

VILLAGE OF ALVO

CASS COUNTY, NEBRASKA

SUBDIVISION REGULATIONS

ADOPTED BY THE VILLAGE OF ALVO, NEBRASKA

Prepared By



In Association with



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ARTICLE 1: TITLE, PURPOSE, AND DEFINITIONS

Section 1.01 Name and Citation of Titles

These regulations shall be known, referred to and cited as "The Subdivision Regulations of Alvo, Nebraska."

Section 1.02 Purpose

The purpose of these regulations is to provide for the orderly development of Alvo and its jurisdiction. This will be done through prescribed rules and standards establishing functional arrangements of street layouts; open spaces; and adequate community facilities and utilities. These Subdivision Regulations will coordinate development with the Village's transportation, land use and capital facilities plans, and will provide conditions favorable for the health, safety and convenience of the community, in accordance with applicable State Statutes.

Section 1.03 Rules

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

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.

The word "persons" includes a corporation, members of a partnership or other business organization, a committee, Board, commission, trustee, receiver, agent or other representative.

The word "shall" is mandatory, the word "may" is permissive.

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.

The word "Commission" shall refer to the Planning Commission of the Village of Alvo, Nebraska.

Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.

Each gender shall include the other.

Section 1.04 Definitions

For the purpose of these regulations, certain words used herein are defined as follows:

ALLEY shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

APPLICANT shall mean the owner or duly designated representative of land proposed to be subdivided, or for which a special use permit, conditional use permit, temporary use permit, zoning amendment, variance, appeal, building permit, or certificate of occupancy and other similar administrative permits has been requested. Consent shall be required from the legal owner or his legal representative in writing except for building permits.

BLOCK shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, non-platted land, Village or County boundaries, or adjoining property lines.

BOND shall mean any form of security including a cash deposit, security bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Village Board which meets the intent of such security required by this Ordinance.

BOUNDARY ADJUSTMENT shall mean 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.

BUILDING SETBACK LINE shall mean the required zoning distance between a building and the lot line.

CLERK shall mean the Village Clerk of the Village of Alvo , Nebraska.

COMPREHENSIVE DEVELOPMENT PLAN shall mean the Comprehensive Development Plan of Alvo , Nebraska as adopted by the Village Board , setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in the Neb. Rev. Stat. §19-903 (R.R.S.1997).

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.

CUL-DE-SAC shall mean a short public way with one end open to traffic and the other end terminated by a vehicular turn-around.

DEAD END STREET shall mean a public way which has only one outlet for vehicular traffic and does not terminate in a vehicular turn-around.

DEDICATION shall mean the intentional appropriation of land by the owner to some public use.

DESIGN shall mean the location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignment and rights-of-way for drainage and sanitary sewers, topographical changes and the designation of minimum lot area, width and length.

DEVELOPER See "Subdivider".

EASEMENT shall mean a grant, made by a property owner, to the use of his or her land by the public, a corporation, or persons, for specific purposes, such as access to another property or the construction of utilities, drainage ways or roadways.

FLOOD shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters, or (2) The unusual and rapid accumulation of runoff of surface waters from any sources.

FLOOD PLAIN shall mean any land designated by the Nebraska Natural Resources Commission, or the Federal Emergency Management Agency that is susceptible to being inundated by water from any source.

FLOODWAY shall mean the channel of a 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.

FRONTAGE ROAD shall mean 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.

IMPROVEMENTS shall mean 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 Village Board or its specific approving authority.

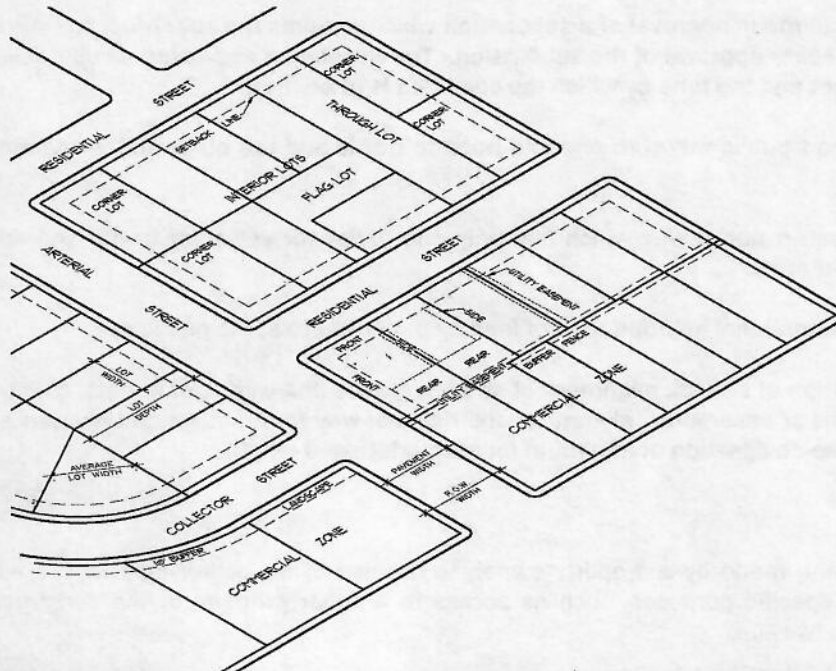
LOT shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon an improved street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, 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 Cass County Register of Deeds and abutting at least one improved public street or right-of-way, two thoroughfare easements, or one improved private road.

