

ALVO, NEBRASKA

COMPREHENSIVE DEVELOPMENT PLAN

2010 to 2030

PREPARED FOR:

VILLAGE OF ALVO, NEBRASKA

Prepared By:



In conjunction with:



ALVO, NEBRASKA

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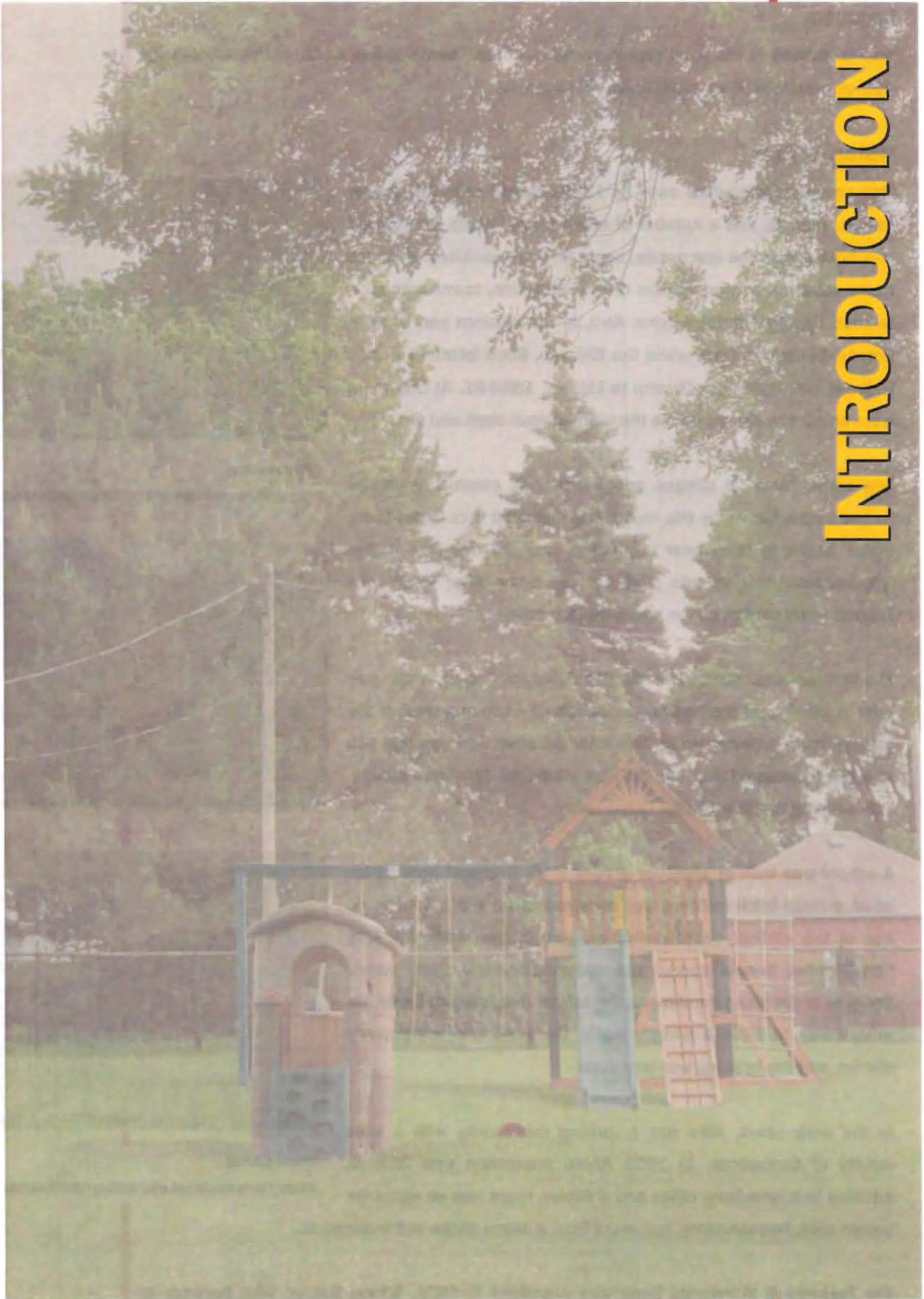
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INTRODUCTION

Location

Alvo is located in the southeast Nebraska in Cass County. It lies south of the interchange 420 of Interstate 80 along Nebraska Highway 63.

History of Alvo

This area was settled as early as 1869. People established post offices, schools, and a number of small towns. When the railroad was built across the raw prairie, some of them vanished. Because trains were the primary means of transportation, towns without a railroad usually did not survive. Alvo, in the western part of Cass County, became a town when the Chicago, Rock Island & Pacific Railroad was built from Omaha to Lincoln, 1888-91. At first there were only a few shacks where the railroad men slept and ate.

The name "Alvo" is unique, and is the only community in the United States known by this name. The first child born in the town, which began to form near the siding, was the daughter of the "roadmaster." Her parents gave her the name Alvo, which was subsequently chosen as the name for the station.

The first building erected was the depot. Salem Church, which was built in 1890 near the Hedge Comer School north and west of the present town, was moved to Alvo after the town site was laid out. In 1892 it became known as the Alvo Methodist Episcopal Church. This building is still in use for Christ today.

A school was built in 1892 for grades 1-10. It served until 1916, when a large brick building was constructed for K-12. Said to be one of the earliest consolidated systems in the state, the Alvo Consolidated School served the community until 1960 when, because of declining enrollment, the school merged with Eagle, six miles away. In 1966 it merged again, this time with the Waverly district, and the building was torn down.

In the early years, Alvo was a thriving community with a wide variety of businesses. In 1909 Alvo's population was 225. In addition to a telephone office and a doctor, there was an agent for broom corn, two elevators, and more than a dozen shops and businesses.

The Farmers & Merchants Bank was organized in 1901. Simon Boyles, who became its president in 1902, served in that capacity for 40 years. In 1942, during World War II, when



Photo source:

<http://www.casde.unl.edu/history/counties/cass/alvo/>



Photo source:

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cashier Carl Ganz was called into the service, Boyles sold his interest in the bank to the Eagle Bank.

In 1932 J.B. Elliott and Edgar Edwards bought the hardware store in Alvo from Roy Coatman and John Skinner. In addition to selling hardware, they started selling John Deere implements at a time when tractors were just coming into use. As time went on, Elliott bought his partner out. Since farming was mostly done with horses, J.B. would trade tractors for horses. Then once a year, he had a big sale, where he auctioned off horses and old machinery. Those were "big days" for Alvo. People came from all over the Midwest for the sale. Lyle DeMoss, well-known announcer for Radio Station WOW, often came to Alvo and broadcast the sale over the air. After J.B.'s death in 1948, two nephews, Lee and Don Elliott, bought the business and continued until 1977.

Our little town has seen many changes down through the years, as people, businesses, and buildings have come and gone. Yet in one way the community is much the same. There is a lot of personal commitment to the community and people who volunteer their time for whatever needs to be done.

The decline in the town came gradually, and many outside events effected it. After the war, the railroad discontinued passenger trains. The depot was torn down in 1957. When young families moved to larger cities for jobs, the enrollment in our school dropped, resulting in the need for consolidation. The cafe closed in 1970 and when the barber died in 1976, that shop closed. Elliotts' Garage closed in 1977, and soon the grocery store also closed its doors. The railroad tracks, no longer used, were removed in 1985.

Alvo is currently a village of 140 friends and neighbors who love this community. We still have a post office, the elevators, and several small businesses in homes. A mini-mart that carries groceries was recently opened. In 1990 the P.I.A. (People Involved in Alvo) spearheaded the centennial celebration. The Alvo Oriole, symbol of our school during its glory-days, flew high, wide, and handsome. There was a special centennial postal cancellation, and a barbecue that drew over 250 for the event.

The church building, now over 100 years old, remains. We have many wonderful memories of when Alvo was a growing town. It is still the place we like to live.

Patricia Umland, Box 57, Alvo, NE 68304

ADDITIONAL MATERIAL: "Alvo Alumni Memories..." 1983; Remembering Yesterdays...Alvo and Its People, 1987; and Alvo Centennial 1890-1990, by Patricia Umland.

<http://www.casde.unl.edu/history> ADDITIONAL MATERIAL:

<http://www.casde.unl.edu/history/counties/cass/Alvo/index.php>

Purpose of the Comprehensive Planning

The Alvo Comprehensive Development Plan is designed to promote orderly growth and development for the community, as well as providing policy guidelines to enable citizens and elected officials to make informed decisions about the future of the community.

The Plan is only one of several tools within the toolbox that helps guide the community into the future.

The Comprehensive Development Plan will provide a guideline for the location of future developments within the planning jurisdiction of Alvo. The Comprehensive Development Plan is intended to encourage a strong economic base for the Village so all goals can be achieved.

Planned growth will make Alvo more effective in serving residents, more efficient in using resources, and able to meet the standard of living and

The Comprehensive Development Plan is an information and management tool for Village leaders to use in their decision-making process when considering future developments. The Comprehensive Development Plan is not a static document; it should evolve as changes in the land-use, population or local economy occur during the planning period.

The Planning Process

The Comprehensive Plan begins with the development of general goals and policies, based upon current and future issues faced by the Village and its residents. These are intended to be practical guidelines for addressing existing conditions and guiding future growth.

In conjunction with the first phase, the data collection phase will be occurring. Data are collected that provide a snapshot of the past and present conditions within the community. Analysis of data provides the basis for developing forecasts for future land use demands, as well as future needs regarding housing and facilities.

The Comprehensive Development Plan is a vision presented in text, graphics and tables representing the desires of the Village and its residents for the future.

The third phase of the Comprehensive Development Plan represents a blueprint....designed to identify, assess, and develop actions and policies in the areas of population, land use, transportation, housing, economic development, community facilities, and utilities. The Comprehensive Development Plan contains recommendations that when implemented will be of value to the Village and its residents.

Implementation is the final phase of the process. The Comprehensive Development Plan identifies the tools, programs, and methods necessary to carry out the recommendations.

Nevertheless, the implementation of the development policies contained within the Comprehensive Development Plan is dependent upon the adoption of the Plan by the governing body, and the leadership exercised by the present and future elected and appointed officials of the Village.

Plan Preparation

The Plan was prepared under the direction of the Alvo Planning Commission, with the assistance and participation of the Alvo Village Board, Village staff, the Plan Review Committee and citizens of Alvo. The time period for achieving the goals, programs, and developments identified in the Alvo Comprehensive Development Plan is 20 years. However, the Village should review the Plan annually and update the document every ten years, or when a pressing need is identified. Completing updates every ten years or so will allow the Village to incorporate ideas and developments that were not known at the time of the present comprehensive planning process.

Comprehensive Plan Components

Nebraska State Statutes require the inclusion of certain elements in a Comprehensive Plan. A "Comprehensive Development Plan," as defined in Neb. Rev. Stat. § 19-903 (Reissue 1997), shall meet the following descriptions and requirements:

The regulations and restrictions authorized by sections 19-901 to 19-915 shall be in accordance with a comprehensive development plan which shall consist of both graphic and textual material and shall be designed to accommodate anticipated long-range future growth which shall be based upon documented population and economic projections. The comprehensive development plan shall, among other possible elements, include:

- (1) *A land-use element which designates the proposed general distributions, general location, and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land;*
- (2) *The general location, character, and extent of existing and proposed major roads, streets, and highways, and air and other transportation routes and facilities;*
- (3) *The general location, type, capacity, and area served of present and projected or needed community facilities including recreation facilities, schools, libraries, other public buildings, and public utilities and services; and*
- (4) *(a) When next amended after January 1, 1995, an identification of sanitary and improvement districts, subdivisions, industrial tracts, commercial tracts, and other discrete developed areas which are or in the future may be appropriate subjects for annexation and (b)*

a general review of the standards and qualifications that should be met to enable the municipality to undertake annexation of such areas. Failure of the plan to identify subjects for annexation or to set out standards or qualifications for annexation shall not serve as the basis for any challenge to the validity of an annexation ordinance.

Regulations shall be designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to secure safety from flood; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to protect property against blight and depreciation; to protect the tax base; to secure economy in governmental expenditures; and to preserve, protect, and enhance historic buildings, places, and districts.

Such regulations shall be made with reasonable consideration, among other things, for the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

The Comprehensive Plan is comprised of the following chapters and sections:

- Envision Alvo
 - Conduct Town Hall meetings
 - Conduct Focus Group meetings
 - Develop Goals and policies
- Profile Alvo
 - Village Assessment – Conditions and Trend Analysis
 - Village Facilities
- Alvo Tomorrow
 - Existing Land Use
 - Existing Transportation Systems
 - Future Land Use Plan
 - Transportation Plan
- Alvo Implementation Plan

The Comprehensive Development Plan records where Alvo has been, where it is now, and where it likely will be in the future.

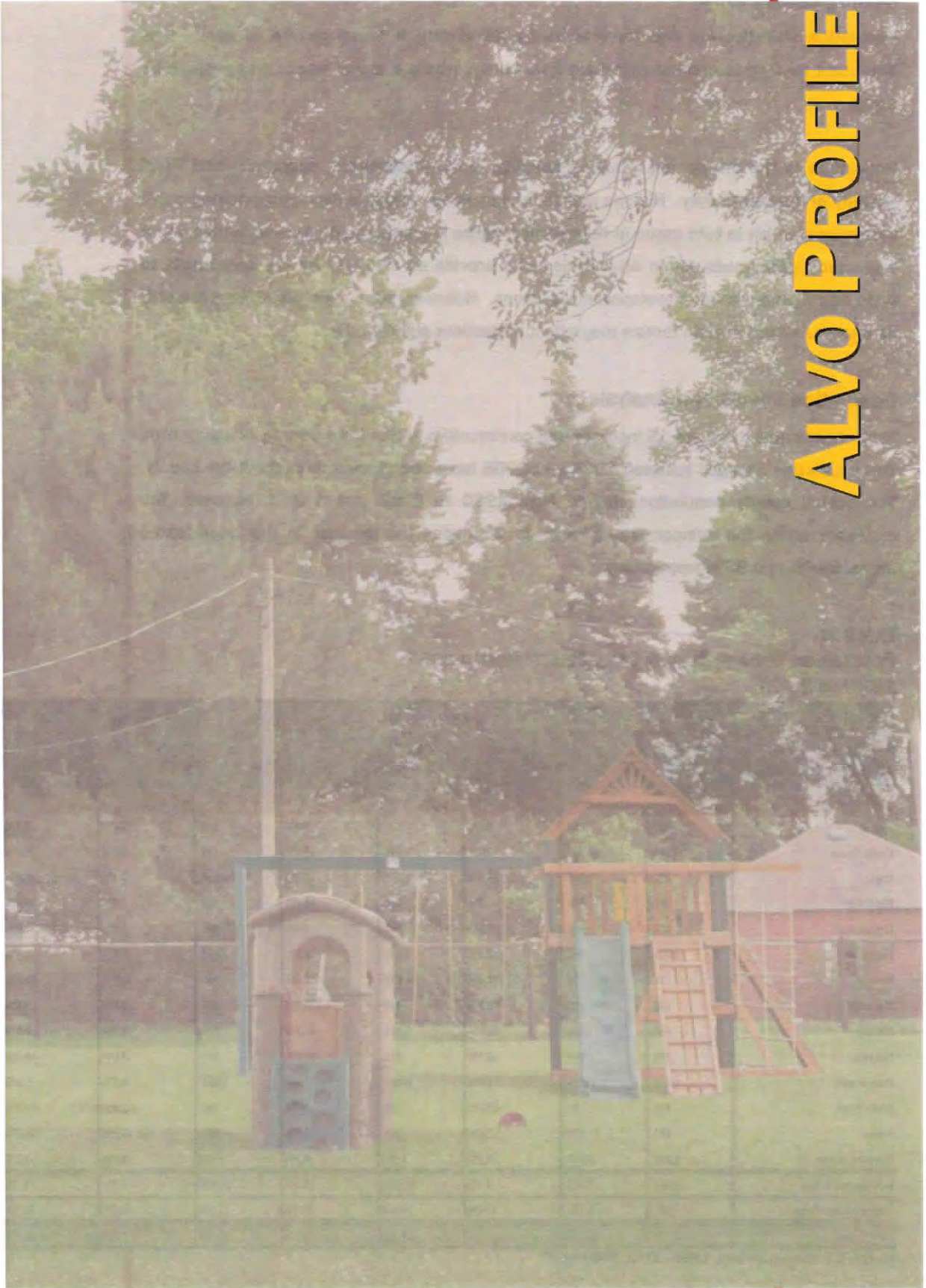
Analyzing past and existing demographic, housing, economic and social trends allows for the projection of likely conditions in the future. Projections and forecasts are useful tools in planning for the future; however, these tools are not always accurate and may change due to unforeseen factors. In addition, past trends may be skewed or the data may be inaccurate, creating a distorted picture of past conditions.

