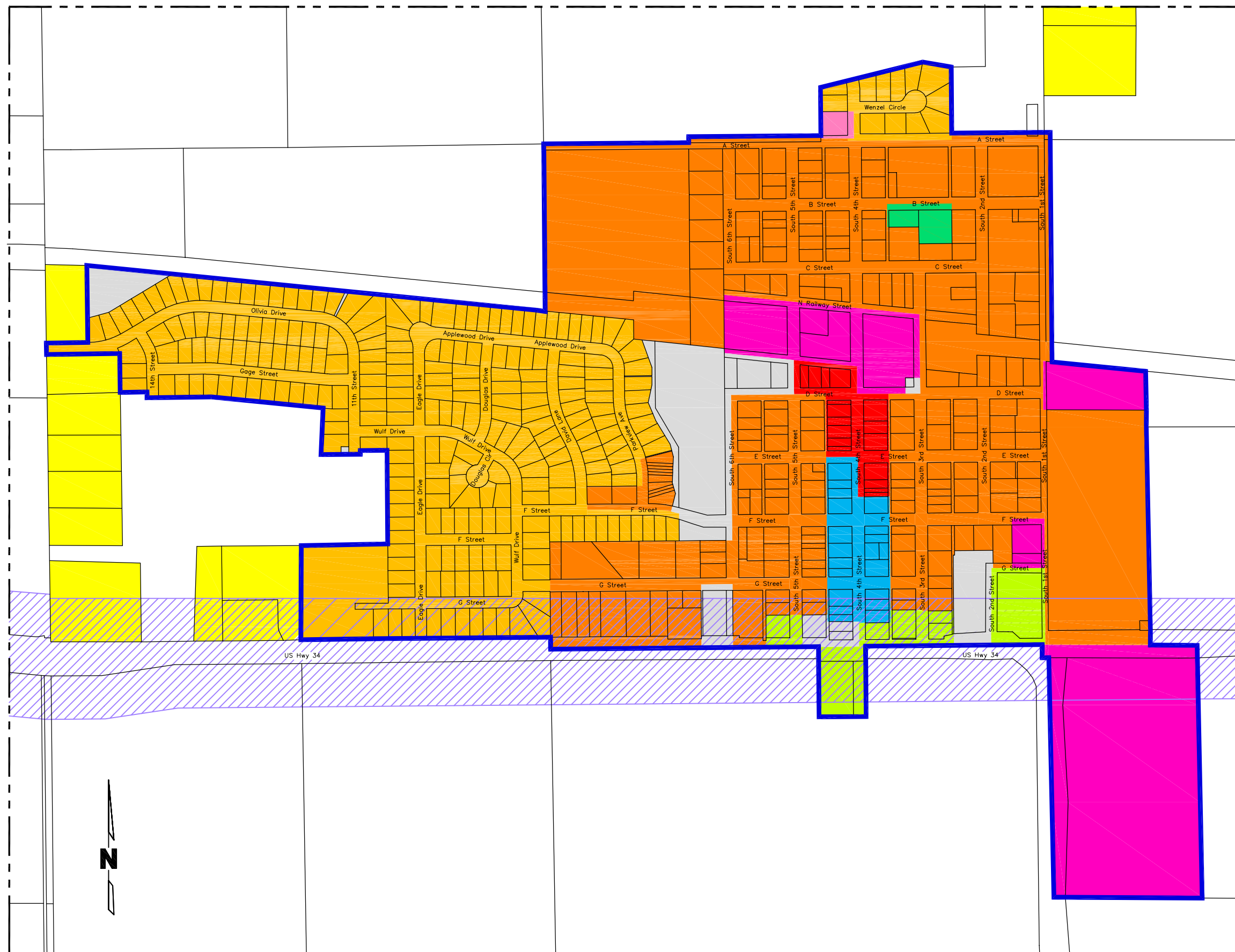


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ZONING MAP CORPORATE LIMITS

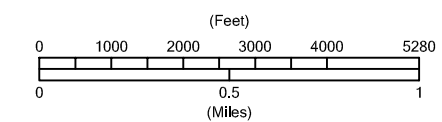
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CORPORATE LIMITS

EAGLE, NEBRASKA

Cass County



Legend

- Eagle Corporate Limits
- Eagle Extraterritorial Jurisdiction

Zoning Districts

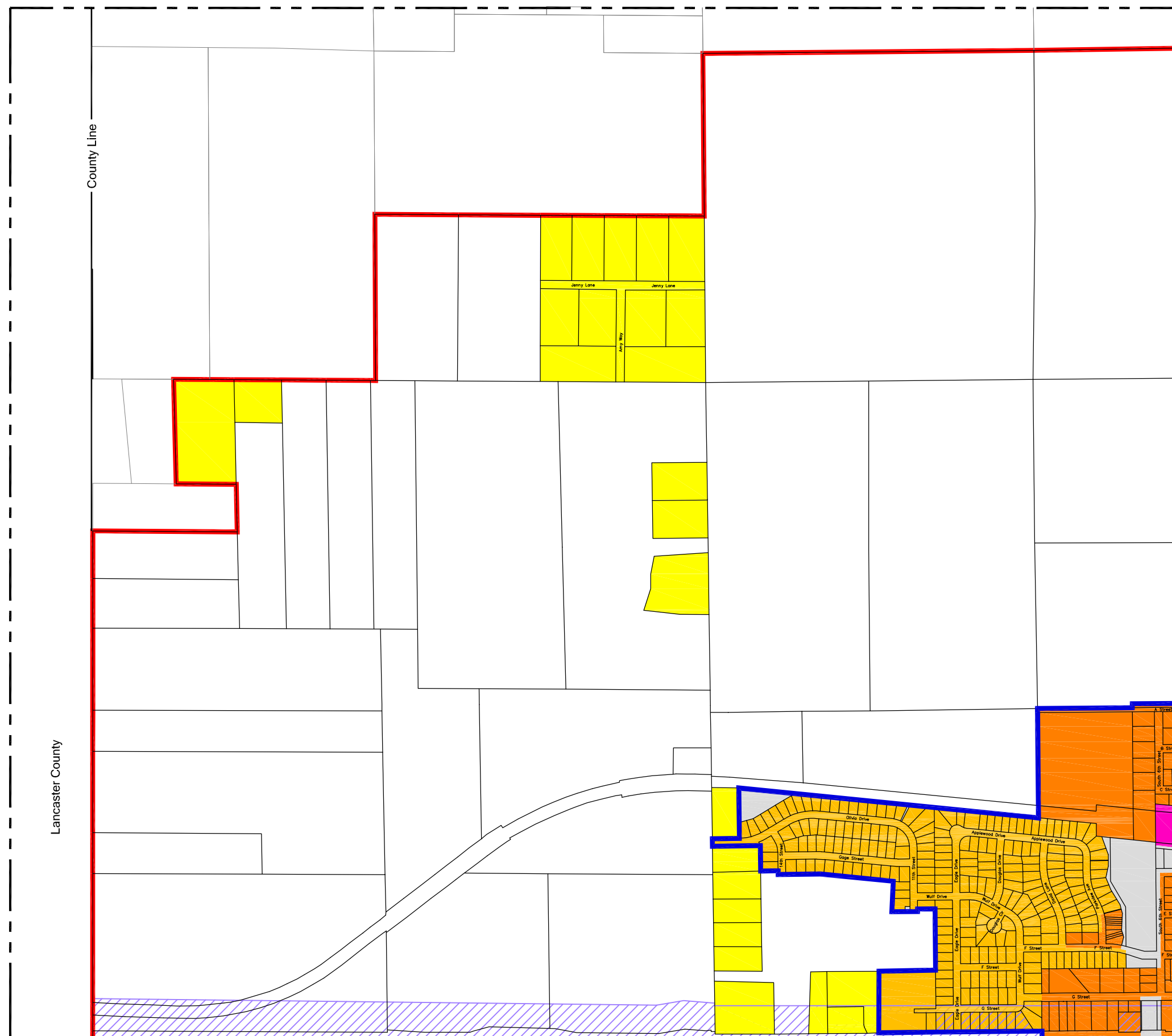
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ZONING MAP EXTRATERRITORIAL JURISDICTION

NORTHWEST QUADRANT

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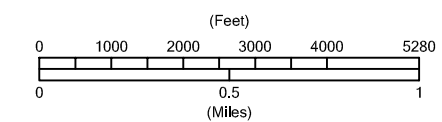
County Line

Lancaster County

EXTRATERRITORIAL JURISDICTION (ETJ) NORTHWEST QUADRANT



EAGLE, NEBRASKA
Cass County



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Zoning Districts

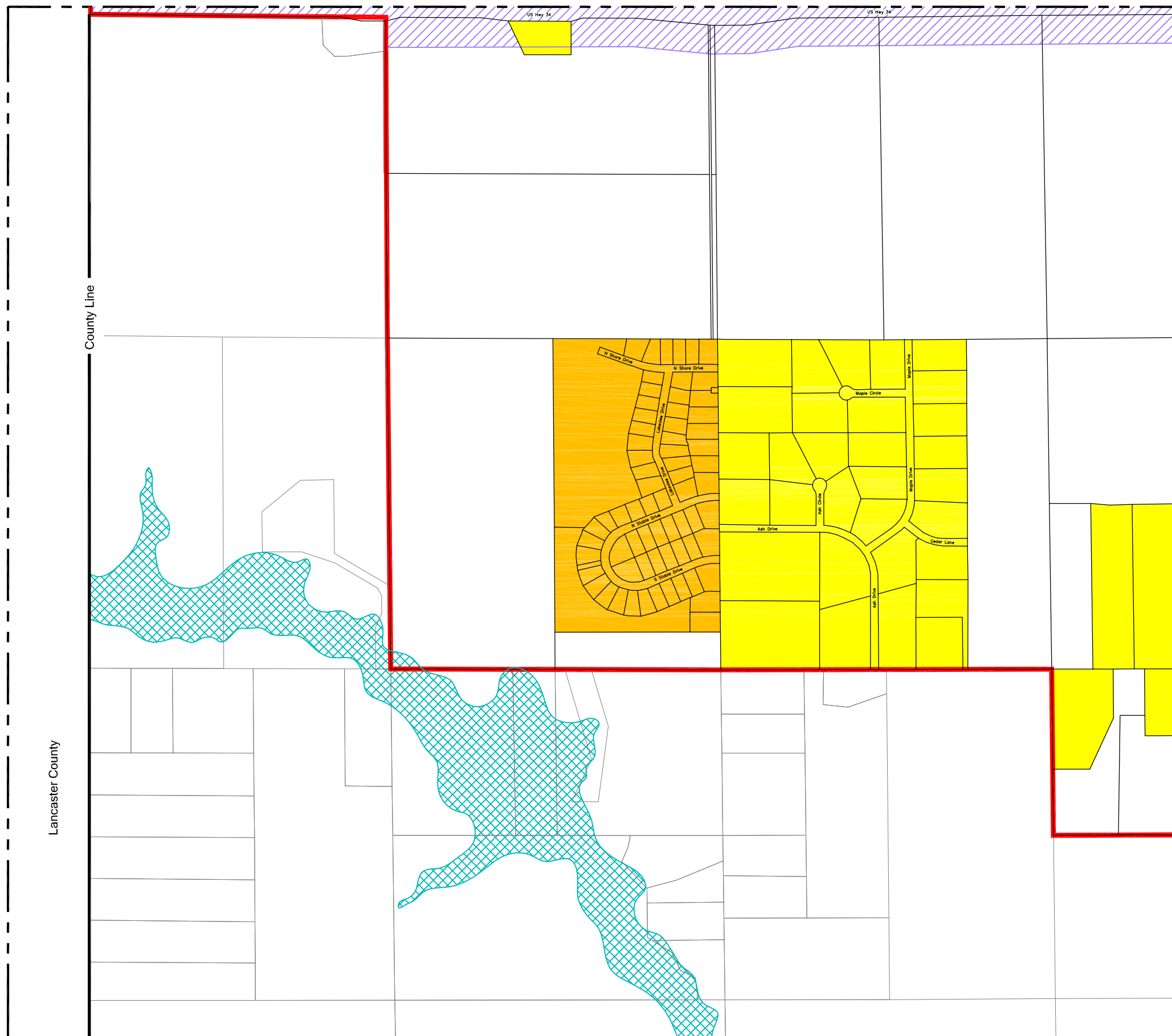
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**ZONING MAP
EXTRATERRITORIAL
JURISDICTION**

SOUTHWEST QUADRANT

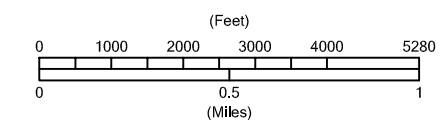
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EXTRATERRITORIAL JURISDICTION (ETJ) SOUTHWEST QUADRANT

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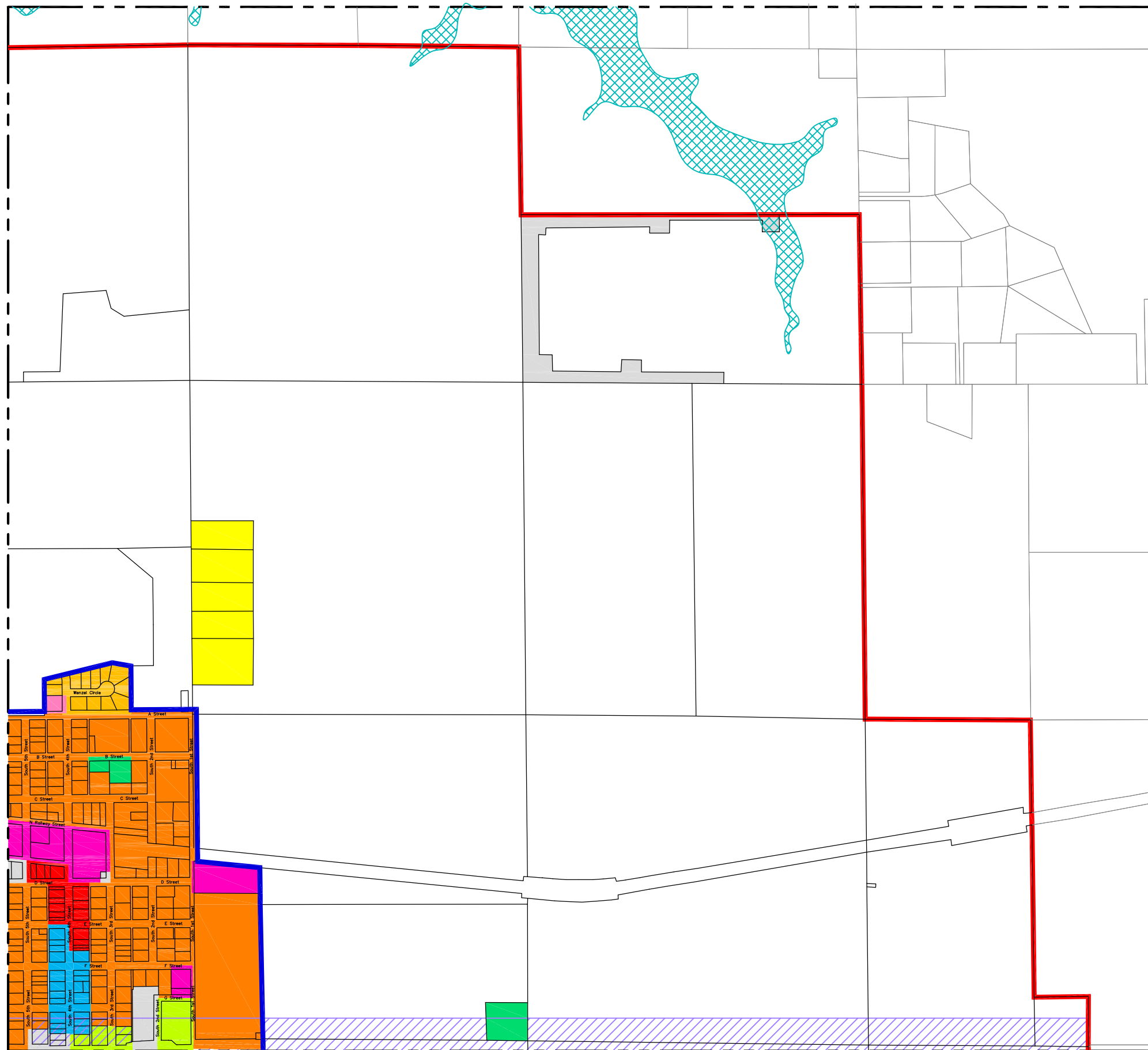
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**ZONING MAP
EXTRATERRITORIAL
JURISDICTION
NORTHEAST QUADRANT**

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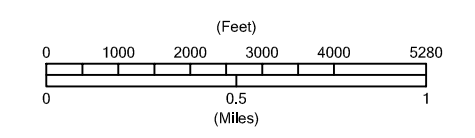
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EXTRATERRITORIAL JURISDICTION (ETJ) NORTHEAST QUADRANT



EAGLE, NEBRASKA
Cass County



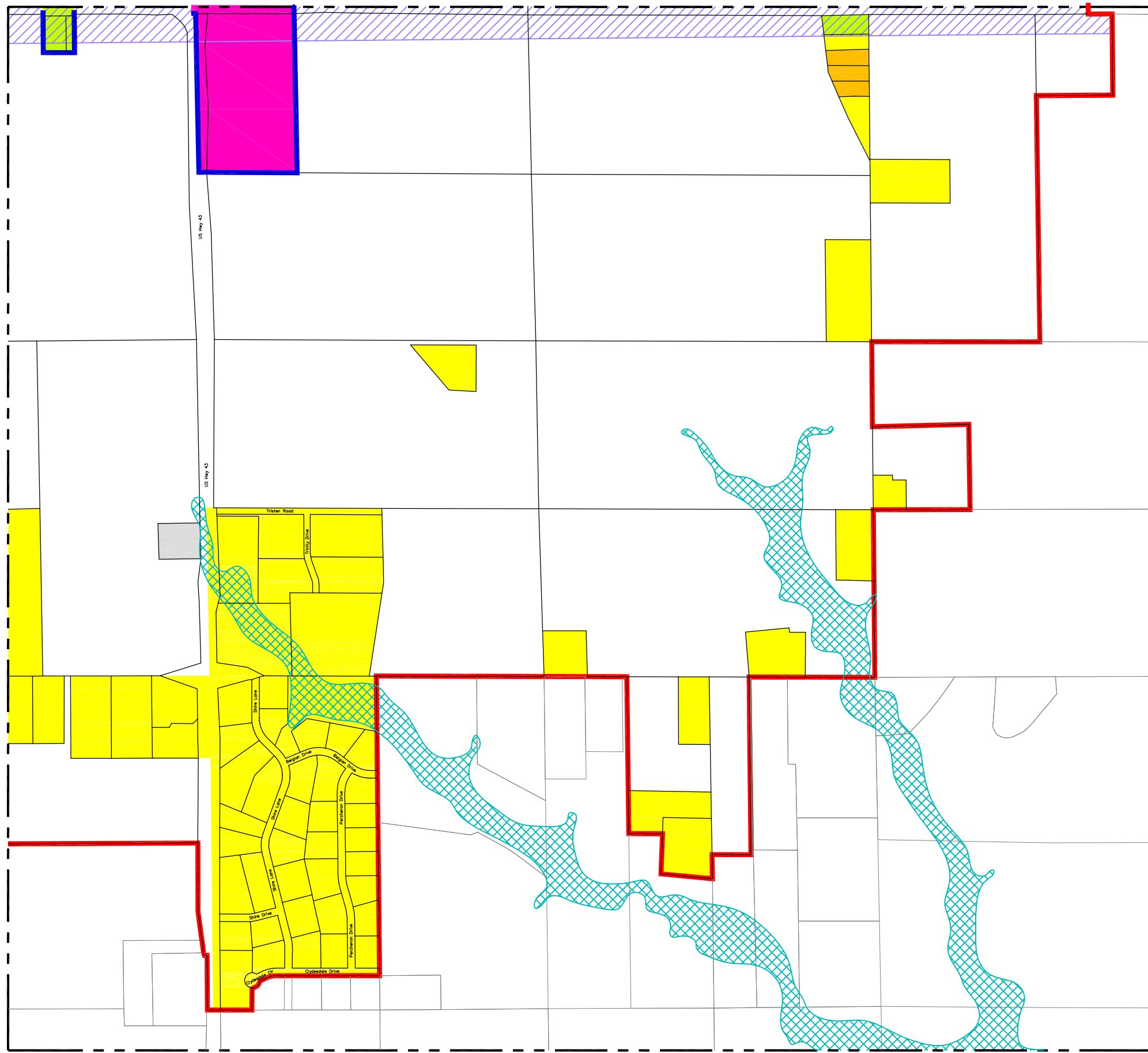
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**ZONING MAP
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EXTRATERRITORIAL JURISDICTION (ETJ) SOUTHEAST QUADRANT



ARTICLE 4: GENERAL PROVISIONS

Section 4.01 Planning Commission Recommendations

Pursuant to Section §19-901 et. seq., (Nebraska Reissue Revised Statutes, 1943), it shall be the purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein.

The Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the governing body shall not hold its public hearings or take action until it has received the final report of the Commission.

Section 4.02 District Regulations, Restrictions, Boundary Creation

No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings shall be given by publication thereof in a paper of general circulation in the municipality, one (1) time ten (10) days prior to such hearing.

Section 4.03 Jurisdiction

The provisions of this Ordinance shall apply within the corporate limits of Eagle, Nebraska, and within the territory beyond said corporate limits as now or hereafter fixed, as provided by Nebraska Law, as established on the map entitled "The Official Zoning Map of Eagle, Nebraska", and as may be amended by subsequent annexation.

Section 4.04 Provisions of Ordinance Declared to be Minimum Requirements

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this Ordinance require a lower height of building or lesser size of yards, courts or other spaces, or require a lower height of building or lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other ordinance, the provisions of this Ordinance shall govern. Wherever the provisions of any other ordinance requires a greater width or size of yards, courts, or other open spaces, or requires a lower height of building or a lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the provisions of this Ordinance, the provisions of such ordinance shall govern.

Section 4.05 Zoning Affects Every Building and Use

No building or land shall hereafter be reused and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.

Section 4.06 Lot

4.06.01 Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one (1) principal building on a lot unless otherwise provided.

4.06.02 More than one principal building of a single permitted use may be located upon a lot or tract in the following instances if approved by the governing body.

- 4.06.02.01 Institutional buildings
- 4.06.02.02 Public or semi-public buildings
- 4.06.02.03 Multiple-family dwellings
- 4.06.02.04 Commercial or industrial buildings
- 4.06.02.05 Home for the aged
- 4.06.02.06 Agricultural buildings

Section 4.07 Reductions in Lot Area Prohibited

No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

Section 4.08 Obstructions to Vision at Street Intersections Prohibited

A corner lot, within the area formed by the center line of streets at a distance of sixty (60) feet from their intersections, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets. At the intersection of major or arterial streets, the 60-foot distance shall be increased to 120 feet for each arterial leg of the intersection. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

Section 4.09 Yard Requirements

- 4.09.01 Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
- 4.09.02 All accessory structures that are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
- 4.09.03 The municipality may permit a variation in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that 1.) more than thirty (30) percent of the frontage on one side of a street between intersecting streets is occupied by structures on the effective date of this Ordinance, and 2.) a minority of such structures have observed or conformed to an average setback line.

Section 4.10 Through Lots

- 4.10.01 Through Lots shall follow the following criteria:
 - 4.10.01.01 Where a Through Lot abuts a major thoroughfare, such as Highway 34, and Highway 43, etc., and access is made from the other frontage street and access along said thoroughfare is restricted, the Rear Yard setback for fences and screening devices shall be zero feet. The Rear Yard setback for accessory structures shall follow the prescribed setback within the zoning district.
 - 4.10.01.02 Where a Through Lot is part of a triple frontage lot and abuts a major thoroughfare, the Rear Yard shall meet the standards of 4.10.01.01, while the other two frontages shall be treated as a Corner Lot with a Front Yard setback and a Street Side Yard setback.
 - 4.10.01.03 Where a Through Lot occurs, other than along a major thoroughfare, the following shall apply:
 - 1. Where all principal structures in the development face the same frontage, then the Rear Yard setback for fences and screening shall be zero feet and all accessory structures shall meet the prescribed setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot.
 - 2. Where principal structures face different directions along both frontages, the Rear Yard setback for fences and screening shall be the same as any prescribed Rear Yard setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot. All accessory structures in this condition, shall comply with the minimum Rear Yard setbacks rather than the reduced setback allowed for accessory structures.

Section 4.11 Drainage

No building, structure, or use shall be erected on any land, and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. Anyone desiring to build or otherwise change the existing drainage situation shall be responsible for providing to the municipality or their designated agent with data indicating that such changes will not be a detriment to the neighboring lands.

Section 4.12 Permitted Obstructions in Required Yards

The following shall not be considered to be obstructions when located in the required yards:

- 4.12.01 *All Yards:* Steps and accessibility ramps used for wheelchair and other assisting devices which are four (4) feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys projecting twenty-four (24) inches or less into the yard; recreational and laundry-drying equipment; approved freestanding signs; arbors and trellises; flag poles; window unit air conditioners projecting not more than eighteen (18) inches into the required yard; and fences or walls subject to applicable height restrictions are permitted in all yards.
- 4.12.02 *Front Yards:* Bay windows projecting three (3) feet or less into the yard are permitted.
- 4.12.03 *Rear and Side Yards:* Open off-street parking spaces or outside elements of central air conditioning systems.
- 4.12.04 *Double Frontage Lots:* The required front yard shall be provided on each street, unless otherwise provided.
- 4.12.05 *Building Groupings:* For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one (1) building occupying one (1) lot.