LOT, CORNER shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.

LOT, DOUBLE FRONTAGE, or THROUGH shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

LOT, FLAG shall mean an interior lot, the majority of which has frontage and access provided by means of a narrow corridor.

LOT, INTERIOR shall mean a lot other than a corner lot.



LOT CONSOLIDATION shall mean a method for approval of lot boundary adjustments which reduces the number of lots to not greater than two.

LOT DEPTH shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

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.

LOT LINE shall mean the property line bounding a lot.

LOT, MINIMUM AREA shall mean the minimum square footage of land area occupied, or to be occupied by a single principal building and accessory buildings as applicable to designated zoning districts.

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 Cass 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.

LOT, PLATTED shall mean 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 Village and recorded in the office of the Register of Deeds for Cass County.

LOT COMBINATION shall mean a method for approval of lot boundary adjustments or lot reductions, which reduces the number of lots to not greater than two.

LOT OF RECORD shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

LOT SPLIT shall mean a subdivision of land involving the division of one lot into two lots.

LOT WIDTH shall mean the minimum street frontage measured along the front street property line except when a lot fronts on the inside or concave side of a horizontal curvilinear alignment of a street or on a corner lot; in which case, the minimum lot width shall be measured along the front building line of the principal use structure extended to both lot property lines.

MONUMENT shall mean 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.

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.

PEDESTRIAN WAY shall mean a right-of-way or easement dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

PLANNING COMMISSION shall mean the Planning Commission of Alvo, Nebraska.

PLAT shall mean a map showing the location, boundaries, and legal description of individual properties.

PLAT, FINAL shall mean the Final Plat of the plat, subdivision or dedication of land prepared for filing or recording in conformance with these regulations.

PLAT, PRELIMINARY shall mean the preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of these regulations.

PLAT OF RECORD shall mean 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.

REPLAT shall mean the further subdivision of a lot or parcel of land previously subdivided, whether the re-subdivision results in more lots or fewer lots.

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.

STREET, ARTERIAL shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a Village or county with controlled access to abutting property.

STREET, COLLECTOR shall mean a street or highway, which is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.\

STREET, CURVILINEAR shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.

STREET, LOCAL shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

STREET, LOOPED shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.

STREET, MAJOR shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets.

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. The term "private street" includes the term "place".

SUBDIVIDER shall mean any person, group, corporation, partnership, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision.

SUBDIVISION shall mean the division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, of transfer of ownership or building development, whether immediate or future, provided that the smallest lot created by the division is 10 acres or less in size.

SUBDIVISION AGREEMENT shall mean an agreement between a subdivider and the Village that clearly establishes the subdivider's responsibility regarding project phasing, the provision of public and private facilities and improvements, and any other mutually agreed to terms and requirements.

TURNAROUND shall mean a space on private property that permits the turning around of any passenger vehicle without the necessity of using any public right-of-way to turn around.

VILLAGE mean the Village of Alvo , Nebraska. Also, "Village Board " or "Governing Body."

VILLAGE BOARD shall mean the Alvo Village Board .

VILLAGE ENGINEER shall mean the Village Engineer as hired or appointed by the Mayor and Village Board or his/her authorized deputy, agent or representative.

WAIVER shall mean permission to depart from the requirements of an ordinance with respect to the submission of required documents.

ZONING DISTRICT shall mean an area delineated on a zoning map for which uniform use regulations are specified.

ZONING ORDINANCE shall mean the Zoning Ordinance of the Village of Alvo , as amended from time to time.

ZONING PERMIT shall mean any permit required by the Village 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.