Therefore, it is important for Alvo to closely monitor population, housing and economic conditions that may impact the Village. Through periodic monitoring, the Village can adapt and adjust to changes at the local level. Having the ability to adapt to socio-economic change allows the Village to maintain an effective Comprehensive Development Plan for the future, to enhance the quality of life, and to raise the standard of living for all residents.

Governmental and Jurisdictional Organization

The Alvo Village Board performs the governmental functions for the Village. Pursuant to Neb. Rev. Stat. § 17-1002 (Reissue 1997), the planning and zoning jurisdiction for the Village of Alvo includes the corporate area as well as the area within one mile of their corporate limits.

ALVO PROFILE



Demographic Profile

Population statistics aid decision-makers by developing a broad picture of Alvo. It is important for Alvo to understand where it has been, where it is and where it appears to be going.

Population is the driving force behind housing, local employment, economic, and fiscal stability of the community. Historic population conditions assist in developing demographic projections, which in turn assist in determining future housing, retail, medical, employment and educational needs within Alvo. Projections provide an estimate for the community to base future land-use and development decisions. However, population projections are only estimates and unforeseen factors may affect projections significantly.

Population Trends and Analysis

Table 1 indicates there are 15 incorporated communities within Cass County including Alvo. The population changes between 1980 and 2008 have been varied throughout the county. The overall county population change from 1980 to 2008 was a 26.1 increase. The increases within the unincorporated areas far exceeded the increase in the incorporated areas, 55.0% and 8.7% respectively.

**TABLE 1:
POPULATION TRENDS, ALVO & CASS COUNTY COMMUNITIES
1980 TO 2008**

Community	1980	1990	% Change 1980 to 1990	2000	% Change 1990 to 2000	2008	% Change 2000 to 2008	% Change 1980 to 2008
Alvo	144	164	13.9%	142	-13.4%	139	-2.1%	-3.5%
Avoca	242	254	5.0%	270	6.3%	264	-2.2%	9.1%
Cedar Creek	311	334	7.4%	396	18.6%	398	0.5%	28.0%
Eagle	832	1,047	25.8%	1,105	5.5%	1,132	2.4%	36.1%
Elmwood	598	584	-2.3%	668	14.4%	693	3.7%	15.9%
Greenwood	587	531	-9.5%	544	2.4%	581	6.8%	-1.0%
Louisville	1,022	998	-2.3%	1,046	4.8%	1,039	-0.7%	1.7%
Manley	124	170	37.1%	191	12.4%	190	-0.5%	53.2%
Murdock	242	267	10.3%	269	0.7%	264	-1.9%	9.1%
Murray	465	418	-10.1%	481	15.1%	509	5.8%	9.5%
Nehawka	270	260	-3.7%	232	-10.8%	219	-5.6%	-18.9%
Plattsmouth	6,295	6,415	1.9%	6,887	7.4%	6,902	0.2%	9.6%
South Bend	107	93	-13.1%	86	-7.5%	84	-2.3%	-21.5%
Union	307	299	-2.6%	260	-13.0%	256	-1.5%	-16.6%
Weeping Water	1,109	1,008	-9.1%	1,103	9.4%	1,085	-1.6%	-2.2%
Incorporated Areas	12,655	12,842	1.5%	13,680	6.5%	13,755	0.5%	8.7%
Unincorporated Areas	7,642	8,476	10.9%	10,654	25.7%	11,843	11.2%	55.0%
Cass County	20,297	21,318	5.0%	24,334	14.1%	25,598	5.2%	26.1%

Source: U.S. Census Bureau, 1980 - 1990, 2000, 2007

The changes seen in Alvo have been mixed throughout the period shown; if the 1990 population had not shown a small spike the overall population would have been stable. If the 1990 population spike is not accounted for then the overall population change from 1980 to 2008 was only -5 people.

Migration Analysis

Migration Analysis allows a community to understand a specific dynamic that is influencing population change. Migration indicates the population size that has migrated in or out of the community over a given period of time. Determining actual migration numbers for Alvo is difficult due to the limited availability of certain data.

For purposes of examining population movement, there is only one readily available data source from the US Census and that is identifying where people lived in 1995, prior to the most current Census data from 2000.

**TABLE 2:
RESIDENCE IN 1995**

Total Population 5 years and older	140
Same House in 1995	100
Different House in the U.S. in 1995	38
Same County	8
Different County	30
Same State	24
Different State	6
Elsewhere in 1995	2

Source: U.S. Census Bureau, 2000

Based upon the data in Table 2, there were 30 people that lived outside of Cass County in 1995. By April 1, 2000 these 30 people had moved to Alvo. Based upon this source of data, Alvo saw an in-migration of 30 people between 1995 and 2000. However, the community overall lost 22 people between 1990 and 2000. Therefore, Alvo likely saw a combination of 52 people moving out or dying between 1990 and 2000. Without more specific data, the actual dynamics cannot be determined.

Age Structure Analysis

Age structure is an important component of population analysis. By analyzing age structure, one can determine which age groups (cohorts) within Alvo are being affected by population shifts and changes. Each age cohort affects the population in a number of different ways. For example, the existence of larger young cohorts (20-44 years) means that there is a greater ability to sustain future population growth than does larger older cohorts. On the other hand, if the large, young cohorts maintain their relative size, but do not increase the population as expected, they will, as a group, tend to strain the resources of an area as they age. Understanding what is happening within the age groups of the County's population is necessary to effectively plan for the future.

**TABLE 3:
AGE-SEX CHARACTERISTICS, ALVO
1990 TO 2000**

Age	1990		2000		1990-2000		1990-2000	
	Male and Female	% of Total	Male and Female	% of Total	Net Change	% Change	Cohort Change	% Change
0-4	17	10.4%	8	5.6%	-9	-52.9%	8	-
5-9	15	9.1%	5	3.5%	-10	-66.7%	5	-
10-14	9	5.5%	12	8.5%	3	33.3%	-5	-29.4%
15-19	10	6.1%	13	9.2%	3	30.0%	-2	-13.3%
20-24	10	6.1%	3	2.1%	-7	-70.0%	-6	-66.7%
25-29	11	6.7%	7	4.9%	-4	-36.4%	-3	-30.0%
30-34	21	12.8%	12	8.5%	-9	-42.9%	2	20.0%
35-44	21	12.8%	30	21.1%	9	42.9%	-2	-6.3%
45-54	15	9.1%	23	16.2%	8	53.3%	2	9.5%
55-64	20	12.2%	9	6.3%	-11	-55.0%	-6	-40.0%
65-74	8	4.9%	16	11.3%	8	100.0%	-4	-20.0%
75 & older	7	4.3%	4	2.8%	-3	-42.9%	-11	-73.3%
Total	164	100.0%	142	100.0%	-22	-13.4%	-22	-13.4%
	1990		2000		Total Change			
Under 18 years of age	47		Under 18 years of age		35		18 and under	-12
% of total population	28.7%		% of total population		24.6%		% change	-25.5%
Total 65 yrs and older	15		Total 65 yrs and older		20		65 and older	5
% of total population	9.1%		% of total population		14.1%		% change	33.3%
Median Age	32.4		Median Age		38.5		Median Age	6.1
Total Females	63		Total Females		69		Total Females	6
Total Males	81		Total Males		73		Total Males	-8
Dependency Ratio	1.07		Dependency Ratio		0.99			
Total Population	164		Total Population		142		Total Change	-22

Source: U.S. Census Bureau, 1990 and 2000

Table 3 exhibits the age cohort structure for Alvo in 1990 and 2000. Examining population age structure may indicate significant changes affecting the different population segments within the community. Realizing how many persons are in each age cohort, and at what rate the age cohorts are changing in size, will allow for informed decision-making in order to maximize the future use of resources. As shown in Table 3, changes between 1990 and 2000 occurred within a number of different age group cohorts.

One method of analyzing cohort movement in a population involves comparing the number of persons aged between 0 and 4 years in 1990 with the number of persons in the same age cohort 10 years later, or aged between 10 and 14 years in 2000. For example, in Alvo, there were 17 children between the ages of 0 and 4 in 1990, and in 2000 there were 12 children between the ages of 10 and 14, a decrease of five children. A review of population by this method permits an analysis of which specific cohorts are moving in and out of the community. The positive change in this cohort indicates in-migration into the community.



Younger age cohorts are the key to future growth and population stability

**TABLE 4:
POSITIVE COHORTS
1990 TO 2000**

1990 Age Cohort	Number	2000 Age Cohort	Number	Change
NA	NA	0 - 4 years	8 persons	+ 8 persons
NA	NA	5 - 9 years	5 persons	+ 5 persons
20 - 24 years	10 persons	30 - 34 years	12 persons	+ 2 persons
35 - 44 years	21 persons	45 - 54 years	23 persons	+ 2 persons
Total Change				+ 17 persons

Source: U.S. Census Bureau, 1990 and 2000

Alvo saw growth in only four age cohorts. The 0 to 4 and 5 to 9 cohorts always indicate an increase, since these persons were not born when the previous census was completed. Note that the cohorts represented in Table 3 differ from those listed below in Tables 4 and 5 due to the consolidation of the 25-29 and 30-34 cohorts from 1990 into a 35-44 cohort in 2000. Outside of the 2000 age groups of 0-4 and 5-9 years, the greatest increase was the 35-44 (2000) age group. These four cohorts accounted for an increase of 17 people from 1990 to 2000; 13 of those being born in that time period.

**TABLE 5:
NEGATIVE COHORTS
1990 TO 2000**

1990 Age Cohort	Number	2000 Age Cohort	Number	Change
0 - 4 years	17 persons	10 - 14 years	12 persons	- 5 persons
5 - 9 years	15 persons	15 - 19 years	12 persons	- 3 persons
10 - 14 years	9 persons	20 - 24 years	3 persons	- 6 persons
15 - 19 years	10 persons	25 - 29 years	7 persons	- 3 persons
25 - 34 years	32 persons	35 - 44 years	30 persons	- 2 persons
45 - 54 years	15 persons	55 - 64 years	9 persons	- 6 persons
55 - 64 years	20 persons	65 - 74 years	16 persons	- 4 persons
65 years +	15 persons	75 years +	4 persons	- 11 persons
Total Change				- 40 persons

Source: U.S. Census Bureau, 1990 and 2000

There were eight of the age-cohorts that existed in 1990 that declined in 2000. The cohort with the greatest loss was the 75 years + (2000) which lost 11 persons over the 10 year period. This accounts for approximately 25% of the total loss seen in Alvo and accounts for 50% of the total population losses. The majority of this loss is likely attributed to two causes, 1) people moving on after 65 years to other communities and senior care facilities, or 2) a dying population base.

The median age in Alvo increased from 32.4 years in 1990 to 38.5 years in 2000. The proportion of persons less than 18 years of age decreased by 25.5% between 1990 and 2000, while those aged 65 years and older increased by 33.3% overall. The population proportion for 18 years and younger and those 65 years and older can be

Dependency Ratio

The dependency ratio examines the portion of a community's earnings that is spent supporting age groups typically and historically dependent on the incomes of others.

- < 1: 1 Independent resident is able to support more than 1 Dependent resident
- =1: 1 Independent resident able to support 1 Dependent resident
- >1: 1 Independent resident able to support less than 1 Dependent resident

$\frac{(\%18 \text{ years and younger} + \% 65 \text{ years})}{\pm}$

examined to determine another piece of useful data called the “dependency ratio”.

In 1990, Alvo had a Dependency Ratio of 1.07 (51.7%/48.3%); however, by 2000 the Ratio had decreased to 0.99 (49.7%/50.3%). This is supported by the substantial decrease in the 75+ age group and no increases in the under 18 age groups.

Population Projections

Population Projections are estimates based upon past and present circumstances. The use of population projections allows Alvo to estimate what the population will be in future years by looking at past trends. By scrutinizing population changes in this manner, the Village will be able to develop a baseline of change from which future scenarios can be generated. A number of factors (demographics, economics, social, etc.) may affect projections positively or negatively. At the present time, these projections are the best crystal ball Alvo has for predicting future population changes. There are many methods to project the future population trends; the six projections used below are intended to give Alvo a broad overview of the possible population changes that could occur in the future.

Trend Line Analysis

Trend Line Analysis is a process of projecting future populations based upon changes during a specified period of time. In the analysis of Alvo, three different trend lines were reviewed: 1980 to 2008, 1990 to 2008, and 2000 to 2008. A review of these trend lines indicates Alvo will see varied growth scenarios during the coming 20 years. The following projections summarize the decennial population for Alvo through 2030.

Alvo Trend Analysis

Year	Trend: 1990 to 2008	Trend: 1980 to 2008	Trend: 2000 to 2008
2010	137 persons	139 persons	138 persons
2020	125 persons	137 persons	135 persons
2030	114 persons	135 persons	131 persons

Cohort Survival Analysis

Cohort Survival Analysis reviews the population by different age groups and sex. The population age groups are then projected forward by decade using survival rates for the different age cohorts. This projection model accounts for average birth rates by sex and adds the new births into the future population.

The Cohort Survival Model projection indicates the population in Alvo will decline slightly in 2010 and then begin a steady increase each decade through 2030. The following projection for Alvo is based on applying survival rates to age cohorts, but does not consider the effects of either in-migration or out-migration.

Alvo Cohort Survival Analysis

Year	Cohort Survival Model
2010	134 persons
2020	144 persons
2030	148 persons

Growth Rate Scenarios

The Growth Rate Scenarios are based upon specific rates that the community desires to see during the planning period. The two different scenarios presented in this section are based upon two existing rates seen in Table 1; the average growth rate/decade for the incorporated areas of Cass County which was 3.1%/decade and the growth rate/decade for Cass County as a whole which was 9.3%/decade.

Alvo Growth Scenarios

Year	3.1% Growth/Decade	9.3% Growth/Decade
2010	140 persons	141 persons
2020	144 persons	155 persons
2030	149 persons	169 persons

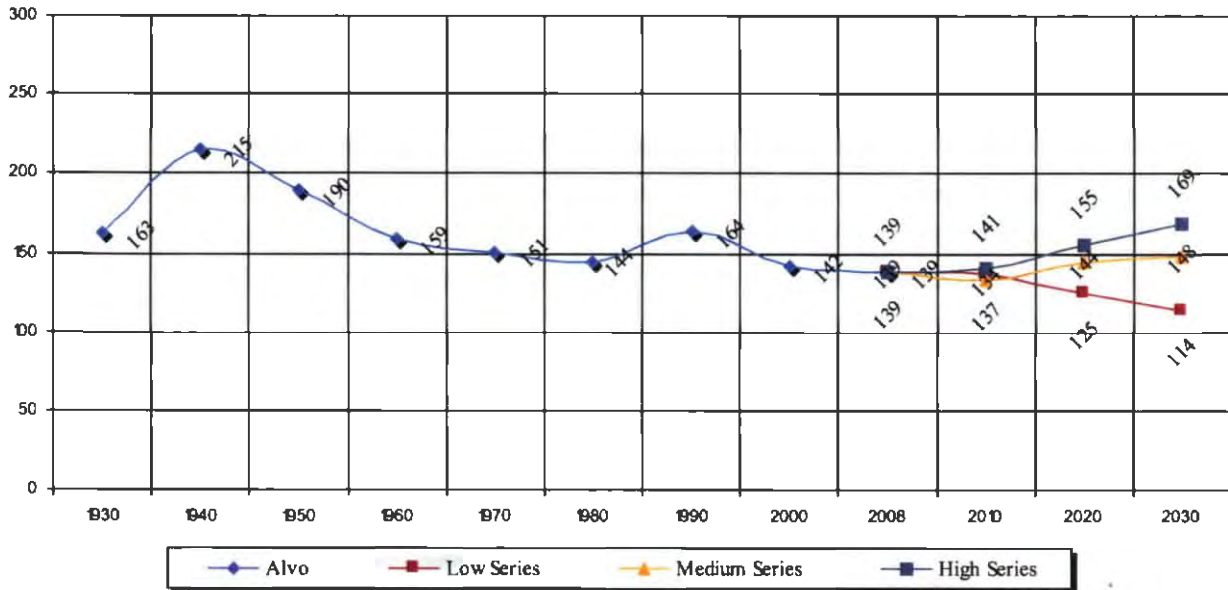
Summary of Population Projections

Using the modeling techniques discussed in the previous paragraphs, a summary of the six population projections for Alvo through the year 2030 is shown in Figure 1. Three population projection scenarios were selected and include (1) a Low Series; (2) a Medium Series; and, (3) a High Series. Two of the three projections forecast an overall increase for Alvo through the year 2030. The following population projections indicate the different scenarios that may be encountered by Alvo through the year 2030.