Section 4.13 Projections from Buildings

- 4.13.01 Cornices, eaves, canopies, belt courses, sills, ornamental features, and other similar architectural features may project not more than two (2) feet into any required yard or into any required open space, provided that such required yard or open space meets the current minimum yard standards.
- 4.13.02 As a part of single and two family residences, open uncovered porches or decks no higher than the first floor above grade on the side of the building to which they are appurtenant and in no event higher than 26 inches above grade of the lot on the side of the structure where such porch or deck is located, may extend:
 - 4.13.02.01 Three (3) feet into any side yard that otherwise meets minimum side yard requirements provided that the other side yard also meets such minimum side yard requirements and remains free of encroaching structures of any kind; and that said new encroachment meets all separation requirements between structures as determined in the Building Code, except gated fences providing access to the rear yard.
 - 4.13.02.02 Eight (8) feet into a front yard provided that the front yard otherwise meets minimum front yard requirements and provided further 1.) That in no event may such porch or deck cover more than 96 square feet of the required front yard or extend beyond the side walls of the building structure, and 2.) Front decks or porches shall not be higher than thirty (30) inches above ground and no higher than the first floor, except that on homes with front entryways at first floor level but driveway cuts and garage floors at basement level, there may be constructed a veranda-type uncovered deck or porch extending from the front

deck or porch over the garage door or doors, which extended area shall be at the same elevation and shall have bracing as required by the Building Official, and 3.) Covered porches, built of materials of the same or similar nature as the roof of the principal structure may be allowed with eaves not to exceed twelve (12) inches.

4.13.02.03 Safety railings shall be installed as per the Building Code and as approved by the Building Official.

4.13.02.04 One-half (1/2) of the distance into the required rear yard, but in no event closer than five (5) feet to any property line.

4.13.03 Provided further, that no railing or other shall be placed around such deck or porch in a rear yard or side yard and no such barrier which interferes appreciably more than twenty-five (25) percent with the passage of light or air shall be constructed within the required front yard or within five (5) feet of any side or rear yard lot line. Any such deck or porch when located on a lot at the intersection of two (2) streets or a street and an alley, shall comply with the provisions designed to ensure proper sight distances as set forth in this Ordinance for fences and hedges. Any side yard on a corner lot when such yard is twenty (20) feet or more in width, may be considered as a front yard for purposes of determining permitted encroachments as provided herein.

4.13.04 Vertical supports shall meet the Building Code.

Section 4.14 Accessory Structures and Uses

4.14.01 No accessory structure shall be constructed or moved upon a lot for more than six (6) months prior to beginning construction of the principal building except in an agricultural district or used for agricultural purposes and located on ten (10) acres or more. No accessory structure shall be used for more than six (6) months unless the main building on the lot is also being used or unless the main building is under construction; however, in no event shall such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use.

4.14.02 No detached accessory structure shall exceed the maximum permitted height of the principal building or structure of the district, except in the Residential Estates (RE) or Agriculture (AG) districts.

4.14.03 No accessory structure shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.

4.14.04 Detached accessory structures shall be located no closer than 15 feet to any other accessory or principal building as provided in the local building code.

4.14.05 All accessory structures, regardless of zoning district, shall be subordinate to the principal building with regard to size and building footprint, except in Residential Estates (RE) and Agricultural (AG) districts.

4.14.06 All accessory structures shall be to the rear or side of the principal structure.

4.14.07 Garages and outbuildings in residential districts for storage uses and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed of materials customarily used in residential construction. The sidewalls of said building shall not exceed ten (10) feet in height, except in Residential Estates (RE) and Agriculture (AG) districts.

4.14.08 In all zoning districts, except the Residential Estates (RE) or Agriculture Districts (AG), the total area of all accessory structures shall not be larger in square feet than the principal structure.

- 4.14.08.01 Exceptions to this requirement shall be made for gazebos, pools, play structures, hot tubs and like structures. Each accessory structure must meet side/rear yard requirements and must maintain a fifteen (15) foot distance from any other structure.
- 4.14.08.02 Detached garages shall count as one accessory structure, with a maximum allowable size of 720 square feet in the RS, RT and RU districts.
- 4.14.08.03 Garden sheds shall count as one accessory structure, with a maximum allowable size of 144 square feet. Building permits are not required for accessory structures 144 square foot or less.
- 4.14.09 Regulation of accessory uses shall be as follows:
 - 4.14.09.01 Except as herein provided, no accessory structure shall project beyond a required yard line along any street.
 - 4.14.09.02 Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than fifteen (15) feet from street lines.
- 4.14.10 The following regulations shall apply to the placement of shipping container/storage or shipping conex containers in the jurisdictional area:
 - 4.14.10.01 Shipping container/storage or shipping conex containers may be placed in the jurisdictional area only permitted by this zoning ordinance
 - 4.14.10.02 Shipping container/storage or shipping conex containers may be placed in the jurisdictional area only after applying for and obtaining a building permit and conditional use permit; application shall be made as specified in this Zoning Ordinance.
 - 4.14.10.03 Shipping container/storage or shipping conex containers shall not be permitted in the jurisdictional area, except for temporary usage as defined in this Zoning Ordinance, on any property which is located in any residential district, to include Residential Estates (RE), Residential Suburban (RS), Residential Transitional (RT) and Residential Urban (RU) Districts.
 - 4.14.10.04 Shipping container/storage or shipping conex containers may be permitted by conditional use on commercial property zoned as Central Business District (CBD), General Commercial (GC), Highway Commercial (HC), Light Industrial (I-1) or Heavy Industrial (I-2) and are subject to the regulations and requirements provided in this zoning ordinance.
 - 4.14.10.05 All shipping container/storage or shipping conex containers placed in the permitted jurisdictional areas shall meet the following requirements:
 1. Conditional Use Permit (if granted) shall be reviewed annually, and each year thereafter, by the Eagle Building Inspector. If in violation of conditions, then a hearing shall be set with the Eagle Board of Trustees to determine if renewal will be allowed. If no violation exists, the permit shall be renewed until the next year.
 2. The shipping container/storage or shipping conex container must be locked at all times with the only exception of immediate use. Container must be locked at all times unless the owner of said container is in visual site.
 3. The shipping container/storage or shipping conex container cannot have

electrical service connections, water service connections, sewer service connections or any communication services. Storage of motor vehicles, flammable liquids, gases, solvents, explosives, hazardous materials, radioactive materials or living organisms such as any plant, animal or human habitation is strictly prohibited.

4. The shipping container/storage or shipping conex container must be situated on a concrete or rocked pad with at least a 4" base.
5. The shipping container/storage or shipping conex container must be anchored down by bolting each of the four corners or strapping and anchoring with straps as approved by the Building Inspector and anchored with his/her approval.
6. The shipping container/storage or shipping conex container must be of the same color as the principal building or a neutral color as approved by the Building Inspector and must be completed within thirty (30) days of approval of the Conditional Use Permit by the governing body. Paint color must remain in good condition and be repainted if deterioration starts. Non-compliance of this item within the timeframe outlined above will terminate this Conditional Use Permit and the container will need to be removed from the property within ten (10) days' notice.
7. No additional shipping container/storage or shipping conex containers may be added to the property without the granting of an additional Conditional Use Permit.
8. The shipping container/storage or shipping conex container cannot block or hinder emergency services such as fire and rescue. Placement of container must meet all applicable building codes and zoning regulations and requires approval of the Building Inspector.
9. The shipping container/storage or shipping conex container cannot contain holes or entry points which may harbor insects, rodents or other wildlife. Fork lift slots must be filled with approved material by the Building Inspector to prevent rodent nesting or infestations. Container not in compliance may be declared a nuisance by the Governing Body and abated and/or the Conditional Use Permit would not be reissued, thus resulting in abatement of the nuisance structure.
10. No items are to be stacked on top of the shipping container/storage or shipping conex container.
11. If graffiti appears on the shipping container/storage or shipping conex container the applicant has ten (10) calendar days to remove the graffiti or repaint the container.
12. Signage representing the business may be added to the shipping container/storage or shipping conex container. Signage shall be regulated by the current zoning district signing regulations. It is recommended that the applicant has signage approved for location, size, color, wording and/or logo by the Building Inspector before application with fees paid in advance.

Section 4.15 Permitted Modifications of Height Regulations

4.15.01 The height limitations of this Ordinance shall not apply to:

- | | |
|-----------------------------|------------------------------------|
| Belfries | Public Monuments |
| Chimneys | Ornamental Towers and Spires |
| Church Spires | Radio and Television |
| Conveyors | Towers less than 50 feet in height |
| Cooling Towers | Silos |
| Elevator Bulkheads | Smoke Stacks |
| Fire Towers | Stage Towers or Scenery Lots |
| Water Towers and Standpipes | Tanks |
| Flag Poles | Air-Pollution Prevention Devices |

4.15.02 When permitted in a district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding seventy-five (75) feet when each required yard line is increased by at least one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located.

Section 4.16 Occupancy of Basements and Cellars

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been 75% completed as determined by the building/zoning administrator.

Section 4.17 Non-Conforming, General Intent

It is the intent of this ordinance to permit lawful non-conformities to continue until they are removed, but not encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this title.

Section 4.18 Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provision of this ordinance, a single-family dwelling and customary accessory structures may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district provided that the yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located; that such lot has been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would have been lawful; and has remained in separate and individual ownership from adjoining lots or tracts of land continuously during the entire period in which this or previous ordinance would have prohibited creation of such lot. Variance of area, width and yard requirements shall be obtained only through action of the Board of Adjustment. The following parcels are nonconforming lots of record:

Parcel ID	Address	Lot Size
130025135	710 South 5 th Street	44 X 124
130025666	710 South 5 th Street	44 X 124
130024961	710 South 5 th Street	22 X 124
130025933	730 South 5 th Street	44 X 124
130025852	740 South 5 th Street	44 X 124
130024937	833 South 4 th Street	33 X 124
130025739	821 South 4 th Street	44 X 124
130025879	808 South 4 th Street	44 X 124
130025321	706 South 4 th Street	44 X 124
130025232	704 South 4 th Street	***
130025151	716 South 4 th Street	49 X 88
130025763	640 South 3 rd Street	44 X 124
130025682	630 South 3 rd Street	44 X 124
130260045	630 South 3 rd Street	36 X 124

130024708	625 South 3 rd Street	***
130310956	705 South 3 rd Street	44 X 124
130024856	625 South 4 th Street	44 X 124
130024791	635 South 4 th Street	49.5 X 124
130023876	200 South 4 th Street	44 X 124
130023248	130 South 4 th Street	44 X 124
130022977	205 South 5 th Street	44 X 124
130022888	215 South 5 th Street	44 X 124
130024406	505 South 5 th Street	44 X 124
130024392	535 South 5 th Street	44 X 124
130024597	625 South 5 th Street	44 X 124
130024589	635 South 5 th Street	44 X 124
130023981	300 North Railway Street	44 X 182
130024732	435 E Street	44 X 62
130023426	545 F Street	***
130025143	410 G Street	44 X 124

Section 4.19 Nonconforming Structures

- 4.19.01 **Authority to continue:** Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.
- 4.19.02 **Enlargement, Repair, Alterations:** Any such structure described in Section 4.19.01 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, and unless otherwise permitted by or as specified in the Residential District. All enlargements shall meet all existing required setbacks unless provided elsewhere in this Ordinance.
- 4.19.03 **Damage or Destruction:** In the event that any structure described in Section 4.19.01 is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 4.19, shall not have a side yard of less than five (5) feet. When a structure is damaged to the extent of less than fifty percent (50%) of its structural value, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial destruction and may be extended six (6) months upon an approved building Permit extension request.
- 4.19.04 **Moving:** No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved. Reference Eagle Municipal Code, Chapter 9, Article 7 Building Permits, Section §9-707 BUILDING PERMITS; MOVING STRUCTURES.

Section 4.20 Nonconforming Uses

- 4.20.01 **Nonconforming Uses of Land:** Where at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 4.20.01.01 No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
- 4.20.01.02 No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance;
- 4.20.01.03 If any such nonconforming 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 regulations specified by this ordinance for the district in which such land is located.

4.20.02 **Nonconforming Uses of Structures:** If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

- 4.20.02.01 No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located;
- 4.20.02.02 Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance but no such use shall be extended to occupy any land outside such building;
- 4.20.02.03 If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use provided that the Planning Commission and governing body, after each has completed a Public Hearing as per State Statute, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission and/or governing body may require appropriate conditions and safeguard in accord with the provisions of this ordinance;
- 4.20.02.04 Any structure, or structure and land in combination, in any or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed;
- 4.20.02.05 When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for twelve (12) consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located;
- 4.20.02.06 Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 4.21 Repairs and Maintenance

- 4.21.01 On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage of amendment of this ordinance shall not be increased.
- 4.21.02 Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 4.22 Uses under Special Use Permit not Nonconforming Uses

Any use for which a conditional use permit is issued as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

Section 4.23 Fees

All fees for any zoning or subdivision related action shall be required prior to the issuance or investigation of any said permit request. Fees shall be a part of the Master Fee Schedule adopted by the governing body by separate Ordinance or Resolution.

ARTICLE 5: ZONING DISTRICTS

- 5.01 Districts; Uses
- 5.02 Districts; Boundaries
- 5.03 District Boundaries; Interpretation
- 5.04 Districts; Classifications of Districts upon Annexation and Conformance with Land Use Plan
- 5.05 District (AG) Agriculture
- 5.06 District (RE) Residential Estates
- 5.07 District (R-1) Residential Suburban
- 5.08 District (R-2) Residential Urban
- 5.09 District (RT) Residential Transitional
- 5.10 District (CB) Central Business
- 5.11 District (GC) General Commercial
- 5.12 District (HC) Highway Commercial
- 5.13 District (I-1) Light Industrial
- 5.14 District (I-2) Heavy Industrial
- 5.15 District (MUC) Mixed Use Corridor (Overlay District)
- 5.16 District (FF/FW) Flood Plain (Overlay)

Section 5.01 Districts; Use

For the purpose of this Ordinance, the Municipality is hereby divided into twelve (12) districts, designated as follows:

- (AG) Agriculture
- (RE) Residential Estates
- (R-1) Residential Suburban
- (R-2) Residential Urban
- (RT) Residential Transitional
- (CB) Central Business
- (GC) General Commercial
- (HC) Highway Commercial
- (I-1) Light Industrial
- (I-2) Heavy Industrial
- (MUC) Mixed Use Corridor (Overlay District)
- (FF/FW) Flood Plain (Overlay)

Section 5.02 Districts; Boundaries

The boundaries of the districts are hereby established as shown on the maps entitled "Official Zoning Map of Eagle, Nebraska." Said maps and all explanatory matter thereon accompany and are hereby made a part of this Ordinance as if fully written herein. The Official Zoning District Map shall be identified by the signature of the Municipal Chair or Mayor, and attested by the Municipal Clerk. No changes shall be made on the Zoning District Map except as may be required by amendments to this Ordinance. Such changes shall be promptly indicated on the Zoning District Map with the Ordinance number, nature of change, and date of change noted on the map. (Ref. §19-904 RS Neb.)

Section 5.03 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:

- 5.03.01 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- 5.03.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

- 5.03.03 Boundaries indicated as approximately following municipal limits shall be construed as following such limits;
- 5.03.04 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 5.03.05 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- 5.03.06 Boundaries indicated as parallel to or extensions of features indicated in subsections above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- 5.03.07 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections above, the Board of Adjustment shall interpret the district boundaries;
- 5.03.08 Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, The Board of Adjustment may permit the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

Section 5.04 Classification of Districts Upon Annexation and Conformance with the Land Use Plan
Areas annexed into the corporate limits of Eagle shall be zoned to conform to the Land Use Plan.

- 5.04.01 All uses not specifically listed are hereby prohibited.

Section 5.05 District (AG) Agriculture

5.05.01 Intent: It is the intent of this zoning district to conserve and otherwise preserve the prevailing rural agricultural farming characteristics, values, and resources. The intent is to encourage and to promote in every practicable manner, the interest of agriculture, the facilitation of farm production, and to encourage soil and water conservation.

5.05.02 Permitted Uses:

1. Farm dwellings for the owners and their families, tenants, and employees.
2. Farming, pasturing, truck gardening, orchards, animal husbandry, poultry husbandry, fisheries, greenhouses and nurseries, including the sale of products raised on the premises, except for livestock feedlots or yards.
3. One additional farm dwelling for the owners and their families, tenants, and employees.
4. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
5. Railroads, not including switching, terminal facilities or freight yards.
6. Public overhead and underground local distribution utilities.
7. Single family dwellings.
8. Religious institutions.
9. Public services.
10. Publicly owned and operated facilities.
11. Roadside stands offering agriculture products for human consumption for sale on the premises.
12. Hydrogenation process.
13. Bulk grain storage.
14. Solar panels, as per Section 8.10.
15. Home occupations, as per Section 8.07

5.05.03 Permitted Conditional Uses:

1. Radio, television and wireless communication towers and transmitters, as per Section 8.08.
2. Cemeteries, provided all structures are located at least twenty-five (25) feet from all property lines.
3. Wastewater treatment facilities.
4. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
5. Campgrounds.
6. Hospital, nursing homes, assisted living, and convalescent facilities.
7. Construction batch plants that are temporary in nature.
8. Indoor/Outdoor Recreation facilities, including miniature golf.
9. Kennels and stables per Section 8.09.
10. Indoor only shooting ranges.
11. Cemeteries and/or crematoriums for domestic and/or other animals.
12. Wireless communication towers & facilities.
13. Feedlots or yards, except that no such use shall be within a ½ mile of any municipality or a ½ mile of any Federal Aid-Primary or Secondary highway.
14. Rock, sand, and gravel extraction and processing.
15. Junk and salvage yards.
16. Used materials yard.
17. Wind energy conversion system as per Section 8.12.
18. Wind farms.
19. Solar farms.

5.05.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear or side of the primary structure.
2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.

3. Raising and care of animals for 4-H, Future Farmers of America (FFA), recreational uses, or other rural/school organizations.
4. Signs as provided for in Section 7.01 through 7.04.
5. Parking as provided for in Section 8.01 through 8.06.
6. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
7. Storage or parking of vehicles, boats, campers and trailer, as per Section 8.02.
8. Incidental public safety uses such as emergency sirens.
9. Amateur radio towers and associated facilities, as per Section 8.08.

5.05.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (acres)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Max Height (ft) ²	Max Lot Coverage
Residential Dwelling	10	200	50	25	25	35	40% ¹
Other Permitted Uses	10	200	50	25	25	45	40% ¹
Conditional Uses	10	200	50	25	25	45	40% ¹
Accessory Uses	-	-	100	25	10	55	40% ¹

¹ Total lot coverage includes all principal structures, accessory structures and impervious surfaces.

² Except as permitted by a conditional use.

Section 5.06 District (RE) Residential Estates

5.06.01 Intent: The Residential Estate District is intended as a transitional agricultural land use district which is located in the close proximity of cities and municipalities and other development areas where land may eventually be suitable for future urban developments, particularly accommodating low density residential development.

5.06.02 Permitted Uses:

1. Dwellings for the owners.
2. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities, public & private schools.
3. Railroads, not including switching, terminal facilities or freight yards.
4. Public overhead and underground local distribution utilities.
5. Single family dwelling.
6. Public services.
7. Publicly owned and operated facilities.
8. Roadside stands offering agriculture products for human consumption for sale on the premises.
9. Solar Panels, as per Section 8.10.
10. Home occupations, as per Section 8.07.

5.06.03 Permitted Conditional Uses:

1. Radio, television and wireless communication towers and transmitters, as per Section 8.08.
2. Cemeteries, provided all structures are located at least one hundred (100) feet from all property lines.
3. Private or commercial recreation areas and facilities.
4. Greenhouses and nurseries, including the sale of products raised on the premises
5. Wind energy conversion system as per Section 8.12.

5.06.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear or side of the primary structure.
2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
3. Signs as provided for in Section 7.01 through 7.04.
4. Parking as provided for in Section 8.01 through 8.06.
5. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
6. Storage or parking of vehicles, boats, campers and trailer, as per Section 8.02.
7. Incidental public safety uses such as emergency sirens.
8. Amateur radio towers and associated facilities, per Section 8.08.

5.06.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (acres) ²	Lot Width (ft)	Front Yard (ft)	Side Yard Yd (ft)	Rear Yard (ft)	Max Height (ft)	Max Lot Coverage
Residential Dwelling	1.5	100	50	25	25	35	40% ¹
Other Permitted Uses	1.5	100	50	25	25	45	40% ¹
Conditional Uses	1.5	100	50	25	25	45	40% ¹
Accessory Uses	-	-	100	25	10	25	40% ¹

¹ Total lot coverage includes all principal structures, accessory structures and impervious surfaces.

² Three (3) acre minimum for lots with private wells/onsite wastewater treatment systems, One and one-half (1-1/2) acres for any combination of public and private water/onsite wastewater treatment system. Any lot under 3 acres with private water & sewer requires NDEE approval.

Section 5.07 District (R-1) Residential Suburban

5.07.01 Intent: The Residential Suburban District is a low density residential district intended to permit single-family residential developments and other compatible uses.

5.07.02 Permitted Uses:

1. Single-family dwellings.
2. Public and private schools.
3. Public services.
4. Publicly owned and operated facilities.
5. Child care.
6. Public and private recreation areas such as parks, country clubs, golf courses, lakes, common areas and swimming pools.
7. Solar panels, as per Section 8.10.
8. Home Occupations, as per Section 8.07.

5.08.03 Permitted Conditional Uses:

1. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
2. Religious institutions.
3. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.

5.07.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Decks, elevated patios either attached or detached.
3. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
4. Parking for permitted uses as per Section 8.01 through 8.06.
5. Signs allowed in Section 7.01 through 7.04.
6. Temporary buildings incidental to construction work where such building or structures are removed upon completion of work.
7. Landscaping as required by Section 9.03.
8. Incidental public safety uses such as emergency sirens.
9. Amateur radio towers and associated facilities, per Section 8.08.

5.07.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (sf)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yd (ft)	Max Height (ft)	Max Lot Coverage
Single-Family Dwelling ³	9,000	60	25	7.5	25	15	35	40% ¹
Two-Family Dwelling ³	10,000	75	25	7.5	25	25	35	40% ¹
Other Permitted Uses	10,000	75	25	7.5	25	15	35	40% ¹
Conditional Uses	10,000	75	25	7.5	25	15	35	40% ¹
Accessory Uses	-	-	50	5	5	35	17	40% ²

¹ Total lot coverage includes all principal structures, accessory structures and impervious surfaces.

² Provided total area of accessory structure does not exceed 720 square feet and the total lot coverage including all principal structures, accessory structures and impervious surfaces does not exceed 40%.

³ On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard shall be equal to the Front Yard setback, except for accessory structures which shall be 35 feet.

Section 5.08 District (R-2) Residential Urban

5.08.01 Intent: The Residential Urban District is intended to permit single-family density residential with an increase of density to include duplexes and higher density residential development such as apartments in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.08.02 Permitted Uses:

1. Single-family detached dwellings.
2. Two-family, duplex, dwellings.
3. Single-family attached dwellings.
4. Townhouses, Condominiums, and Multiple family dwellings.
5. Public and private schools.
6. Publicly owned and operated facilities.
7. Public services.
8. Child care.
9. Religious institutions.
10. Public and private.
11. Solar panels, as per Section 8.10.
12. Home occupations, as per Section 8.07.

5.08.03 Permitted Conditional Uses:

1. Bed and Breakfast, provided guest rooms shall be within the principal residential building only and not within an accessory structure.
2. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses.
3. Child care center.
4. Charitable clubs and organizations.
5. Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, or other similar institutions, philanthropic institutions.
6. Group care home.
7. Community center.
8. Emergency shelters.
9. Adult care center.
10. Wind energy conversion system as per Section 8.12.
11. Mobile and manufactured home parks, provided they meet the following conditions:
 - A. A mobile home park shall be developed according to a site plan approved by the Zoning Administrator and Municipal Engineer.
 - B. There shall be a minimum livable floor area of five hundred (500) square feet in each mobile home.
 - C. Height of buildings
 1. Maximum height for principal uses: thirty-five (35) feet.
 2. Maximum height for accessory uses: twenty (20) feet.
 - D. Each lot shall have access to a hard surfaced drive not less than twenty-two (22) feet in width excluding parking.
 - E. Each lot shall be provided with water, sanitary sewer, and electrical hook-ups at a minimum.
 - F. Tie downs shall meet all manufacturers' recommendations.
 - G. Service buildings including adequate laundry and drying facilities, and toilet facilities for mobile homes which do not have these facilities within each unit.
 - H. Not less than 10% of the total court area shall be designated and used for park, playground and recreational purposes.
 - I. Limitations on lot coverage shall be no more than 40%.
 - J. Storm shelters shall be required and shall meet the following criteria:
 1. Shelter space equivalent to a minimum of two (2) persons per mobile home lot.
 2. Designed in conformance with "National Performance Criteria for Tornado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA.