ARTICLE 2: GENERAL PROVISIONS

Section 2.01 Jurisdiction

The provisions of these regulations shall apply to all land located within the legal boundaries of the Village of Alvo, as the same may be amended by subsequent annexation, and shall also include all land lying within one mile of the corporate limits of the Village, and not located in any other municipality.

Section 2.02 Powers

No plat of a subdivision of land lying within the jurisdiction of the Village shall be filed or recorded until it shall have been submitted to and a report and recommendation thereon made by the Planning Commission to the Village Board and the Village Board has approved the Final Plat.

It shall be unlawful for the owner, agent, or person having control of any land within the corporate limits of the Village, or within the area shown on the Official Zoning Map, to subdivide land except in accordance with Neb. Rev. Stat. §19-916 (R.R.S.1997) and the provisions of that title; provided, however, that any subdivision of land caused by the acquisition of land by the federal government, the state of Nebraska, any County, the Village, or any City incorporated or unincorporated, within the jurisdiction of the Village, shall be deemed to have received approval pursuant to Neb. Rev. Stat. §19-916 (R.R.S.1997).

Section 2.03 Applicability

Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this ordinance, shall be prepared, presented for approval, and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, or parcel of land into two or more lots, tracts, or other division of land for the purpose of sale or development, whether immediate or future, including the subdivision or replatting of land or lots, except that the division of land when the smallest parcel created is more than 10 acres in area shall be exempt from these regulations. Further, the regulations set forth by this ordinance shall be minimum regulations, which shall apply uniformly throughout the jurisdiction of this ordinance except as hereinafter provided.

Section 2.04 Exemptions

These regulations shall not apply in the following instances: 1) The division of land for agricultural purposes into parcels or tracts of more than ten acres, 2) A change in the boundary between adjoining lands which does not create an additional or substandard lot but only after review and approval by the governing body, 3) Land used for street or railroad right-of-way, a drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved, and 4) Any transfer by operation of law.

Section 2.05 Interpretation

In interpreting and applying these regulations, they shall be held to be minimum requirements for the promotion of the public health, convenience, comfort, morals, prosperity and general welfare.

Section 2.06 Conflict

No Final Plat of land shall be approved unless it conforms to the Subdivision Regulations contained herein. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the Zoning Regulations, Building Regulations, or other official regulations or ordinances, the most restrictive shall apply.

Section 2.07 Zoning Permits

Unless a tract shall have been platted in accordance with the provisions of this Article, no zoning permit shall be issued.

Section 2.08 Amendments

Any provisions of these regulations may from time to time be amended, supplemented, changed, modified, or repealed by the governing body; provided, however, that such amendments shall not become effective until after a study by the Planning Commission; and a public hearing in relation thereto has been held, public notice of which shall have been published in a newspaper of general circulation at least one time, 10 days prior to such hearing.

Section 2.09 Modifications

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this regulation would result in extraordinary hardship to the subdivider because of unusual topography, or other such non-self-inflicted conditions, or that these conditions would result in inhibiting the

achievement of the objectives of these regulations, the Village Board , after report from the Planning Commission, may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, that: such, modifications or waiver will not adversely affect the development, the character of which shall be in conformance with recommended platting and development practices in the general area of the proposed subdivision; will not have the effect of nullifying the intent and purpose of the regulations; and, will not interfere with carrying out the Comprehensive Development Plan of the Planning Area of the Village. The standards and requirements of these regulations may be modified by the Governing Body after report by the Planning Commission in the case of a planned development or a redevelopment project involving the re-subdividing and rebuilding of blighted or slum areas; provided, however, that the placement of structures within the area is shown on the development plan and becomes a part of the recorded plat.

Section 2.10 Fees

All fees regarding the subdivision procedure shall be set by a separate ordinance. The developer shall be responsible for all review and inspection fees regarding a subdivision.

Section 2.11 General Provisions Applicable to all Subdivision Requests

2.11.01 General. The provision of this Article shall apply to all subdivision requests regardless of the procedure used to secure approval, unless otherwise specifically noted.

2.11.02 Zoning and Occupancy Permits. No official of the Village shall issue either a zoning permit or occupancy permit on any property which does not comply with the zoning and subdivision regulations of the Village of Alvo . The issuance of any zoning permit or occupancy permit does not relieve the owner thereof from compliance with all of the terms and conditions of the Subdivision Regulations, including improvements and subdivision design. It is the duty and obligation of the owner of the property to ensure compliance with the Ordinances of the Village.