Year	Low Series = 1990-2008 9.3% Growth rate	Medlum Series = Cohort	High Series =
2010	137 persons	134 persons	141 persons
2020	125 persons	144 persons	155 persons
2030	114 persons	148 persons	169 persons

Figure 1 reviews the population history of Alvo between 1930 and 2008, and identifies the three population projection scenarios into the years 2010, 2020, and 2030. Figure 1 indicates the peak population for Alvo occurred in 1940 with 215 people. Beginning in 1950, Alvo has seen some decreases in population until 1970 when it basically stabilized.

**FIGURE 1:
POPULATION TRENDS AND PROJECTIONS, ALVO
1930 TO 2030**



Source: U.S. Census Bureau

As stated previously, the projections have been developed from data and past trends, as well as present conditions. A number of external and internal demographic, economic and social factors may affect these population forecasts. Alvo should monitor population trends, size and composition periodically in order to understand in what direction their community is heading. The greatest population threat will continue to be out-migration of youth and families, and strategies should be developed to further examine and prevent this phenomenon.

Housing Profile

The Housing Profile in this Plan identifies existing housing characteristics and projected housing needs for residents of Alvo. The primary goal of the housing profile is to allow the community to examine past and present conditions; while, identifying potential needs including provisions for safe, decent, sanitary and affordable housing for every family and individual residing within community.



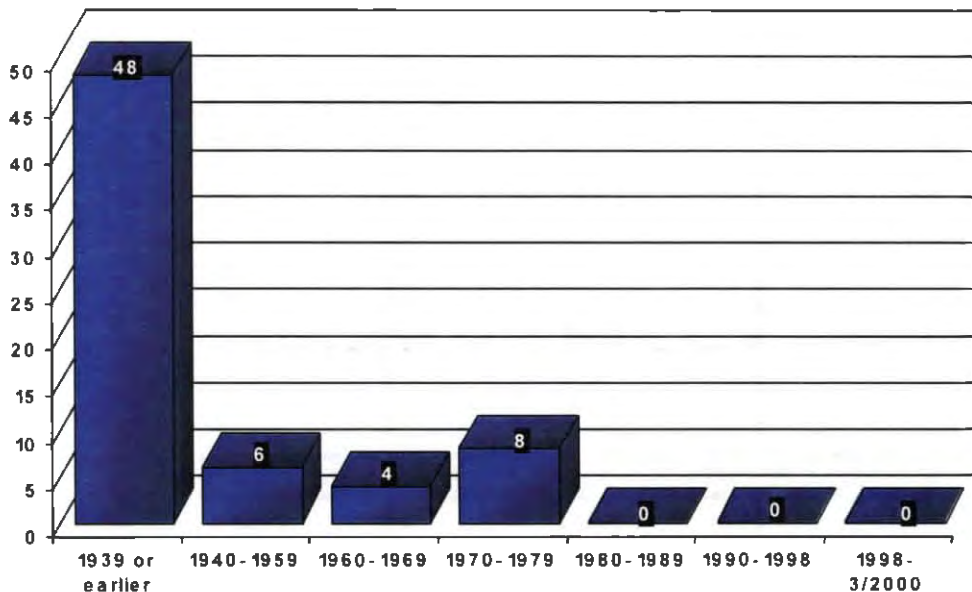
The housing profile is an analysis that aids in determining the composition of owner-occupied and renter-occupied units, as well as the existence of vacant units. It is important to evaluate information on the value of owner-occupied housing units, and monthly rents for renter-occupied housing units, to determine if housing costs are a financial burden to Alvo residents.

To project future housing needs, several factors must be considered. These factors include population change, household income, employment rates, land use patterns, and residents' attitudes. The following tables and figures provide the information to aid in determining future housing needs and develop policies designed to accomplish the housing goals for Alvo.

Age of Existing Housing Stock

An analysis of the age of Alvo's housing stock reveals a great deal about population and economic conditions of the past. The age of the housing stock may also indicate the need for rehabilitation efforts, or new construction within the community. Examining the housing stock is important in order to understand the overall quality of housing and the quality of life in Alvo.

**FIGURE 2:
AGE OF EXISTING HOUSING STOCK, ALVO
2000**



Source: U.S. Census Bureau, Census of Population and Housing, SF3, 2000

Figure 2 indicates 48, or 72.7% of Alvo's 66 total housing units, were constructed prior to 1940. There were six housing units, or 9.1% of the total, constructed between 1940 and 1959. Therefore, 81.8% of the community's housing stock is at least 50 years old. Between 1970 and 1979 there were eight housing units or 12.1% of the total units built. Since 1979 there were no new units constructed, as of the 2000 US Census.

Nearly 4/5 of Alvo's housing units were built prior to 1960, due to the age of these units there may be a need for a housing rehabilitation program or other similar programs to assist with improving the quality and energy efficiency of some of these older homes. Additionally, the community may need to examine a demolition option for some of the units that are

beyond rehabilitation may be necessary. All of these options are examined within the Alvo Housing Study completed in 2010.

Housing Trends

An analysis of housing trends can reveal a great deal about the different sectors of the population in the community. Housing trends indicate the breakdown between owner- or renter-occupied housing as well as the number of people living in Group Quarters. Examining housing trends is important in order to understand the overall diversity of the population and their quality of life within Alvo.

**TABLE 6:
COMMUNITY HOUSING TRENDS, ALVO
1990 AND 2000**

Selected Characteristics	1990	2000	% Change 1990-2000
Population	164	142	-13.4%
Persons in Household	164	142	-13.4%
Persons in Group Quarters	-	-	-
Persons per Household	2.73	2.45	-10.3%
Total Housing Units	73	63	-13.7%
Occupied Housing Units	60	58	-3.3%
Owner-occupied units	50	54	8.0%
Renter-occupied units	10	4	-60.0%
Vacant Housing Units	13	5	-61.5%
Owner-Occupied vacancy rate	7.4%	6.9%	-6.8%
Renter-Occupied vacancy rate	0.0%	0.0%	-
Single-family Units	52	60	15.4%
Duplex/Multiple-family units	-	-	-
Mobile Homes, trailer, other	21	6	-71.4%
Median Contract Rent - 1990 and 2000			
Alvo	\$200	\$0	-100.0%
Nebraska	\$348	\$491	41.1%
Median Value of Owner-Occupied Units - 1990 and 2000			
Alvo	\$29,400	\$54,200	84.4%
Nebraska	\$50,000	\$88,000	76.0%

Source: U.S. Census Bureau, 1990, 2000

Table 6 indicates that 22 fewer people lived in households in 2000 than in 1990. Alvo saw significant declines in all aspects of the community's housing makeup, except the total number of Owner-occupied units. In addition, the number of persons per household decreased from 2.73 to 2.45 persons, a 10.3% decrease; however, the 2.73 persons per household higher than the Nebraska figure of 2.54 persons per household. The 2000 Nebraska persons per household were 2.49 persons. The trend nationally has been towards a declining household size.

Table 6 also indicates the number of occupied housing units decreased from 60 in 1990 to 58 in 2000, or -3.3%. However, the number of vacant units also saw a major decrease from 13 units in 1990 to 5 in 2000 or a decrease of 61.5%. Single-family housing units increased from 52 in 1990 to 60 in 2000, or 15.4%. Duplex and multi-family housing remained unchanged. Finally, during the same period, mobile homes and trailers decreased from 21 units in 1990 to 6 units in 2000 or -71.4%.

Median contract rent in Alvo decreased from \$200 per month in 1990 to \$0 per month in 2000; there were 4 renter occupied units listed in 2000 which indicates the individuals were living rent free. The State's median monthly contract rent increased by 41.1%.

The Median value of owner-occupied housing units in Alvo increased from \$29,400 in 1990 to \$54,200 in 2000 and represents an increase of 84.4%. The median value for owner-occupied housing units in the state showed an increase of 76.0%. Housing values in Alvo increased at a higher rate than the statewide average. However, the actual median values in both 1990 and 2000 in Alvo were considerably less than the state.

Comparing changes in housing values between 1990 and 2000 with the Consumer Price Index¹ (CPI) enables the local housing market to be compared to national economic conditions. Inflation between 1990 and 2000 increased at a rate of 32.1%, indicating Alvo rents increased at a rate over 2 ½ times faster than the rate of inflation. Thus, Alvo home owners saw greater values in 2000, in terms of real dollars, than they were in 1990, on average.

Table 7 shows tenure (owner-occupied and renter-occupied) of households by number and age of persons in each housing unit. Analyzing these data gives Alvo the opportunity to determine where there may be a need for additional housing. In addition, Alvo could target efforts for housing rehabilitation and construction at those segments of the population exhibiting the largest need.

The largest section of owner-occupied housing in Alvo in 2000, based upon number of persons, was two person households, with 26 units, or 48.1% of the total owner-occupied units. By comparison, the largest household size for rentals was the single person households which had 2 renter-occupied housing units, or 100.0% of the total renter-occupied units. Alvo was comprised of 41 1-or 2-person households, or 73.2% of all households. Households having 5-or more persons comprised only 14.3% of the total households in Alvo.

¹ If the median value of a home increases at the same rate as inflation (CPI) then it has the same value in the resulting year compared to the beginning year (in real dollars).

**TABLE 7:
Tenure of Household by Selected Characteristics, Alvo
1990 to 2000**

Householder Characteristic	1990				2000				O.O.	R.O.
	Owner- Occupied	% O.O	Renter- Occupied	% R.O	Owner- Occupied	% O.O	Renter- Occupied	% R.O	Percent Change	
Tenure by Number of Persons in Housing Unit (Occupied Housing Units)										
1 person	11	20.4%	4	50.0%	13	24.1%	2	100.0%	18.2%	-50.0%
2 persons	14	25.9%	2	25.0%	26	48.1%	0	0.0%	85.7%	-100.0%
3 persons	6	11.1%	0	0.0%	1	1.9%	0	0.0%	-83.3%	-
4 persons	13	24.1%	2	25.0%	6	11.1%	0	0.0%	-53.8%	-100.0%
5 persons	8	14.8%	0	0.0%	6	11.1%	0	0.0%	-25.0%	-
6 persons or more	2	3.7%	0	0.0%	2	3.7%	0	0.0%	0.0%	-
TOTAL	54	100.0%	8	100.0%	54	100.0%	2	100.0%	0.0%	-75.0%
Tenure by Age of Householder (Occupied Housing Units)										
15 to 24 years	3	5.6%	0	0.0%	0	0.0%	0	0.0%	-100.0%	-
25 to 34 years	23	42.6%	4	200.0%	7	13.0%	0	0.0%	-69.6%	-100.0%
35 to 44 years	10	18.5%	2	100.0%	15	27.8%	2	100.0%	50.0%	0.0%
45 to 54 years	5	9.3%	0	0.0%	9	16.7%	0	0.0%	80.0%	-
55 to 64 years	4	7.4%	2	100.0%	8	14.8%	0	0.0%	100.0%	-100.0%
65 to 74 years	3	5.6%	0	0.0%	11	20.4%	0	0.0%	266.7%	-
75 years and over	6	11.1%	0	0.0%	4	7.4%	0	0.0%	-33.3%	-
TOTAL	54	100.0%	8	400.0%	54	100.0%	2	100.0%	0.0%	-75.0%

Source: U.S. Census Bureau, 2000

When compared to 1990, only two of the six owner-occupied household groups grew in number. Owner-occupied household groups of one-person increased by 2 units, or 18.2%. None of the six renter-occupied housing unit groups saw an increase. As far as owner-occupied units, those having three-, four-, and five-person households saw decreases, changing by -83.3, -53.8%, and -25.0% respectively.

Rental-occupied units actually saw major declines in all household groups. One group saw a -50% growth; while two others saw a change of -100.0%.

According to the 2000 data in Table 7, the largest groups of the owner-occupied units were the 35-44 years and 65 to 74 years cohorts. The age groups accounted for 27.8% and 20.4% of the total, respectively. The two groups combined totaled 48.2%. In addition, the owner-occupied units containing persons 45 years old and older accounted for 16.7% of the total owner-occupied households.

**TABLE 8:
SELECTED HOUSING CONDITIONS, ALVO
1990 AND 2000**

Housing Profile	Alvo		State of Nebraska	
	Total	% of Total	Total	% of Total
1990 Housing Units	73		660,621	
1990 Occupied Housing Units	60	82.2%	602,363	91.2%
2000 Housing Units	63		722,668	
2000 Occupied Housing Units	58	92.1%	666,184	92.2%
Change in Number of Units 1990 to 2000				
Total Change	-10	-13.7%	62,047	9.4%
Annual Change	-1.0	-1.4%	6,205	0.9%
Total Change in Occupied Units	-2	-3.3%	63,821	10.6%
Annual Change in Occupied Units	-0.2	-0.3%	6,382	1.1%
Characteristics				
1990 Units Lacking Complete Plumbing Facilities	4	5.5%	5,242	0.8%
1990 Units with More Than One Person per Room	3	4.1%	10,512	1.6%
2000 Units Lacking Complete Plumbing Facilities	0	0.0%	6,398	0.9%
2000 Units with More Than One Person per Room	0	0.0%	17,963	2.5%
Substandard Units				
1990 Total	7	9.6%	15,754	2.4%
2000 Total	0	0.0%	24,361	3.4%

Source: U.S. Census Bureau, 1990, 2000

Table 8 indicates changes in housing conditions and includes an inventory of substandard housing for Alvo. The occupied household rate in Alvo increased from 82.2% of all housing in 1990 to 92.1% of all housing in 2000. Between 1990 and 2000, the number of housing units in Alvo saw a change of -10, or an average of -1.0 units per year. However, the reason for the increase in occupied units is attributed to the actual demolition of housing units in the community.

According to the U.S. Department of Housing and Urban Development (HUD) guidelines, housing units lacking complete plumbing or are overcrowded are considered substandard housing units. HUD defines a complete plumbing facility as hot and cold-piped water, a bathtub or shower, and a flush toilet. HUD defines overcrowding as more than one person per room. These criteria when applied to Alvo indicate 0 housing units, or 0.0% of the total units, were substandard in 2000.

What these data fail to consider are housing units that have met both criterion and any such housing unit was counted twice, once under each criterion. Even so, the community should not assume that these data overestimate the number of substandard housing. Housing units containing major defects requiring rehabilitation or upgrading to meet building, electrical or plumbing codes should also be included in an analysis of substandard housing. A comprehensive survey of the entire housing stock should be completed every five years to determine and identify the housing units that would benefit from remodeling or rehabilitation work. This process will help ensure that a community maintains a high quality of life for its residents through protecting the quality and quantity of its housing stock.

Economic and Employment Profile

Economic data are collected in order to understand area markets, changes in economic activity and employment needs and opportunities within Alvo. In this section, employment by industry, household income statistics, and commuter analyses were reviewed for Alvo and Nebraska.

Income Statistics

Income statistics for households are important for determining the earning power of households in a community. The data presented here show household income levels for Alvo in comparison to the state. These data were reviewed to determine whether households experienced income increases at a rate comparable to the state of Nebraska and the Consumer Price Index (CPI). Note that income statistics may exhibit different numbers than housing statistics; for example, Table 7 shows that there were 63 households in Alvo in 2000, but Table 9 shows that there were only 61. Discrepancies of this nature are to be expected, and can be accounted for by the fact that these data were derived from different census survey formats.

**TABLE 9:
HOUSEHOLD INCOME, ALVO
1990 AND 2000**

Household Income Ranges	1990				2000			
	Alvo	% of Total	State of Nebraska	% of Total	Alvo	% of Total	State of Nebraska	% of Total
Less than \$10,000	9	15.5%	95,602	15.9%	9	14.8%	55,340	8.3%
\$10,000 to \$14,999	2	3.4%	64,661	10.7%	6	9.8%	43,915	6.6%
\$15,000 to \$24,999	12	20.7%	128,454	21.3%	12	19.7%	98,663	14.8%
\$25,000 to \$34,999	17	29.3%	108,560	18.0%	2	3.3%	97,932	14.7%
\$35,000 to \$49,999	12	20.7%	107,111	17.8%	10	16.4%	122,654	18.4%
\$50,000 and over	6	10.3%	98,470	16.3%	22	36.1%	248,491	37.3%
Total	58	100.0%	602,858	100.0%	61	100.0%	666,995	100.0%
Median Household Income	\$28,000		\$26,016		\$36,250		\$39,250	
Number of Households	58		602,858		61		666,995	

Source: U.S. Census Bureau, 2000

Table 9 indicates the number of households in each income range for Alvo for 1990 and 2000. In 1990, the household income range most commonly reported was \$25,000 to \$34,999, which accounted for 29.3% of all households. By 2000, the income range reported most was the \$50,000 and over which accounted for 36.1% of the total. Those households earning less than \$15,000 increased from 18.9% in 1990 to 24.6% in 2000, 30% more in 2000 than in 1990.