- 3. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.
- K. All mobile home pad locations shall be hard surfaced with properly reinforced poured in place concrete.
- L. All mobile homes shall have skirting which is in good repair, meets manufacturer standards, and is in conformance with the color scheme of the trailer.
- M. All off-street parking shall be hard surfaced.
- N. All mobile homes shall comply with all other Municipal Ordinances.
- O. A complete plan of the mobile home court shall be submitted showing:
- P. A development plan and grading plan of the court.
 - 1. The area and dimensions of the tract of land.
 - 2. The number, location, and size of all mobile home spaces.
 - 3. The number, location, and size of all hard surfaced pads shall be shown.
 - 4. The area and dimensions of the park, playground and recreation areas.
 - 5. The location and width of roadways and walkways.
 - 6. The location of service buildings and any other proposed structures.
 - 7. The location of water and sewer lines and sewage disposal facilities.
 - 8. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

5.08.04 Permitted Accessory Uses:

- 1. Buildings and uses customarily incidental to the permitted uses.
- 2. Decks, elevated patios either attached or detached.
- 3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 4. Signs as provided for in Section 7.01 through 7.04.
- 5. Parking as provided for in Section 8.01 through 8.06.
- 6. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 7. Landscaping as required by Section 9.03.
- 8. Incidental public safety uses such as emergency sirens.

5.08.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows (unless otherwise provided above):

Uses	Lot Area (sf)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yd (ft)	Max Height (ft)	Max Lot Coverage
Single-Family Dwelling ³	6,000	50	25	7.5	25	15 ³	45	40% ¹
Two-Family Dwelling ³	8,000	60	25	7.5	25	15 ³	45	40% ¹
Single-Family Attached	6,000 per unit	45 per unit	25	7.5	25	15 ³	45	40% ¹
Multi-Family Dwelling	⁴	75	25	7.5	25	15 ³	45	40% ¹
Townhomes/Condominiums	2,500 per unit	75	25	7.5	25	15 ³	45	40% ¹
Other Permitted Uses	8,000	75	25	7.5	25	15 ³	45	40% ¹
Conditional Uses	8,000	75	25	7.5	25	15 ³	45	40% ¹
Accessory Uses	-	-	-	-	-	-	17	40% ^{1 2}

¹ Total lot coverage includes all principal structures, accessory structures and impervious surfaces.

² Provided total area of accessory structure does not exceed 720 square feet and the total lot coverage including all principal structures, accessory structures and impervious surfaces does not exceed 40%.

³ On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard shall be equal to the Front Yard setback, except for accessory structures which shall be 35 feet.

⁴ The minimum square footage for Multi-family is 8,000 square feet for the first two units, plus, 2,500 square feet for each additional unit.

Section 5.09 District (RT) Residential Transitional

5.09.01 Intent: The Residential Transitional District is intended to provide an area along Fourth Street extending north from Highway 34 to the Central Business District where a mix of uses are allowed; this includes existing residential. The other uses in this area are to include commercial uses, such as professional offices and/or business uses. The Residential Transitional District creates a link from Highway 34 to the Central Business District. The existing, as well as, new structures in this area should continue as residential in character.

5.09.02 Permitted Uses:

1. Single-family detached dwellings.
2. Two-family, duplex, dwellings.
3. Single-family attached dwellings.
4. Townhouses, Condominiums, and Multi-family, providing it adheres to the following:
 - A. Parking shall be provided to the rear of the building.
 - B. Entrances shall be articulated through the use of architectural detailing, and shall separate from other uses within the same structure.
5. Publicly owned and operated facilities.
6. Public Services.
7. Child care.
8. Solar Panels, as per Section 8.10.

5.09.03 Permitted Conditional Uses:

1. Public and private schools.
2. Religious institutions.
3. Public and private recreation areas such as parks, common areas, and swimming pools.
4. Business services including the following: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in adult establishment.
5. Museums, art galleries, and other public or semi-public cultural facilities.
6. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - A. Book store, not including uses defined in adult establishment.
 - B. Brew-on premises store.
 - C. Dry cleaning and laundry pickup.
 - D. Floral shop.
 - E. Gift and curio shop.
 - F. Jewelry store.
 - G. Restaurants, cafes and fast food establishment.
 - H. Travel agencies.
 - I. Video store, not including uses defined in adult establishment.
 - J. Food sales, limited.
7. Meeting halls, not including adult establishments.
8. Community center.
9. Congregate housing.
10. Medical offices.
11. General offices.
12. Educational institutions under the supervision and administration of a public agency.
13. Bed and breakfast. Provided guest rooms shall be within the principal residential building only and not within an accessory structure.
14. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses.
15. Charitable clubs and organizations.
16. Group care homes.
17. Emergency shelters.
18. Adult care centers.
19. Mortuaries, funeral homes, and funeral chapels.

20. Coffee kiosks.
21. Health clubs and tanning salon, not including uses defined in adult establishment.
22. Health recreation facilities, not including uses defined in adult establishment.
23. Solar panels, as per Section 8.10.

5.09.04 Permitted Temporary Uses:

Temporary Uses require a permit from the municipality and shall be valid only for a specific amount of time as indicated on said permit.

1. Temporary structures as needed for sidewalk and other outdoor sales events.
2. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
3. Temporary structure for festivals or commercial events.

5.09.05 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Decks, elevated patios either attached or detached.
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Signs as provided for in Section 7.01 through 7.04.
5. Parking as provided for in Section 8.01 through 8.06.
6. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
7. Landscaping as required by Section 9.03.
8. Incidental public safety uses such as emergency sirens.
9. Family child care 1.

5.09.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (sf)	Lot Width (ft)	Front Yard (ft)	Side Yard ³ (ft)	Rear Yard (ft)	Street Side Yd (ft)	Max Height (ft)	Max Lot Coverage
Single-Family Dwelling ²	6,000	50	25	7.5	25	15	45	40% ¹
Two-Family Dwelling ²	8,000	60	25	7.5	25	25	45	40% ¹
Single-Family Attached ²	6,000 per unit	45 per unit	25	7.5	25	25	45	40% ¹
Multi-Family Dwelling	⁴	60	25	7.5	25	25	45	40% ¹
Townhomes/Condominiums	2,500 per unit	60	25	7.5	25	25	45	40% ¹
Commercial Uses	6,000	50	25 ⁵	7.5 ^{5 6}	7.5 ⁵	15 ⁵	45	60% ¹
Other Permitted Uses	6,000	50	25	7.5	7.5	25	45	40% ¹
Conditional Uses	6,000	50	25	7.5	25	15	45	40% ¹
Accessory Uses	-	-	-	-	-	-	17	40% ²

¹ Total lot coverage includes all principal structures, accessory structures and impervious surfaces.

² Provided total area of accessory structure does not exceed 720 square feet and the total lot coverage including all principal structures, accessory structures and impervious surfaces does not exceed 40%.

³ On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard shall be equal to the Front Yard setback, except for accessory structures which shall be 35 feet.

⁴ The minimum square footage for Multi-family is 8,000 square feet for the first two units, plus 2,500 square feet for each additional unit.

⁵ The minimum setbacks for commercial uses shall be zero (0) feet; provided that commercial uses are contiguous and make up at least 25 percent of the block frontage and such frontage is adjacent to the Central Business District. Where more than 50 percent of the block frontage is residential or commercial uses are not contiguous, then the commercial use shall be setback the minimum front yard and street side yard distance or an average of the setbacks of the of the existing residential uses on that block frontage, whichever is greater.

⁶ When a commercial use locates adjacent to an existing residential use, the side yard setback next to the residential use shall be ten (10) feet.

5.09.07 Use Limitations:

1. All new structures constructed to house, commercial and/or service related uses, shall be of a type that assimilates the residential character of the district.
2. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any adjacent property and so that no glare is visible to any traffic on any public street.
3. Commercial uses locating within this district shall meet the minimum parking standards.
4. When commercial uses are located adjacent to existing residential uses, no parking, drives or signs shall be within fifteen (15) feet of such property. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residential uses, as per section 9.05.

Section 5.10 District (CB) Central Business

5.10.01 Intent: The Central Business District is a district intended for commercial and office development typically found in a downtown area. In addition, this district prohibits all exterior storage by a primary use unless a separate conditional use permit is requested for the use and granted by the municipality.

5.10.02 Permitted Uses:

1. Business services including: attorneys, accounting, bookkeeping, consulting, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment.
2. Museums, art galleries, and other public or semi-public cultural facilities.
3. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - A. Book store, not including uses defined in Adult Establishment.
 - B. Brew-on premises store.
 - C. Barber, beautician, aesthetics services.
 - D. Dry cleaning and laundry pickup.
 - E. Floral shop.
 - F. Gift and curio shop.
 - G. Jewelry store.
 - H. Restaurants, cafes and fast food establishment.
 - I. Travel agencies.
 - J. Video store, not including uses defined in Adult Establishment.
 - K. Food Sales, limited.
4. Meeting Halls not including Adult Establishments.
5. Community center.
6. Public services.
7. Congregate housing.
8. Medical & mental health offices.
9. General offices.
10. Educational institutions under the supervision and administration of a public agency
11. Multiple Family, provided it adheres to the following:
 - A. All dwelling units shall be on the upper floors.
 - B. Parking shall be provided to the rear of the building.
 - C. Entrances shall be articulated through the use of architectural detailing, and shall be separate from other uses within the same structure.
12. Solar panels, as per Section 8.10.

5.10.03 Permitted Conditional Uses:

1. Theater, indoor, not including uses defined in Adult Establishment.
2. Automobile display, sales, service, and repair (excluding body repair, media blasting, and painting).
3. Brew Pubs.
4. Micro-breweries when in conjunction with a restaurant.
5. Coffee Kiosks.
6. Automated Teller Machines when not within the interior of a primary use.
7. Tavern and cocktail lounge, not including uses defined in Adult Establishment.
8. Convenience store with limited fuel sales.
9. Religious institutions.
10. Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.
11. Department Stores.
12. Health Clubs and tanning salon, not including uses defined in Adult Establishment.
13. Health Recreation Facilities, not including uses defined in Adult Establishment.
14. Day care center.
15. Food Sales, general.
16. Liquor store.

17. CBS, Vape, Tobacco store.
18. Public and private higher educational institutions such as trade schools, colleges, and seminaries.
19. Shipping container/storage or shipping conex containers per Section 4.14.10.

5.10.04 Permitted Temporary Uses:

Temporary Uses require a permit from the municipality and shall be valid only for a specific amount of time as indicated on said permit.

1. Temporary structures as needed for sidewalk and other outdoor sales events.
2. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
3. Temporary structure for festivals or commercial events.

5.10.05 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as permitted in Section 8.01 through 8.06.
3. Signs allowed in Section 7.01 through 7.04.
4. Landscaping as required by Section 9.03.

5.10.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (acres)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Max Height (ft)	Max Lot Coverage
Permitted Uses	0	0	0	0	0	0	100%
Permitted Conditional Uses	0	0	0	0	0	0	100%

5.10.06 Use Limitations:

1. When adjacent to residentially zoned land, no parking, drives or signs shall be within fifteen (15) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 9.05.
2. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

Section 5.11 District (GC) General Commercial

5.11.01 Intent: The General Commercial District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community.

5.11.02 Permitted Uses:

1. Business services including but not including uses defined in Adult Establishment.
 - A. attorneys, accountants and bookkeeping.
 - B. banks.
 - C. insurance offices.
 - D. real estate offices.
 - E. postal stations.
 - F. printing.
 - G. credit services.
 - H. security brokers.
 - I. dealers and exchange.
 - J. title abstracting.
 - K. finance services and investment services.
2. Child care center.
3. Civic and cultural facilities.
4. Public uses, including but not limited to recreational uses, fire stations, community centers, auditoriums, libraries or museums.
5. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
6. Dance studio, not including uses defined in Adult Establishment.
7. Meeting hall, not including uses defined in Adult Establishment.
8. Equipment sales and service such as:
 - A. Business machines.
 - B. Computer & electronics store including repairs and maintenance.
 - C. Electrical fixtures.
 - D. Musical instrument shops.
 - E. Plumbing and heating.
 - F. Radio or television shops.
 - G. Sewing machines.
 - H. Telephone sales and service including cellular.
9. Retail business establishment supplying commodities including the following:
 - A. Antique store.
 - B. Apparel and clothing stores including shoe stores.
 - C. Automobile parts and supply store.
 - D. Barber, beautician, aesthetics services.
 - E. Bicycle shop including assembly and maintenance.
 - F. Books and stationary.
 - G. Commercial Greenhouse including Garden supply and retail garden center.
 - H. Department stores including electronic and office supply stores.
 - I. Floral shop.
 - J. Food markets and shops including delicatessens, bakeries, candy stores, dairy stores, fruit and vegetable stores.
 - K. Furniture stores.
 - L. Gift and curio shop including jewelry stores.
 - M. Hardware stores.
 - N. Hobby, camera, craft, toy store.
 - O. Home furnishings.
 - P. Home improvement stores including paint, wallpaper, drapery, or flooring covering stores.
 - Q. Household appliance store.
 - R. Pharmacies.

- S. Picture framing shop.
 - T. Retail mail order store.
 - U. Retail paint stores.
 - V. Second hand stores.
 - W. Sporting goods.
 - X. Variety stores.
 - Y. Video store, not including uses defined in Adult Establishment.
10. Service establishment including the following:
 - A. Barber, beautician, aesthetics services.
 - B. Dry cleaners – establishments (not over 2,000 sq. ft. in floor area) with one dry cleaning unit having a capacity not to exceed 35 pounds per cycle using nonflammable or non-explosive.
 - C. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
 - D. Laundry, self-service including pick-up and delivery stations.
 - E. Locksmith.
 - F. Photographer.
 - G. Restaurants and cafes.
 - H. Tanning salon.
 - I. Social club and fraternal organizations, not including uses defined in Adult Establishment.
 - J. Telephone exchange.
 - K. Telephone answering service.
 11. Medical & mental health offices.
 12. Solar panels, as per Section 8.10.

5.11.03 Permitted Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the GC District as recommended by the Planning Commission and governing body and approved by the governing body.

1. Recreational establishments not including uses defined in Adult Establishments.
2. Business or trade school.
3. Garden supply and retail garden center.
4. Tavern and cocktail lounge, not including uses defined in Adult Establishment
5. Temporary greenhouses.
6. Totally enclosed, automated and conveyor-style car washes.
7. Outdoor Entertainment.
8. Convenience store with limited fuel sales.
9. Residences in conjunction with the principle use when located above the ground floor.
10. Churches, temples, seminaries, and convents including residences for teachers and pastors.
11. Printing and publishing.
12. Retail motor vehicle sales and service.
13. Car wash.
14. Service station and minor automobile repair services.
15. Tire store and minor automobile repair service.
16. Public Utility offices, garages, and dispatcher centers.
17. All other uses listed as a Conditional Use within the Land Use Matrix.
18. Shipping container/storage or shipping conex containers per Section 4.14.10.

5.11.04 Permitted Temporary Uses:

The following temporary uses shall be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit.

1. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
2. Temporary structure for festivals or commercial events.

3. Fireworks stands provided the criteria are met as established by the municipality through separate Ordinance.

5.11.05 Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as permitted in Section 8.01 through 8.05
3. Signs allowed in Section 7.01 through 7.04.
4. Temporary buildings and uses incidental to construction work which will be removed upon completion or abandonment of the construction work.

5.11.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (sf)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Max Height (ft)	Max Lot Coverage
Permitted Uses	8,000	50	25	10	10 ²	45	60%
Conditional Uses	8,000	50	25	10	10 ²	45	60%
Accessory Uses	-	-	25 ¹	10	10 ²	17	60%

¹ 20 foot front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of fifty (50) feet.

² 25 feet for through lots.

5.11.07 Miscellaneous Provisions:

1. Supplementary regulations shall be complied with as defined herein.
2. When adjacent to residentially zoned land, no parking or drives shall be allowed in the required front yard within 15 feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 9.05.
3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

Section 5.12 District (HC) Highway Commercial

5.12.01 Intent: This district is designed to accommodate numerous commercial uses, including those that may have significant visual or traffic impacts. It is designed for commercial uses that serve an area beyond the adjacent neighborhood. This district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the governing body. The district is to be used in areas noted as “Future Commercial” in the Comprehensive Plan.

5.12.02 Permitted uses:

1. Business services including: attorneys, accounting, bookkeeping, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment.
2. Child care center.
3. Dance studio, not including uses defined in Adult Establishment
4. Meeting hall, not including uses defined in Adult Establishment
5. Museum, art gallery.
6. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - A. Apparel shop.
 - B. Appliance store.
 - C. Antique store.
 - D. Automobile parts and supply store.
 - E. Bakery shop (retail).
 - F. Barber, beautician, aesthetics services.
 - G. Bicycle shop.
 - H. Book store, not including uses defined in Adult Establishment.
 - I. Brew-on premises store.
 - J. Camera store.
 - K. Chiropractor.
 - L. Communication services.
 - M. Computer store.
 - N. Confectionery.
 - O. Copying/printing stores.
 - P. Dairy product sales.
 - Q. Dental offices.
 - R. Drug store.
 - S. Dry cleaning and laundry pickup.
 - T. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
 - U. Food sales (limited).
 - V. Food sales (general).
 - W. Floral shop.
 - X. Mortuary.
 - Y. Furniture store or showroom.
 - Z. Feed and tack supply stores.
 - AA. Gift and curio shop, not including uses defined in Adult Establishment.
 - BB. Gunsmith.
 - CC. Hardware store.
 - DD. Hobby, craft, toy store.
 - EE. Jewelry store.
 - FF. Locksmith.
 - GG. Meat market, retail.
 - HH. Medical and mental health offices.
 - II. Music retail store.
 - JJ. Newsstands, not including uses defined in Adult Establishment.
 - KK. Paint store.

- LL. Photographer.
- MM. Picture framing shop.
- NN. Reservation center.
- OO. Restaurants, cafes and fast food establishments, including those with drive-thru facilities.
- PP. Second hand store.
- QQ. Shoe store.
- RR. Sporting goods.
- SS. Stamp and coin stores.
- TT. Tailors and dress makers.
- UU. Tanning salon.
- VV. Tattoo and body piercing parlor.
- WW. Travel agencies.
- XX. Video store, not including uses defined in Adult Establishment.
- YY. Veterinary offices and clinics.
- ZZ. Social club and fraternal organizations, not including uses defined in Adult Establishment.
- AAA. Telephone exchange.
- BBB. Telephone answering service.
- CCC. Public overhead and underground local distribution utilities.
- DDD. Retail building materials sales; provided the minimum standards are present:
 - 1. All lumber shall be enclosed within the primary structure.
 - 2. All year round landscaping materials shall be enclosed within the primary structure.

5.12.03 Permitted Conditional Uses:

- 1. Recreational establishments.
- 2. Auction services.
- 3. Automotive and/or motorcycle sales.
- 4. Big Box Retail, Large.
- 5. Big Box Retail, Medium.
- 6. Big Box Retail, Small.
- 7. Retail trade center.
- 8. Shopping center.
- 9. Shopping center, commercial strip.
- 10. Shopping center, outlet.
- 11. Department Store.
- 12. Variety store, not including uses defined in Adult Establishment.
- 13. Amusement arcades.
- 14. Brew Pubs.
- 15. Coffee Kiosks.
- 16. Micro-breweries when in conjunction with a restaurant.
- 17. Automated Teller Machines when not within the interior of a primary use.
- 18. Theater, indoor, not including uses defined in Adult Establishment.
- 19. Bowling center.
- 20. Commercial greenhouses and nurseries.
- 21. Hotels and Motels.
- 22. Truck Stops.
- 23. Mail order services.
- 24. Pinball or video games business.
- 25. Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 26. Totally enclosed, automated and conveyor-style car washes.
- 27. Convenience store.
- 28. Garden supply and retail garden center.
- 29. Outdoor storage in conjunction with another primary use.
- 30. Liquor store.
- 31. CBD, Vape, Tobacco store.
- 32. Pet Health Services, provided the following:

- A. Said use is totally enclosed within a building.
 - B. Said services shall be provided for dogs, cats, birds, fish, and similar small animals customarily used as household pets.
 - C. Typical uses include animal veterinary clinics with overnight boarding, only if medically necessary, not exceeding 48 hours.
 - D. Grooming shall only be associated with a medical appointment.
 - E. This excludes uses for livestock and other large animals and uses for general grooming, dog bathing and clipping salons.
31. Outdoor storage, subject to the following requirements:
- A. A landscape buffer shall be provided subject to the approval of the zoning administrator.
 - B. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
 - C. All outdoor storage areas shall be screened by a fence or wall or a combination of both, and shall be located to the rear of the landscape buffer.
32. Shipping container/storage or shipping conex containers per Section 4.14.10.

5.12.04 Permitted Accessory Uses:

- 1. Buildings and uses customarily incidental to the permitted uses.
- 2. Parking as allowed in Section 8.01 through 8.06.
- 3. Signs allowed in Section 7.01 through 7.04.
- 4. Landscaping as required by Section 9.03.
- 5. Incidental public safety uses such as emergency sirens.

5.12.05 Permitted Temporary Uses

Temporary Uses require a permit from the municipality and shall be valid only for a specific amount of time as indicated on said permit.

- 1. Temporary greenhouses.
- 2. Temporary structures as needed for sidewalk and other outdoor sales events.
- 3. Fireworks stands, provided the criteria is met as established by the municipality through separate Ordinances.
- 4. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
- 5. Temporary structures for festivals or commercial events.

5.12.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yd (ft)	Max Height (ft)	Max Lot Coverage
Permitted Uses	10,000	100	25 ¹	10	20	15	45	60% ¹
Permitted Conditional Uses	10,000	100	25 ¹	10	20	15	45	60% ¹

¹ 25 foot front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of fifty (50) feet.

5.12.07 Use Limitations:

- 1. When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district.
- 2. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 9.05.
- 3. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
- 4. Rear access road or frontage road required - 27 foot wide minimum.

Section 5.13 District (I-1) Light Industrial

5.13.01 Intent: It is the intent of the Light Industrial District Regulations to provide standards for area suitable for some limited industrial, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, to free these areas from intrusion by incompatible land uses, that these areas should be served with adequate transportation facilities, and that user of this land conduct activities that create low to moderate hazards to adjacent properties.

5.13.02 Permitted Uses:

1. Assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials.
2. Laboratories.
3. Manufacture and assembly of electrical and electronic appliances.
4. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
5. Manufacture of light sheet metal products including heating and ventilation equipment.
6. Printing and publishing business.
7. Stone and monument works.
8. Public local distribution and main transmission utilities.
9. Warehouses and wholesale businesses.
10. Building materials yards with enclosed and screened storage areas.
11. Highway maintenance yards or buildings.
12. Self-storage units.
13. Veterinarian or animal hospitals.
14. Ancillary Parking.
15. Construction and contractor storage yards.
16. Recycling collection and processing facilities, both public and private.
17. Railroads, including terminals, switching yards, and related facilities.
18. Dry cleaning.
19. Pet health services.
20. Health clubs and tanning salons, not including those classified as an Adult Establishment.
21. Dance studios, not including those classified as an Adult Establishment.
22. Personal improvement services.
23. Commercial recreation facilities, indoor and outdoor.
24. Self-service mini storage.
25. Public services.
26. Parks and recreation.
27. General and Medical offices.

5.13.03 Permitted Conditional Uses:

1. Radio, television and communication towers and transmitters, as per Section 8.08.
2. Fertilizer transmission lines.
3. Utility substations, terminal facilities, and reservoirs.
4. Auction Sales.
5. Construction and heavy equipment sales and service.
6. Farm implement sales and service.
7. Research facilities.
8. Truck terminal and dock facilities to include truck washing.
9. Auto body repair, provided all material and repair shall be below any fencing.
10. Live-in quarters used by live-in watchman or custodians during periods of construction or when necessary as an accessory to permitted use.
11. Cabinetry millwork.
12. Restaurant.
13. Correctional facilities.
14. Kennels.
15. Auto Repair/Major Auto Repair (Engines, Transmissions, Etc.).
16. Shipping container/storage or shipping conex containers per Section 4.14.10.

5.13.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as permitted in Section 8.01 through 8.06.
3. Signs allowed in Section 7.01 through 7.04.
4. Temporary buildings and uses incidental to construction work that will be removed upon completion or abandonment of the construction work.
5. Landscaping as required by Section 9.03.

5.13.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (sf)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yd (ft)	Max Height (ft)	Max Lot Coverage
Permitted Uses	15,000	100	50 ¹	10	10	15	45	60% ¹
Permitted Conditional Uses	15,000	100	50 ¹	10	10	15	45	60% ¹

¹ 50' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of seventy (75) feet.

5.13.06 Use Limitations:

1. When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 9.05.
2. No outdoor storage, except the display of merchandise for sale to the public, storage of materials, equipment and inventory.
3. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

5.13.06 Performance Standards:

See Section 8.11 of the Supplemental Regulations.

Section 5.14 District (I-2) Heavy Industrial

5.14.01 Intent: It is the intent of the Heavy Industrial District Regulations to provide standards for area suitable for some limited industrial, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, to free these areas from intrusion by incompatible land uses, that these areas should be served with adequate transportation facilities, and that user of this land conduct activities that create low to moderate hazards to adjacent properties. Adult Entertainment Facilities are included in this Zoning District. The intent of the Eagle Zoning Ordinance is not to prohibit these uses but to regulate the secondary effects of these uses within the community.

5.14.02 Permitted Uses:

1. Assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials.
2. Laboratories.
3. Manufacture and assembly of electrical and electronic appliances.
4. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
5. Manufacture of light sheet metal products including heating and ventilation equipment.
6. Printing and publishing business.
7. Stone and monument works.
8. Public local distribution and main transmission utilities.
9. Warehouses and wholesale businesses.
10. Building materials yards with enclosed and screened storage areas.
11. Highway maintenance yards or buildings.
12. Self-storage units.
13. Bottling Works.
14. Dairy products processing.
15. Laboratory.
16. Veterinarian or animal hospitals.
17. Ice Plant.
18. Laundry and dry cleaning plant.
19. Manufacturing, compounding, processing, packaging or treatment of articles or merchandising from previously prepared materials such as bone, cloth, aluminum, cork, fiber, leather, glass, plastic, paper, stones, tin, rubber, and paint.
20. Millwork, woodwork.
21. Storage and sales of farm and agriculture products (excluding bulk anhydrous ammonia , bulk chemicals, bulk propane).
22. Tire retreading and recapping.
23. Processing of food products.
24. Public services.
25. Parks and recreation.
26. Equipment rental, sales, and repair.
27. Construction and contractor storage yard, sales, and repair.
28. Self-service mini storage.
29. Dry cleaning services.
30. Vehicle storage, short and long term.
31. Ancillary parking.
32. Warehousing.
33. Airports.
34. Railroads.
35. Truck and transportation terminals.
36. Farm implement sales and service.
37. Auto Repair/Major Auto Repair (Engines, Transmissions, Etc.).
38. Truck Repair.
39. Outdoor storage facilities.