2.11.03 Improvements Warranty and Guarantee. Upon approval of the subdivision, and prior to filing the subdivision with the Register of Deeds, the subdivider shall provide a warranty to the Village for all workmanship and materials used for one year from the date of acceptance, and a guarantee for the construction for all improvements required by this Ordinance.

2.11.04 Performance bond. Upon approval of the subdivision, and prior to filing the subdivision with the Register of Deeds, the subdivider shall surrender to the Village possession of a performance bond. Said bond shall be in an amount adequate to cover 110 percent of the cost of the design, construction, and installation of all improvements shown on the Final Plat, as established by the subdivider and accepted by the Village Board upon recommendation of the Village Engineer. No officer of the Village is authorized to sign any document indicating approval of any subdivision application until the filing and acceptance of a satisfactory performance bond. Said performance bond shall be either issued by a reputable insurance company licensed to issue such bonds in the State of Nebraska, or a cash bond. Where a cash bond is used, the subdivider or owner may present a Certificate of Deposit issued in the subdivider's or owner's name and federal identification number for a term not to exceed six months, which shall be endorsed payable to the Village of Alvo , Nebraska and which shall be attached to a bond form.

2.11.05 Time for Construction of Improvements. Regardless of the subdivision procedure utilized, unless otherwise specified in the document approving the subdivision, required improvements will be constructed as follows:

1. Prior to the issuance of any zoning permit for any land within the subdivision, all streets, sanitary sewer mains, water supply mains, natural gas mains, electricity and telephone trunk lines and cable television trunk lines, street signs, permanent survey monuments, bench marks, and street lights shall be installed and completed by the subdivider, operating and approved as provided in the Subdivision Regulations.
2. Prior to the issuance of an occupancy permit for any structure within the subdivision, all sidewalks, street trees, and storm drainage shall be installed and completed by the subdivider, operating and approved as provided in the Subdivision Regulations, provided that if storm drainage on other property is required in order to provide proper functioning of storm drainage on the property in question, such additional storm drainage shall also be completed prior to the issuance of an occupancy permit.

2.11.06 Title and Taxes. At the time of the filing of the application for a subdivision, the subdivider shall provide evidence of title and evidence that all taxes and special assessments have been paid on the land which is the subject of the subdivision application.

2.11.07 Approval Resolution. Passage of the Resolution approving any subdivision request requires a majority of the Village Board . The resolution of approval shall contain a statement of all improvements required and the schedule by which improvements are to be completed if different in any way from the schedule set forth in the Subdivision Regulations. The type of bond posted to secure design and construction of required improvements shall also be identified.

ARTICLE 3: PROCEDURES

Section 3.01 Procedure for Filing Pre-application Plans and Data

3.01.01 Prior to the filing of an application for approval of a Preliminary Plat the subdivider shall submit to the Planning Commission plans and data in sketch form showing ideas for the proposed subdivision of land. The sketch plan shall include:

- 1 The proposed tentative layout of streets, lots and other features in relation to existing streets, utilities, topography and other conditions.
- 2 A general location map showing the proposed subdivision and its relationship to existing abutting subdivisions and community facilities in the area, such as streets, alleys, schools, parks, commercial areas and other data supplementing the plans which outline or describe all of the proposed development as it relates to existing conditions.

3.01.02 These pre-application plans and data shall not require a formal application fee. After discussion with the subdivider and review of the data, the Planning Commission will inform the subdivider whether such plans and data submitted meet the objectives of these regulations and shall describe any inconsistencies with the requirements of this Ordinance. With the concurrence of the developer, a Public Hearing date will be set for the consideration of the Preliminary Plat.

Section 3.02 Procedure for Approval of Preliminary Plat

Before any subdivider or agent contracts for the sale or offers to sell any subdivision of land or any part thereof, which is wholly or partly within the Village of Alvo or which is within a one mile limit of the Village of Alvo or which is proposed to be annexed, the subdivider or his agent shall file a Preliminary Plat of said subdivision with the Alvo Planning Commission. The Preliminary Plat shall be prepared in accordance with the regulations set forth herein, and shall be submitted to the Planning Commission prior to the completion of final surveys of streets and lots and before the start of grading or construction work upon the proposed streets and lots and before any map of said subdivision is made in a form suitable for recording. The Planning Commission shall determine whether the plat is in proper form and shall not receive and consider such plat as filed until it is submitted in accordance with the requirements hereof. The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area and in conformity with the Comprehensive Development Plan.