One key item to note for both the 1990 and 2000 data is the household incomes in Alvo in 1990 were actually higher than the state. By 2000, the household income was less than the state. In 1990 the Median Household Income for Alvo was \$28,000 compared to \$26,016 for the state of Nebraska; a difference of approximately \$2,000 more and was 107% of the Median state income.

By 2000, the Alvo Median Household Income increased by 29.4% to \$36,250. The Median Household Income for the state of Nebraska during the same period increased by 50.8% to \$39,250. Alvo's increase fell short of both the growth in the state of Nebraska and of the CPI of 32.1% for the same period; this means that households in Alvo were earning less in terms of real dollars in 2000 than in 1990. This shortfall was due to the increases seen in households earning \$15,000 or less which went from 39.6% of the total households in 1990 to 44.3% of the total in 2000.

**TABLE 10:
HOUSEHOLD INCOME BY AGE (55 YEARS & OLDER), ALVO
2000**

Income Categories	55 to 64 years	65 to 74 years	75 years and over	Households age 55 and over	Households age 55 and over	Total Households	% of Total Households age 55 & over
Less than \$10,000	0	2	0	2	9.1%	9	22.2%
\$10,000 to \$14,999	3	1	2	6	27.3%	6	100.0%
\$15,000 to \$24,999	0	6	1	7	31.8%	12	58.3%
\$25,000 to \$34,999	0	2	0	2	9.1%	2	100.0%
\$35,000 to \$49,999	2	0	0	2	9.1%	10	20.0%
\$50,000 or more	3	0	0	3	13.6%	22	13.6%
Total	8	11	3	22	100.0%	61	36.1%

Source: U.S. Census Bureau, 2000

Table 10 indicates household income for Alvo householders aged 55 years and over in 2000. The purpose for this information is to determine the income level of Alvo's senior households. The Table indicates 22 households meeting this criterion. Of the 22 households in Table 11, 15 or 58.2% had incomes less than \$25,000 per year. Furthermore, 8 of these households, or 36.4% of the total households, had incomes less than \$15,000 per year; in addition, these 8 households accounted for 53.3% of all households in the community earning less than \$15,000.

This information indicates many of these households could be eligible for housing assistance to ensure they continue to live at an appropriate standard of living. The number of senior households will likely continue to grow during the next twenty years. Typically, as the size of the 55 and over age cohort increases, these fixed income households may be required to provide for their entire housing needs during a longer period of time. In addition, the fixed incomes that seniors tend to live on generally decline at a faster rate than any other segment of the population, in terms of real dollars. As data from the 2010 US Census

becomes available the community may need to review these statistics for additional changes.

**TABLE 11:
HOUSING COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME, ALVO
2000**

Income Categories	Owner-Occupied Households	% O.O. Households	Renter-Occupied Households	% R.O. Households	Total Households	% of Total Households
Less than \$10,000						
Less than 30% of income	0	0.0%	0	-	0	0.0%
More than 30% of income	5	11.4%	0	-	5	11.6%
\$10,000 to \$19,999						
Less than 30% of income	1	2.3%	0	-	1	2.3%
More than 30% of income	8	18.2%	0	-	8	18.6%
\$20,000 to \$34,999						
Less than 30% of income	5	11.4%	0	-	5	11.6%
More than 30% of income	0	0.0%	0	-	0	0.0%
\$35,000 to \$49,999						
Less than 30% of income	8	18.2%	0	-	8	18.6%
More than 30% of income	0	0.0%	0	-	0	0.0%
\$50,000 or more						
Less than 30% of income	17	38.6%	0	-	17	39.5%
More than 30% of income	0	0.0%	0	-	0	0.0%
TOTAL	44	100.0%	0	0.0%	44	102.3%
Housing Cost Analysis						
Less than 30% of income	31	70.5%	0	-	31	70.5%
More than 30% of income	13	29.5%	0	-	13	29.5%
TOTAL	44	100.0%	0	0.0%	44	100.0%

Source: U.S. Census Bureau, 2000

Table 11 shows owner-occupied and renter-occupied housing costs as a percentage of householder income in 2000. In addition, the Table identifies the number of households experiencing a housing cost burden. A housing cost burden, as defined by the U.S. Department of Housing and Urban Development (HUD), occurs when gross housing costs, including utility costs, exceed 30% of gross household income, based on data published by the U.S. Census Bureau.

Table 11 shows 31 households, or 70.5% of total households, paid less than 30% of their income towards housing costs. This means the remaining 13 households, or 29.5% of the total, were experiencing a housing cost burden.

Comparing Alvo to the state of Nebraska and the United States as a whole, Alvo has a higher level of housing cost burden than either of the other entities with the exception of renter-occupied units. As mentioned, Alvo has a 29.5% housing cost burden for Owner-occupied;

0% for Renter-occupied and 29.5% overall. The state of Nebraska has 15.8% and 33.0% respectively or 21.7% overall; finally, the United States has housing cost burdens of 22.0% and 39.9% respectively or 28.6% overall.

Table 12 shows owner and renter costs for householders age 55 and over. Similar trends are shown in Table 12 as were shown in Table 11. In 2000, there were 6 owner-occupied households age 55 and over with a housing cost burden or 46.2% of the total households with this burden.

TABLE 12:
AGE 55 AND OLDER COSTS AS PERCENTAGE OF INCOME, ALVO
2000

Income Categories	Owner-Occupied Households	% O.O. Households	Renter-Occupied Households	% R.O. Households	Total Households age 55 and Over	% of Total Households 55 years and older
Housing Cost Analysis						
Less than 30% of income	10	62.5%	0	-	10	62.5%
More than 30% of income	6	37.5%	0	-	6	37.5%
TOTAL	16	100.0%	0	0.0%	16	100.0%

Source: U.S. Census Bureau, Census of Population and Housing, SF 3 Table H71 and H96, 2000

Industry Employment

Analyzing employment by industry assists a community in determining the key components of their labor force. This section indicates the type of industry that makes up the local economy, as well as identifying particular occupations that employ residents. Table 13 indicates employment size by industry for Alvo and the State of Nebraska for 2000 (these data indicate the types of jobs residents have, not the number of jobs locally). Unfortunately, it is not possible to compare the 2000 data with previous years due to the fact that the US Census Bureau changed the reporting category for the 2000 US Census.

Table 13 shows that the employment sectors with the greatest number of employees were the Educational, health and social services and Retail Trade. These sectors employed 17 people each or 43.0% of the total employed residents. These two sectors are closely followed by Manufacturing with 14 people or 17.7%. Some of the numbers in the retail trade and manufacturing sectors can be explained by Alvo's proximity to Waverly and Lincoln.

TABLE 13:
EMPLOYMENT BY INDUSTRY, ALVO

Industry Categories	Alvo		State of Nebraska	
	2000	% of Total	2000	% of Total
Agriculture, Forestry, Fishing and Hunting and Mining	2	2.5%	48,942	5.6%
Construction	6	7.6%	56,794	6.5%
Manufacturing	14	17.7%	107,439	12.2%
Wholesale Trade	0	0.0%	31,265	3.6%
Retail Trade	17	21.5%	106,303	12.1%
Transportation and warehousing and utilities	10	12.7%	53,922	6.1%
Information	0	0.0%	21,732	2.5%
Finance, insurance, real estate, and rental and leasing	7	8.9%	67,370	7.7%
Professional, scientific, management, administrative, and waste management	0	0.0%	63,663	7.3%
Educational, health, and social services	17	21.5%	181,833	20.7%
Arts, entertainment, recreation, accommodation and food services	0	0.0%	63,635	7.3%
Other services (except public administration)	6	7.6%	40,406	4.6%
Public Administration	0	0.0%	33,933	3.9%
Total Employed Persons	79	100.0%	877,237	100.0%

Source: U.S. Census Bureau 2000

Commuter Trends

Table 14 shows the commuter characteristics for Alvo in 1990 and 2000. Travel time to work is another factor that can be used to gauge where Alvo's workforce is employed. Table 14 shows how many residents of Alvo travel to work in each of several time categories.

TABLE 14:
TRAVEL TIME TO WORK, ALVO
1990 TO 2000

Travel Time Categories	1990	% of Total	2000	% of Total	% Change
Less than 5 minutes	-	0.0%	-	0.0%	-
5 to 9 minutes	-	0.0%	-	0.0%	-
10 to 19 minutes	18	20.9%	16	20.3%	-11.1%
20 to 29 minutes	31	36.0%	11	13.9%	-64.5%
30 to 44 minutes	28	32.6%	45	57.0%	60.7%
45 to 59 minutes	7	8.1%	-	0.0%	-100.0%
60 minutes or more	2	2.3%	2	2.5%	0.0%
Worked at home	-	0.0%	5	6.3%	-
Total	86	100.0%	79	100.0%	-8.1%
Mean Travel Time (minutes)	26.5		33.1		17.4%

Source: U.S. Census Bureau, 1990, 2000

Table 14 indicates that there was an overall decrease in the workforce living in Alvo in 2000 compared to 1990. The number of people working fell from 86 in 1990 to 79 in 2000 or a change of -8.1%. The -8.1% decrease in persons working compared to an overall population change of -3.5% indicates that the overall population change was less severe than the

workforce and it is likely that a large portion of the overall change was people from the workforce.

Table 14 indicates the workforce in 2000 spent approximately 4 ½ minutes more traveling to work than in 1990. The average travel time increased from 26.5 minutes in 1990 to 31.1 minutes in 2000. The largest increase occurred in the 30 to 44 minutes category, which increased by 17 people or 60.7%. Several of these groups saw decreases in the number of people making a specific journey. The final group, persons working at home, also increased going from 0 persons in 1990 to 5 persons in 2000.

Village Facilities

State and local governments provide a number of services to their citizens. The people, buildings, equipment and land utilized in the process of providing these goods and services are referred to as public facilities.

Public facilities represent a wide range of buildings, utilities, and services that are built and maintained by the different levels of government. Such facilities are provided to insure the safety, well being and enjoyment of the residents of Alvo. These facilities and services provide residents with social, cultural, educational, and recreational opportunities, as well as law enforcement and fire protection services designed to meet area needs.

It is important for all levels of government to anticipate the future demand for their services if they are to remain strong and vital. The analysis of existing facilities and future services are contained in the Facilities Plan. Alternatively, in some instances, there are a number of services that are not provided by the local or state governmental body and thus are provided by non-governmental private or non-profit organizations for the community as a whole. These organizations are important providers of services and are in integral part of the community.

Community Facilities Plan

The Facilities Plan component of a Comprehensive Development Plan reviews present capacities of all public and private facilities and services.

The Facilities Plan for Alvo is divided into the following categories:

- Recreational Facilities
- Village Buildings
- Educational Facilities
- Fire and Police Protection
- Health Facilities
- Transportation Facilities
- Communication Facilities
- Public Utilities

Recreational Facilities

Alvo is located in Nebraska's Metro Recreation Planning, Region 1. The Region includes seven counties in eastern portion of Nebraska.

Basic minimum recommendations for parkland in a small community range from 14 acres to 25 acres of parkland per 1,000 people. Therefore, the minimum parkland in Alvo should be between 14 and 25 acres.



Source: Nebraska Game and Parks

Regional and State Park system

There are a variety of recreational areas located within driving distance of Alvo. These areas specifically include Mahoney State Park, Louisville State Recreation Area, Platte River State Park, Cedar Creek Island, Rakes Creek, Randall Schilling Wildlife Management Area, and Rhoden Wildlife Management Area.

The Eugene T. Mahoney State Park is located in the northwest corner of Cass County, along Interstate 80 and the Platte River and is approximately 13 miles from Alvo. The facilities available at Mahoney State Park include: Recreational Vehicle Camping, tent camping, picnic shelters, horseback riding, a swimming pool, dining and lodging. Also included are an observation tower, theater, toboggan run and playground. Mahoney State Park contains a total of 675.65 acres. This area is divided into 15.8 acres of water and 659.85 acres of land.

The Louisville State Recreation Area located in north central Cass County and is approximately 20 miles from Alvo, features swimming, fishing and camping equipped with pads, electrical hook-ups, water fill and waste dump facilities and bathhouses. The facility is operated and owned by the Nebraska Game and Parks Commission. The total area of the facility is 193.63 acres (1.26 acres are located within Sarpy County, Nebraska). The area is made up of 50 acres of water and 143.63 acres of land.

The Platte River State Park, located in northwest Cass County is approximately 20 miles from Alvo and features swimming, hiking, horseback riding, nature trails, restroom facilities, a restaurant and cabins. The facility is owned and operated by the Nebraska Game and Parks Commission. The total area of the facility is 417.73 acres. The area is made up of 5.0 acres of water and 412.73 acres of land.

Cedar Creek Island is a Nebraska Game and Parks Commission property which is used as a Wildlife Management Area (WMA). At present, this WMA exist solely on paper. The island was originally in the Platte River and no longer exists. The area is located in north central Cass County. The WMA contained 4.40 acres of property. All of the acreage is land.

Rakes Creek is located 3 miles west and 2 miles north of Murray in eastern Cass County. The area is a Nebraska Game and Parks Commission WMA covering 316.0 acres, but containing no water.

Randall Schilling Wildlife Management Area is located northeast of Plattsmouth along the Missouri River. This WMA contains a total of 1,309.6 acres, with 29 acres in water and 1,280.6 acres in land.

Rhoden Wildlife Management Area is located 1-mile north and 1 mile east of Plattsmouth. The WMA borders Randall Schilling WMA on the south and the Missouri River along the east. The WMA contains 48.0 acres consisting entirely of land.

Private recreational facilities

The **Strategic Air and Space Museum** is located in the northwest corner of Cass County, next to the Eugene T. Mahoney State Park. The facility is home to 33 aircraft and 6 missiles dating back to the Cold War era. This collection is contained within a 300,000 square foot facility. Besides the display, the museum has a state-of-the-art children's gallery, a restoration gallery with a large viewing area, a 200-seat theater, glass atrium, a Museum store and snack bar. The facility opened on April 1, 1998.

Henry Doorly Zoo Wildlife Safari Park is located east of the Interstate 80/Mahoney Interchange. The facility is owned and operated by Henry Doorly Zoo in Omaha. The Safari Park opened in May 1998. The Safari Park is a 360-acre nature center in the Platte River hill country containing North American plants and animals. Throughout Safari Park, visitors have the opportunity to be face-to-face with elk, white-tailed deer, bison, pronghorn antelope and waterfowl. Included in the Safari Park are a Visitors Center, interpretive nature exhibits, small plant and animal displays, a gift shop, restrooms, concession area and a small convenience store. The Safari Park is divided approximately in half, with one half being used for conservation and breeding purposes for rare and endangered wildlife. The other half is being developed into gardens, prairies and wetlands for the animals. A large wetland area will be the home to pelicans, herons and many other species of waterfowl. The Park's roadways and foot trails allow visitors to experience different aspects of the area.

Golf Courses

Alvo Golf Course does not have any golf courses within the community's jurisdiction but there are several within driving distance of the area. The golf courses within Cass County include:

Quarry Oaks Golf Course is an 18-hole Championship course. The course includes a Par-3 hole at number 15 which is over an old quarry. The back nine holes are located along a

ridge overlooking the Platte River. The course also includes a clubhouse with dining facilities for 150 persons. The course is located east of the Interstate/Mahoney Park exit.

Bay Hills Golf Course at Buccaneer Bay is located north and west of Plattsmouth in the Buccaneer Bay Subdivision. The course is an 18-hole Championship course. The course has a full service Pro Shop with professional instruction available.

Plattsmouth Country Club is a nine-hole course situated on rolling hills. The course is public and is located off U.S. Highway 75, north of Plattsmouth.

Grandpa's Woods Golf Course is a 9-hole executive course. The course has a clubhouse with meeting rooms available. The course contains meandering creeks and numerous trees and traps. The course is located on Nebraska State Highway 1, North of Elmwood.

Ashland Country Club is located three miles south of Ashland along U.S. Highway 6. The course is a 9-hole grass green course and contains approximately 100 acres. The Country Club is open to the public. In addition to golf, the Ashland Country Club offers tennis courts and an Olympic size swimming pool.

Lake Ridge Country Club is located six miles south of Plattsmouth and just east of Murdock along U.S. Highway 75. The course is a 9-hole grass green course and contains approximately 100 acres. The Country Club is open to the public.