5.14.03 Permitted Conditional Uses:

1. Fertilizer transmission lines.
2. Utility substations, terminal facilities, and reservoirs.
3. Radio, television and communication towers and transmitters, as per Section 8.08.
4. Auction Sales.
5. Construction and heavy equipment sales and service.
6. Research facilities.
7. Truck terminal and dock facilities to include truck washing.
8. Auto Salvage, provided all material shall remain below any fencing.
9. Permanent or Temporary Central mixing plant for concrete, asphalt, or paving material.
10. Scrap and salvage yard.
11. Storage of bulk petroleum products.
12. Storage or processing of non-hazardous material.
13. Restaurants, including those with drive-thru facilities.
14. Solid waste companies and associated facilities.
15. Refuse transfer stations.
16. Shipping container/storage or shipping conex containers per Section 4.14.10.
17. Adult entertainment establishments, provided that the following requirements are met:
 - A. No Adult business shall be closer than 1,000 feet to any similar use and no closer than 1,000 feet to a residential district or use, religious use, educational use or recreational use. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the closest point on the property line of such other adult business, residential district or use, religious use, educational use or recreational use.
 - B. Said businesses shall be screened along adjoining property lines so as to prevent any direct visual contact of the adult business from the perimeter.
 - C. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
 - D. No adult business shall be open for business between the hours of twelve-midnight (12:00 a.m.) and six a.m. (6:00 a.m.).
 - E. The proposed location, design, construction and operation of the particular use shall provide adequate safeguards to protect the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
 - F. Such use shall not impair an adequate supply of light and air to surrounding property.
 - G. Such use shall not unduly increase congestion in the streets or public dangers, including fire and safety hazards.
 - H. Such use shall not diminish or impair established property values in adjoining or surrounding property.
 - I. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of Eagle, Nebraska.
 - J. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property. The application shall also include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, and the location, size and number of signs.
 - K. An adult business shall post a sign at the entrance of the premises that shall state the nature of the business and shall state that no one under the age of 18 years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for admission to the premises.
 - L. Prohibited Activities of Adult Businesses:
 1. No adult business shall employ any person under 18 years of age.

2. No adult business shall furnish any merchandise or services to any person who is under 18 years of age.
3. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.
4. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

5.14.04 Permitted Accessory Uses

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as permitted in Section 8.01 through 8.06.
3. Signs allowed in Section 7.01 through 7.04.
4. Temporary buildings and uses incidental to construction work which will be removed upon completion or abandonment of the construction work.
5. Live-in quarters used by live-in watchman or custodians during periods of construction
6. Landscaping as required by Section 9.03.

5.14.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (sf)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yd (ft)	Max Height (ft)	Max Lot Coverage
Permitted Uses	15,000	50	50 ¹	10	10	15	55	80%
Permitted Conditional Uses	15,000	50	50 ¹	10	10	15	55	80%

¹ 50' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard setback is a minimum of seventy (75) feet.

5.14.06 Use Limitations:

1. When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 9.05.
2. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

5.14.07 Performance Standards:

See Section 8.11 of the Supplemental Regulations.

Section 5.15 District (MUC) Mixed Use Corridor (Overlay District)

5.15.01 Intent: The purpose of this overlay district is to permit high density residential, including single-family dwellings, two-family dwellings, and multi-family dwelling development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for residents and the community as a whole. This district is also intended to allow for a combination of residential, commercial, and other uses within the area designated below through the use of aesthetic, architectural, and other standards in a manner that encourages development that is considered appropriate for the main entryways into and through the Municipality of Eagle.

The mixed use corridor overlay district shall apply to those areas lying within 200 feet of either side of the right of way of US Highway 34. In the event the standards of this overlay district are in conflict with those of the underlying zoning district, the standards of the overlay district shall apply.

5.15.02 Permitted Uses:

1. All permitted uses contained in the underlying base zoning district unless specifically noted in these regulations.
2. Single family detached dwellings.
3. Two-family, duplex, dwellings.
4. Single family attached dwellings.
5. Townhouses, Condominiums, and Multiple family dwellings.
6. Public and private schools.
7. Publicly owned and operated facilities.
8. Public Services.
9. Child care.
10. Religious institutions.
11. Adult Care Center.
12. Public and private recreation areas such as, country clubs, golf courses, lakes, common areas and swimming pools.

5.15.03 Permitted Conditional Uses:

1. Bed and Breakfasts, provided that guest rooms shall be within the principal residential building only and not within an accessory structure.
2. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses.
3. Home Occupations, as per Section 8.07.
4. Child Care Center.
5. Charitable clubs and organizations.
6. Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, or other similar institutions, philanthropic institutions.
7. Group care home.
8. Community center.
9. Emergency shelters.

5.15.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Decks, elevated patios either attached or detached.
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Signs as provided for in Section 7.01 through 7.04.
5. Parking as provided for in Section 8.01 through 8.06.
6. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
7. Landscaping as required by Section 9.03.

5.15.05 Criteria for Appearance

- 5.15.05.01 Relationship of Buildings to Site
The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.
1. Site planning in which setbacks and yards are in excess of standard commercial zoning restrictions is encouraged to provide an interesting relationship between buildings.
 2. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways.
 3. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
 4. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
 5. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in Section 9.03.
- 5.15.05.02 Relationship of Buildings and Site to Adjoining Area
1. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
 2. Attractive landscape transitions shall be designed to be compatible to adjoining properties.
- 5.15.05.03 Landscape and Site Treatment
Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.
1. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good site design and development.
 2. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
 3. Landscape treatments shall be provided to enhance architectural features, strengthen vistas and important axis, and provide shade. Spectacular effects shall be reserved for special locations only.
 4. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
 5. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
 6. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings as stated in Section 9.03.
 7. Screening of service yards and other places such as mechanical equipment, trash dumpsters, or other items that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of those. Screening shall be equally effective in winter and summer months.
 8. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas.
 9. All residential fencing within this District shall not exceed six (6) feet in height.
 10. Fencing within the District and as part of an Industrial Development may be required to be a solid fence.
 11. All off street parking shall be to the rear of the building, and shall have a 6' wide planting buffer and screen wall at the public right of way or nearest lot line. Screen walls shall either be brick or ornamental ironwork, or be a combination of the two.

5.15.05.03

Building Design

1. Architectural design and style are not restricted, however architectural style should be consistent throughout the subdivision. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
2. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
3. The primary building material of all portions of the structures shall be negotiated with the Village, however, sample materials shall include but not be limited to materials of high quality, such as brick (clay), stucco, wood, glass, split faced concrete masonry units (CMU) with integrated color pigmentation and stone material native to Eastern Nebraska. The materials shall be similar and compatible throughout the entire development. The Eagle staff may allow other primary building designs (of good architectural character i.e. CMU, poured-in-place concrete) for portions of the building not visible from public areas. Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
4. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
5. Materials shall be of durable quality.
6. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
7. Building components, such as windows, doors, eaves and parapets, shall have good proportions and relationships to one another.
8. Colors shall be harmonious and shall use only compatible accents
9. Colors shall be of “low reflectance, subtle, neutral, or earth tones” and shall not be of high-intensity or metallic colors unless the colors are true to the materials beings used.
10. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
11. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
12. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
13. Building orientation shall be toward an arterial street, unless it is demonstrated that this would not be feasible. The second floors of existing two story structures, are encouraged to be converted to a residential use and/or office use.
14. Structures where the upper floors are not utilized for residential or office use shall utilize decorative features such as displays, curtains, and other materials to enhance the appearance of the overall structure.
15. Flat roofs on commercial buildings shall have parapets.
16. Metal Buildings shall not be allowed to have visible exterior metal walls.
17. All openings in the façade of a building (windows, doorways, etc.) shall be proportioned to reflect pedestrian scale and designed in a manner that encourages interest at the street level. Main or primary entrances to buildings must be delineated through the use of architectural detailing appurtenant to the architectural style of the building. The main or primary entrances shall be oriented toward the front or side street setback.
18. Windows shall not carry the appearance of vacancy or deterioration, and shall utilize decorative features such as displays, curtains, and other materials to minimize an appearance of vacancy or deterioration. Windows shall maintain the architectural character of the structure they are a part of.
19. Awnings or canopies shall be made of metal or of cloth material.

- 20. Walkway coverings shall be of sheet metal, metal shingles or of standing-seam construction, or of canvas or cloth.
- 21. Iron railings shall be of utilitarian styling as represented in the district.
- 22. Planter boxes and screening walls, when used shall be compatible with the primary structure.
- 23. Facades consisting of brick or masonry shall not be painted if they have not previously been painted.

5.15.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (sf)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Street Side Yd (ft)	Rear Yard (ft)	Max Height (ft)	Max Lot Coverage
Single-Family Dwelling ³	7,000	70	25	7.5	15	25	35	40%
Single-Family Attached ⁴	4,500 per unit	50 per unit	25	7.5	15	25	35	40%
Two-Family Dwelling ³	10,000	75	25	7.5	15	25	35	40%
Townhomes/Condominiums ^{4,5}	2,500 per unit	25 per unit	25	7.5	15	25	35	40%
Multi-Family Dwelling ³	⁶	100	25	7.5 ¹	15	25	45 ¹	40%
Other Permitted & Conditional Uses	8,500	75	25	7.5	15	25	45	30%
Accessory Uses	-	-	35	7.5	15	5	17	10% ²

¹ For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.

² Provided the total area of accessory structure for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings does not exceed 50%.

³ On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

⁴ This applies to Condominiums and Townhouses where there are three (3) or more units connected and where there is a minimum of two (2) common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.

⁵ Where there are three (3) or more units connected the side yard at the ends shall meet this criteria otherwise the side yard setback shall be zero (0) at common walls. The side yard not containing the common wall shall be double the normal required setback.

⁶ The minimum square footage for Multi-family is 10,000 square feet for the first two units, plus, 2,500 square feet for each additional unit.

Section 5.16 FF/FW Flood Plain (Overlay District)

5.16.01 Purpose

It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in this section by applying the provisions of this Ordinance to:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities that service such uses, be provided with flood protection at the time of initial construction.
3. Reduce financial burdens from flood damage borne by the community, governmental units, residents, and businesses by preventing excessive and unsafe development in areas subject to flooding.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance from the National Flood Insurance Program.

5.16.02 Establishment of Floodplain Overlay District

The mapped floodplain areas within the jurisdiction of this ordinance are hereby established as the floodplain overlay district, as identified in the Flood Insurance Study dated November 26, 2010, and on accompanying FIRM panels as established in Section 2.1. The floodplain overlay district shall correspond to flood zone A. Within this district, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

5.16.03 Special Flood Hazard Area

Along watercourses where a floodway (FW) has been established, the area surrounding the FW is mapped and labeled the Special Flood Hazard Area (SFHA). The SFHA area is divided into zones: A, AE, AH, AO, AR, A99, V and VE on the map based on level of risk. The SFHA map highlights areas subject to inundation by the one (1%) percent annual chance flood (100-year flood) and two (0.2%) percent annual chance of flood (500-year flood). See Figures 5-1 and 5-2.

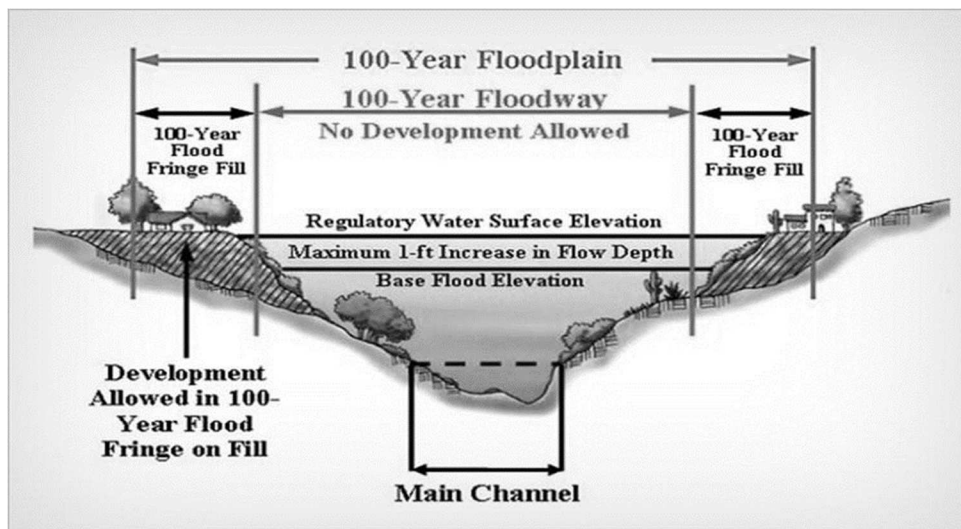


FIGURE 5-1

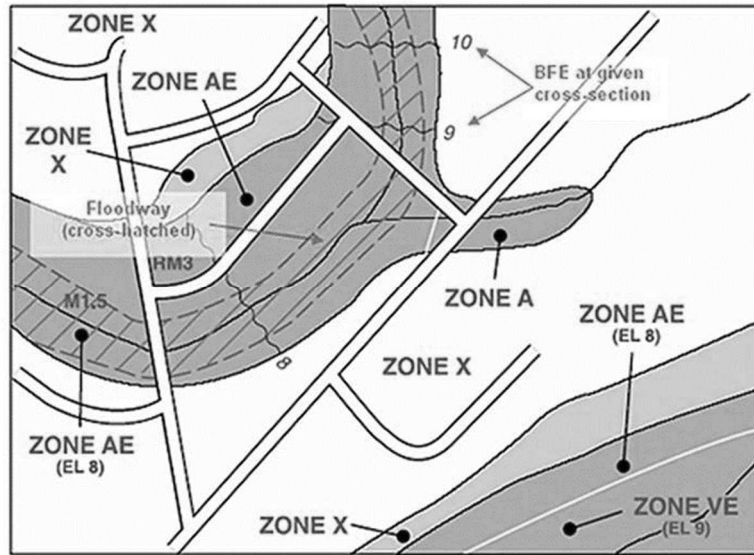


FIGURE 5-2

5.16.04 Statutory Authorization, Findings of Fact, And Regulations

1. **Statutory Authorization.** The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety, general welfare, and property of the people of the state. The Legislature, in Nebraska Revised Statutes Sections 31-1001 to 31-1023 (as amended), has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city, or village with zoning jurisdiction over the flood prone area. Therefore, the governing body of Eagle, Nebraska ordains as follows:
 2. **Findings of Fact.**
 - A. **Flood Losses Resulting from Periodic Inundation.** The flood hazard areas of Eagle, Nebraska are subject to inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 - B. **General Causes of the Flood Losses.** These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities as well as the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise unprotected from flood damages.
3. **Adherence to Regulations.** The regulations of this Ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the Nebraska Minimum Standards for Floodplain Management Programs as published in the Nebraska Administrative Code Title 455, Chapter 1.

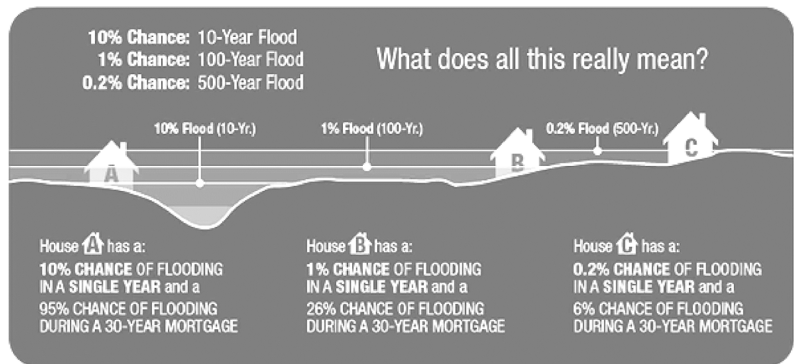


FIGURE 5-3

5.16.05 General Provisions

1. Lands to Which Ordinance Applies This Ordinance shall apply to all lands within the jurisdictions of Eagle identified on the Flood Insurance Rate Map (FIRM) panel 31025C0325D dated November 26, 2010, as Zone A and within the Zoning District established in Section 5.16.02.
2. Rules for Interpretation of Overlay District Boundaries. The boundaries of the floodplain areas shall be determined by scaling distances on the official zoning map of the effective Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the zoning or other community map, the Floodplain Administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustments will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the Board of Adjustments and to submit their own technical evidence, if so desired.
3. Compliance Within identified floodplains of this community, no development shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.
4. Abrogation and Greater Restrictions This Ordinance does not intend to repeal, abrogate, or impair any existent easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
5. Interpretation In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
6. Warning And Disclaimer of Liability The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This Ordinance shall not create liability on the part of the municipality of Eagle or any officer or employee thereof for any flood damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.
7. Severability If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

5.16.06 Floodplain Management Administration

1. Designation of Floodplain Administrator. The Municipal Clerk/Treasurer is hereby designated/appointed by the governing body as the community's local Floodplain Administrator. The Floodplain Administrator is authorized and directed to administer, implement, and enforce all provisions of the Floodplain Ordinance. The designated Floodplain Administrator shall, within one (1) year of being designated as such shall become a Certified Floodplain Manager. If the local Floodplain Administrator position is unfilled, the Building Official shall assume the duties and responsibilities herein.
2. Permits Required. A floodplain development permit shall be required before any development, construction, or substantial improvement is undertaken. No person, firm, corporation, government agency, or other entity shall initiate any floodplain development without first obtaining a floodplain development permit.
3. Duties of the Floodplain Administrator. Duties of the Floodplain Administrator shall include, but not be limited to the following:
 - A. Review, approve, or deny all applications for floodplain development permits
 - B. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this Ordinance have been satisfied.
 - C. Review applications for proposed development to assure that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.
 - D. Review all subdivision proposals and other proposed new development, including mobile home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.

- E. Notify adjacent communities and the Nebraska Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
 - F. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.
 - G. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures in the floodplain.
 - H. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) to which all new or substantially improved structures have been flood proofed.
 - I. Verify, record, and maintain record of all improved or damaged structures to ensure compliance with standards in applicable sections. Track value of improvements and market value with permits. Also, ensure consistent market value estimations to evaluate against damaged or improved values.
 - J. Ensure comprehensive development plan as amended is consistent with this Ordinance.
 - K. In the event the Floodplain Administrator discovers work done that does not comply with applicable laws or ordinances, the Floodplain Administrator shall revoke the permit and work to correct any possible violation in accordance with this Ordinance.
4. Application for Permit and Demonstration of Compliance
- A. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
 - 1) Identify and describe the proposed development and estimate cost of the job covered by the floodplain development permit.
 - 2) Describe the land by lot, block, tract, and house address, or similar description that will readily identify and locate the proposed building or development.
 - 3) Indicate the use and occupancy of the proposed development.
 - 4) Be accompanied by plans and specifications for proposed construction.
 - 5) Be signed by the permittee and authorized agent who may be required to submit evidence to indicate such authority.
 - B. If any proposed development is located entirely or partially within a floodplain, applicants shall provide all information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
 - 1) All such proposals are consistent with the need to minimize flood damage;
 - 2) All utilities and facilities such as sewer, gas, water, electrical, and other systems are located and constructed to minimize or eliminate flood damage;
 - 3) Structures will be anchored to prevent flotation, collapse, or lateral movement;
 - 4) Construction materials are flood resistant;
 - 5) Appropriate practices to minimize flood damage have been utilized; and
 - 6) Electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities have been designed and located to prevent entry of floodwaters.
 - C. For all new and substantially improved structures, an Elevation Certificate based upon the finished construction certifying the elevation of the lowest floor, including basement, and other relevant building components shall be provided to the Floodplain Administrator and be completed by a licensed surveyor, engineer, or architect.
 - D. When flood proofing is utilized for an applicable structure, a Flood proofing Certificate shall be provided to the Floodplain Administrator and be completed by a licensed professional engineer or architect.
 - E. For all development proposed in the floodway, no-rise certification shall be provided to the Floodplain Administrator and be completed by a licensed professional engineer.
 - F. Any other such information as reasonably may be required by the Floodplain Administrator shall be provided.
5. Flood Data Required
- A. All Zone A areas on the FIRM are subject to inundation of the base flood; however, the base flood elevations are not provided. Zone A areas shall be subject to all development provisions of this Ordinance. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state, or other

sources, including from a study commissioned by the applicant pursuant to best technical practices.

- B. Until a floodway has been designated, no development or substantial improvement may be permitted within the floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown in the Flood Insurance Study or on base flood elevation determinations.
6. Variance and Appeals Procedures
- A. The Board of Adjustments as established by the municipality of Eagle shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- B. The Board of Adjustments shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.
- C. Any person aggrieved by the decision of the Board of Adjustments or any taxpayer may appeal such decision to the District Court as provided in Nebraska Revised Statutes Section 23-168 (for counties) and Nebraska Revised Statutes Section 19-192 (for municipalities).
- D. In evaluating such appeals and requests, the Board of Adjustments shall consider technical evaluation, all relevant factors, standards specified in other sections of this Ordinance, and:
- 1) The danger to life and property due to flooding or erosion damage;
 - 2) The danger that materials may be swept onto other lands to the injury of others;
 - 3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner, future owners, and neighboring properties;
 - 4) The importance of the services provided by the proposed facility to the community;
 - 5) The necessity of the facility to have a waterfront location, where applicable;
 - 6) The availability of alternative locations that are not subject to flooding or erosion damage for the proposed use;
 - 7) The compatibility of the proposed use with existing and anticipated development;
 - 8) The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;
 - 9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
 - 11) The costs of providing government services during and after flood conditions including emergency management services and maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.
7. Conditions for Variances
- A. Variances shall only be issued upon a showing of good and sufficient cause and also upon a determination that failure to grant the variance would result in an exceptional hardship to the applicant.
- B. Variances shall only be issued based upon a determination that the granting of a variance will not result in increased flood heights.
- C. Variances shall only be issued based upon a determination that the granting of a variance will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- D. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 5-9 below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- E. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure on the National Register of Historic Places and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Variances shall not be issued within any designated floodway if any increase in water surface elevations along the floodway profile during the base flood discharge would result.

- G. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - H. The applicant shall be given a written notice over the signature of a community that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance and also that such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Ordinance.
 - I. All requests for variances and associated actions and documents, including justification for their issuance, shall be maintained by the community.
8. Enforcement
- A. Violations. Failure to obtain a floodplain development permit or the failure of a structure or other development to be fully compliant with the provisions of this Ordinance shall constitute a violation. A structure or other development without a floodplain development permit, Elevation Certificate, certification by a licensed professional engineer of compliance with these regulations, or other evidence of compliance is presumed to be in violation until such time as documentation is provided.
 - B. Notices. When the Floodplain Administrator or other authorized community representative determines, based on reasonable grounds, that there has been a violation of the provisions of this Ordinance, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided.
Such notice shall:
 - 1) Be in writing;
 - 2) Include an explanation of the alleged violation;
 - 3) Allow a reasonable time for the performance of any remedial act required;
 - 4) Be served upon the property owner or their agent as the case may require; and
 - 5) Contain an outline of remedial actions that, if taken, will bring the development into compliance with the provisions of this Ordinance.
 - C. Penalties. Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person, firm, corporate, or other entity that violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
 - 1) The imposition of such fines or penalties for any violation or noncompliance with this Ordinance shall not excuse the violation or noncompliance or allow it to continue. All such violations or noncompliant actions shall be remedied within an established and reasonable time.
 - 2) Nothing herein contained shall prevent the municipality of Eagle or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

5.16.07 Standards for Floodplain Development

- 1. General Provisions
 - A. Alteration or Relocation of a Watercourse
 - 1) A watercourse or drainage way shall not be altered or relocated in any way that in the event of a base flood or more frequent flood will alter the flood carrying characteristics of the watercourse or drainage way to the detriment of upstream, downstream, or adjacent locations.
 - 2) No alteration or relocation shall be made until all adjacent communities that may be affected by such action and the Nebraska Department of Natural Resources have been notified and all applicable permits obtained. Evidence of such notification shall be submitted to the Federal Emergency Management Agency.
 - B. Encroachments
 - 1) When proposing to permit any of the following encroachments, these standards shall apply:

- a. Any development that will cause a rise in the base flood elevations within the floodway; or
 - b. Any development in Zones A, A1-30, and Zone AE without a designated floodway that will cause a rise of more than one (1) foot in the base flood elevation; or
 - c. Alteration or relocation of a stream; then
- 2) The applicant shall:
- a. Apply to FEMA for conditional approval of such action via the Conditional Letter of Map Revision process (as per Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.12) prior to the permit for the encroachments; and
 - b. Supply the fully approved package to the Floodplain Administrator including any required notifications to potentially affected property owners.