All plats, preliminary and final, shall be prepared in conformance with the provisions of these regulations and in conformance with the Comprehensive Development Plan and Zoning Ordinance. The subdivider shall be responsible for such conformance.

A total of 20 Copies of the Preliminary Plat and required supplementary material as specified in Section 3.03 of these regulations shall be submitted to the Village Clerk at least 21 days prior to the meeting at which it is to be considered unless being submitted to Cass County. The Clerk shall distribute one copy of the Preliminary Plat with a request for comments to each of the following: Village Engineer, School Board, Fire District, Police Department, Cass County if the subdivision is located outside the corporate limits, and to whomever else deemed necessary by the Planning Commission.

The Planning Commission will consider the Preliminary Plat at a public hearing, after proper notice, and will (1) review the Preliminary Plat and other material submitted for conformity to these regulations and (2) review any recommendations of the Village Engineer, School Board, Fire Department, Police Department, Cass County and other Agencies and (3) recommend to the subdivider changes deemed advisable and the kind and extent of improvements to be made by subdivider. The Planning Commission shall act on the plat as submitted. The Planning Commission may (1) approve with no conditions and forward to the Village Board, (2) conditionally approve and state the conditions of such approval, or (3) disapprove and state the reasons for such disapproval.

The action of the Planning Commission shall be noted on or attached to two copies of the Preliminary Plat. One (1) copy shall be returned to the subdivider and the other retained by the Planning Commission.

Upon a Planning Commission recommendation of approval or disapproval, the clerk shall set a date and time for a public hearing before the Village Board along with proper notice thereof. The notice must be published at least 10 days prior to the hearing in a paper of general circulation in the Village of Alvo. The Village Board shall act on the Preliminary Plat as submitted, and may (1) concur with the Planning Commission's recommendation; (2) reverse the Planning Commission's recommendation; or (3) refer the Preliminary Plat back to the Planning Commission for reconsideration with specific instructions.

Procedure for approval of Preliminary Plats of land within one mile of the corporate limits shall be the same, except that one copy of the Preliminary Plat shall be referred to Cass County with a request for their recommendations to be submitted to the Planning Commission. The Planning Commission shall not take final action on the Plat prior to receiving recommendations from Cass County. If no recommendation is received within 30 days, the Preliminary Plat shall be deemed approved by Cass County.

Conditional approval of a Preliminary Plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval of the layout submitted on the Preliminary Plat, as modified by any required conditions. Approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather, the Preliminary Plat shall be deemed an expression of approval of the general design concept and serves as an acceptable guide for the preparation of the Final Plat. Approval of the Preliminary Plat shall become void after 12 months from the date of such approval.

Section 3.03 Preliminary Plat Specifications

The Preliminary Plat shall be drawn to a scale of one inch to 100 feet; shall be plainly marked "Preliminary Plat" and shall include, show, or be accompanied by the following information:

1. A location map showing the general location of the proposed subdivision in relation to surrounding developments with a north arrow, scale and legend.
2. The proposed name of the subdivision, designated as "_____ Addition to the Village of Alvo, Nebraska", which must not be so similar to an existing subdivision as to cause confusion.
3. The names and addresses of the owner and subdivider, and any engineer, surveyor, or landscape architect responsible for the Preliminary Plat.
4. The legal description of the area being platted, boundary lines and dimensions, the location of monuments found or set, section lines, and the approximate acreage of the proposed development.
5. The width and location of platted streets and alleys within or adjacent to the property.
6. The physical features of the property, including location of water courses, ravines, bridges, culverts, present structures and other features affecting the subdivision; contours with intervals of five feet or less; the location of all existing utilities with their sizes indicated, as well as flow lines; elevations of existing sanitary and storm sewer, the outline of wooded areas (the location of important individual trees may be required), and any floodway, floodplain, and flood fringe areas.
7. The proposed lot layout, lot and block numbers, and approximate lot dimensions and square footage and grounds proposed to be dedicated for public use.
8. The location and width of proposed streets, easements, building setback lines, rights-of-way, pavement widths and type, sidewalks, alleys, location of all proposed improvements including: sanitary sewers (including proposed flow lines), water mains, storm water drainage and other features and improvements required by these regulations.
9. The existing and proposed zoning classification and proposed uses of land within and adjacent to the proposed subdivision.
10. The subdivider shall submit a complete list of the names and mailing addresses of all owners of record of all land within 300 feet of the perimeter of the property being proposed for subdivision.
11. Names of adjacent subdivisions together with arrangement of streets and lots.
12. One draft copy of the Subdivision Agreement including any requests for waivers from the requirements of this Ordinance.
13. The subdivider or subdividers representative shall be in attendance at the Planning Commission meeting when Preliminary Plat is discussed.
14. Two copies of the following, prepared by a registered professional engineer, to be delivered to the Village Engineer for review:
 - a) A sanitary sewer plan.
 - b) A drainage plan, pursuant to Section 6.06.
 - c) A street profile plan with a statement of proposed street improvements.
 - d) A water distribution plan.
 - e) A traffic impact analysis.