Educational Facilities

Public Schools

The public schools in Nebraska are grouped into six classes, depending upon the type of educational services provided and the size of the school district. The six classes, as defined by the State of Nebraska, are:

- **Class 1** *Any school district that maintains only elementary grades under the direction of a single school board. Recently dissolved by Legislative action*
- **Class 2** Any school district with territory having a population of 1,000 inhabitants or less that maintains both elementary and high school grades under the direction of a single school board.
- **Class 3** Any school district with territory having a population of more than 1,000 and less than 100,000 that maintains both elementary and high school grades under the direction of a single school board.
- **Class 4** Any school district with territory having a population of 100,000 or more and less than 200,000 inhabitants that maintains both elementary and high school grades under the direction of a single school board.
- **Class 5** Any school district with territory having a population of 200,000 or more that maintains both elementary and high school grades under the direction of a single school board.

- **Class 6** Any school district that maintains only a high school under the direction of a single school board. The territory of Class 6 district is made up entirely of Class 1 districts (or portions thereof) that have joined the Class 6.

The public school district serving Alvo and surrounding areas is the Waverly School District. The school district is based in Lancaster County and serves portions of western Cass County. The district not only serves Alvo but the communities of Eagle, Prairie Home, Walton and Waverly. The District is considered a Class 3 District. The district operates six school facilities:

- Eagle Elementary (K-5) – Eagle
- Hamlow Elementary (K-2) – Waverly
- Intermediate – (3-5) - Waverly
- Waverly Middle School (6-8) – Waverly
- Waverly High School (9-12) - Waverly

The following Table identifies the four primary facilities for Waverly School District along with their 2008-2009 enrollments.

**TABLE 15:
WAVERLY SCHOOL DISTRICT – ENROLLMENT
2008-2009**

Facility	Pre K	K-5	6-8	9-12	Total Enrollment	Teacher FTE	Pupil-Teacher Ratio	Total Staff FTE
Waverly School District	24	777	416	551	1,768	123.5	14.0	268.5
Eagle Elementary	-	253	-	-	253	-	-	-
Hamlow Elementary	-	256*	-	-	256	-	-	-
Intermediate	-	268**	-	-	33	-	-	-
Waverly Middle School	-	-	416	-	416	-	-	-
Waverly High School	-	-	-	551	551	-	-	-

Source: U.S. Department of Education Institute of Education Sciences, 2009

*This number only represents grades K through 2

** This number only represents grades 3 through 5

The district has the following assessed valuation, tax levies:

**TABLE 16:
WAVERLY SCHOOL DISTRICT – VALUATION AND TAX RATES
2008-2009**

District	Total Revenue	Total Revenue / Student	Total Expenditures / Student	Assessed Valuation	Levies per \$100 of Valuation	
					General	Total Other Levies
Waverly School District	\$20,428,000	\$12,225	\$17,958	\$1,085,552,659	\$1.0218	\$0.2067

Source: Nebraska Department of Education, 2008-2009;

U.S. Department of Education Institute of Education Sciences, 2009

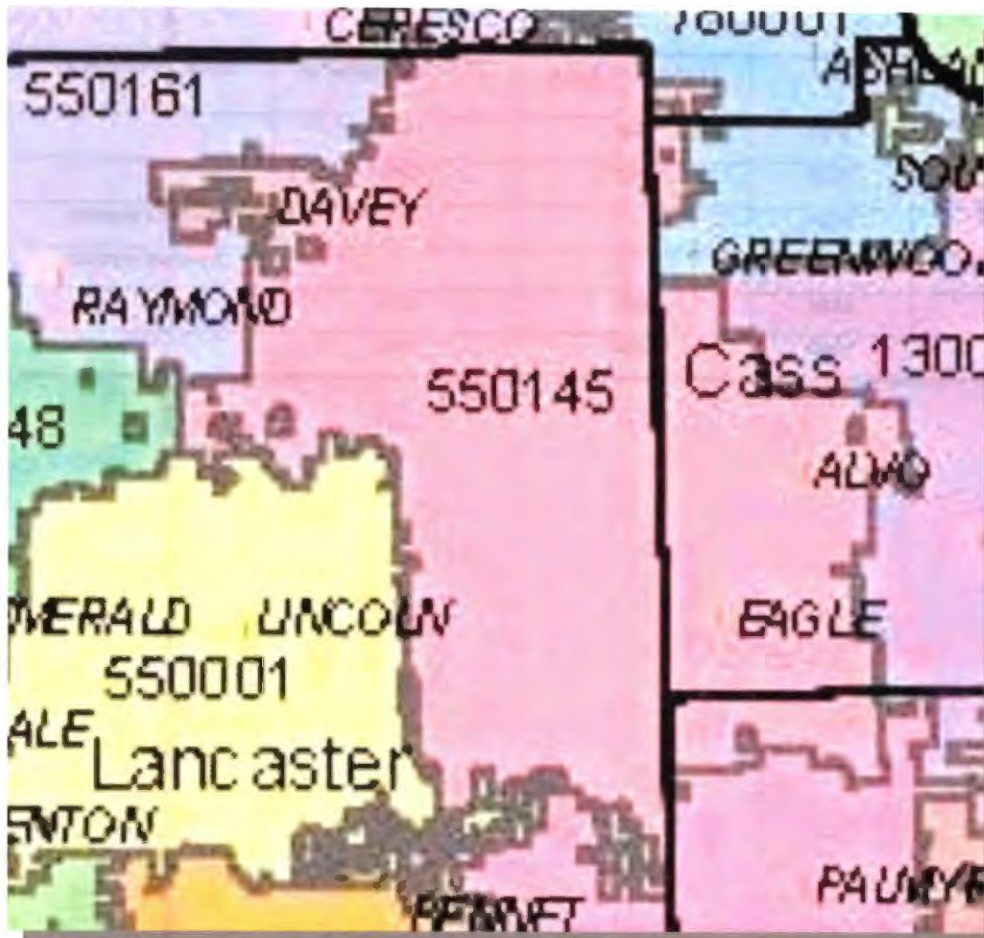
The Waverly School District is a member of Educational Service Unit #6 (ESU) based in Milford. The ESU serves the counties of Fillmore, Lancaster, Saline, Seward, and York.

Post-Secondary Education

The residents of Alvo and the surrounding area have a large selection of in-state post-secondary schools to select. Some of these include:

▪ University of Nebraska	Lincoln
▪ Nebraska Wesleyan	Lincoln
▪ University of Nebraska	Omaha
▪ Creighton University	Omaha
▪ Bellevue University	Bellevue
▪ Kaplan University	Lincoln/Omaha
▪ College of St. Mary's	Omaha
▪ Union College	Lincoln
▪ Southeast Community College	Lincoln
▪ Metropolitan Community College	Omaha
▪ Creighton University	Omaha
▪ University of Nebraska Medical Center	Omaha
▪ Clarkson College	Omaha
▪ Grace College of the Bible	Omaha
▪ Nebraska Methodist College of Nursing and Allied Health	Omaha

Figure 3:
School District Map



Source: Nebraska Department of Education, 2008-2009

Fire and Police Protection

Fire and Rescue

The Alvo Fire Station is located at 135 Main Street. It was constructed in 2006 housing all fire equipment and ambulance in its three bay steel frame structure. There are eight volunteer fire fighters.

Eagle-Alvo Fire District

The Eagle-Alvo Fire District covers the southwest corner of Cass County. The Fire District contains approximately 49 square miles of the county. The department has two stations, one at Eagle and one at Alvo.

The Insurance Service Office Classification for Eagle-Alvo is a 7 within Eagle and a 9 within Alvo. The rating for within 5 miles and less than 1,000 feet from a hydrant is a 9 and a 9 within 5 miles and over 1,000 feet to a fire hydrant. The rating for service over 5 miles was rated a 10. The overall adequacy of the vehicles and equipment was described as good. The department trains on a monthly basis on all types of issues related to firefighting. The following listing contains the vehicles owned by the Eagle-Alvo Fire District:

**TABLE 17:
FIRE AND RESCUE EQUIPMENT
2010**

Equipment	Year	Pump Size (gpm)	Tank Size (gallons)	Other information
Ford Pumper	1986	750	600	
International Tanker	2006	250	2,000	
Rescue Squad (Chevy)	1986			2 patient capacity
Rescue Squad (Ford)	1990			2 patient capacity
Chevy Grass Truck	1984	250	200	
Ford Grass Truck	1990	250	200	

Source: Village of Alvo

LAW ENFORCEMENT

Law enforcement in Alvo is contracted to the Cass County's Sheriff's Department. The Sheriff's office is located in Plattsmouth, approximately 45 miles to the east. The Cass County Sheriff's Department has a total of 24 sworn officers and 15 civilian employees. The department covers a population base of approximately 18,800 people and has an officer ratio of 1.3 officers per 1,000 residents (compared to 2.7 officers per 1,000 people in Lancaster County, 2.1 officers per 1,000 residents in Sarpy County and 1.0 officer per 1,000 people in Saunders County).

The Cass County Sheriff's Office provides Policing services to the communities within Cass County. The office investigates criminal & drug offenses, traffic accidents, enforces traffic laws, and serves as a representative of the County Coroner in death investigations. Other duties include: collecting delinquent property taxes; execution of complex court orders; and serving summonses, subpoenas and warrants. The Sheriff's Office also offers crime prevention division, 911 Communications Center and operates the county jail. (Source: <http://www.cassne.org/sheriff.html>)

Village Buildings

Village Office

The offices for the Village of Alvo are located within the Alvo fire station located at the intersection of 2nd and Main Street. The Village Office contains the office of the Village Clerk. The Village Board also holds their meets at this facility. The building was constructed in 2006 and is a one-story metal building.



Communication Facilities

Telephone Services

All local telecommunication services in Cass County are provided by Windstream Communications of Lincoln. The service is considered adequate for current and future needs.

Radio Stations

There is one radio station located within Cass County, KCTY FM, KOIL AM, and KOTD AM, in Plattsmouth. Besides these stations there are a number of regional radio and television stations located in Omaha and Lincoln which carry local news and programming.

Television Stations

Presently there is no local television stations located in Alvo. The over the air stations that serve the area originate out of Lincoln and Omaha including the following:

- KOLN/KGIN - CBS Affiliate (Lincoln)
- KLKN - ABC Affiliate (Lincoln)

- KFXL - Fox Affiliate (Lincoln)
- KETV - ABC Affiliate (Omaha)
- KMTV - CBS Affiliate (Omaha)
- KXVO - WB Affiliate (Omaha)
- WOWT - NBC Affiliate (Omaha)
- NET - PBS Affiliate (Lincoln)
- KYNE - PBS Affiliate (Omaha)
- KPTM - Fox Affiliate (Omaha)

Newspapers

Various newspapers of local and regional circulation are available throughout Cass County. The two most common newspapers in the Alvo area include the Lincoln Journal Star and the Omaha World Herald.

Public Utilities

Electricity

The Village of Alvo has its electrical service supplied and operated by Omaha Public Power District. Typically OPPD will maintain the necessary level of service needed in order to adequately supply the uses within Alvo.

Natural Gas

Natural Gas service is not available in Alvo

Water Supply

The water tower was constructed in 1935 and has an overall capacity of 20,000 gallons including the riser. The existing storage capacity needs to be examined carefully. Under basic calculations, that account for the average daily usage (100 gallons per person per day) and residential fire flow demand (1,000 gallons per minute times 60 minutes/hour times 2) the existing tower is considerably undersized even for the population of Alvo. Using the basic calculations, the water tower in Alvo needs to have 134,000 gallons of storage, thus a tower that has a capacity of 150,000 gallons.

The Village has two wells which are:

- 180 feet deep and pumps a maximum of 110 gallons per minute
- 160 feet deep and pumps a maximum of 18 gallons per minute and is used strictly for standby situations.

The water quality of both wells is good with no issues regarding nitrates, iron or other contaminants.

The distribution system is a combination of 6 inch, 4 inch, and 2 inch pipes. The 2 inch pipes are typically found along side streets in the community.

The community needs to give serious consideration to a new second well for water supply. The current standby well will require considerable time to refill the tower in the case of an

emergency. In addition, the ability to fight a fire with the primary well out of service would be extremely limited due to the current pumping capacity.

Eventually, if not already completed, a comprehensive water study should be completed by the Village of Alvo. This type of study can be funded using CDBG Planning Grants similar to the grant that help pay for the Comprehensive Plan.

Sanitary Sewer

The collection system throughout the community is made up of 6 inch pipe. The system is entirely gravity flow and ends up in the village's lagoon system on the northeast corner of the community. The lagoon system is a 3-cell system.

Eventually, if not already completed, a comprehensive sanitary sewer study should be completed by the Village of Alvo. This type of study can be funded using CDBG Planning Grants similar to the grant that help pay for the Comprehensive Plan.

Solid Waste

Garbage is currently disposed of at the Sarpy County Landfill. Recycling is handled through Cass County Recycling.

Health Facilities

Hospital

There are no hospital facilities in Alvo. The nearest facilities are in:

- Lincoln
- Omaha
- Ashland

Nursing Home Facilities

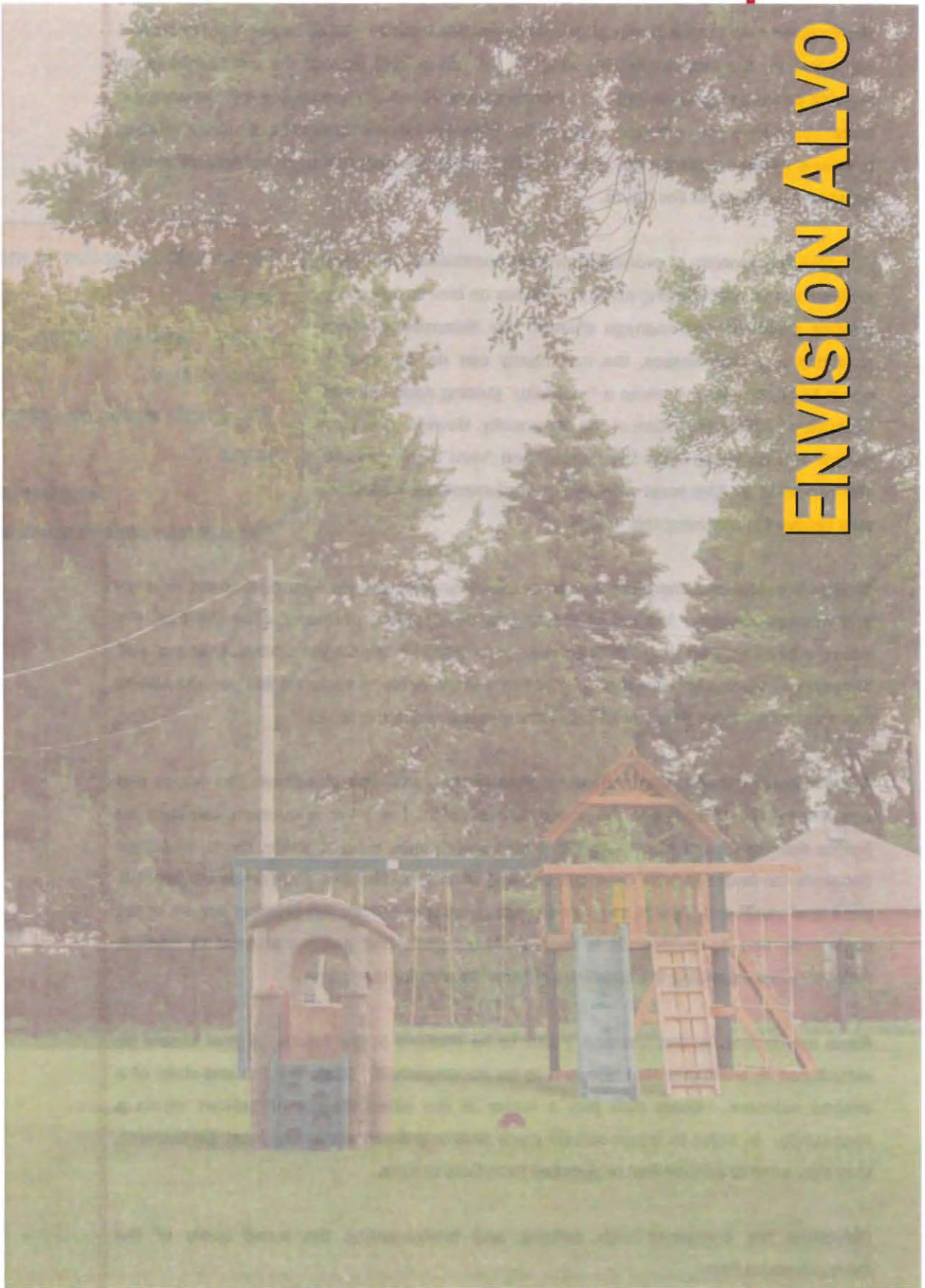
There are no Nursing Home Facilities located in Alvo. The nearest facilities are located in:

- | | |
|---------------|--------------|
| • Lincoln | • Gretna |
| • Omaha | • La Vista |
| • Plattsmouth | • Ashland |
| • Syracuse | • Louisville |
| • Ralston | • Waverly |
| • Papillion | |

Clinics

There are no Clinics located in Alvo. The nearest facilities are located in:

- | | |
|---------------|--------------|
| • Lincoln | • Gretna |
| • Omaha | • La Vista |
| • Plattsmouth | • Ashland |
| • Syracuse | • Louisville |
| • Ralston | • Waverly |
| • Papillion | |



ENVISION ALVO

Goals and Objectives

The Envision Alvo section is critical to soliciting public input as well as establishing goals and objectives for the community. Planning for the future land uses of the community is an ongoing process of goal setting and problem solving aimed at encouraging and enhancing a better community with a better quality of life. Planning focuses upon ways of solving existing problems within the community, and providing a management tool enabling Alvo citizens to achieve their vision for the future.