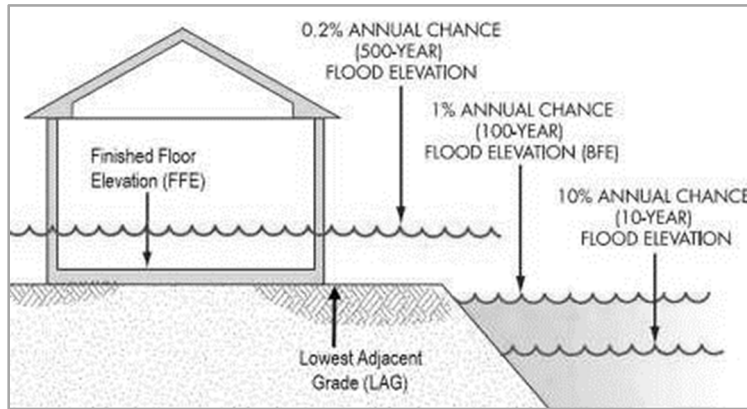


FIGURE 5-4 ELEVATION DIAGRAM

2. Elevation and Flood proofing Requirements

A. Residential Structures

- 1) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation. See Figure 5-4.
- 2) All manufactured (mobile) homes placed in Special Flood Hazard Areas (SFHAs) have to be elevated to or above the BFE, except those being placed in an existing manufactured (mobile) home park or subdivision. Manufactured (mobile) homes placed on a site in an existing manufactured (mobile) home park or subdivision must be elevated on at least 3-foot reinforced piers or equivalent foundations, or to or above the BFE if that is lower. If a manufactured (mobile) home had previously been substantially damaged on a specific site, new placements on that site must be elevated to or above the BFE.

a. Anchoring Systems

- 1. Anchoring systems are a critical component of a manufactured (mobile) home installation. Anchoring systems generally consist of ties (straps) and anchors. The ties are generally of two types: over-the-top ties and frame ties which connect the I-beam to the anchor.
- 2. Ties are secured to either a ground anchor, which may be a screw auger or concrete dead man anchor, or to a slab anchor, or to the foundation itself.
- 3. Anchors must be sufficiently embedded to account for saturated soil conditions which accompany flooding.
- 4. To anchor a manufactured (mobile) home to a pier foundation, frame ties connect the I-beams to an anchor set into the ground below the home. For posts or piles, the I-beams can be anchored directly to the horizontal beam of the foundation.

B. Nonresidential Structures

- 1) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, flood proofed so that below one (1) foot above the base flood elevation:
 - a. The structure is watertight with walls substantially impermeable to the passage of water and

- b. The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A Flood proofing Certificate shall be provided to the Floodplain Administrator as set forth in Section 5.16.05.
- C. Critical Facilities
- 1) New construction or substantial improvement of any critical facility is prohibited in all areas of the floodplain and the 0.2% annual chance floodplain, unless all of the following provisions are met:
 - a. No feasible alternative site exists for the construction of an equivalent facility within the corporate or extraterritorial jurisdiction boundaries of Eagle;
 - b. The facility has the lowest floor, including basement, of all structures elevated to one (1) foot above the 0.2% annual chance flood elevation or, together with attendant utility and sanitary facilities, flood proofed so that below one (1) foot above the 0.2% annual chance flood elevation:
 1. The structure is watertight with walls substantially impermeable to the passage of water and
 2. The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 3. A registered professional engineer or architect shall certify that the standards of the subsection are satisfied. Such certification shall be provided to the Floodplain Administrator.
 - c. If the 0.2% annual chance floodplain is not identified, the facility shall have the lowest floor, including basement, elevated to three (3) feet above the base flood elevation or be flood proofed to three (3) feet above the base flood elevation.
 - d. The facility has at least one (1) access road connected to land outside the 0.2% annual chance floodplain that is capable of carrying emergency support vehicles and the top of the access road is no lower than the 0.2% annual chance flood elevation.
- D. Space Below Lowest Floor
- 1) Fully enclosed areas below the lowest floor and below the base flood elevation shall be used solely for the parking of vehicles, building access, or limited storage of readily removable items.
 - 2) Fully enclosed areas below the lowest floor and below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a net total area of not less than one (1) square inch for every one (1) square foot of enclosed space,
 - b. The bottom of all openings shall not be higher than one (1) foot above grade, and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters. See Figure 5-5.

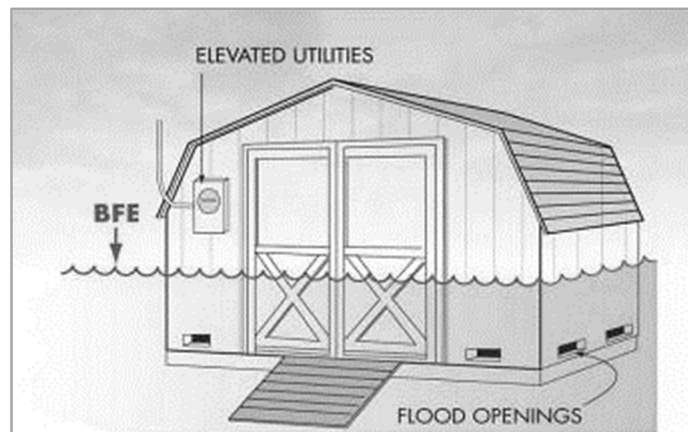


FIGURE 5-5

- E. Appurtenant Structures
 - 1) Structures accessory to a principal building may have the lowest floor below one (1) foot above base flood elevation provided that the structure complies with the following requirements:
 - a. The structure shall not be used for human habitation.
 - b. The use of the structure must be limited to parking of vehicles or storage of items readily removable in the event of a flood warning.
 - c. The floor area shall not exceed 800 square feet.
 - d. The structure shall have a low damage potential.
 - e. The structure must be adequately anchored to prevent flotation, collapse, or other lateral movement.
 - f. The structure shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - 1. A minimum of two (2) openings having a net area of not less than one (1) square inch for every one (1) square foot of enclosed space,
 - 2. The bottom of all openings shall not be higher than one (1) foot above grade, and
 - 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.
 - g. No utilities shall be installed in the structure, except electrical fixtures which must be elevated or flood proofed to one (1) foot above base flood elevation.
 - h. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
 - 2) If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.
- F. New, substantially improved, or substantially damaged manufactured (mobile) homes within any floodplain shall be prohibited.
- G. Existing Structures
 - 1) The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to a structure in the floodplain, a floodplain development permit is required and the provisions below shall apply:
 - a. Any addition, alteration, reconstruction, or improvement of any kind to an existing structure where the costs of which would equal or exceed fifty (50) percent of the pre improvement market value shall constitute a substantial improvement and shall fully comply with the provisions of this Ordinance.
 - b. Any addition, alteration, reconstruction, or improvement of any kind to an existing structure in the floodway shall comply with the provisions of 5.16.06.
 - c. Any addition, alteration, reconstruction, or improvement of any kind to an existing structure that will change the compliance requirements of the building shall require applicable documentation including an Elevation Certificate, Flood proofing Certificate, or No Rise Certification.

5.16.08 Design and Construction Standards

- 1. Anchoring
 - A. All buildings or structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- 2. Building Materials and Utilities
 - A. All buildings or structures shall be constructed with materials and utility equipment resistant to flood damage. All buildings or structures shall also be constructed by methods and practices that minimize flood and flood-related damages.
 - B. All buildings or structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 3. Drainage
 - A. Within Zones AO and AH, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

4. Water Supply and Sanitary Sewer Systems
 - A. All new or replacement water supply and sanitary sewer systems shall be located, designed, and constructed to minimize or eliminate flood damages to such systems and the infiltration of floodwaters into the systems.
 - B. All new or replacement sanitary sewage systems shall be designed to minimize or eliminate discharge from the system into floodwaters.
 - C. On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during flooding.
 - D. New septic systems in the floodplain are prohibited. Existing septic systems may be replaced.
5. Other Utilities
 - A. All other utilities such as gas lines, electrical, telephone, and other utilities shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities.
6. Storage of Materials
 - A. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - B. The storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
7. Recreational Vehicles and Recreational Vehicle Parks
 - A. Recreational vehicles to be placed on sites within the FF shall meet the elevation and anchoring requirements for manufactured (mobile) homes of this Ordinance, unless it:
 - 1) is on site for fewer than one hundred and eighty (180) consecutive days; or
 - 2) fully licensed and ready for highway use, which shall mean it is on its wheels or jacking system, is attached to the site by only quick-disconnect type utilities and security devices, and no permanently attached additions.
 - B. Recreational vehicles to be placed on sites within the FW shall be prohibited.
 - C. Recreational vehicle parks within any FW shall be prohibited.
8. Subdivisions
 - A. Subdivision proposals and other proposed new development, including mobile home parks or subdivisions, shall require assurance that:
 - B. All such proposals are consistent with the need to minimize flood damage;
 - C. All public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage;
 - D. Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - E. Proposals for development of five (5) acres or fifty (50) lots, whichever is less, where base flood elevation data are not available, shall be supported by hydrologic and hydraulic analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for Conditional Letters of Map Revision and a Letters of Map Revision

5.16.09 Nonconforming Use

1. A structure or use of a structure or premises that was lawful before the passage or amendment of this Ordinance, but that is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions:
 - A. If such use is discontinued or abandoned for 12 (twelve) consecutive months, any future use of the building premises shall conform to this Ordinance. The Utility Department shall notify the Floodplain Administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 (twelve) months.
 - B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - 3) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, or safety code or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

5.16.10 Amendments

1. The regulations, restrictions, and boundaries set forth in this Ordinance may be amended, supplemented, changed, or appealed to reflect any and all changes in federal, state, or local regulations provided, however, that no such action may be taken until after a public hearing in relation thereto, at which citizens and parties in interest shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation of the municipality of Eagle. At least 10 days shall elapse between the date of this publication and the public hearing.
2. A copy of such amendments will be provided to the Nebraska Department of Natural Resources and the Federal Emergency Management Agency for review and approval before being adopted.

5.16.11 Definitions

- 5.16.11.01 **1%- or one-hundred-year flood** the 100-year floodplain is the land that is predicted to flood during a 100-year storm, which has a 1% chance of occurring in any given year. You may also hear the 100-year floodplain called the 1% annual chance floodplain or base flood. Areas within the 100- year floodplain may flood in much smaller storms as well.
- 5.16.11.02 **0.2%- or five-hundred-year flood** the 500-year floodplain is the land that is predicted to flood during a 500-year storm, which has a 0.2% chance of occurring in any given year. You may also hear the 500-year floodplain called the 2% annual chance floodplain or base flood. Areas within the 500-year floodplain may flood in much smaller storms as well.
- 5.16.11.03 **Zone A - The Special Flood Hazard Area (except coastal V Zones)** shown on a community's Flood Insurance Rate Map. These are types of A Zones: A: SFHA where no base flood elevation is provided. A1-30 Numbered A Zones, SFHA where the FIRM shows a base flood elevation in relation to NGVD. AE: SFHA where base flood elevations are provided. AE Zone delineations are now used on new FIRMs instead of A# Zones. AO: SFHA with sheet flow, ponding, or shallow flooding. Base flood depths (feet above grade) are provided. AH: Shallow flooding SFHA. Base flood elevations in relation to NGVD are provided. AR: Areas with a temporarily increased flood risk due to the building or restoration of a flood control system (such as a levee or a dam). Mandatory flood insurance purchase requirements will apply, but rates will not exceed the rates for unnumbered A zones if the structure is built or restored in compliance with Zone AR floodplain management regulations. A 99: Areas with a 1% annual chance of flooding that will be protected by a Federal flood control system where construction has reached specified legal requirements. No depths or base flood elevations are shown within these zones.
- 5.16.11.04 **Zone D** the area of undetermined but possible flood hazard.
- 5.16.11.05 **Zone V** the Special Flood Hazard Area subject to coastal high hazard flooding. There are three types of V Zones: V, V1-30, and VE, and they correspond to the A Zone designations.
- 5.16.11.06 **Zone X** the newer Flood Insurance Rate Maps show Zones B and C as Zone X. There are two types of X zones, shaded (formally Zone B) and unshaded (formally zone C). Shaded X Zones are areas that have a 0.2% probability of flooding every year (also known as the "500-year floodplain"). Properties in Shaded Zone X are areas of moderate flood hazard, usually the area between the limits of the 100- year and 500- year floods. Also used to designate base floodplains of lesser hazards, such as areas protected by levees from 100-year flood, or shallow flooding areas with average depths of less than one foot or drainage areas less than 1 square mile. Unshaded X Zones Area of minimal flood hazard, usually depicted on FIRMs as above the 500- year flood

level. May have ponding and local drainage problems that don't warrant a detailed study or designation as base floodplain. Zone X is the area determined to be outside the 500- year flood and protected by levee from 100- year flood.

- 5.16.11.07 **Appurtenant Structure** shall mean a structure on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure. Also, shall be known as “accessory structure.”
- 5.16.11.08 **Area of Shallow Flooding** shall mean a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- 5.16.11.09 **Base Flood** shall mean the flood having one (1) percent chance of being equaled or exceeded in any given year.
- 5.16.11.10 **Base Flood Elevation (BFE)** shall mean the elevation to which floodwaters are expected to rise during the base flood.
- 5.16.11.11 **Basement** shall mean any area of the building having its floor subgrade (below ground level) on all sides.
- 5.16.11.12 **Building** shall mean “structure.” See definition for “structure.”
- 5.16.11.13 **Critical Facility** shall mean any property that, if flooded, would result in severe consequences to public health and safety. Critical facilities include, but are not limited to: facilities that produces, use, or store hazardous materials; hospitals, convalescent services, and housing likely to contain vulnerable populations; emergency support function facilities like police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers; public and private utility facilities vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.]
- 5.16.11.14 **Development** shall mean any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured (mobile) homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; or obstructions.
- 5.16.11.15 **Existing Manufactured (mobile) home Park or Subdivision** shall mean a manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.
- 5.16.11.16 **Expansion to an Existing Manufactured (mobile) home Park or Subdivision** shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- 5.16.11.17 **Flood or Flooding** shall mean a general and temporary condition of partial or complete inundation of normally dry land areas.

- 5.16.11.18 **Flood Fringe** is that area of the floodplain, outside of the floodway, that has a one (1%) percent chance of flood occurrence in any one year.
- 5.16.11.19 **Flood Insurance Rate Map (FIRM)** shall mean an official map of a community, on which the Flood Insurance Study has delineated the SFHA (special flood hazard area) boundaries and the risk premium zones applicable to the community.
- 5.16.11.20 **Flood Insurance Study (FIS)** is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.
- 5.16.11.21 **Floodplain** shall mean any land area susceptible to being inundated by water from any source (see definition of "flooding"). Floodplain includes flood fringe and floodway. The SFHA (special flood hazard area) is the floodplain delineated into zones based of flood risk.
- 5.16.11.22 **Floodplain Administrator** shall mean the person designated or appointed by the municipality as the community's local Floodplain Administrator. The Floodplain Administrator is authorized and directed to administer, implement, and enforce all provisions of this Ordinance.
- 5.16.11.23 **Flood proofing** shall mean any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.
- 5.16.11.24 **Floodway or Regulatory Floodway (FW)** shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- 5.16.11.25 **Freeboard** shall mean a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.
- 5.16.11.26 **Habitation** shall mean area used for living, sleeping, cooking, or eating purposes, or any combination thereof.
- 5.16.11.27 **Highest Adjacent Grade** shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- 5.16.11.28 **Historic Structure** shall mean any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.
- 5.16.11.29 **Lowest Floor** shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of

vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built or modified so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

- 5.16.11.30 **Manufactured (mobile) home** shall mean a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured (mobile) home" does not include a "recreational vehicle".
- 5.16.11.31 **Mobile Home Park or Subdivision** shall mean a parcel (or contiguous parcels) of land divided into two (2) or more manufactured (mobile) home lots for rent or sale.
- 5.16.11.32 **New Construction for floodplain management purposes, "new construction"** shall mean structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- 5.16.11.33 **New Mobile Home Park or Subdivision** shall mean a manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- 5.16.11.34 **Obstruction** shall mean any wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation (including the alteration or relocation of a watercourse or drainage way), channel rectification, bridge, conduit, culvert, building, stored equipment or material, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry such structure or matter downstream to the damage or detriment of either life or property. Dams designed to store or divert water are not obstructions if permission for the construction thereof is obtained from the Department of Natural Resources pursuant to the Safety of Dams and Reservoirs Act (Nebraska Revised Statutes 46-1601 to 46-1670 as amended).
- 5.16.11.35 **Overlay District** is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.
- 5.16.11.36 **Post-FIRM Structure** shall mean a building that was constructed or substantially improved after December 31, 1974, or on or after the community's initial Flood Insurance Rate Map dated March 18, 1980, whichever is later.
- 5.16.11.37 **Pre-FIRM Structure** shall mean a building that was constructed or substantially improved on or before December 31, 1974, or before the community's initial Flood Insurance Rate Map dated March 18, 1980, whichever is later.
- 5.16.11.38 **Principally Above Ground** shall mean that at least fifty-one (51%) percent of the actual cash value of the structure is above ground.
- 5.16.11.39 **Recreational Vehicle** shall mean a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

- 5.16.11.40 **Regulatory Flood Elevation** shall mean the base flood elevation (BFE) plus a freeboard factor as specified in this Ordinance.
- 5.16.11.41 **Special Flood Hazard Area (SFHA)** shall mean the floodplain area on a flood insurance rate map delineated into zones based on the level of flood risk. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.
- 5.16.11.42 **Start of Construction** shall mean the date the floodplain development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred-eighty (180) days of the permit date. "Start of construction" also includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred-eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.
- 5.16.11.43 **Structure** shall mean a walled and roofed building that is principally above ground, as well as a manufactured (mobile) home and a gas or liquid storage tank that is principally above ground.
- 5.16.11.44 **Subdivision** shall mean the division or re-division of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development.
- 5.16.11.45 **Substantial Damage** shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.
- 5.16.11.46 **Substantial Improvement** shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either. (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Chief Building Official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

- 5.16.11.47 **Variance** is a grant of relief to an applicant from the requirements of this Ordinance that allows construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

- 5.16.11.48 **Violation** shall mean a failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the Elevation Certificate, other certifications, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

- 5.16.11.48 **Walkout Basement or Daylight Basement** shall mean a basement that incorporates a wall with doors and windows on the ground level. Typically, a building site that has a slope to the rear of the property has a walkout basement that accesses the back yard.

- 5.16.11.49 **Watercourse** shall mean any depression two (2) feet or more below the surrounding land that serves to give direction to a current of water at least nine months of the year and that has a bed and well-defined banks.

LOT AND AREA REQUIREMENT (Zoning District)	MINIMUM LOT AREA		FRONT (Feet)	SIDE (Feet)	MINIMUM YARD SETBACK		STREET SIDE (Feet)	MAX. HEIGHT (In Feet)	MAX. LOT COVERAGE (Percent of Lot Area)
	LOT AREA	LOT WIDTH (Feet)			REAR (Feet)	MINIMUM YARD SETBACK			
(AG) Agriculture	10 acres	200	50	25	25	25	-	***	40%
Residential Dwelling	10 acres	200	50	25	25	25	-	***	40%
Other Permitted & Conditional Uses	-	-	100	25	25	10	-	**	40%
Accessory Uses	-	-	-	-	-	-	-	-	-
(RE) Residential Estates	***	100	50	25	25	25	-	35	40%
Residential Dwelling	***	100	50	25	25	25	-	45	40%
Other Permitted & Conditional Uses	-	-	45	15	10	10	-	25	40%
Accessory Uses	-	-	-	-	-	-	-	-	-
(R-1) Residential Suburban	9,000 sf	60	25	7.5	25	25	15	35	40%
Single-Family Dwelling	10,000 sf	75	25	7.5	25	25	25	35	40%
Two-Family Dwelling	10,000 sf	75	25	7.5	25	25	15	35	40%
Other Permitted & Conditional Uses	-	-	50	5	5	5	35	17	40%
Accessory Uses	-	-	-	-	-	-	-	-	-
(R-2) Residential Urban	6,000 sf	50	25	7.5	25	25	***	45	40%
Single-Family Dwelling	8,000 sf	60	25	7.5	25	25	***	45	40%
Two-Family Dwelling	6,000 sf/unit	45 per unit	25	7.5	25	25	***	45	40%
Single-Family Attached	***	75	25	7.5	25	25	***	45	40%
Multi-Family	2,500 sf/unit	75	25	7.5	25	25	***	45	40%
Townhouses/Condominiums	8,000	75	25	7.5	25	25	***	45	40%
Other Permitted & Conditional Uses	-	-	***	***	***	***	***	45	40%
Accessory Uses	-	-	-	-	-	-	-	17	40%
(RT) Residential Transitional	6,000 sf	50	25	7.5	25	25	15	45	40%
Single-Family Dwelling	8,000 sf	60	25	7.5	25	25	25	45	40%
Two-Family Dwelling	6000 sf /unit	45 per unit	25	7.5	25	25	25	45	40%
Single-Family Attached	***	60	25	7.5	25	25	25	45	40%
Multi-Family	2,500 sf/unit	60	25	7.5	25	25	25	45	40%
Townhouses/Condominiums	6,000 sf	50	25	7.5	25	25	***	45	60%
Commercial Uses	6,000 sf	50	25	7.5	25	25	***	45	40%
Other Permitted & Conditional Uses	-	-	25	5	5	5	15	17	40%
Accessory Uses	-	-	25	-	-	-	-	-	-
(CB) Central Business	0	0	0	0	0	0	0	0	100%
Permitted Uses	0	0	0	0	0	0	0	0	100%
Permitted Conditional Uses	-	-	-	-	-	-	-	-	-
(GC) General Commercial	8,000 sf	50	25	10	10	10	-	45	60%
Permitted Uses	8,000 sf	50	25	10	10	10	-	45	60%
Permitted Conditional Uses	-	-	***	10	10	***	-	17	60%
Accessory Uses	-	-	-	-	-	-	-	-	-
(HC) Highway Commercial	10,000 sf	100	***	10	20	20	15	45	60%
Permitted Uses	10,000 sf	100	***	10	20	20	15	45	60%
Permitted Conditional Uses	-	-	-	-	-	-	-	-	-
(I-1) Light Industrial	15,000 sf	100	***	10	10	10	15	45	60%
Permitted Uses	15,000 sf	100	***	10	10	10	15	45	60%
Permitted Conditional Uses	-	-	-	-	-	-	-	-	-
(I-2) Heavy Industrial	15,000 sf	50	***	10	10	10	15	55	80%
Permitted Uses	15,000 sf	50	***	10	10	10	15	55	80%
Permitted Conditional Uses	-	-	-	-	-	-	-	-	-
(MUC) Mixed Use Corridor	7,000 sf	70	25	7.5	15	15	25	35	40%
Single-Family Dwelling	4,500 sf/unit	50 per unit	25	7.5	15	15	25	35	40%
Single-Family Attached	10,000	75	25	7.5	15	15	25	35	40%
Two-Family Dwelling	2,500 sf/unit	25 per unit	25	7.5	15	15	25	35	40%
Townhouses/Condominiums	***	100	25	7.5	15	15	25	35	40%
Multi-Family	8,500	75	25	7.5	15	15	25	45	40%
Other Permitted & Conditional Uses	-	-	35	7.5	15	15	25	30%	10%
Accessory Uses	-	-	-	-	-	-	5	17	10%

ADDITIONAL REQUIREMENTS MAY APPLY TO A ZONING DISTRICT, REFER TO THE SPECIFIC DISTRICT, THE GENERAL REQUIREMENTS AND THE SUPPLEMENTAL REGULATIONS FOR MORE INFORMATION. WHEN IN CONFLICT, THE SPECIFICATIONS IN THE APPLICABLE ZONING DISTRICT SECTION TAKES PRECEDENCE. *** SEE SPECIFIC DISTRICT HEIGHT AND LOT REQUIREMENT TABLE FOR SPECIFICATIONS.

ARTICLE 6: CONDITIONAL USE PERMITS

Section 6.01 General Provisions

The governing body may, by conditional use permit after a Public Hearing and referral to and recommendation from the Planning Commission, authorize and permit conditional uses as designated in the district use regulations. Approval shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

Allowable uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of this ordinance. The governing body may grant or deny a conditional use permit in accordance with the intent and purpose of this ordinance. In granting a conditional use permit, the governing body will authorize the issuance of a conditional use permit and shall prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the conditional use permit.

Section 6.02 Application for Conditional Use Permits

A request for a conditional use permit or modification of a conditional use permit may be initiated by a property owner or his or her authorized agent by filing an application with the municipality upon forms prescribed for the purpose. The application shall be accompanied by a drawing or site plan and other such plans and data showing the dimensions, arrangements, descriptions data, and other materials constituting a record essential to an understanding of the proposed use and proposed modifications in relation to the provisions set forth herein. A plan as to the operation and maintenance of the proposed use shall also be submitted. The application shall be accompanied with a non-refundable fee.

Section 6.03 Planning Commission Public Hearing

Before any proposal for a conditional use permit is considered by the governing body, the Planning Commission shall conduct a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the municipality, one time at least 10 days prior to such hearing.

Section 6.04 Governing Body Public Hearing

Before issuance of any conditional use permit, the governing body will consider the application for the conditional use permit together with the recommendations of the Planning Commission at a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the municipality, one time at least 10 days prior to such hearing.

Section 6.05 Decisions

A majority vote of the governing body shall be necessary to grant a conditional use permit. No order of the governing body granting a conditional use permit, which has not been acted upon by the applicant, shall be valid for a period longer than six months from the date of such order. Unless the following is completed:

- 6.05.01 The Zoning Administrator, in consultation with municipal staff, has granted an additional six month administrative extension provided:
 - 6.05.01.01 The character (including uses, parking conditions, traffic, and others) of the area in which the use(s) were approved has not changed significantly,
 - 6.05.01.02 The applicant has made some effort to follow through with said permit or there were circumstances that slowed the applicants' progress.
 - 6.05.01.03 If the administrative extension of the second six month period has lapsed without establishment of said conditionally permitted use; or, if staff deems the character of the area has changed within the initial six month period, the applicant shall be required to reapply to both the Planning Commission and Governing Body for further approval(s).