Section 3.04 Procedure for Approval of Final Plat

The Final Plat shall conform to the Preliminary Plat as approved and may be comprised of only that portion of the approved Preliminary Plat which the subdivider proposed to record and develop at the time. The Final Plat shall be submitted to the Planning Commission for approval at least 21 days prior to the meeting at which it is to be considered. One original, one reproducible copy printed on mylar, and 20 copies of the original shall be prepared as specified in these regulations.

The Final Plat shall be submitted to the Village Board for approval and adoption prior to the start of construction. The Village Board shall consider the Final Plat at their regular meeting, in a public hearing advertised by published notice at least 10 days prior to the hearing in a paper of general circulation in the Village of Alvo. Final approval by the Village Board shall be by Ordinance only after receiving the recommendation of the Planning Commission together with a letter stating that the subdivider has complied with the requirements of this Ordinance. Upon approval of the Final Plat, a certification of approval by the Village Board shall be endorsed thereon by the Village Clerk, and the original shall be filed with the Cass County Clerk, the reproducible copy shall be filed with the Village Clerk.

Section 3.05 Final Plat Specifications

After approval of the Preliminary Plat by the Planning Commission, the subdivider shall prepare and submit to the Planning Commission a Final Plat prepared by a registered land surveyor. The Final Plat, in conformance with the approved Preliminary Plat, shall include:

1. The name of subdivision.
2. The date and a north arrow and graphic scale.
3. An accurate boundary survey of the property, with bearings and distances, referenced to section lines and/or adjacent subdivisions. The boundary survey shall meet or exceed the "Minimum Standards for Surveys", as established by the Professional Surveyors Association of Nebraska.
4. A legal description of the perimeter of the subdivision.
5. The location and names of adjacent subdivisions, streets, alleys and any easements.
6. Location and names or numbers of lots, streets, easements, public highways, alleys and other features, with accurate bearings and distances. At a minimum all curves shall be identified with the following data; radius, arc distance, chord distance and chord bearing. It is intended that enough information be shown, so the subdivision can be reestablished on the ground.
7. Location and description of all permanent monuments set. At a minimum all monuments shall be made of iron pipe or iron rod, or some other material capable of being detected by commonly used magnetic locators. Monuments shall have a minimum diameter of five-eighths (5/8) inch and minimum length of 24 inches.
8. A notarized owner's certification statement signed and acknowledged by all parties having any titled interest in, or lien upon the land to be subdivided, consenting to the Final Plat, including the dedication of parts of the land for streets, easements, and other purposes, pursuant to Article 5 of this document.
9. A notarized surveyor's statement signed and acknowledged by a registered land surveyor, pursuant to Sections 6.02 and 10.02.
10. A signature block for the Cass County Treasurer stating there are no regular or special taxes due or delinquent against the platted land, pursuant to Section 10.07.
11. A signature block for the approval of the Planning Commission, pursuant to Section 10.03.
12. A signature block for the approval of the Village Board, to be signed by the Mayor and attested to by the Village Clerk, pursuant to Section 10.04.
13. A signature block for the Cass County Register of Deeds, pursuant to Section 10.05.
14. A signature block for the Cass County Surveyor, pursuant to Section 10.02.
15. A performance bond pursuant to Section 2.11.
16. One copy of any private restrictions or covenants affecting the subdivision or any part thereof, if applicable.
17. One copy of any construction plans and specifications.
18. Three original copies of the Subdivision Agreement with a signature block for the Mayor and attestation of the Village Clerk.
19. Two copies of the following, prepared by a registered professional engineer, to be delivered to the Village Engineer for review:
 - a) A sanitary sewer plan.
 - b) A drainage plan, pursuant to Section 6.06.
 - c) A street profile plan with a statement of proposed street improvements.
 - d) A water distribution plan.
 - e) A traffic impact analysis.

Section 3.06 Vacation of Plat

3.06.01 Applicability: An owner or owners of a plat may make application to the Planning Commission to vacate any plat under the following conditions:

1. The Plat to be vacated is a duly recorded Final Plat or Replat.
2. The vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.