Visioning is a process of evaluating present conditions, identifying problem areas, and bringing about consensus on how to overcome existing problems and manage change. By determining Alvo's strengths and weaknesses, the community can decide what it wants to be, and then develop a "roadmap" guiding decisions and ultimately fulfilling the vision of the community. However, the plan cannot only be based upon this "vision" and "road map" concept. The residents of Alvo must also act or implement the necessary step involved in achieving this "vision".

Change is continuous, therefore Alvo must decide specific criteria that will be used to judge and manage change. Instead of reacting to development pressures after the fact, the community along with their strategic vision, can better reinforce the desired changes, and discourage negative impacts that may undermine the vision. A shared vision permits Alvo to focus its energy to minimize conflicts in the present, and in the future.

A key component of a Comprehensive Plan is the goals and objectives. The issues and concerns of the citizens are developed into a vision. The vision statement can then be further delineated and translated into action statements, used to guide, direct, and base decisions for future growth, development and change within Alvo. Consensus on "what is good land use?" and "how to manage change in order to provide the greatest benefit to the community and its residents?" is formed. Alvo's goals and policies attempt to address various issues, regarding the questions of "how" to plan for the future.

Goals are desires, necessities and issues to be attained in the future. A goal should be established in a manner that allows it to be accomplished. Goals are the end-state of a desired outcome. Goals also play a factor in the establishment of policies within a community. In order to attain certain goals and/or policies within the local government, they may need to be modified or changed from time to time.

Objectives are concerned with defining and implementing the broad goals of the Comprehensive Plan.

Vision without action is merely a dream

Action without vision is just passing time

Vision with action can change the world

- Joel Barker

Objectives are a means to achieving the goals established by the Community. They are specific statements of principle or actions that imply a clear commitment that is not mandatory. Objectives are part of the value system linking goals with action. Objectives have three different elements:

1. an end that needs to be achieved,
2. a means by which to achieve that end, and
3. an administrative mechanism by which the means are carried out

These objectives will synthesize the information from the goals, as well as the responses from the participants of the various input processes. Therefore, objectives play an important role in the Comprehensive Development Plan because they direct the different actions will need to be taken to meet the goals.

The goals and objectives assure that the Comprehensive Development Plan accomplishes the desires of the residents. This section of the Plan is therefore, a compilation of local attitudes collected through a Town Hall meeting and other meetings during the overall process. When followed, development proposals in the community should be evaluated as to their relationship with the citizens' comments. Therefore, "goals and objectives" should be referred to as diligently as the Future Land Use Map or any other part of the Comprehensive Development Plan. Likewise, they should be current, in order to reflect the attitudes and desires of the Village and its residents.

It is important for communities to establish their goals and policies in a manner that allows for both long-term and short-term accomplishments. The short-term goals and objectives serve several functions:

- Allow for immediate feedback and success, which fuels the desire to achieve additional goals and better policies.
- Allow for the distribution of resources over time thus assuring a balanced use of public investment.
- Establish certain objectives that need to be followed before the long-term goals can be accomplished.

Public Participation Process

Alvo Town Hall Meeting

The Alvo Town Hall meeting was held on April 26, 2010 at the Village Hall. At the meeting the group in attendance was asked to identify negative and positive aspects of the community. The participants were also asked to identify specific projects needing to be completed in the village as well as key words that described their vision of Alvo. The attendees then ranked their top priorities for each question. The following information summarizes the results of each question and the corresponding percentage (i.e. importance) residents of Alvo indicated for each question.

Table 18: Negative Aspects of Alvo

Negatives	
Lack of income producing properties	3
Lack of community blueprint	2
Lack of things to attract people	2
Lack of community activities to meet people	2
Attitude - Not how can we help BUT who can we blame	2
Unfair practice of local code enforcement	1
Lack of community involvement	1
Lack of knowledge /direction on negatives	1
Traffic control/speeding	1
Bad street conditions	1
Lack of community pride	1
Snow removal	1
Sanitary sewer system	1
Flies	0
No Comprehensive Plan	0
No enforcement of existing rules and regulations	0
Inconsistent enforcement	0
People not sure where Alvo is	0
Poor sidewalk conditions	0
No jobs	0
Frost free water meters	0
Animal control	0
Drainage/ditches	0
School district - distances to buildings	0
Total	18

Table 19: Positive Aspects of Alvo

Positives	
Post office	3
Friendly/Neighborly Community	2
People care about the town	2
Small quiet community	2
Good water	2
Still have a church in town	2
Good Fire Department	1
Good location	1
Influx of younger people	1
Small town quality of life	1
It's cute	1
Surrounded by a lot of open ground - not landlocked	1
New construction - 3 new houses	1
Nice building for community events	1
<hr/>	
Better people moving in	0
People with a lot of talents	0
Playground area	0
Rescue squad	0
Good community support for fire and rescue	0
Community events supported by people immediately outside the community	0
Clean-up of old buildings	0
Know who to call for help	0
Still some old families	0
Comprehensive Planning project	0
Better support from other communities	0
Agreement with Rural Water District for fire protection	0
Excess to good education	0
Total	21

Table 20: Projects in Alvo

Projects	
Street renovation	4
Café	3
Improve drainage	3
Youth Parade	2
Farmers Market	2
Movies in the Park	1
Gas station/Convenience Store	1
Better local government	1
Cable	1
<hr/>	
More clean-up	0
Sewer maintenance program	0
Housing project	0
Business tax	0
Natural gas	0
Fiber Optic phone/data	0
Total	18

Table 21: Vision phrases in Alvo

Vision	
Old home yet progressive	4
Village	3
Potential	3
Close net	3
Helpful	2
Responsible	1
Look forward	1
<hr/>	
Nosy	0
Respectful	0
Total	17

Goals and Policies for Alvo

The goals and policies that have been generated for Alvo are organized into general categories. The categories are broad enough to allow many issues to fall within them, but narrow enough to allow a fairly clear distinction and separation. These categories are used for a logical organization of goals and policies. The following goals and policies are general in nature; while more specific goals and policies for transportation and land use can be found within those individual sections further in the document:

Housing Goals***Housing Goal 1***

Affordable housing should be distributed throughout the community. Preservation of the existing affordable housing and promotion of new affordable housing throughout the community should be encouraged.

Objectives

- H-1.1 Develop zoning and subdivision regulations and policies that will minimize the cost of extending infrastructure to new development areas.
- H-1.2 Encourage the use of prefabrication (not modular construction) as a new and more cost-effective approach to new housing.
- H-1.3 Encourage the redevelopment of vacant lots and/or older homes for construction of affordable units.
- H-1.4 Create zoning regulations that will work in conjunction with the smaller/narrower residential lots.
- H-1.5 Work with Southeast Nebraska Development District and Nebraska Department of Economic Development to identify potential funding opportunities that will aid in making affordable housing a reality.
 - Down payment assistance programs
 - Mortgage buy downs
 - Infrastructure grants

Housing Goal 2

Provide new residential developments on the community perimeter that will attract people to Alvo or allow for established residents to move up (thus opening up housing stock for new home owners).

Objectives

- H-2.1 Develop zoning and subdivision regulations and policies that will minimize the cost of extending infrastructure to new development areas.
- H-2.2 Encourage convenient access to neighborhood services such as parks from residential developments.
- H-2.3 Encourage the use of prefabrication (not modular construction) as a new and more cost-effective approach to new housing.
- H-2.4 Quality sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards.
- H-2.5 New and existing residential development should be separated from more intensive uses, such as agriculture, industrial development, by the use of setbacks, buffer zones, or impact easements.
- H-2.6 New residential developments should be accompanied by covenants when appropriate, which provide for the maintenance of common areas, easements and drainage.

Economic Development Goals**Economic Development Goal 1**

The Village of Alvo should promote the establishment of smaller locally owned businesses within the community.

Objectives

- ED-1.1 The Village needs to complete a Blight and Substandard Study in order to position the community for the use of Tax Increment Financing.
- ED-1.2 Create a General Redevelopment Plan based upon the findings of the Blight and Substandard Study.
- ED-1.3 The Village needs to work with Cass County to identify all zoning needs in order to determine certain planning and zoning designations that may fall along the Village's jurisdiction.
- ED-1.4 Use specific economic development incentives such as Tax Increment Financing to entice need businesses to locate in Alvo.
- ED-1.5 Identify any interest that may exist with residents or nearby cooperatives for constructing a convenience store/filling station in Alvo.
- ED-1.6 Work with residents and nearby farmers to set up a Farmer's Market in the community. The event will need to be advertised to all nearby communities and even along the perimeter of Omaha and Lincoln.

- ED-1.7 Work with the Nebraska Department of Economic Development and Southeast Nebraska Development District to identify potential funding sources to attract businesses including new business start-ups.

Economic Development Goal 2

Alvo needs to promote itself as a place to live, relax, and raise a family.

Objectives

- ED-2.1 The community needs to continually survey new residents regarding their reasons for relocating to Alvo.
- ED-2.2 As data becomes more available from the survey in ED-2.1, the Village needs to build upon the strong points noted and improve those issues that need improved.
- ED-2.3 In conjunction with Housing Goal 1 and 2, examine the feasibility of creating a "free" and "reduced land" offer to attract new residents and new construction in Alvo.
- ED-2.5 Look at funding opportunities to expand recreational land within Alvo in order to provide a place for existing and new youth to play.
- ED-2.6 Establish new and expanded infrastructure/technologies (cable television, high-speed Internet, etc.) throughout the community needed to improve the quality of life for existing and future residents.

Recreational Goals

Recreational Goal 1

The Village of Alvo should continue to provide adequate park and recreation opportunities for local residents and visitors to the community.

Policies

- REC-1.1 Park and recreation facilities should be designed to accommodate the particular needs and interests of area residents while protecting, preserving, and conserving the environmental character and quality of the area.
- REC-1.2 Provide parks and recreational facilities that are reasonably accessible to residents of Alvo as new developments occur along the perimeter of the community.
- REC-1.3 Preserve the natural attributes of both the floodplain to avoid loss of life and property while providing open space.
- REC-1.4 Work with area youth to develop unique forms of recreation for the school aged population of the community. Examples include a youth game night, youth parade, movie nights, etc.

Educational Goals

Educational Goal 1

Quality education is a vital component of positive growth. Although the Village's role is limited, objectives and policies need to be established with regard to locating development to insure cost effective use of existing facilities.

Policies

- EDU-1.1 The school district should review all new development proposed within the zoning jurisdiction of Alvo so that they can accommodate for future school populations.
- EDU-1.2 Work closely with the school district when looking at any future areas to be declared Blighted and Substandard as well as any future Tax Increment Financing projects

Fire Protection, Law Enforcement, and Public Safety Goals

Safety (Fire Protection) Goal 1

The goal of the Village of Alvo is to maintain fire protection programs by exploring programs and alternative services to insure optimum service levels and public costs.

Policies

- SAFE -1.1 Continue to work with the fire district to maintain quality equipment levels.
- SAFE-1.2 Work to expand fire safety education and prevention throughout the community.
- SAFE-1.3 Continue to work with the Rural Water District for additional water supplies for fire fighting measures.

Safety (Law Enforcement) Goal 2

The goal of the Village of Alvo is to maintain quality law enforcement within the community.

Policies

- SAFE -2.1 Continue to identify specific needs with the County and the County Sheriff regarding protection within the corporate limits of Alvo.
- SAFE-2.2 Continue to support minimum standards regarding equipment used by law enforcement.

Safety (General Health and Safety) Goal 3

The goal of the Village of Alvo is to maintain regulations that will protect the general health and safety of all residents.

Policies

- SAFE -3.1 Clean and regulate nuisances and poorly maintained properties. This includes providing standards that are a win-win for property owners, businesses and

residents when regulating junk cars, junkyards and dilapidated/deteriorated residences across the Village.

- SAFE-3.2 Establish regulations protecting the Village residents from the secondary effects of adult entertainment.

Public Facility Goals

Public Facility Goal 1

The Village of Alvo, as the population grows, will feel the pressure to provide certain upgraded or new facilities the residents of the community. The expansion of public facilities is a major factor in directing development.

Policies

- PUB-1.1 Continue to expand and upgrade the water and sanitary sewer system in a manner that will guide growth in a systematic and responsible manner without creating large shortfalls for the Village to meet demand.
- PUB-1.2 Work with local and/or national telecommunication firms to supply Alvo with up to date cable television, Internet service and other digital communication services.

Environmental Goals

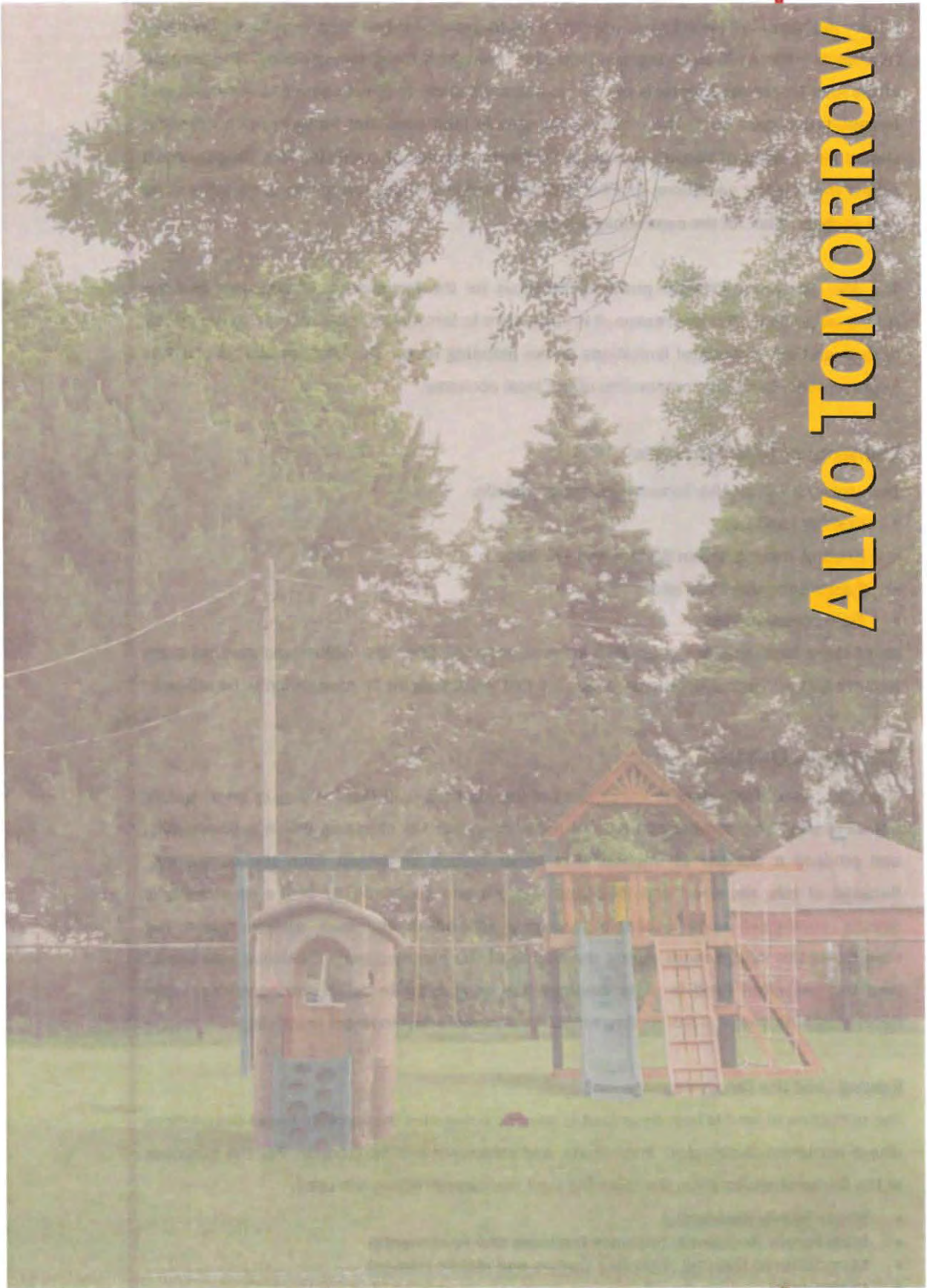
Environmental Goal 1

The goal of Alvo is to guide development in a manner that conserves and protects the natural resources; minimizes potential conflicts between rural/urban residents; promotes compatible land uses; encourages compact development and an efficient provision of services.