Section 6.06 Standards

No conditional use permit shall be granted unless that Planning Commission or Governing Body has found:

- 6.06.01 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.
- 6.06.02 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
- 6.06.03 That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
- 6.06.04 That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
- 6.06.05 That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 6.06.06 The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
- 6.06.07 The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
- 6.06.08 The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.
- 6.06.09 The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
- 6.06.10 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
- 6.06.11 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

ARTICLE 7: SIGN REGULATIONS

Section 7.01 Purpose and Applicability

7.01.01 Purpose

The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the Village; to maintain and enhance the aesthetic environment and the Village's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations. These sign regulations are adopted under the zoning authority of the Village in furtherance of the more general purposes set forth in the zoning ordinance.

7.01.02 Applicability

A sign may be erected, placed, established, painted, created, or maintained within the Village and the Village's extraterritorial zoning jurisdiction only in conformance with the standards, procedures, exemptions and other requirements of these sign regulations.

7.01.03 Definitions and Interpretation

Words and phrases used in this ordinance shall have the meanings set forth in Section 2. Principles for computing sign area and sign height are contained in Section 7.01.04.

7.01.04 Computations

1. *Computation of Area of Individual Signs*

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly identical to the display itself.

2. *Computation of Area of Multi-faced Signs*

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

3. *Computation of Height*

The height of a sign shall be computed as the distance from the grade at the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be from finished grade. Any berms shall be construed to be a part of the sign base and added to the overall height of the sign.

Section 7.02 Design Criteria and Limitations

7.02.01 Permitted Signs and Limitations

1. *Ground Monument Signs*

- A. Monument signs shall be located along the frontage of the zoned lot. All signs shall be of permanent construction and are subject to the provisions of local codes and ordinances. On corner lots, the monument sign may be placed on either frontage.
- B. All ground monument signs shall be located on the same lot as the advertised use, unless they are located on one of the lots containing an advertised use.
- C. Signs shall contain only the name or trademark of the business, building or complex which it identifies.
- D. Setbacks for all ground monument signs are five (5) feet.
- E. The following criteria apply to Ground Monument signs:

District	Design Limitations for Ground Monument Signs		
	Max. Size	Max. Height	Max. Number
(AG) Agriculture	50 Sf	10 ft	One (1) per lot coverage
(RE) Residential Estates	32 sf	10 ft	One (1) per lot coverage
(R-1) Residential Suburban	32 sf	10 ft	One (1) per lot coverage
(R-2) Residential Urban	32 sf	10 ft	One (1) per lot coverage
(RT) Residential Transitional	32 sf	10 ft	One (1) per lot coverage
(CB) Central Business	20 sf	5 ft	One (1) per lot coverage
(GC) General Commercial	20 sf	5 ft	One (1) per lot coverage
(HC) Highway Commercial	32 sf	10 ft	Two (2) per lot coverage
(I-1) Light Industrial	32 sf	10 ft	One (1) per lot coverage
(I-2) Heavy Industrial	32 sf	10 ft	One (1) per lot coverage
(MUC) Mixed Use Corridor	32 sf	10 ft	Two (2) per lot coverage

2. Center Identification Signs

- A. All Center Identification signs shall be a ground monument style sign.
- B. All Center Identification signs shall be located on an out lot or easement within the development.
- C. All Center Identification signs shall be constructed in a manner that is permanent and permeable.
- D. Acceptable materials include:
 - Brick
 - Split face Concrete Masonry Units
 - Stone
 - Metal
 - Simulated Acrylic, or
 - Other materials provided said design is reflective of the character of the use.
- E. All Center Identification signs shall advertise only the name of the development, or major tenants, unless in compliance with Subsection G below.
- F. Setbacks for all Center Identification Signs shall be twenty (20) feet along a street designated as an arterial or collector and ten (10) feet along any street designated as a local, minor or private street.
- G. Change panels and/ or changeable copy may be allowed provided:
 - Panel may be translucent
 - Panels may be opaque
 - Panels shall not include any individual business logos
 - Signs shall only include business names
 - Fonts shall be similar to that of the development name
 - Said panels and / or copy to be consistent in color and material to the overall sign.
- H. The following criteria apply to Center Identification signs:

Zoning District	Design Limitations for Center Identification Signs		
	Max. Size	Max. Height	Max. Number
(AG) Agriculture	-	-	-
(RE) Residential Estates	-	-	-
(R-1) Residential Suburban	-	-	-
(R-2) Residential Urban	-	-	-
(RT) Residential Transitional	-	-	-
(CB) Central Business	50 sf	10 ft	One (1) per street frontage of the development
(GC) General Commercial	150 sf	24 ft	One (1) per main entrance but not more than three (3)
(HC) Central Business	100 sf	20 ft	One (1) per street frontage of the development
(MUC) Mixed Use Corridor	100 sf	20 ft	One (1) per street frontage of the development
(I-1) Light Industrial	100 sf	20 ft	One (1) per main entrance but not more than three (3)
(I-2) Heavy Industrial	100 sf	20 ft	One (1) per main entrance but not more than three (3)

3. Wall Signs

A. All wall signs shall be mounted to the primary face of the use.

B. The following criteria apply to Wall Signs:

Zoning District	Design Limitations for Wall Signs		
	Max. Size	Max. Height	Max. Number
(AG) Agriculture	1.5 square feet per lineal foot of building/storefront to a Max. of 400 sf	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
(RE) Residential Estates	-	-	-
(R-1) Residential Suburban	-	-	-
(R-2) Residential Urban	-	-	-
(RT) Residential Transitional	-	-	-
(CB) Central Business	1.5 square feet per lineal foot of building/storefront to a Max. of 200 sf	30 feet above grade	One (1) per main frontage Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
(GC) General Commercial	1.5 square feet per lineal foot of building/storefront to a Max. of 200 sf	30 feet above grade	One (1) per main frontage Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
(HC) Highway Commercial	2.5 square feet per lineal foot of building/storefront to a Max. of 600 sf	45 feet above grade	One (1) per main frontage One (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
(I-1) Light Industrial	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sf	45 feet above grade	One (1) per main frontage Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
(I-2) Heavy Industrial	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sf	45 feet above grade	One (1) per main frontage Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
(MUC) Mixed Use Corridor	2.5 square feet per lineal foot of building/storefront to a Max. of 600 sf	45 feet above grade	One (1) per main frontage One (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.

4. *Incidental Signs*

- A. Incidental signs shall be placed in locations along the primary face of the building.
- B. Incidental signs may be placed on a second building face, when the building has dual frontage.
- C. The following criteria apply to Incidental Signs:

Zoning District	Design Limitations for Wall Signs		
	Max. Size	Max. Height	Max. Number
(AG) Agriculture	25 sf of area each	45 feet above grade	One (1) per forty lineal feet of storefront
(RE) Residential Estates	-	-	-
(R-1) Residential Suburban	-	-	-
(R-2) Residential Urban	-	-	-
(RT) Residential Transitional	-	-	-
(CB) Central Business	25 sf of area each	45 feet above grade	One (1) per forty lineal feet of storefront
(GC) General Commercial	25 sf of area each	45 feet above grade	One (1) per forty lineal feet of storefront
(HC) Highway Commercial	25 sf of area each	45 feet above grade	One (1) per forty lineal feet of storefront
(I-1) Light Industrial	25 sf of area each	45 feet above grade	One (1) per forty lineal feet of storefront
(I-2) Heavy Industrial	25 sf of area each	45 feet above grade	One (1) per forty lineal feet of storefront
(MUC) Mixed Use Corridor	25 sf of area each	45 feet above grade	One (1) per forty lineal feet of storefront

5. *Other Permitted Signs*

- A. Canopy
- B. Identification
- C. Projecting
- D. Real Estate
- E. Nameplate
- F. Freestanding
- G. Subdivision
- H. Temporary (see Section 7.03.02)
- I. Window
- J. Marquee
- K. Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule:

Sign Type	Zoning District										
	AG	RE	R-1	R-2	RT	CB	GC	HC	I-1	I-2	MUC
Real Estate											
Max. Square Ft.	32	6	6	6	6	32	32	32	32	32	
Max. Height Ft.	4	4	4	4	4	4	4	4	4	4	
Max. Number	2	1	1	1	1	1	1	1	1	1	
Announcement											
Max. Square Ft.	32	6	6	6	6	32	32	32	32	32	
Max. Height Ft.	4	4	4	4	4	4	4	4	4	4	
Max. Number	1	1	1	1	1	1	1	1	1	1	
Wall											
Max. Square Ft.	-	-	-	-	-	200 ¹	200 ¹	400 ¹	400 ¹	400 ¹	
Max. Height Ft.	-	-	-	-	-	45	45	45	45	45	
Max. Number	-	-	-	-	-	1	1	1	1	1	
Name Plate											
Max. Square Ft.	2	2	2	2	2	2	2	2	2	2	
Max. Height Ft.	-	-	-	-	-	4	4	4	4	4	
Max. Number	1	1	1	1	1	1	1	1	1	1	

(Table continued on following page)

Sign Type	Zoning District										
	AG	RE	R-1	R-2	RT	CB	GC	HC	I-1	I-2	MUC
Billboard											
Max. Square Ft.	50	-	-	-	-	700	700	-	700	700	
Max. Height Ft.	10	-	-	-	-	100	100	-	100	100	
Max. Number	1	-	-	-	-	1	1	-	1	1	
Ground											
Max. Square Ft.	50	32	32	32	32	20	20	32	50	50	
Max. Height Ft.	10	10	10	10	10	10	10	10	10	10	
Max. Number	1	1	1	1	1	1	1	1	1	1	
Projecting											
Max. Square Ft.	-	-	-	-	-	100	100	100	100	100	
Max. Height Ft.	-	-	-	-	-	40	40	40	40	40	
Max. Number	-	-	-	-	-	1	1	1	1	1	
Pole											
Max. Square Ft.	-	-	-	-	-	-	-	100	200	200	
Max. Height Ft.	-	-	-	-	-	-	-	40	40	40	
Max. Number	-	-	-	-	-	-	-	1	1	1	

¹ Maximum letter height is equal to 12 inches.

- Not permitted.

Note: All signs shall have a Vertical Clearance of nine (9) feet above any sidewalk, private drive, or parking. All signs shall have a Vertical Clearance of twelve (12) feet above any Public Street.

6. Sign type, District Permitted

A. Signs shall be permitted in the various districts according to the following schedule:

Sign Type	Zoning District										
	AG	RE	R-1	R-2	RT	CB	GC	HC	I-1	I-2	MUC
<i>Building Marker</i>	+	+	+	+	+	+	+	+	+	+	+
<i>Identification</i>	+	+	+	+	+	+	+	+	+	+	+
<i>Temporary</i>	+	+	+	+	+	+	+	+	+	+	+
<i>Incidental</i>	C	+	+	+	+	+	+	+	+	+	+
<i>Real Estate</i>	+	+	+	+	+	+	+	+	+	+	+
<i>Wall</i>	+	-	-	-	-	+	+	+	+	+	+
<i>Canopy</i>	-	-	-	-	-	-	C	C	+	+	C
<i>Window</i>	-	-	-	-	-	+	+	+	+	+	+
<i>Projecting</i>	-	C	-	-	-	+	+	+	+	+	+
<i>Name Plate</i>	C	+	+	+	+	-	+	+	+	+	+
<i>Monument</i>	+	C	C	C	C	-	+	+	+	+	+
<i>Billboard</i>	C	-	-	-	-	-	C	C	C	C	C
<i>Subdivision</i>	C	+	+	+	+	-	C	C	-	-	C
<i>Marquee</i>	-	-	-	-	-	-	+	+	-	-	+
<i>Freestanding</i>	-	-	-	-	-	-	+	+	C	-	+
<i>Pole</i>	-	-	-	-	-	-	+	+	+	+	+

(+) Permitted (-) Not Permitted (C) Conditional Use

7. Electronic Message Display Signs

In all zoning districts, on-premises electronic message display signs may be allowed if a Conditional Use Permit has been obtained in accordance with Article 6 of these regulations. All electronic message display signs shall be constructed as an integral part of a permanent sign (monument, wall, projecting) constructed on site. Integral shall be considered to be incorporated into the framework and architectural design of the permanent sign. The sign area displaying electronic changeable messages shall be included as a part of the permitted signage for the premises on which it is located. The maximum sign area for an electronic message display portion of a sign shall be no greater than thirty-five percent of the maximum total allowable sign area. No message on an electronic message display sign shall be animated, have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating or varying of light intensity. Such displays shall contain static messages only.

Transition between messages are permitted, but such transitions may only fade, dissolve, scroll, or travel, and not have the appearance of moving text or images. The transition shall not exceed a duration of two (2) seconds. On electronic message displays of 60 square feet or less, each advertisement displayed must remain fixed for at least five (5) seconds; if there is more than one advertisement per face, then when any advertisement changes, the entire face shall remain fixed for five (5) seconds. Electronic message displays greater than 60 square feet must remain fixed for at least ten (10) seconds; if there is more than one advertisement per face, then when any advertisement changes, the entire face shall remain fixed for ten (10) seconds. Such signs must contain a default mechanism that will freeze the sign in one position if a malfunction occurs. Electronic message display signs shall include internal ambient light monitors that automatically adjust the brightness level of the electronic display.

8. *Special Signage Conditions*

The following special conditions apply to stand-alone ATM's, Coffee Kiosks and other Kiosks.

A. Stand-alone ATM's may have the following:

- One (1) wall sign on each exterior wall provided each wall sign does not exceed ten (10) percent of the applicable exterior wall and the total shall not exceed forty (40) square feet in size.
- Where a canopy is integrated into the ATM, a canopy sign may be placed on each face of the ATM, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed forty (40) square feet.
- Directional signage shall be contained on the ATM, painted within a drive lane or in any curbing defining a drive lane.
- All signs are subject to the required permitting process of this Ordinance.
- Said signage may be incorporated with lighting plan and backlit in order to provide for greater security on the premises.

B. Coffee Kiosks and other Kiosks may have the following:

- One (1) wall sign on each exterior wall not used for drive-up service, provided each wall sign does not exceed ten (10) percent of the applicable exterior wall and the total shall not exceed forty (40) square feet in size.
- Where a canopy is integrated into the Coffee Kiosks / Kiosks, a canopy sign may be placed on each face of the Coffee Kiosk / Kiosks, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed forty (40) square feet.
- Directional signage shall be contained on the Coffee Kiosk /Kiosk, painted within a drive lane or in any curbing defining a drive lane
- Window signs limited to menu boards and daily specials shall not require a sign permit.
- All signs are subject to the required permitting process of this ordinance, unless otherwise noted.

7.02.02 Permits Required

1. If a sign requiring a permit under the provision of the ordinance is to be placed, constructed, erected, or modified on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 7.05.
2. Furthermore, the property owner shall maintain in force, at all times, a sign permit for such sign in accordance with Section 7.05.09.
3. No signs shall be erected in the public right-of-way except in accordance with Section 7.04.01.
4. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this ordinance (including those protecting existing signs) in every respect and with the Common Signage Plan in effect for the property.

7.02.03 Design, Construction, Maintenance

All signs shall be designed, constructed and maintained in accordance with the following standards:

1. All signs shall comply with applicable provisions of the adopted building code and the National Electrical Code.
2. Except for flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
3. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this code, at all times.

Section 7.03 Signage Plans**7.03.01 General Provisions**

1. No permit shall be issued for an individual sign requiring a permit unless and until an Individual Signage Plan, Master Signage Plan or Common Signage Plan for the zoned lot on which the sign will be erected has been submitted to the municipality and approved by the Building Official as conforming with this section.
2. All signage plans and permits shall include the following minimum information:
 - A. Color scheme;
 - B. Lettering or graphic style;
 - C. Lighting;
 - D. Location of each sign on the buildings;
 - E. Material;
 - F. Sign proportions; and
 - G. Any other criteria required by the appropriate signage plan.

7.03.02 Master Signage Plan

For any zoned lot on which the owner proposes to erect more than one (1) sign requiring a permit, unless such zone lot has been included in a Common Signage Plan, the owner shall submit to the Building Official a Master Signage Plan containing the following:

1. An accurate plot plan of the zone lot, at such a scale as the Building Official may require;
2. Location of buildings, parking lots, driveways, and landscaped areas on such zone lot;
3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the zone lot(s) included in the plan under this ordinance and
4. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

7.03.03 Individual Signage Plan

1. For any zoned lot on which a Common Signage Plan or Master Signage Plan has been submitted and approved, an applicant shall submit a permit request to the municipality of Eagle for the installation of any individual sign.
2. For any zoned lot and / or storefront where an individual tenant is moving into an established lease space, the new tenant or said agent for new tenant shall submit an Individual Signage Plan to the Municipality of Eagle for review, comment and approval.

7.03.04 Common Signage Plan

1. If the owners of two or more contiguous (disregarding intervening streets and alleys) zoned lots or the owner of a single lot with more than one building (not including any accessory building) file with the Building Official for such zone lots a Common Signage Plan conforming with the provisions of this section.

7.03.05 Showing Window Signs on Common, Individual, or Master Signage Plan

1. A Common Signage Plan, Individual Signage Plan, or Master Signage Plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside window) and need not specify the exact dimension or nature of every window sign.

7.03.06 Limit Number of Free Standing Signs under Common Signage Plan

1. The Common Signage Plan, for all zone lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one for each street on which the zone lots shall provide for shared or common usage of such signs.

7.03.07 Other Provisions of Master or Common Signage Plans

1. The Master, Individual, or Common Signage Plan may contain such other restrictions as the owners of the zone lots may reasonably determine.

7.03.08 Consent

1. The Master, Individual, or Common Signage Plan shall be signed by all owners or their authorized agents in such form as required.

7.03.09 Procedures

1. A Master, Individual, or Common Signage Plan may be included in any development plan, site plan, or other official plan required for the proposed development and may be processed simultaneously with such other plan.

7.03.10 Amendment

1. A Master, Individual, or Common Signage Plan may be amended by filing a new Master or Common Signage Plan that conforms to all requirements of the ordinance then in effect.

7.03.11 Existing Signs Not Conforming to Signage Plan

1. If any new or amended Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within one years, all signs not conforming to the proposed amended plan or to the requirements of this ordinance in effect on the date of submission.

7.03.12 Binding Effect

1. After approval of a Master, Individual, or Common Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this ordinance. In case of any conflict between the provisions of such a plan and any other provision of this ordinance, the ordinance shall control.

Section 7.04 Other Signage Provisions

7.04.01 Signs in the Public Right-of-Way

No signs shall be allowed in the public right-of-way, except for the following:

1. Permanent signs, including:
 - A. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, advertise community events, and direct or regulate pedestrian or vehicular traffic;
 - B. Bus stop signs erected by a transit company
 - C. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
and
 - D. Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of this Article.

7.04.02 Temporary Signs

Temporary signs for which a permit has been issued in accordance to the Master Fee Schedule shall be issued only for signs meeting the following criteria:

1. Such signs shall not be in place for more than seven (7) consecutive days;
2. No more than four (4) temporary permits shall be issued to an individual use in a calendar year;
3. Any violation of this Section may void any future requested permits;
4. No temporary sign shall be of such size, message, or character so to harm the public, health, safety or general welfare.
5. The provisions of this section shall also apply to Banner Signs that are promotional in nature.

7.04.03 Emergency Signs (Permitted)

1. Emergency warning signs erected by a governmental agency, public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

7.04.04 Other Signs Forfeited

1. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition, to other remedies hereunder, the municipality shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

7.04.05 Signs Exempt from Regulation under this Ordinance

The following signs shall be exempt from regulation under this ordinance:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
2. Any religious institution;
3. Any sign identifying a public facility or public / civic event;
4. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located
5. Holiday lights and decorations with no commercial message;
6. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and
7. A political sign exhibited in conjunction with the election of political candidates. Such signs may not exceed six (6) square feet in any residential zone and 32 square feet in any other zone. Only six (6) political signs shall be allowed per zone lot at any one time. All such political signs shall not be erected more than thirty (30) days before the election and shall be removed no later than seven (7) days after the election.

7.04.06 Signs Prohibited Under These Regulations

All signs not expressly permitted in these regulations or exempt from regulation hereunder in accordance with the previous section are prohibited. Such signs include, but are not limited to:

1. Beacons and flashing signs;
2. Portable signs, except as allowed by a Temporary Sign Permit;
3. Suspended signs;
4. Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section;
5. Off-premises signs;
6. Audible Signs.

Section 7.05 Permit Procedures

7.05.01 General Permit Procedures

1. The following procedures shall govern the application for, and issuance of, all sign permits under this ordinance, and the submission and review of Common Signage Plans and Master Signage Plans.

7.05.02 Applications

1. All applications for sign permits of any kind and for approval of a Master or Common Signage Plan shall be submitted on an application form or in accordance with application specifications published by the municipality.

7.05.03 Fees

1. Each application for a sign permit or for approval of a Master or Common Signage Plan shall be accompanied by the applicable fees, which shall be established in the Master Fee Schedule.

7.05.04 Completeness

1. Upon receiving an application for a sign permit or for a Common or Master Signage Plan, the Building Official shall review it for completeness. If the Building Official finds that it is complete, the application shall then be processed. If the Building Official finds that it is incomplete, the Building Official shall, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this ordinance.

7.05.05 Action

Within fourteen working days of the submission of a complete application for a sign permit, the Building Official shall either:

1. Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this ordinance and applicable Master or Common Signage Plan; or
2. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this ordinance and the applicable Master or Common Signage Plan. In case of a rejection, the Building Official shall specify in the rejection the section or sections of the ordinance or applicable plan with which the sign(s) is inconsistent.

7.05.06 Permits to Construct or Modify Signs

1. All signs shall be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the Building Official. Such permits shall be issued only in accordance with the following requirements and procedures.

7.05.07 Permit for New Sign or for Sign Modification

1. An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not contained on a Master Signage Plan or Common Signage Plan then in effect for the zone lot.

7.05.08 Inspection

1. The Building Official shall cause an inspection of the zone lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this ordinance and the building and electrical codes, the Building Official shall affix to the premises a permanent symbol identifying the sign(s) and the applicable permit by number or other reference. If the construction is substantially complete but not in full compliance with this ordinance and applicable codes, the Building Official shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Building Official shall affix to the premises the permanent symbol described above.
2. The permanent symbol shall remain affixed to approved sign. If removed the approved permit may become voided and said owner may be in violation and subject to any applicable fines.

7.05.09 Sign Permits – Continuing

1. The owner of a zone lot containing signs requiring a permit under this ordinance shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zone lots, notwithstanding the fact that a particular zone lot may be included with other zone lots in a Signage Plan.

7.05.10 Initial Sign Permit

1. An initial sign permit shall be automatically issued by the Building Official covering the period from the date of inspection of the completed sign installation, construction, or modification through the last day of that calendar year.

7.05.11 Lapse of Sign Permit

1. A sign permit shall lapse automatically if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of 180 days or more and is not renewed within 30 days of a notice from the municipality to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

7.05.12 Assignment of Sign Permits

1. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Building Official may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

7.05.13 Sign Removal Required

1. A sign that was constructed, painted, installed, or maintained in conformance with a permit under this ordinance, but for which the permit has lapsed or not been renewed or for which the time allowed for the continuance of a nonconforming sign has expired, shall be forthwith removed, by the owner, without notice or action from Eagle.

7.05.14 Violations

1. Any of the following shall be a violation of these regulations and shall be subject to the enforcement remedies and penalties provided by the Eagle Zoning Ordinance, and by state law:
 - A. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
 - B. To install, create, erect, or maintain any sign requiring a permit without such permit;
 - C. To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed.
 - D. To continue any such violation. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this ordinance.
 - E. Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance.

ARTICLE 8: SUPPLEMENTAL REGULATIONS

Section 8.01 Off-Street Automobile Storage

- 8.01.01 Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of two hundred fifty (250) square feet per parking space shall be used.
- 8.01.02 If vehicle storage space or standing space required in Section 8.01.01 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Building Official, the Building Official may permit such space to be provided on other off-street property, provided such space lies within four hundred (400) feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- 8.01.03 All parking spaces for Single-family, Rooming houses, convalescent homes, Apartments, Townhouses, and two or more unit multi-family dwellings, and Mobile Homes shall be paved with asphalt or concrete.
- 8.01.04 Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
- 8.01.05 In Districts RE, R-1, and R-2, required off-street parking shall be provided on the same lot that the use is located on. In other Districts, such parking may be provided either on the same lot, or an adjacent or other lot, provided the lot on which the use requiring them is located are not separated by more than 300 feet at closest points, measured along a street or streets.
- 8.01.06 Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.
- 8.01.07 Some uses may require two different use types to be calculated together in order to determine the total parking requirement (Example: Primary schools may require a tabulation for classrooms and assembly areas).
- 8.01.08 Commercial establishments providing drive-in or drive-through services shall provide minimum on-site stacking distances as provided below:

Minimum On-Site Stacking Distances	
Types Of Operation	Minimum Stacking Space
Financial Institution – Electronic Teller	Two vehicles per lane*
Financial Institution – Personal Teller	Three vehicles per window or kiosk*
Car Wash: Self Service	Two vehicles per bay at entrance*
	One vehicle per bay at exit
Car Wash: Automatic / Conveyor	200 feet per bay at entrance*
	One vehicle per bay at exit
Drive-through Restaurant	Four vehicles per window*
Coffee Kiosk	
- Drive side service	Four vehicles per lane*
- Passenger side service	Two vehicles per lane*
Drive-through Pharmacy	Two vehicles per lane*
Service Stations	
- Service Islands	Two vehicles per pump lane*
- Service bay	One vehicle per bay*
- Quick lube / Oil change “starting gate design”	Two vehicles per bay*
- (4 or more pump islands side by side, 18 feet apart)	One vehicle per lane*

(Minimum On-Site Stacking Distances Table – Continued Next Page)

Types Of Operation	Minimum Stacking Space
Gated parking lot entrance	One vehicle per gate
Garage Unit or Overhead Door (Major streets only)	One vehicle per door
Other uses	Two vehicles per lane being serviced
* Stacking requirements are in addition to vehicle being served.	