3.06.02 Procedures: The owner or owners shall present a proposal to the Planning Commission, containing the legal description of the subdivision and calling for vacation thereof. The Planning Commission shall study the proposal and shall send recommendations to the Village Board. The Village Board shall approve or deny the proposal. If the proposal is approved (approved by ordinance), it shall then be recorded in the office of the Cass County Register of Deeds. The subdivider shall pay all fees for the recording of such vacation. If the proposal is disapproved, the Village Board shall state which of the reasons stated in Section 3.06.01 require such disapproval. The applicant shall be allowed to submit a new application upon a showing that the reason or reasons for disapproval have been corrected.

Section 3.07 Replats

3.07.01 Whenever a Replat of an existing subdivision results in 10 or fewer lots, the Planning Commission may waive the separate submission requirements for the Preliminary and Final Plats to expedite the subdivision review process if, in the judgment of the Planning Commission, separate submission will not serve the public interest and will not conflict with the intent of these regulations. Concurrent Plats shall:

1. Be discussed with the Planning Commission at a scheduled pre-application Conference pursuant to Section 3.01.
2. Be submitted to the Village Clerk at least 21 days prior to the next regular meeting of the Planning Commission at which request is to be heard.
3. Be accompanied by the applications fees and completed application forms as required.
4. Follow the procedure set forth for herein and contain the required Preliminary and Final Plat information.
5. Include a drainage plan showing how run-off generated by the proposed development impacts drainage on downstream drainage systems.

3.07.02 Disapproval of Replats shall be based on the following guidelines:

1. A new street or alley is needed or proposed.
2. Vacations of streets, alleys, setback lines, access control or easements are required or proposed.
3. Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.: or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
4. There is less street right-of-way than required by this Ordinance or the Comprehensive Development Plan unless such dedication can be made by separate instrument.
5. All easement requirements have not been satisfied.
6. Such action taken during a replat will result in a tract without direct access to a street.
7. A substandard-sized lot or parcel will be created.

1.07.03 Changes required by the Planning Commission, during the Planning Commission's public hearing, shall be made prior to submission to the Village Board. Replats shall be submitted to the Village Clerk prior to the start of construction and at least 15 days prior to the next regular meeting of the Village Board. The Village Board shall review and act on the Replat at a public hearing. Notice for such hearing shall be posted at least 10 days prior to the hearing in a paper of general circulation in the Village of Alvo. The Village Board shall, in writing; either approve the Replat with or without conditions, or disapprove the Replat and state the reasons thereof.

Section 3.08 Administrative Plats

- 3.08.01** The intent of this section is to provide for lots splits, lot combinations, and boundary adjustments which result in lots divided or combined into not more than two tracts without having to re-plat said lot, provided that the resulting lots shall not again be divided without re-platting. The Zoning Administrator shall review the administrative plat application and make a final determination. The Zoning Administrator may approve or disapprove administrative plats in accordance with the following regulations.
- 3.08.02** Requests for an Administrative Plat approval shall be made by the owner or a designated representative of the land to the Zoning Administrator. Two copies on mylar of the Administrative Plat shall include the following:
1. A survey of the lot(s).
 2. Location and precise nature of any structures located thereon, if any.
 3. Location and dimensions of the proposed administrative plat.
 4. A notarized surveyor's statement signed and acknowledged by a registered land surveyor, pursuant to Sections 6.02 and 10.02.
 5. A signature block for the Cass County Register of Deeds, pursuant to Section 10.05.
 6. A signature block for the Cass County Surveyor, pursuant to Section 10.02.
 7. A signature block for the Cass County Treasurer stating there are no regular or special taxes due or delinquent against the platted land, pursuant to Section 10.07.
 8. A signature block for the approval and signature of the Zoning Administrator and the Mayor and attested to by the Village Clerk, pursuant to Section 10.08.
- 3.08.03** Disapproval of administrative plats shall be based on the following guidelines:
1. A new street or alley is needed or proposed.
 2. Vacations of streets, alleys, setback lines, access control or easements are required or proposed.
 3. Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.: or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
 4. There is less street right-of-way than required by this Ordinance or the Comprehensive Development Plan unless such dedication can be made by separate instrument.
 5. All easement requirements have not been satisfied.
 6. Such action taken during an administrative plat will result in a tract without direct access to a street.
 7. A substandard-sized lot or parcel will be created.
 8. The lot has been previously split in accordance with this Ordinance.
- 3.08.04** No Administrative Plats shall be approved unless all required public improvements have been installed, no new dedication of public right-of-way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots.
- 3.08.05** Prior to the approval of the administrative plat, the subdivider shall provide a statement from the County Treasurer's office showing there are no tax liens against said land within the proposed subdivision or any part thereof. The subdivider shall also provide a statement from the County Treasurer's office showing that all special assessment installment payments are current as applied to said proposed subdivision or any part thereof. All taxes shall be paid in full on all real property dedicated to a public use.
- 3.08.06** The Zoning Administrator shall, in writing; either approve the Administrative Plat with or without conditions, or disapprove the Administrative Plat and state the reasons thereof, within a reasonable time of application.
- 3.08.07** The filing fee for Administrative Plats shall be set in accordance with Section 2.10.
- 3.08.08** After approval from the Zoning Administrator all copies must be certified by all applicable parties and two copies filed with the Village prior to the issuance of a zoning permit.