Policies

- ENV-1.1 Zoning regulations and design standards should be created to protect the environmental and natural resources of Alvo through the encouragement of preservation and conservation practices.
- ENV-1.2 Federal requirements and regulations shall be followed when land use regulations are being developed. Alvo's regulations should, at a minimum, be as strict as federal standards, and where necessary, may be enforced in a manner stricter than federal guidelines.
- ENV-1.3 Protect all water supplies and aquifers from development activities that may affect the quality and/or quantity of water.
- ENV-1.4 Development shall demonstrate a positive or, at least, a neutral impact on surface and ground water supplies.
- ENV-1.5 Encourage the preservation of environmentally sensitive areas such as wetlands, wooded areas, waterways (streams, ponds, lakes, rivers, etc.), landmark trees and other amenities.

- ENV-1.6 Restrictions on land uses within the floodplain which are open and undeveloped, including forestry, agriculture, wildlife habitat and recreational areas should be established.
- ENV-1.8 The Village shall enforce and monitor the requirements for Stormwater Management under the NPDES Phase II program.
- ENV-1.9 The Village will, in making land use decisions relative to industrial or other uses likely to pose a threat to air quality, consider proximity of the proposed use to residential areas and meteorological factors such as prevailing wind direction and velocity.



ALVO TOMORROW

Introduction

Within any planning jurisdiction, whether a large growing urban area or a small declining rural county, there will be changes in land uses throughout the planning period. The purpose of the Alvo Tomorrow Chapter is to provide a general guide to direct changes in land use and transportation over time. The resulting changes in land uses and transportation networks should be capable of coexisting with a minimum number of conflicts. This Chapter must reflect the existing conditions and be flexible in order to meet the needs of its citizens as well as their vision for the community's future.

The Alvo Tomorrow Chapter provides the basis for the formulation of land use and the zoning regulations. For this reason, it is imperative to formulate a plan tailored to the needs, desires and environmental limitations of the planning area. The Chapter should promote improvements in all the components of the local economy.

Elements of Alvo Tomorrow

The elements of the Alvo Tomorrow Chapter include:

- **Existing Land Use**
- **Existing Transportation System and Facilities**
- **Future Land Use Plan, and**
- **Transportation Plan**

All of these elements are integrated in some manner. Effective evaluations and decisions regarding development decisions require a substantial amount of information to be utilized.

EXISTING LAND USE

The term "Land Use" refers to the developed uses in place within a building or on a specific parcel of land. The number and type of uses are constantly changing within a community, and produce a number of impacts that either benefit or detract from the community. Because of this, the short and long-term success and sustainability of the community is directly contingent upon available resources utilized in the best manner given the constraints the Village faces during the course of the planning period. Existing patterns of land use are often fixed in older communities or at least in established sections, while development in newer areas is often reflective of current development practices.

Existing Land Use Categories

The utilization of land is best described in specific categories that provide broad descriptions where numerous businesses, institutions, and structures can be grouped. For the purposes of the Comprehensive Plan, the following land use classifications are used:

- **Single Family Residential**
- **Multi-Family Residential (includes Duplexes and Apartments)**
- **Manufactured Housing (including Trailers and Mobile Homes)**
- **Commercial**
- **Industrial**
- **Quasi-Public (includes churches and hospitals)**

- Public (including Village facilities and schools)
- Parks & Recreation (including Open Space)
- Vacant/Agricultural

These land use classifications are used throughout both the existing land use analysis as well as the future land use plan to ensure continuity and methodology.

Existing Land Use Analysis within Corporate Limits

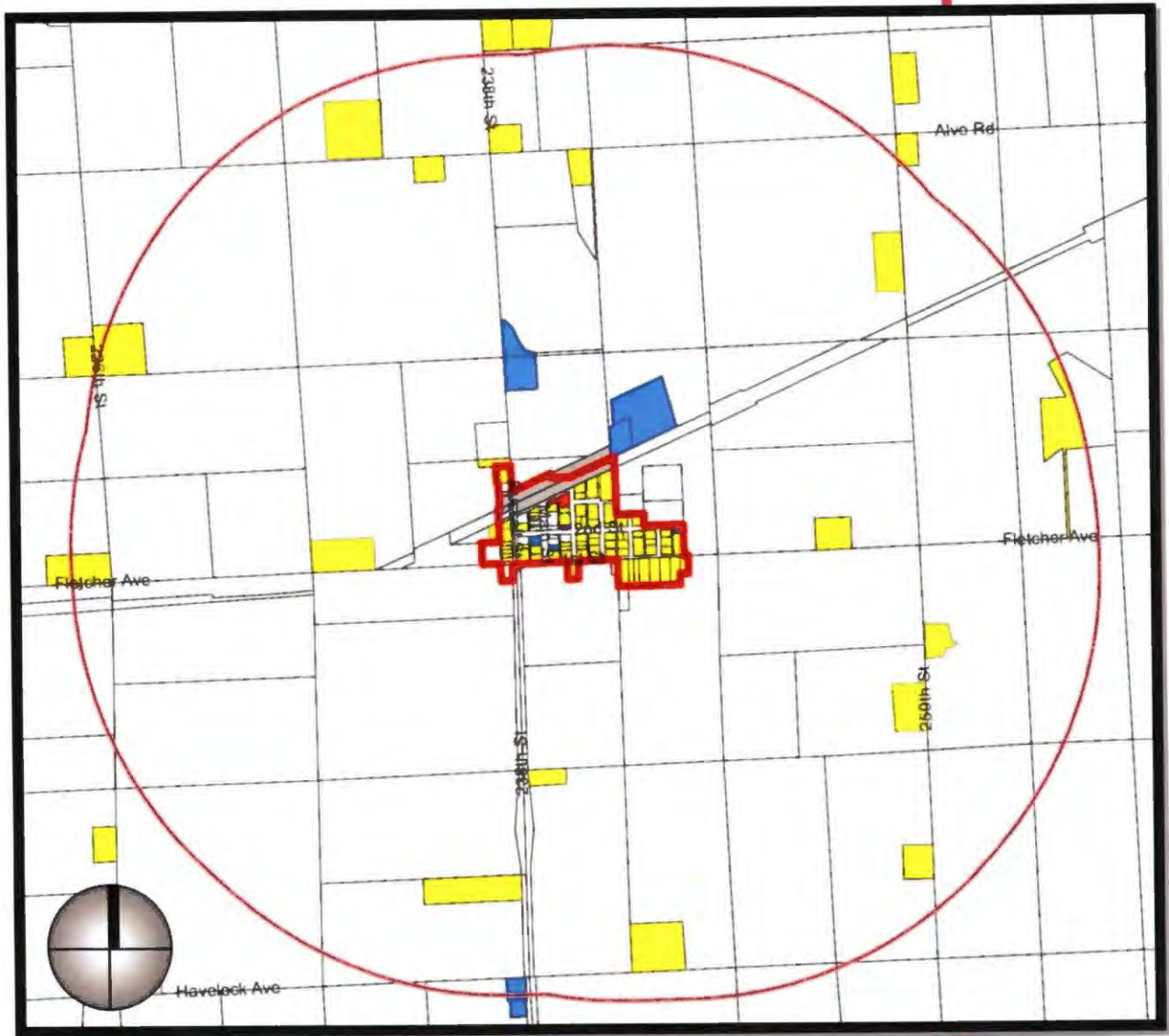
As part of the planning process, a survey was conducted through both in-field observations, as well as data collection online using Google Earth and the Cass County Assessors website. This survey noted the use of each parcel of land within the Village of Alvo and the area within one-mile of the corporate limits. These data from the survey are analyzed in the following paragraphs.

Table 22 includes the different types of data. The first set of data are the total acres determined per land use from the survey; next is the percentage of those areas compared to the total developed land; the third set of data compare the all land uses to the total area within the corporate limits of Alvo; finally, the last column examines the data in terms of acres per 100 persons. The persons per 100 acre establishes a baseline from which land use numbers can be equally compared from one community to another as well as to project future land use needs due to population. The results of the land use survey are presented graphically on Figure 4.

Nearly 50% of Alvo's developed land is in Residential uses. This is not unexpected considering Alvo's location and the fact that the community is predominately a bedroom community to the cities of Lincoln and Waverly as well as the Omaha-Council Bluffs Metropolitan Area. The residential land use is comprised solely of single-family residential ground and there is no visual evidence of mobile homes or multi-family dwelling units in the corporate limits.

The second largest land use category in Alvo is transportation with 34.3% or 20.09 acres of the corporate limits. This category is solely composed of the streets and rights-of-way throughout the corporate limits of Alvo. Based upon the existing land use analysis, only 10% or 5.85 acres of the land within the corporate limits is considered to be vacant.

Figure 4:
EXISTING LAND USE MAP



**TABLE 22:
EXISTING LAND USE, Alvo
2010**

Type of Use	Acres	Percent of Developed Area	Percent of Total Area	Acres per 100 persons
Residential	27.7	52.5%	47.3%	19.93
Single-family	27.7	52.5%	47.3%	19.93
Multi-family	0	0.0%	0.0%	0.00
Manufactured Housing	0	0.0%	0.0%	0.00
Commercial	0.69	1.3%	1.2%	0.50
Industrial	3.27	6.2%	5.6%	2.35
Quasi-Public/Public	1	1.9%	1.7%	0.72
Parks/Recreation	0	0.0%	0.0%	0.00
Transportation	20.09	38.1%	34.3%	14.45
Total Developed Land	52.75	100.0%	90.0%	37.95
Vacant/Agriculture	5.85	-	10.0%	4.21
Total Area	58.6	-	100.0%	42.16

Source: 2010 Alvo Comprehensive Development Plan, Marvin Planning Consultants

Note: Acres per 100 is based upon the 2008 population estimates.

Land Use Comparative Analysis

Table 23 compares the land use make-up of Alvo to three other similar communities. The table shows that there are varying levels of uses in each community. The table is purely for comparison purposes and does not indicate that one community's make-up is better than another.

**TABLE 23:
LAND USE COMPARISONS (IN ACRES)
2010**

Type of Use	Alvo (1)	Percent of Total Area	Henderson (2)	Percent of Total Area	Benkelman (3)	Percent of Total Area	Wood River (4)	Percent of Total Area
Residential	27.7	47.3%	162.4	35.7%	119.2	31.1%	150.7	34.1%
Single-family	27.7	47.3%	158.8	34.9%	105.3	27.4%	137.8	31.2%
Multi-family	0	0.0%	3.6	0.8%	5.25	1.4%	6.4	1.4%
Manufactured Housing	0	0.0%	0.0	0.0%	8.68	2.3%	6.5	1.5%
Commercial	0.69	1.2%	9.0	2.0%	21	5.5%	25.8	5.8%
Industrial	3.27	5.6%	12.6	2.8%	29.69	7.7%	0.0	0.0%
Quasi-Public/Public	1	1.7%	6.6	1.4%	66.22	17.3%	8.77	2.0%
Parks/Recreation	0	0.0%	42.0	9.2%	19.02	5.0%	9.1	2.1%
Transportation	20.09	34.3%	116.0	25.5%	128.66	33.5%	168.4	38.1%
Total Developed Land	52.75	90.0%	348.6	76.6%	383.79	80.6%	362.7	82.1%
Vacant/Agriculture	5.85	10.0%	106.6	23.4%	92.27	19.4%	79.3	17.9%
Total Area	58.6	100.0%	455.2	100.0%	476.06	100.0%	442.0	100.0%

Source: (1) 2010 Comprehensive Development Plan - Marvin Planning Consultants Field Survey

(2) 2010 Comprehensive Development Plan - Marvin Planning Consultants Field Survey

(3) 2010 Comprehensive Development Plan - Marvin Planning Consultants Field Survey

(4) 2002 Comprehensive Development Plan - JEO Field Survey

Existing Land Use Analysis within the ETJ

During the course of the land use survey, land uses in the one-mile extraterritorial jurisdiction of Alvo were also noted, with the results presented graphically on Figure 4. The predominate land uses existing in the one-mile extraterritorial jurisdiction are Agriculture, Single-family residential, and some public uses.

Transportation System and Facilities

Residents within a community, even the size of Alvo, have specific transportation needs. These include rail service, bus service, air transportation, as well as vehicular transportation. All of the transportation facilities present are not available within the community and require residents to travel to the nearest location. This portion of the Comprehensive Development Plan examines those services with regard to the closest proximity for residents of Alvo.

Railroad Service

The closest rail freight service to Alvo is in Lincoln. Lincoln is served by both the Union Pacific and Burlington Northern Santa Fe. In addition, Lincoln serves as one of the major switching yards for the Burlington Northern Santa Fe Railroad. The nearest passenger service is located in Lincoln through Amtrak.

Bus Service

The nearest commercial bus service with ticketing services is available in Lincoln and Omaha via Greyhound. In addition, Burlington Trailways offers both connections throughout the United States. Finally, Arrow Stages Lines/Black Hills Stage Lines offers connections to communities in Nebraska, Colorado, Wyoming and Montana from Lincoln. Arrow Stages Lines/Black Hills Stage Lines also can make connections to points across the United States.

Commercial Airport Service

Lincoln Municipal Airport is the nearest point for commercial service. However, airlines and flight schedules are limited. The airport is served by Northwest AirlinK with direct service to Bismarck, ND; Minneapolis, MN; Wausau, WI; Cleveland, OH and Knoxville, TN. Besides Northwest AirlinK, sister airline Delta provides direct flights to Bismarck, ND; Minneapolis, MN; Wausau, WI; Cleveland, OH; Knoxville, TN; Traverse City, MI; Madison, WI; Duluth, MN; Cedar Rapids, IA; and Moline, IA. In addition, United Express provides service to Denver and Chicago.

Eppley Airport located in Omaha is a regional airport serving eastern Nebraska including Alvo. In 2008 the airport served a total of 4.4 million passengers, 52 million pounds of mail, and 123 million pounds of cargo. The airport itself is located four miles northwest of downtown Omaha on a site encompassing approximately 2,650 acres. The terminal area includes 368,000 square feet with 20 boarding gates. The airport includes three runways, 9,502 feet x 150 feet, 8,153 feet x 150 feet, 8,500 feet x 150 feet. Adjacent to the airport is long and short term parking in the garage, surface parking as well economy parking located a short distance from the airport. Airlines serving Eppley include the following:

- American Airlines
- Continental Airlines
- Delta Air Lines
- Frontier Airlines
- Midwest Express Airlines
- Southwest Airlines

- United Airlines
- US Airways Express

Small craft Public Airports

The closest small craft public airport facilities include:

- Lincoln Municipal Airport
- Millard Airport
- Plattsmouth Municipal Airport
- Browns Airport in Weeping Water
- Wahoo Municipal Airport

Surface Transportation

The surface transportation system for Alvo is based primarily upon the system of local streets that are connected to the state highway network and county road system, which allows the community access to the surrounding region. These roadways are an essential aspect of community development for the residents of Alvo as they provide for movement of goods and services into and through the community.

State and Federal Highways

The Village of Alvo is located along Nebraska Highway 63 which connects Alvo to Interstate 80 (7 miles north) and US Highway 34, 4 miles south of Alvo.

Street and Road Classification System

All of the public highways, roads, and streets in Nebraska are divided into two broad categories, and each category is divided into multiple functional classifications. The two broad categories are Rural Highways and Municipal Streets. State statute defines Rural Highways as "all public highways and roads outside the limits of any incorporated municipality," and Municipal Streets as "all public streets within the limits of any incorporated municipality." Neb. Rev. Stat. § 39-2102 (RRS 1998)

Nebraska Highway Law (Chapter 39, Article 21, Revised Reissue Statutes of Nebraska 1943) proposes the functional classification of both rural and municipal roads and streets and public highways. Chapter 39, Article 21.03 lists rural highway classifications as:

1. Interstate: federally-designed National System of Interstate and defense highways;
2. Expressway: second in importance to Interstate. Consists of a group of highways following major traffic desires in Nebraska and ultimately should be developed to multiple divided highway standards;
3. Major Arterial: consists of the balance of routes that serve major statewide interests for highway transportation in Nebraska. Characterized by high speed, relatively long distances, travel patterns;
4. Other Arterial: consists of a group of highways of less importance as through-travel routes.