Required vehicle stacking shall not block driveways or required parking stalls and shall not be located in side, front, or rear yards where parking stalls are prohibited. Each vehicle stacking unit shall be 22 feet long. Required stacking may be reduced by approval of the governing body following site plan review by the Planning Commission. Site plan review must demonstrate that circulation and loading patterns accommodate adequate space for queuing and temporary parking by users during peak hours of operation.

8.01.09 Requirements for types of buildings and uses not specifically listed herein shall be determined by the Zoning Administrator, after receiving a report and recommendation from the Zoning Administrator, based upon comparable uses listed.

Section 8.02 Storage or parking of vehicles, boats, campers and trailers

No lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of Eagle shall be used for any of the following:

8.02.01 The storage or keeping of motor vehicles not having a properly issued current motor vehicle registration and current motor vehicle license plate properly displayed; provided, however, that the following shall not constitute a violation of this subparagraph.

8.02.01.01 The storage of unlicensed and/or unregistered motor vehicles in a fully enclosed garage.

8.02.01.02 The storage or keeping of operable off-highway farm or industrial vehicles on tracts zoned Agricultural (AG), or any Industrial District and used in agricultural or industrial activity conducted on said premises.

8.02.01.03 The storage of not more than one (1) passenger type motor vehicle in good operable condition (owner shall be required, upon request, to provide proof of operability) and shielded from view of the general public by a fence and/or manufactured and fitted vehicle cover and located on a hard surfaced driveway.

8.02.02 The storage, keeping or abandonment of parts, including scrap metals, from motor vehicles or machinery, or parts thereof, except in enclosed buildings or garages or where otherwise authorized by the Eagle zoning regulations.

8.02.03 Parking, storage, or keeping, other than in a fully enclosed garage, of any non-operable motor vehicle on any lot zoned residential, provided, however, that automobiles that are non-operable solely by reasons of repair work being done thereon may be parked on residential lots within the Eagle zoning jurisdiction occupied by the owner of said automobile, under the following conditions:

8.02.03.01 The automobile is owned by the occupier of the premises and registered to him/her at that address.

8.02.03.02 The period of said repair work does not exceed ten (10) days in duration;

8.02.03.03 Said repair work is at all times conducted on a hard surface driveway; and

8.02.03.04 No more than one (1) automobile in need of repair is situated on the premises at the same time.

Before the municipality removes a vehicle suspected of violation hereof by reason of it being Inoperable, the municipality shall give the owner of the premises upon which the offending vehicle is situated a seventy-two (72) hour warning notice which may be given by either tagging the motor vehicle or by sending notice by regular mail, postage prepaid, to the occupier of the premises upon which the motor vehicle is situated. Any motor vehicle not removed from the premises within such seventy-two (72) hour period shall be presumed to be inoperable and may thereafter be removed. If he chooses, the owner may demonstrate operability of the vehicle by making special arrangements with the designated law enforcement agency to demonstrate within said seventy-two (72) hour period. The operability of the vehicle and, if such operability is satisfactorily demonstrated, the automobile need not be removed.

8.02.04 No motor vehicle defined by the Revised Statutes of the State of Nebraska (or boat, camper or trailer in excess of 15 feet in length or 10 feet in height) shall be parked in the front, side or rear yard of any lot zoned residential except on paved driveways, hard surfaced areas or maintained rock or gravel; provided that boats, campers, trailers or any combination thereof not exceeding two (2) may be parked in the side or rear yard of lots zoned residential provided they are parked on a hard surface or maintained rock or gravel. A camper or boat situated on a trailer shall be considered as one vehicle.

Said boats, campers and trailers together with accessory structures shall not occupy more than thirty-five (35) percent of the required rear yard. Any motor vehicle, boat, camper or trailer parked, stored or kept in violation of the provisions hereof may be removed. All towing, storage and other costs of removal pursuant to this section shall be solely at the expense of the owner of the premises from which the vehicle, boat, camper or trailer is situated, and if the owner is different than the occupier of the premises, then both owner and occupier shall be jointly and severally liable. In addition, the municipality, upon certifying the same to the county treasurer, shall have a lien against the premises in the full amount of such removal costs, together with interest at the highest legal rate that the municipality is authorized by law to collect on special assessments.

Section 8.03 Schedule of Minimum Off-Street Parking and Loading Requirements

Minimum Off-Street Parking and Loading Requirements		
Use	Parking Requirements	Loading Requirements
Adult entertainment establishments	One space per two persons of licensed capacity	None required
Agricultural Sales/Service	One space per 500 sf of gross floor area	One per establishment
Assisted-living facilities	One space per dwelling unit plus one space per employee on the largest shift	One space per rental unit
Automotive Rental/Sales	One space per 500 sf of gross floor area	One per establishment
Automotive Servicing	Three spaces per repair stall	None required
Bars, Taverns, Nightclubs	Parking equal to 30 percent of licensed capacity	Two spaces per establishment
Boarding Houses/Bed and Breakfasts	One space per rental unit	None required
Bowling Alleys	Four spaces per alley	One space per establishment
Campground	One space per camping unit	None required
Churches, Synagogues, and Temples	One space per four seats in main worship area	None required
Clubs, fraternal organizations	One space per 500 sf of gross floor area	None required
College/University	Eight spaces per classroom plus one space per employee	Two spaces per structure
Commercial Recreation	One space per four persons of licensed capacity	One per establishment
Communication Services	One space per 500 sf of gross floor area	One per establishment
Construction Sales/Service	One space per 500 sf of gross floor area	One per establishment
Convalescent and Nursing Home Services	One space per three beds plus one per employee on the largest shift	Two space per structure

(Minimum Off-Street Parking and Loading Requirements - Continued Next Page)

Minimum Off-Street Parking and Loading Requirements		
Use	Parking Requirements	Loading Requirements
Day Care	One space per employee plus one space or loading stall per each ten persons of licensed capacity	None required
Duplex	Two spaces per dwelling unit	One per structure
Educational Uses, Primary facilities	Two spaces per classroom	Two spaces per structure
Educational Uses, Secondary facilities	10 spaces per classroom plus one space per employee	Two spaces per structure
Equipment Rental/Sales	One space per 500 sf of gross floor area	One Space
Food Sales (general)	One space per 200 sf of gross floor area	Two per establishment
Food Sales (limited)	One space per 300 sf of gross floor area	One per establishment
Funeral Homes and Chapels	Eight spaces per reposing room	Two per establishment
General Retail Sales Establishments	One space per 200 sf of gross floor area	Two per establishment
Group Care Facility	One space per four persons of licensed capacity	Two space per structure
Group Home	One space per four persons of licensed capacity	Two space per structure
Guidance Services	One space per 300 sf of gross floor area	None required
Hospitals	One space per two licensed beds	Three spaces per structure
Hotels and Motels	One space per rental unit, plus one space per employee on largest shift	None required
Industrial Uses	.75 times the maximum number of employees during the largest shift	Two spaces per establishment
Laundry Services	One space per 200 sf of gross floor area	None required
Libraries	One space per 500 sf of gross floor area	One per structure
Medical Clinics	Five spaces per staff doctor, dentist, chiropractor	None required
Mobile Home Park	Two per dwelling unit	None required
Multi-family / Apartments	One and a half (1.5) spaces per bedroom for efficiencies and one bedroom units, otherwise one space per bedroom Note: This does not include garages	None required
Offices and Office Buildings	One space per 200 sf of gross floor area	None required
Residential (Single-family, attached and detached)	Two spaces per dwelling unit with one required to be enclosed	None required
Restaurants (General)	Parking equal to 30 percent of licensed capacity	Two spaces per establishment
Restaurants w/ drive-thru	Greater of the two: One space per 40 sf of dining area, or one space per 150 sf of gross floor area	One per establishment
Roadside stands	Four spaces per establishment	None required
Service Oriented Establishments	One space per 200 sf of gross floor area	One per establishment
Theaters, Auditoriums, and Places of Assembly	One space per four persons of licensed capacity	One space per establishment
Veterinary Establishments	Three spaces per staff doctor	None required
Wholesaling / Distribution Operations	One space per two employees on the largest shift	Two spaces per establishment

Section 8.04 Off-street Parking: Shared Parking requirements

- 8.04.01 Notwithstanding the provisions of Section 8.03, in cases of shopping centers having 400,000 or more square feet of gross floor area and where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in the center is likely to occur, compliance with the standard retail parking ratios may be decreased by the Zoning Administrator after a recommendation by the Planning Commission.
- 8.04.02 Where convention centers, conference centers, assembly halls, ballrooms, or other similar facilities are built in conjunction with a hotel, office park, or shopping center, the Zoning Administrator, after receiving a recommendation from the Planning Commission may permit the

construction of fewer parking spaces, due to overlapping usage of a portion of the parking spaces. Said request for a decrease in parking spaces.

Section 8.05 Off-Street Parking: Parking for Individuals with Disabilities

8.05.01 In conformance with the Americans with Disabilities Act (ADA) and the Nebraska Accessibility Guidelines, if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured. All such spaces shall be designed in compliance with the standards of the Americans with Disabilities Act.

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
500 to 1000	2 percent of the total
1,001 and over	20 plus 1 for each 100 over 1,000

8.05.02 Except as provided to Section 8.05.02.01 of this Ordinance, access aisles adjacent to accessible spaces shall be 60 inches (1525 mm) wide minimum.

8.05.02.01 One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches (2440 mm) wide minimum and shall be designated “van accessible” as required by Section 8.05.04 of this Ordinance. The vertical clearance at such spaces shall comply with 8.05.04 of this Ordinance. All such spaces may be grouped on one level of a parking structure. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with slopes not exceeding 1:50 (2%) in all directions.

8.05.02.02 If passenger-loading zones are provided, then at least one passenger loading zone shall comply with 8.05.06 of this Ordinance.

8.05.02.03 At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 8.05 of this Ordinance shall be provided in accordance with 8.05.02.01 of this Ordinance; except as follows:

1. Outpatient units and facilities: 10 percent of total number of parking spaces provided serving each such outpatient unit or facility;
2. Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.

8.05.02.04 Valet parking: valet parking facilities shall provide a passenger loading zone complying with 8.05.02 of this Ordinance located on an accessible route to the entrance of the facility. Sections 8.05.01, 8.04.02, and 8.02.04.03 of this Ordinance do not apply to valet parking.

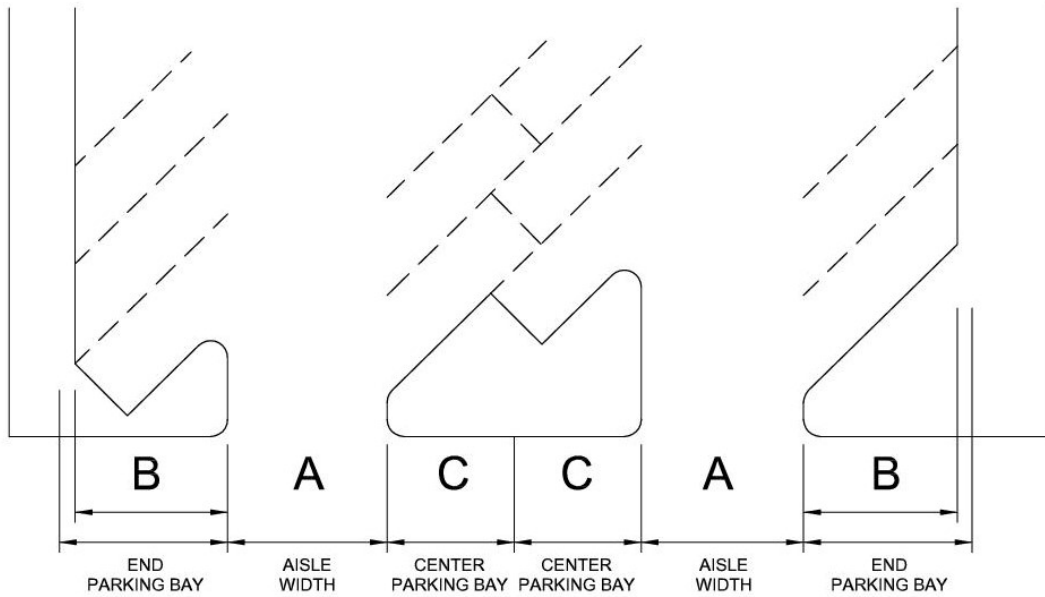
- 8.05.03 Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
 - 8.05.03.01 In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
 - 8.05.03.02 In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
- 8.05.04 Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying 8.01 shall have an additional sign “Van Accessible” mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.
- 8.05.05 Minimum vertical clearance of 114 inches (2895mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 8.01, provide minimum vertical clearance of 98 inches (2490mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).
- 8.05.06 Passenger Loading Zones shall provide an access aisle at least 60 inches (1525mm) wide and 20 feet (240inches) (6100mm) long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

Section 8.06 Off-Street Parking Design Criteria

- 8.06.01 Standard parking stall dimensions shall not be less than 9 feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least 5 feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by 2 feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

Parking Configuration			
	90-degree	60-degree	45-degree
Aisle Width (A)			
One-Way Traffic	-	18 feet	14 feet
Two-Way Traffic	24 feet	20 feet	20 feet
End Parking Bay Width (B)			
Without Overhang	18 feet	20 feet	19 feet
With Overhang	16 feet	18 feet	17 feet
Center Parking Bay Width	18 feet	18 feet	16 feet

(Parking Configuration Diagram - Next Page)



8.06.02 Minimum dimensions for a parallel parking space shall be 9 feet by 23 feet.

8.06.03 Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Planning Commission and governing body upon recommendation of the Municipal Engineer.

Section 8.07 Home Occupations

The following are the minimum standards required for a Home Occupation:

- 8.07.01 One unlighted nameplate of not more than two square foot in area attached flat against the building located on local or collector streets
- 8.07.02 Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
- 8.07.03 No more than 50% of the home can be used for the home occupation,
- 8.07.04 No one other than the resident(s) can work from that site,
- 8.07.05 No retail sales are permitted from the site other than incidental sales related to services provided,
- 8.07.06 No exterior storage (including storage within detached buildings/garages) is permitted,
- 8.07.07 Additional off-street parking may be required for the business,
- 8.07.08 No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- 8.07.09 All fees shall be paid in accordance with the Master Fee Schedule.

All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebr. R. R. S. 1943, Sec. §71-1902. All business related to Adult Care Centers shall be in accordance with all applicable state statutes.

Section 8.08 Wireless Communication Towers

8.08.01 Intent:
Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas within the zoning jurisdiction of Eagle in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the municipal zoning jurisdiction, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use / collocation of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

8.08.02 Definitions:
All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

- 8.08.02.01 **ANTENNA** shall mean a device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.
- 8.08.02.02 **ANTENNA SUPPORT STRUCTURE** shall mean any building or structure other than a tower which can be used for location of telecommunications facilities.
- 8.08.02.03 **APPLICANT** shall mean any person that applies for a Tower Development Permit.
- 8.08.02.04 **APPLICATION** shall mean a process by which the owner of a tract of land within the zoning jurisdiction submits a request to develop, construct, modify, or operate a tower upon such tract of land. The term application includes all written documentation, verbal statements, and representations, in whatever, formal forum, made by an applicant concerning such request.
- 8.08.02.05 **CONFORMING COMMERCIAL EARTH STATION** shall mean a satellite dish which is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this regulation.
- 8.08.02.06 **ENGINEER** shall mean any engineer qualified and licensed by any state or territory of the United States of America.
- 8.08.02.07 **OWNER** shall mean any person with a fee simple title or a leasehold exceeding ten (10) years in duration to any tract of land within the zoning jurisdiction of Eagle who desires to develop, construct, modify, or operate a tower upon such tract of land.
- 8.08.02.08 **PERSON** shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

- 8.08.02.09 **SATELLITE DISH ANTENNA** shall mean an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.
- 8.08.02.10 **STEALTH** shall mean any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers.
- 8.08.02.11 **TELECOMMUNICATIONS FACILITIES** shall mean any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:
 - 1. Any Conforming Commercial Earth Station antenna two (2) meters or less in diameter which is located on real estate zoned RE, MUC, HC, GC, I-1, I-2 or MUC.
 - 2. Any earth station antenna or satellite dish antenna of one (1) meter or less in diameter, regardless of zoning applicable to the location of the antenna.
- 8.08.02.12 **TOWER** shall mean a self-supporting lattice, guyed, or monopole structure which supports Telecommunications Facilities. The term Tower shall not include non-commercial amateur radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.
- 8.08.02.13 **TOWER DEVELOPMENT PERMIT** shall mean a permit issued by the Governing body of an application to develop a tower within the zoning jurisdiction of Eagle; which permit shall continue in full force and effect for so long as the tower to which it applies conforms to this Section. Upon issuance, a Tower Development Permit shall be deemed to run with the land during the permits duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest.
- 8.08.02.14 **TOWER OWNER** shall mean any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.

8.08.03 Location of Towers and Construction Standards

- 8.08.03.01 Towers shall be permitted by conditional uses of land in only those zoning districts where specifically listed and authorized in this regulation.
- 8.08.03.02 No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction prior to approval of its application for a Tower Development Permit by the governing body and issuance of the permit. Applicants shall submit their application for a Tower Development Permit to the Building Official and shall pay a filing fee in accordance with the Master Fee Schedule.
- 8.08.03.03 All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction after the effective date of this regulation shall conform to the Building Codes and all other construction standards set forth by the municipality, county, federal, and state law

and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed with the Building Official.

8.08.04 Application to develop a Tower

Prior to commencement of development or construction of a tower, an application shall be submitted to the Building Official for a Tower Development Permit and shall include the following:

- 8.08.04.01 Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
- 8.08.04.02 The legal description and address of the tract of land on which the tower is to be located.
- 8.08.04.03 The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one (1) mile radius of the proposed tower, including publicly and privately owned towers and structures.
- 8.08.04.04 An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicants telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicants telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
- 8.08.04.05 Written technical evidence from an engineer that the proposed tower will meet the established Building Code, and all other applicable construction standards set forth by the municipality and federal and state and ANSI standards.
- 8.08.04.06 Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street or highway.
- 8.08.04.07 Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.

8.08.05 Tower Development Permit: Procedure

After receipt of an application for a Tower Development Permit, the municipality shall schedule a public hearing before the Planning Commission, following all statutory requirements for publication and notice, to consider such application. The Planning Commission shall receive testimony on the Tower Development Permit and shall make a recommendation to the governing body. Upon the completion of the Planning Commission Public Hearing the municipality shall schedule a public hearing before the governing body, following all statutory requirements for publication and notice, to consider such application and the recommendation of the Planning Commission. Notice, for each Public Hearing, shall be made at least one (1) time and at least ten (10) days prior to such hearing. In addition, the municipality shall cause a

notice to be posted in a conspicuous place on the property on which action is pending. Such notice shall conform to Section 6.03 of this regulation. The governing body may approve the Tower Development Permit as requested in the pending application with any conditions or safeguards it deems reasonable and appropriate based upon the application and /or input received at the public hearings or deny the application. In all zoning districts in which towers are a permitted conditional use of land, the Tower Development Permit shall be deemed a conditional use permit for said tract of land.

8.08.06 Setbacks and Separation or Buffer Requirements

8.08.06.01 All towers up to fifty (50) feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of fifty (50) feet in height shall be set back one (1) additional foot for each foot of tower height in excess of fifty (50) feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.

8.08.06.02 Towers exceeding one hundred (100) feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of two hundred (200) feet or one hundred percent (100%) of the height of the proposed tower, whichever is greater.

8.08.06.03 Towers of one hundred (100) feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of one hundred percent (100%) of the height of the tower.

8.08.06.04 Towers must meet the following minimum separation requirements from other towers:

1. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of seven hundred fifty (750) feet.
2. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of one thousand five hundred (1,500) feet.

8.08.07 Structural Standards for Towers Adopted

The *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by regulation and set forth in this Article of the Zoning Regulation.

8.08.08 Illumination and Security Fences

8.08.08.01 Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). In cases where there are residential uses/zoned properties within a distance of 300% of the height of the tower, any tower subject to this Section shall be equipped with dual mode lighting.

8.08.08.02 All self-supporting lattice or guyed towers shall be enclosed within a security fence of at least six (6) feet in height or other structure designed to preclude

unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

8.08.09 Exterior Finish

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Building Official as part of the application approval process. All towers which must be approved as a conditional use shall be stealth design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

8.08.10 Landscaping

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the municipality.

8.08.11 Maintenance, Repair or Modification of Existing Towers

All towers constructed or under construction on the date of approval of this regulation may continue in existence as a non-conforming structure and may be maintained or repaired without complying with any of the requirements of this Section. Nonconforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this Section, including applying for and obtaining a Tower Development Permit. Any modification or reconstruction of a tower constructed or under construction on the date of approval of this regulation shall be required to comply with the requirements of this Section including applying for and obtaining a Tower Development Permit. Said application shall describe and specify all items which do not comply with this Section and may request, subject to final review and approval of the governing body, an exemption from compliance as a condition of the Tower Development Permit.

8.08.12 Inspections

Eagle reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this Section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the Building Codes and any other construction standards set forth by local, federal, and state law or applicable ANSI standards. Inspections shall be made by either the Building Official, or a duly appointed independent representative of the municipality.

8.08.13 Maintenance

The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.

8.08.14 Abandonment

If any tower shall cease to be used for a period of one (1) year, the Building Official shall notify the tower owner that the site will be subject to determination of abandonment. Upon issuance of written notice to show cause by the Building Official, the tower owner shall have thirty (30) days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Building Official shall issue a final determination of abandonment of the site and the tower owner shall have seventy-five (75) days thereafter to dismantle and move the tower. In the event the tower is not dismantled and

removed, the tower shall be declared a public nuisance by the Building Official, or his/her designee and a written request shall be directed to the Municipal Attorney to proceed to abate said public nuisance pursuant to authority of the Revised Nebraska State Statutes and Eagle codes, or pursue collection of damages or abatement costs and/or charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

8.08.15 Satellite Dish Antennas, Regulation

Upon adoption of this regulation, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of Eagle only upon compliance with the following criteria and the issuance of a permit:

8.08.15.01 Single family residences may not have more than one (1) satellite dish antenna over three (3) feet in diameter.

8.08.15.02 Multiple family residences with ten (10) or less dwelling units may have no more than one (1) satellite dish antenna over three (3) feet in diameter. Multiple family residences with more than ten (10) dwelling units may have no more than two (2) satellite dish antennas over three (3) feet in diameter.

8.08.15.03 In residential zoning districts, satellite dish antennas shall not be installed in the required front yard setback or side yard setback area.

8.08.15.04 All satellite dish antennas installed within the zoning jurisdiction of Eagle, upon adoption of this regulation, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.

8.08.16 Amateur Radio Towers and facilities, Regulation

All amateur radio antennas, towers, and associated facilities not in compliance with the provisions for accessory structures within individual zoning districts shall comply with the standards of Section 8.08.

8.08.17 Severability

If any clause, subsection, or any other part of this Section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Section shall not be affected thereby, but shall remain in full force and effect.

Section 8.09 Keeping of Animals

Animals may be kept within the zoning jurisdiction of Eagle, subject to Eagle Municipal Code, and subject to the following restrictions:

8.09.01 No bees, livestock or equines shall be allowed within any zoning district, other than in the AG district on parcels over 10 acres, unless specifically allowed herein or unless a conditional use permit is acquired. However, specifically designated livestock as set forth under the Animal Unit Definition shall be permitted as follows:

8.09.01.01: On AG zoned properties under ten (10) acres (nonconforming by size) but containing at least three (3) acres and RE zoned properties containing at least three (3) acres, there shall be permitted one (1) animal unit on the first three (3) acres. A maximum of one (1) Animal Unit (AU) per acre shall be permitted for every acre above three (3) acres. (IE: If there are 5.5 acres in the parcel, a maximum of 3 animal units may be kept; if there are 9.99 acres, a maximum of 7 animal units may be kept.)