ARTICLE 4: "GHOST" PLATTING AND BUILD-THROUGH ACREAGE REQUIREMENTS

Section 4.01 Scope of Regulations.

The regulations set forth in this Article are the regulations of the BTA Build-through Acreage policies. The regulations set forth in this Article shall only apply to applications for developments submitted after _____, 2010 that contain five or more lots that are have three acres or more of area.

Section 4.02 Purpose.

The purpose of this Article is to provide a mechanism for approval of short-term acreage development in portions of the Village of Alvo 's zoning jurisdiction that are unlikely to receive urban services, and consequent urban density development, within the next 10 to 20 years. These regulations are intended to allow owners the opportunity to realize a reasonable return on their property and to accommodate a continuing demand for acreage development without obstructing future urban development. The BTA Overlay District allows owners to develop a portion of their property with low-density residential development, while reserving the majority of the property for future long-term development with urban services. It also provides for the eventual transition of the previously developed acreage residential use to higher densities with the extension of urban services.

Section 4.03 Applicability

The BTA requirements apply to all land designated as LDR Low Density Residential in the Future Land Use Plan and zoned TA or R-1 in the zoning regulations but within the extraterritorial zoning jurisdiction of Alvo.

Section 4.04 "Ghost" Platting Requirements

The following requirements shall be provided to the Village as indicated in any area designated as a "build-through" area as stated in Section 4.03.

1. A final plot plan for the "Ghost" platting component shall be accurately, clearly, and legibly drawn on tracing cloth or mylar in a sufficient size and scale to show the details of the plan clearly and shall contain the information required for final plot plans in Article 3 and the following requirements:
 - a. Building envelopes shown on lots in the final plot plan shall meet required setbacks for the lots shown under the future final plot plan providing for conversion of the "Ghost" platting component to higher urban residential density.
 - b. The drainage and site grading plans shall include both the proposed acreage layout and the future drainage at urban residential densities. The development shall be designed to drain and grade both components in accordance with the future final plot plan for the acreage development and the proposed urban density. Final and rough grading of the acreage development shall be accomplished as set forth in these regulations.

2. A future final plot plan providing for conversion from acreages to higher urban residential density shall be accurately, clearly, and legibly drawn on tracing cloth or mylar in a sufficient size and scale to show the details of the plan clearly and shall contain the information required for final plot plans in Article 3 of these regulations and the following information:
 - a. Final lot lines that will be implemented with the extension of urban infrastructure and annexation by the Village.
 - b. The location and layout of any future streets not dedicated and improved as part of the final plot plan for the acreage development, but needed in the future to convert the acreage development to an urban density development.
 - c. Easement locations for future utilities and stormwater drainage.
 - d. Building envelopes which meet required setbacks under the conversion.
 - e. A Master Plan providing an urban framework for future development which establishes the major systems that serve the overall development, documenting the future relationships between the acreage development. This Master Plan shall be accurately, clearly and legibly drawn on tracing cloth or mylar in a sufficient size and scale to show the details of the plan clearly and shall contain the following information:
 - (1) The layout of arterial and collector streets on the site. These will typically include streets approximately on half section lines, along with connections to adjacent parcels.
 - (2) Major infrastructure lines, including water distribution, sanitary sewers, and storm sewers, if part of the stormwater management plan.
 - (3) A master stormwater management plan, indicating general grading concepts and directions, stormwater retention and detention structures, and storm sewers.
 - (4) Easements and dedications for all major utility services.
 - (5) Proposed parks, open spaces, trails, and greenways.