- 8.09.01.02: Any species not defined under the Animal Unit definition or animal units in excess shall only be permitted upon the issuance by the governing body of a conditional use permit, and then only if the proponent can show that there will be no environment impact, noise or nuisance issues or negative impact to neighboring property along with a showing that all adjacent property owners are in agreement with the permit.
- 8.09.02 The keeping of animal units in the AG and RE zoning districts shall be subject to the following conditions and if said conditions are not followed, the same shall be considered a nuisance and subject to the municipal nuisance ordinance, to wit:
- 8.09.02.01 All animals shall be confined to the parcel.
- 8.09.02.02 All animals shall be kept at least 50 feet from any property line.
- 8.09.02.03 All animals shall be kept in adequate fences, be provided shelter, food and water.
- 8.09.02.04 All waste produced by the animals shall be managed so as not to attract flies, pests or produce odors noticeable by neighboring property owners and others outside of the parcel boundaries.
- 8.09.03 Birds, Livestock and Equine: Nonconforming use (grandfather) rights shall be granted upon application to the Municipality so that this section will not apply to any animal owned, kept or harbored prior to the adoption of this section, subject to the following conditions or as permitted elsewhere in this section. The applicant must provide the number, specific animal type and a description of the same and date the residence of the animal commenced upon the parcel in order to be approved. Upon the death, sale or removal of each animal, the right to maintain shall cease and the property shall comply with the zoning ordinance provisions set forth herein.
- 8.09.04 The keeping of dogs, cats, rabbits, pigeons and indoor household pets shall be a permitted accessory use in residential and commercial districts subject to the regulations for kennels as defined in Article 2 of this Ordinance and all other provisions found in the Eagle Municipal Code for premises located within the municipal limits as to numbers and other licensing restrictions. For the purposes of this section, a "household pet" is any animal or creature as typically kept indoors as a pet, and in no event shall include any of the following: any live monkey (non-human primate), chicken, other fowl, raccoon, skunk, fox, poisonous or dangerous insect or reptile, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal or other exotic animal which can normally be found in the wild state.
- The keeping of pigeons is subject to the following conditions.
- 8.09.04.01 Such birds shall be banded with some form or identification.
- 8.09.04.02 Such birds shall be confined in sanitary, secure structures subject to inspection and approval by the Village of Eagle.
- 8.09.04.03 No more than ten (10) such birds shall be allowed on any one (1) parcel of property.
- 8.09.04.04 Trained pigeons may be exercised under supervision of owner or trainer and be trained to recall on command.
- 8.09.04.05 A permit for the keeping of pigeons shall be obtained from the Village of Eagle. *See Master Fee Schedule.*
- 8.09.05 The restrictions contained in this section shall not apply to any pet store or veterinary services.

8.09.06 Any violation under this section shall be subject to the penalties of this Ordinance and also be declared a nuisance and subject to the penalties and enforcement under the Municipal Nuisance regulations.

8.09.07 Animal Unit Definition:

- ANIMAL UNIT (AU):** Animal units are defined as follows:
- One (1) A.U. = One Cow/Calf combination
 - = One Slaughter or Feeder Bovine;
 - = One Equine;
 - = One Mature Dairy Bovine;
 - = Two and One Half Swine (55lbs or more);
 - = Twenty-Five weaned pigs (less than 55 lbs);
 - = Two Sows with Litters;
 - = Ten Sheep or Goats;
 - = One Hundred Chickens
 - = Fifty Turkeys
 - = Five Ducks

Any other animal type or specials shall require a special use permit

Section 8.10 Solar Panels

No solar panel shall be constructed within the residential zoning jurisdiction of Eagle unless a permit therefor is approved and issued by the Building Official and is constructed in conformance with the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the following requirements.

8.10.01 Lot and Height Requirements: Solar panels shall conform to the required front, side and rear lot setback requirements except as provided herein:

8.10.01.01 A solar panel which is attached to an integral part of the principal building may project two feet (2') into the front yard; six feet (6') into the rear yard; and two feet (2') into the side yard.

8.10.01.02 A solar panel which is freestanding may be located only in the required rear yard provided it does not exceed six feet (6') in height and is located not less than five feet (5') from the rear lot line and not closer than one foot (1') to any existing easement as measured from the closest point of the structure including its foundation and anchorages, nor shall the solar panel be located in the required side yard or front yard.

8.10.02 Structural Requirements: The physical structure and connections to existing structures shall conform to the applicable Eagle building codes.

8.10.03 Plot Plan: The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

8.10.04 Permit Fee: A permit fee is required. This permit fee shall be paid prior to the issuance of the building permit. The amount of the fee shall be as established in the Master Fee Schedule.

8.10.05 Preexisting Solar Panels: Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to September 18, 1985, pursuant to a valid building permit issued by Eagle, may continue to be utilized so long as it is maintained in operational condition.

Section 8.11 Performance Standards for Industrial Uses

The following standards shall be met unless there are greater standards required by the United States Environmental Protection Agency or the Nebraska Department of Environment and Energy.

- 8.11.01 Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers, which either are covered or equipped with drainage to prevent water from collecting/standing in them, not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.
- 8.11.02 Fire hazard: No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the municipality.
- 8.11.03 Noise: No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.
- 8.11.04 Exterior Lighting: Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas and public right-of-ways.
- 8.11.05 Sewage and Liquid Wastes: No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
- 8.11.06 Air Contaminants:
- 8.11.06.01 Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four minute period in each one-half hour. Light colored contaminants of such a capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted
- 8.11.06.02 Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.
- 8.11.06.03 Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in

general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.

- 8.11.06.04 Odor: The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Regulations.
- 8.11.06.05 Gasses: The gasses sulphur dioxide and hydrogen sulphide shall not exceed five (5) parts per million, carbon monoxide shall not exceed five (5) parts per million. All measurements shall be taken at the zoning lot line.
- 8.11.06.06 Vibration: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.
- 8.11.06.07 Glare and heat: All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

Section 8.12 Wind Energy Systems

In any zoning district, a conditional use permit may be granted to allow wind energy conversion system, including such devices as wind charger, windmill, or wind turbine; subject to the following condition:

- 8.12.01 The distance from any tower support base to any tower support base of another wind energy device under other ownership shall be a minimum of five (5) rotor distances figured by the size of the largest rotor.
- 8.12.02 The wind energy system operation shall not cause interference to the radio and television reception on adjoining property.
- 8.12.03 To limit climbing access to the tower, a fence six (6) feet high with a locking portal shall be placed around the tower base or the tower climbing apparatus shall be limited to no more than twelve (12) feet from the ground, or the tower may be mounted on a roof top.
- 8.12.04 The setback distances from all lot lines to any tower support base shall be determined according to the following setback table:

Wind Energy Setback Table		
Rotor Diameter	Setback Distance	Minimum Acre Lot ¹
5 feet	100 feet	1.0 Acre
10 feet	165 feet	2.5 Acres
15 feet	220 feet	4.5 Acre
20 feet	270 feet	6.75 Acres
25 feet	310 feet	9.0 Acres
30 feet	340 feet	10.75 Acres
35 feet or larger	365 feet	12.25 Acres

¹ Where there are several towers under single ownership the minimum lot areas may be adjusted down provided the minimum setback distances are met on all perimeter units. In addition, the landing areas for all internal towers and rotors shall be within the property owned by the operator.

- 8.12.06 Data pertaining to the machine's turbine safety and stability shall be filed with the application. Such data shall include turbine safety and acceptance results from tests conducted by a qualified individual or organization based upon standards set by the U.S. Department of Energy (DOE), Electric Power Research Institute (EPRI) Utility Wind Turbine Verification Program.¹
- 8.12.07 The application shall provide covenants, easements, or similar documentation from the abutting owners providing access to wind sufficient for its adequate operation, unless adequate accessibility to the wind is provided on the site.

ARTICLE 9: LANDSCAPING REQUIREMENTS

Section 9.01 Intent

The intent of the landscaping requirements are to improve the appearance of lot areas and soften paved areas and buildings; to provide a buffer between differing land uses; to minimize the adverse effect of uses from one another; to minimize the effect of heat, noise and glare; to conserve the value of property and neighborhoods within the community; and to enhance the physical environment by ensuring that yards, open spaces, parking lots and those areas abutting public rights-of-way are designed, installed and maintained in accordance with the provisions of this section.

Property development shall consider and respect land capabilities and constraints, minimize erosion and destruction of natural amenities and provide a buffer between differing land uses.

Section 9.02 Application and Scope

The provisions of the section shall apply to all new construction and development including, but not limited to, structures, dwellings, buildings, parking lots, residential subdivisions, office parks, shopping centers, and redevelopment for which either a building or zoning permit approval is required, except the following:

- 9.02.01 Agricultural buildings, structures and uses.
- 9.02.02 Replacement of lawfully existing structures or uses.
- 9.02.03 Additions, remodeling or enlargements of existing uses or structures provided that the enlargement of surface parking is more than 4,000 square feet shall not be accepted. Where such enlargement is less than 4,000 square feet, the provisions of this section shall apply only to that portion of the lot or site where the enlargement occurs.
- 9.02.04 Where there is more than one lot or site being developed together as one unit with common property lines, the entire site shall be treated as one lot or site for the purpose of conforming to the requirements of this section.
 - 1. When a lot or site with more than one ownership has been partially developed at the time of the adoption of this section, the application of the requirements of this section shall be determined by the governing body.

Section 9.03 Landscaping Requirements

Landscaping shall be required and provided as follows:

- 9.03.01 Single-family and two-family dwellings shall provide and maintain a minimum of forty percent (40%) of lot area as permeable. Single-family and two-family dwellings shall be exempt from all other requirements of this section.
- 9.03.02 Street Frontage:

A landscaped area having a minimum depth of fifteen feet (15') from the property line shall be provided along the street frontage of all lots or sites including both street frontages of corner lots.

 - 1. The required landscaped area of fifteen feet (15') may be reduced to ten feet (10') if an equal amount of square feet of landscaped area, exclusive of required side and rear yard landscaped areas, is provided elsewhere on the site.
 - 2. Exclusive of driveways and sidewalks not more than twenty five percent (25%) of the surface of the landscaped area shall have inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf.
 - 3. A minimum of one (1) tree, of a minimum 2" caliper, shall be planted for every forty lineal feet (40') or fraction thereof.

9.03.03 Side Yard:

A landscaped area having a minimum depth of ten feet (10') from the property line shall be provided along the side yard abutting any Residential District.

1. Exclusive of driveways and sidewalks, not more than ten percent (10%) of the surface of the landscaped area shall be inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf. If the slope of ground within the landscape area exceeds 2:1, not more than fifty percent (50%) of the surface shall be inorganic material.
2. Landscaping shall include a hedge screen or a random or informal screen of plant materials substantially blocking the views and attaining a minimum height of six feet (6') within four (4) years. A landscaped earth berm not exceeding six feet (6') in height may be used in combination with the plant materials.
3. A six foot (6') solid wood and/or masonry fence or wall, may be used in lieu of or in combination with the plant materials required in section 9.04.01.02 (1).

9.03.04 Rear Yard:

A landscaped area having a minimum depth of ten feet (10') from the property line shall be provided along the rear yard abutting any Residential District or Transitional Agriculture District.

1. The landscape requirements for the rear yard shall be the same as for the side yard described in section 9.03.03.

9.03.05 Off-Site Parking Lots:

Parking lots not located on the property where the use served is located, shall conform to this section provided that a parking lot with an area of four thousand (4,000) square feet or less shall be exempt from the requirements of this section.

9.03.06 Parking Area Interior Landscaping:

Off-street parking lots, as defined in 9.05, and other vehicular use areas shall have at least 5 percent of the total area utilized for parking space excluding those spaces abutting a perimeter for which landscaping is required by other sections of this Ordinance, and excluding all parking spaces which are directly served by an aisle abutting and running parallel to such perimeter.

The front of a vehicle may encroach upon any interior landscaped area when said area is at least four (4) feet in depth per abutting parking space and protected by curbing. Two (2) feet of said landscaped area may be part of the required depth of each abutting parking space. No more than two (2) drive aisles shall be placed parallel to one another without an intervening planter aisle of at least four (4) feet in width; eight (8) feet is required if parking spaces overlap the curbs of the aisle.

9.03.07 Perimeter Landscaping:

All commercial office and industrial developments, buildings, or additions thereto shall provide perimeter landscaping to include a minimum of one (1) tree for each forty (40) lineal feet of street or lot frontage or fraction thereof. Such landscaped area shall consist of sufficient area for the species of tree to be planted. Other perimeter landscaping shall require approval of the municipality.

9.03.08 Plant Materials:

Landscape living plant materials shall consist of trees, shrubs, ground covers, vines, grasses, flowers, and any other plants.

1. The plant nomenclature shall conform to the recommendations and requirements of the “American Standard for Nursery Stock”, as amended, published by the American Association of Nurserymen, Inc.
2. Size. The minimum size of plant materials to be installed shall be as follows:
 - A. Deciduous trees having a mature height of twenty feet (20') or less shall have a minimum caliper of one and one-fourth inches (1-1/4”).
 - B. Deciduous trees having a mature height of more than twenty feet (20') shall have a minimum caliper of one and one-half inches (1-1/2”).
 - C. Evergreen (conifer) trees shall have a minimum height of three feet (3’).
 - D. Deciduous shrubs shall have a minimum height of eighteen inches (18”).
 - E. Evergreen shrubs shall have a minimum spread of eighteen inches (18”).

9.03.09 Planting Schedule:

The plant materials shall be installed prior to the issuance of the certificate of occupancy. If, because of seasonal reasons, the landscaping cannot be installed, a surety satisfactory to the Municipality of Eagle equal to the contract cost shall be submitted to the Municipality. The Municipality shall release the surety when the plant materials have been installed. If the plant materials have not been installed within twelve (12) months of the effective date of the certificate of occupancy, the Municipality may install the required landscaping.

9.03.10 Required Plans:

Upon application of a building permit, a landscape-planting plan shall be submitted for review and approval.

1. Three copies of the plan shall be submitted.
2. The plan shall include, but not be limited to, the following:
 - A. Property lines and other physical features necessary to show the proposed installation of plants.
 - B. The location and spacing of plant materials.
 - C. The scientific name, common name, plant size, quantity and planting method.
 - D. The plan shall have a scale of not more than one-inch (1”) equals one hundred feet (100’).
 - E. When necessary, existing and proposed contours shall be provided.

Section 9.04 Fences

No fence six foot, four inches (6'-4”) shall be constructed within the zoning jurisdiction unless a permit therefore is approved and issued by the building Official and is constructed in conformance with the following requirements:

9.04.01 The height limitation for fences shall be six feet (6') above ground level except as provided herein.

9.04.01.01 A fence constructed within a front yard of a residential lot and vegetation used as a barrier, screen, or fence along and parallel to the front line of a residential lot, shall not exceed forty-two (42) inches in height.

9.04.01.02 A fence constructed within the portion of a side yard of a residential lot that lies in front of a line extending perpendicularly from the side lot line to the front corner of the structure that is closest to such side lot line, shall not exceed four feet (4') in height, if the lot is located on a corner, as defined in Article 2 of this Ordinance, a fence constructed within a side yard along the side lot line which is adjacent to a street shall not exceed six feet (6') in height.

- 9.04.01.03 Where it is demonstrated that for security purposes the perimeter fencing around a plant or building located in an area zoned as an Industrial District must be higher than eight feet (8') in height may be approved through a Conditional Use Permit.
- 9.04.01.04 Fences constructed along and parallel to lot lines separating a residential lot from property located in a Commercial or Industrial District shall be a minimum of six (6) feet and shall not exceed eight feet (8') in height.
- 9.04.01.05 Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated by the Nebraska Department of Roads, shall not exceed eight feet (8') in height.
- 9.04.02 Fences located within a front yard of a residential lot must qualify within the definition of an open fence, except that solid fences may be constructed along a side lot line parallel and adjacent to the lot line that is adjacent to a Commercial District or an Industrial District. A solid fence may be constructed in a side yard parallel and adjacent to the lot line that is adjacent to a street.
- 9.04.03 No fence or vegetation shall be situated or constructed in such a way as to obstruct the vehicular traffic or otherwise create a traffic safety hazard.
- 9.04.04 The use of barbed wire in the construction of any fence is prohibited except:
- 9.04.04.01 Perimeter security fencing of buildings constructed in an Industrial District. The plans and specifications for any such fencing must be approved before commencement of construction.
- 9.04.04.02 Farm fencing constructed for agricultural purposes.
- 9.04.05 All fences shall be maintained in good repair.
- 9.04.06 For any property containing a swimming pool with a depth of more than 36 inches, a fence with a self-closing, self-latching gate of a minimum of 4 feet in height shall be installed.
- 9.04.07 All fences shall be located inside the boundaries of the property upon which constructed except where two (2) adjacent property owners pursuant to written agreement filed with the Village agree to build one (1) fence on the common lot line of adjacent side yards or back yards.
- 9.04.08 Electric Fences. No above ground electric fence shall be constructed or maintained within the Village of Eagle or within its extraterritorial zoning jurisdiction except in the AG – Agriculture District provided they do not abut a residential zoning district. An owner or lessee of such property may, upon application to the Village and approval by the Building Official, maintain electrified fencing provided same shall not be energized to the extent that it is capable of causing bodily harm to persons, be they children or adults, or to animals. Before the Building Official shall approve any electrified fencing, he shall determine that non-electrified fencing will not adequately protect the owner's property and the owner's application for approval of electrified fencing shall set forth in detail the reasons why non-electrified fencing will not adequately protect his property.
- 9.04.09 Facing. The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two (2) or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.

9.04.10 Any existing fence constructed pursuant to a permit issued and approved by the municipality which was in conformity with the prior to the provisions of this Ordinance may remain without change in accordance with this section notwithstanding same may be in conflict with one (1) or more provisions of this section as amended; provided, however, and replacement or change of said existing fence or addition of a new fence, must hereby meet the requirements of this section as amended hereby.

Section 9.05 Screening Requirements

9.05.01 All parking areas or vehicular use areas abutting a residential district or public right-of-way shall be screened from grade level to a height not less than 3 feet.

9.05.02 All commercial and industrial uses that abut residential or office districts shall provide screening not less than 6 feet in height along the abutting property line(s) and/or right of way, except Central Business District (CBD).

9.05.03 Screening required by this section shall be equivalent to the following:

1. Solid fences or walls as approved on the final development plan.
2. Hedges, shrubs, or evergreen trees of 36 inches in height at planting spaced appropriately to provide a solid screen within 3 years after planting.
3. Berms of not less than 3 feet in height and that provide a maximum slope of 3:1 for easy maintenance. Such berms may be used in conjunction with plantings to achieve the solid visual screen as described in Section 9.03.
4. All projects except one-and-two family dwellings shall include a detailed drawing on the landscape plan indicating the method of enclosure and screening to be used on trash dumpsters. All dumpsters or trash bins shall maintain a solid 6-foot enclosure around each unit. Said enclosure shall be constructed of materials complementary to the principal structure.
5. All plant material used for screening shall meet the standards in section 9.03.

Section 9.06 Installation and Maintenance of Landscaping and Screening

9.06.01 Installation:

All landscaping shall be installed in a sound workmanship like manner and according to accepted good planting procedures. Landscaped areas shall require protection from vehicular encroachment. The Building Official shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided. Temporary occupancy permits may be issued due to weather related conditions upon approval by the Building Official.

9.06.02 Maintenance:

The owner, developer, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a healthy condition by necessary and appropriate measures. When replacement is necessary all plants and other non-living landscape materials shall be equal in size, density and appearance, at maturity, to those items requiring replacement when feasible. Underground sprinkler systems are encouraged to serve all landscaped areas except individual one and two family dwellings unless an equivalent watering system is approved by the Building Official.

All required screening and fencing shall be maintained and, whenever necessary, replaced with materials that provide equivalent size, density, and appearance. All landscaping and screening shall be kept free from refuse and debris so as to present a healthy, neat and orderly appearance. Turf grass shall be maintained on all areas not covered by other landscaping, parking, drives, buildings, or similar structures. Existing yards shall be maintained with grass or other approved ground cover.

Section 9.07 Preliminary Plan Approval

A landscape plan indicating both proposed and existing landscaping and screening shall be submitted, with the preliminary plat, or preliminary site plan for development, for review and recommendation by municipal staff. Said Plan shall be in sufficient detail to provide the Village with a reasonable understanding of what is being proposed. Site calculations used in computing quantities shall also be submitted which are proposed to be used to satisfy the required amounts of landscaping.

Section 9.08 Final Plan Approval

A detail listing of all plant materials to be used, quantities, size, and spacing shall be submitted on separate sheets for review and recommendation and approval by the municipal staff along with a planting schedule at final development plan submission.

Section 9.09 Parking Lot Plan Approval

A final site development plan shall be submitted to the Building Official with the necessary landscaping and screening required herein for each of the following types of parking lot improvements:

- 9.09.01 New construction.
- 9.09.02 Expansion of existing facilities.
- 9.09.03 Maintenance of existing facilities where an overlay is proposed at which time the landscaping and screening shall be required. Modifications to the required parking lot landscaping and screening may be granted by the Planning Commission after review of submitted plans and in consideration of surrounding uses.
- 9.09.04 No parking lot shall be exempted from these regulations; unless previously exempted.

ARTICLE 10: BOARD OF ADJUSTMENT

Section 10.01 Members, Terms and Meetings

Pursuant to Nebraska Statute, the board of adjustment shall consist of five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for a term of three years and removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the board of adjustment shall be appointed from the membership of the planning commission, and the loss of membership on the planning commission by such member shall also result in his or her immediate loss of membership on the board of adjustment and the appointment of another planning commissioner to the board of adjustment. At least one member of the board of adjustment shall reside outside of the corporate boundaries of Eagle but within its extraterritorial zoning jurisdiction. The board of adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to sections Nebraska Statute. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Section 10.02 Appeals to Board, Record of Appeal, Hearings and Stays

As provided in Nebraska Statute: Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of the appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record in application on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties, in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.

Section 10.03 Powers and Jurisdiction on Appeal

The Board of Adjustment shall have the following powers:

- 10.03.01 To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;
- 10.03.02 To hear and decide, in accordance with the provisions of this Ordinance, requests for interpretation of any map, or for decisions upon other special questions upon which the Board is authorized by this Ordinance to pass; and
- 10.03.03 To grant variances, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

- 10.03.03.01 The Board of Adjustment shall authorize no such variance, unless it finds that:
1. The strict application of the Ordinance would produce undue hardship;
 2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 3. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
 4. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

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

Section 10.04 Appeals to District Court

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may appeal as provided by Nebraska Statute.

ARTICLE 11: AMENDMENT

Section 11.01 Amendments

Pursuant to Nebraska Statute, this Ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed. In case of a protest against such change, signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof extending three hundred (300) feet therefrom, and of those directly opposite thereto extending three hundred (300) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the governing body. The provisions of this section of the Ordinance relative to public hearings and official notice shall apply equally to all changes or amendments. In addition to the publication of the notice therein prescribed, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width with a white or yellow background and black letters not less than one and one-half (1 1/2) inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten (10) days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars (\$50) or more than one hundred dollars (\$100). The provisions of this section in reference to notice shall not apply: (1) in the event of a proposed change in such regulations, restrictions, or boundaries throughout the entire area of an existing zoning district or of such municipality, or (2) in the event additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the municipality.

Section 11.02 Planning Commission Review

No amendment, supplement, change or modification of this Ordinance, including the boundaries of any zoning district, shall be made by the governing body without first the consideration by the Planning Commission. The Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the governing body within forty-five (45) days after receipt thereof. Said recommendations shall include approval, disapproval, or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendations shall be of an advisory nature only.

In addition, any person or persons seeking such an amendment, supplement, change, or modification of any zoning district, shall comply with the following:

- 11.02.01 At the time that application for a change of zoning district or amendment to the zoning test is filed with the Planning Commission, there shall be deposited the sum set in Article 4, Section 4.23 as a fee to cover investigation, legal notices, or other expenses incidental to the determination of such matter.

Section 11.03 Inspections by Village Staff

The provisions of this Ordinance shall be administered and enforced by municipal staff, who shall have the power to make inspection of buildings or premises necessary to carry out individually assigned duties in the enforcement of this Ordinance.

Section 11.04 Building Permits

The following shall apply to all new construction and all applicable renovations and remodels within the Zoning Jurisdiction:

- 11.04.01 It shall be unlawful to commence construction or the excavation for the construction of any building, or any accessory buildings, or to commence the moving or alteration of any buildings, including accessory buildings, until the Building Official has issued a building permit for such work.

11.04.02 Issuance of a building permit. In applying to the Building Official for a building permit, the applicant shall submit a dimensioned sketch or a scale plan indicating the shape, size and height and location of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings, and supply such other information as may be required by the Building Official for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Ordinance, and other Ordinances then in force, the Building Official shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Official shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application. The Building Official shall grant or deny the permit within a reasonable time from the date the application is submitted. The issuance of a permit shall, in no case, be construed as waiving any provisions of this Ordinance. A building or zoning permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

Section 11.05 Certificate of Occupancy

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Building Official shall have issued a certificate of occupancy stating that such land, building or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this Ordinance. Within three (3) days after notification that a building or premises is ready for occupancy or use, it shall be the duty of the Building Official to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance, or, if such certification is refused, to state refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application.

Section 11.06 Penalties

Pursuant to Nebraska Statute, the owner or agent of a building or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars (\$100) for any one (1) offense. Each day of non-compliance with the terms of this Ordinance shall constitute a separate offense.

Nothing herein contained shall prevent the municipality from taking such other lawful action as is necessary to prevent or remedy any violation. However, nothing shall deprive the citizen of his or her rights under the U.S. Constitution of a jury trial.

Section 11.07 Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of Nebraska Statute or this Ordinance, or any regulation made pursuant to said sections, the appropriate authorities of the Village may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, 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 12: COMPREHENSIVE PLAN RELATIONSHIP

These zoning ordinances are designed to implement various elements of the comprehensive plan as required by state statutes. Any amendment to the district ordinances or map shall conform to the comprehensive plan adopted by the governing body.

ARTICLE 13: LEGAL STATUS PROVISIONS

Section 13.01 Separability

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

Section 13.02 Purpose of Catch Heads

The catch heads appearing in connection with the foregoing sections 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 the terms and provisions of this Ordinance.

Section 13.03 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 13.04 Effective Date

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

ADOPTED AND APPROVED by the Governing Body of Eagle, Nebraska,

This _____ day of _____, 2024.

(Seal)

ATTEST: _____
(MUNICIPAL CLERK)

(GOVERNING BODY CHAIR)