5. **Collector:** consists of a group of highways that pick up traffic from the local or land-service roads and transport community centers or to the arterial systems. Main school bus routes, mail routes, and farm-to-market routes;
6. **Local:** consists of all remaining rural roads, generally described as land-access roads providing service to adjacent land and dwellings; and
7. **Bridges:** structures crossing a stream three hundred feet or more in width or channels of such a stream having a combined width of three hundred feet or more.

It is noted in article 39-2103, that the combined rural highways classified under subdivisions (1) and (3) should serve every incorporated municipality having a minimum population of at least one hundred inhabitants or sufficient commerce, a part of that will be served by stubs or spurs, and the major recreational areas of the state. Street and road classifications for the circulation system within the Village of Alvo are outlined below:

1. **Arterial streets** - public ways where large volumes of high-speed, through traffic are carried, and may serve as primary circulation routes for local traffic. These streets also provide access to abutting property.
2. **Collector streets** - are connecting links between Arterials and various sectors of the City, over which local residential traffic moves in routine daily trips to centers of activity.
3. **Local streets** - function primarily to provide access to properties. They are characterized by short trip length and low traffic volumes.
4. **Marginal access streets** - parallel and adjacent to arterial streets. Providing access to abutting property. They increase the safety and efficiency of thoroughfares by separating the property access function from the traffic flow function.
5. **Alleys** - provide secondary access to properties. They provide service access in the case of commercial and industrial properties. Alleys should be provided for residential properties only when necessary for safe access, due to the fronting of the property on a major thoroughfare.

FUTURE LAND USE PLAN

The Future Land Use Plan provides the basis for the formulation of land use and zoning regulations and the application of zoning districts. For this reason, it is imperative to formulate a plan tailored to the needs, desires and environmental limitations of the planning area. The Future Land Use Plan should promote improvements in all components of the local economy. The following common principles and land use concepts have been formed to guide the development within the Alvo Future Land Use Plan.

The Land Use Plan, along with the Transportation Plan, provides the tools to guide future development in Alvo. The plan is based upon existing conditions and projected future conditions for the community. The Land Use Plan also assists the community in determining the type, direction and timing of future community growth and development. The criteria used in this Plan reflect several elements, including:

- the current use of land within and around the community
- the desired types of growth, including location of growth
- physical characteristics, opportunities and constraints of future growth areas
- current population and economic trends affecting the community

Alvo should review and understand the above criteria when making decisions about the future use of land within the planning jurisdiction of the community.

This Comprehensive Development Plan identifies more land for development than forecasted for the planning period. Identifying more land allows for several development opportunities without giving one or two property owners an unfair advantage in the real estate market. Typically, the value of land can increase merely as a result of Plan designation. However, value should be added to land by the real and substantial investments in roads, water, sewer or parks, not by the designation of land in the Plan.

Efficient allocation of land recognizes the forces of the private market and the limitations of the capital improvement budget. This Plan acknowledges that these factors play an important role in the growth and development of a community. A Land Use Plan is intended to be a general guide to future land use that will balance private sector development, the critical growth element in any community, with the concerns, interests, and demands of the overall local economy.

FUTURE LAND USE GOALS

Land Use Goal 1

Guiding future growth and development in Alvo towards a compact pattern of land uses based upon the efficient and economical expansion of public infrastructure will continue to maintain and improve the quality of life for everyone in the community.

Objectives

- GENLU-1.1 The cost of required improvements, both on-site and off-site, to a subdivision that are to exclusively serve the property owners of the subdivision shall be borne by the developer or those property owners within said subdivision.
- GENLU-1.2 Designate areas in the Land Use Plan that address the anticipated future growth needs of Alvo.
- GENLU-1.3 Develop zoning and subdivision regulations that promote efficient land usage and long-term adequacy, while avoiding land use conflicts and inefficient provision of public infrastructure.
- GENLU-1.4 Discourage and minimize leapfrog development outside of the corporate limits.
- GENLU-1.5 The Village needs to identify specific locations, internally, for future public facilities including recreation and fire.

Commercial Land Use Objectives

- COMLU-2.1 Encourage the location of commercial land uses at the intersections of major transportation networks that already have or can be efficiently supplied with public infrastructure.
- COMLU-2.2 Appropriate transitional methods should be considered at all locations where the development or expansion of commercial land use abuts residential property (either built or zoned).

Industrial Land Use Objectives

- INDLU-3.1 Provide guidelines that will minimize pollutants near Alvo.
- INDLU-3.2 Provide guidelines and incentives that will promote clean industrial uses.
- INDLU-3.3 Establish specific criteria that properly screens industrial uses from other uses, especially residential use.

Residential Land Use Objectives

- RESLU-4.1 Residential development should be separated from more intensive uses, such as agriculture, commercial, and industrial development, by the use of setbacks, buffer zones, or impact easements.
- RESLU-4.2 Work with community officials and developers on a continual basis to monitor and evaluate the effectiveness of existing regulations and to identify proper areas to locate new development.
- RESLU-4.3 Promote the development of housing that varies in size, density, and location.

- RESLU-4.4 Develop subdivision regulations that provide for a quality living environment while avoiding inefficient and expensive public infrastructure expansions.
- RESLU-4.5 Support housing options for all incomes and physical capabilities of Alvo's residents.
- RESLU-4.6 New residential developments should be accompanied by covenants, when appropriate, which provide for the maintenance of common areas, easements and drainage.
- RESLU-4.7 Encourage the establishment of a rehabilitation program to maintain and improve the existing housing stock.
- RESLU-4.8 Develop relationships and partnerships with housing professions in the public and private sector to establish a range of affordable housing options, ranging from a First Time Homebuyer program to rental assistance.
- RESLU-4.9 Promote low to zero non-farm densities in agricultural districts by providing proper distances between residential and agricultural uses.
- RESLU-4.10 Establish zoning and subdivision design standards that require buffers and screening standards for new developments.
- RESLU-4.11 The Village of Alvo will review and accommodate, wherever possible, any new or alternative development concepts or proposals, provided such concepts or proposals are consistent with and do not compromise in any way the established disposition of land uses on the Land Use Map or the goals and policies of the Plan.

LAND USE PLAN OBJECTIVES

- Identify past trends in demand for various land use categories (residential, commercial, industrial, public).
- Determine which are working and which may need modification.
- Combine community goals with estimated future demands to project future land use needs.
- Establish policies and land use suitability standards to
 - a. Protect and enhance current and future building/land use
 - b. Provide reasonable alternatives and locations for various land uses
 - c. Promote efficient use of public facilities and utilities

Future land uses are generally segregated into six primary categories. However, each category will be further delineated to provide greater detail for future development. The following list shows the general land uses within each Land Use Category:

- **Transitional Agriculture**
- **Residential**
- **Public**
- **Parks / Recreation**
- **General Commercial**
- **Highway Commercial**
- **Industrial**

Transitional Agricultural: This land use designation intends for the continued use of cropland, farmsteads, livestock areas, animal services, crop services, horticulture, community supported agriculture and tree farms. In specific cases, where the design

criteria can be and will be met, mobile home residential development may be allowed in any of the residential areas. At some point in the future this designation may transition into a more urbanized area.

Residential: Residential development is the backbone of a community. These areas are where the residents live and spend the quality time in their lives. The next three land use designations are intended for single-family dwellings, townhouses, duplexes, multifamily dwellings, apartments, group homes and elderly homes. Other secondary uses which may be compatible to the residential uses of each area are churches and similar uses.

In specific cases, where the design criteria can be and will be met, mobile home residential development may be allowed in any of the residential areas. The difference among the various groups is the density of development in each land use category.

Low Density/Estate Development: The first among the residential land uses. The recommended density for this land use designation is a minimum of two acres per unit.

This type of land use would not be recommended in prime developable areas near Alvo due to the amount of land consumed. However, this type of use should be located near existing acreages and in areas where the land is not suitable for agricultural use or traditional suburban development. An example of a typical estate land use area would be a cluster development that works to incorporate natural amenities of the area. A portion of the development site would allow single family residential and the remaining area of the site would be left undeveloped. Village services could either be or not be provided within this land use designation.

Medium Density Residential: This designation is the next highest residential density. The proposed density for this area ranges from three to 10 units per acre. This would be a common density found throughout the existing portions of Alvo. This density would allow lots for single family dwellings ranging from 15,000 square feet to 7,000 square feet. Village services such as water and sewer would be provided.

This district is intended to provide character through allowing a number of alternative housing opportunities within a neighborhood setting. Because of the higher concentration of residents in some of these areas, open space and linear parks and should be used in conjunction with the area to provide visual interest and contrast with more densely developed residential form.



Example of Estate Residential

FIGURE 5:
FUTURE LAND USE MAP



FIGURE 5A:
FUTURE LAND USE MAP - ONE-MILE EXTRATERRITORIAL



Another beneficial affect that accompanies cluster development is an overall increase in open space without having to increase the park system. Density bonuses can be used to encourage developers to preserve natural space within their developments, while still developing approximately the same number of lots.

High Density Residential: This land use category is intended to accommodate denser residential development. The locations of these areas are such that they occasionally act as a buffer between more intensive uses (i.e. commercial and industrial) and the Low to Medium Density Residential areas. The developed density of these areas should be between 10 to 20 dwelling units per acre.



High Density Residential development

Park/Open Space: These land use types in Alvo should be incorporated into the existing and future residential developments. This category is intended for parks, green space, trails, recreational areas, and areas for environmental protection.

Open space areas are typically a buffer area between different developments and uses. In addition, these areas can be used to preserve natural features. To encourage the appropriate use of open space in this manner, the Village should work with developers to identify areas worthy of protection rather than allow individual developers identifying these areas.



An example of Open Space

Commercial: The Commercial land use category is divided into two different sub-categories. Commercial areas in general are located where existing uses meet this definition as well as areas throughout Alvo's extraterritorial jurisdiction along major roadways and the highway. The two sub-categories are General Commercial and Highway Commercial.

General Commercial: This land use category is intended to provide a location for less intense commercial uses within more confined areas of the jurisdiction including the corporate limits. Commercial uses within these areas will be required to meet established setbacks as well as other basic design criteria.

Highway Commercial: This land use area is intended to provide a location where more intensive commercial use can locate, typically along Nebraska Highway

63. These include uses that provide goods and services to the motoring public. These uses are typically too intensive and large to fit onto a typical lot within the community. They might include truck stops, motels, larger convenience stores, and others. Typically these areas will need to have direct access from a highway or a major arterial. In some cases, multiple operations in a row may require that a service road be constructed as opposed to individual driveways off the highway.

Industrial Uses: Industrial land uses can be important in order to accommodate a potential manufacturing base within the community. Considering Alvo's distance to the Interstate and its proximity to Lincoln and Waverly future manufacturing may be limited to smaller plants and typically those established by a local resident/entrepreneur. Any future new or expanded manufacturing/industrial use needs to be sensitive to other uses which are not compatible such as residential uses.

The major industrial use in the community currently is the junk yard on the north edge of the community. Any future modifications and/or expansions of this facility will require that it become more compatible with the residential uses of the community.

Transportation System Plan

Introduction

Transportation networks tie communities together as well as providing a link to the outside world. Adequate circulation systems are essential for the safe and efficient flow of vehicles and pedestrians, and accessibility to all parts of the community. The Transportation Plan will identify future improvements planned and those necessary to provide safe and efficient circulation of vehicles within Alvo, including major projects that ensure implementation of the Land Use Plan.

Transportation Goals

Transportation Goal 1

Alvo is to develop and support an efficient road system to serve current and future circulation and access needs. Provide and encourage an efficient, safe, convenient transportation and communication system.

Policies

- TRAN-1.1 The Village needs to work with Cass County, as well as find funding sources to improve the interior street system of the community. .
- TRAN-1.2 Improve, develop, and maintain well-traveled roads with hard surfacing when possible.
- TRAN-1.3 The Village needs to work with Cass County in order to improve the condition of Fletcher Avenue.

- TRAN-1.4 When new or reconstructed streets are built, there should provisions made in the design documents that provide for additional space along a wider shoulder or path within the R.O.W. for pedestrian/bicycle access.
- TRAN-1.5 Right-of-way and pavements shall be sufficiently wide and of sufficient strength to accommodate anticipated future traffic loads.
- TRAN-1.6 Alvo will work with the Nebraska Department of Roads and Cass County Sheriff's office to better control speeding traffic along the adjacent highway and county roads
- TRAN-1.7 Extend and connect Railroad Avenue with Nebraska Highway 63.

Transportation Planning and Land Use

Land use and transportation create the pattern for future development. An improved or new transportation route generates a greater level of accessibility and determines how adjacent land may be utilized in the future. In the short term, land use shapes the demand for transportation and vice versa; one key to good land use planning is to balance land use and transportation. However, new or improved roads, as well as, county and state highways may change land values, thus altering the intensity of which land is utilized.

In general, the greater the transportation needs of a particular land use, the greater its preference for a site near major transportation facilities. Commercial activities are most sensitive to accessibility since their survival often depends upon how easy a consumer can get to the use. Thus, commercial land uses are generally located near the center of their market area along highways or at the intersection of arterial streets.

Industrial uses are also highly dependent on transportation access, but in a different way. For example, visibility is not as critical for an industry as it is for a retail store. Industrial uses often need access to more specialized transportation facilities, which is why industrial sites tend to be located near railroad lines or highways to suit individual industrial uses.

Transportation Financing Issues

The primary sources of information utilized in the maintenance and development of the transportation and circulation system are (1) Village "One and Six Year Road Plan" and (2) the State of Nebraska "One and Five Year Highway Program." These state and local improvement plans should only be viewed as a planning tool, which are subject to change depending on financing capabilities of the governmental unit.

The Village's "One and Six Year Road Plan" is reviewed and adopted by the local unit of government to address the issues of proposed road and street system improvements and development. Upon approval of these plans by the Board of Public Road Classifications and Standards, the governmental units are eligible to receive revenue from the Nebraska Department of Roads and the State Treasurer's Office, which must be allocated to community road improvement projects.

The "One and Five Year Highway Program", developed by the Nebraska Department of Roads, establishes present and future programs for the development and improvement of state and federal highways. The One-Year Program includes highway projects scheduled for immediate implementation, while the Five-Year Program identifies highway projects to be implemented within five years or sooner if scheduled bids and work for one-year projects cannot be awarded and constructed.

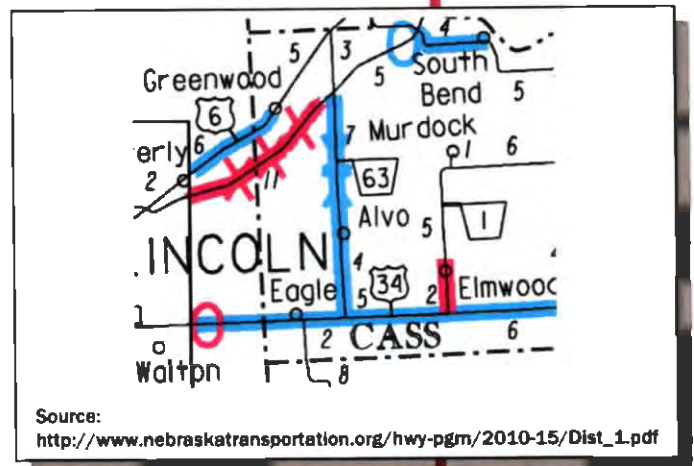
Alvo's One- and Six-Year Plan

Alvo's One- and Six-Year Plan is a vital tool that must be used concurrently with the comprehensive development plan. Every year Alvo is required by state law to complete and pass this document in order to distribute funds to various projects throughout the community. For specific details on these projects listed refer the One- and Six-Year Plan filed with the Village Clerk. It is recommended that this element of the Comprehensive Plan is revisited every year as the One- and Six-Year Plan is revised. Changes to either document should occur concurrently.

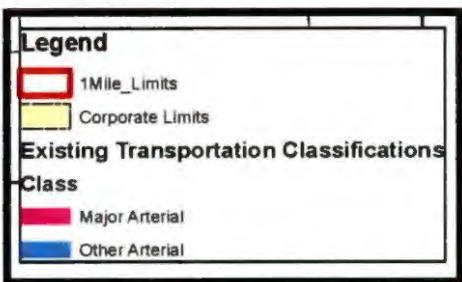
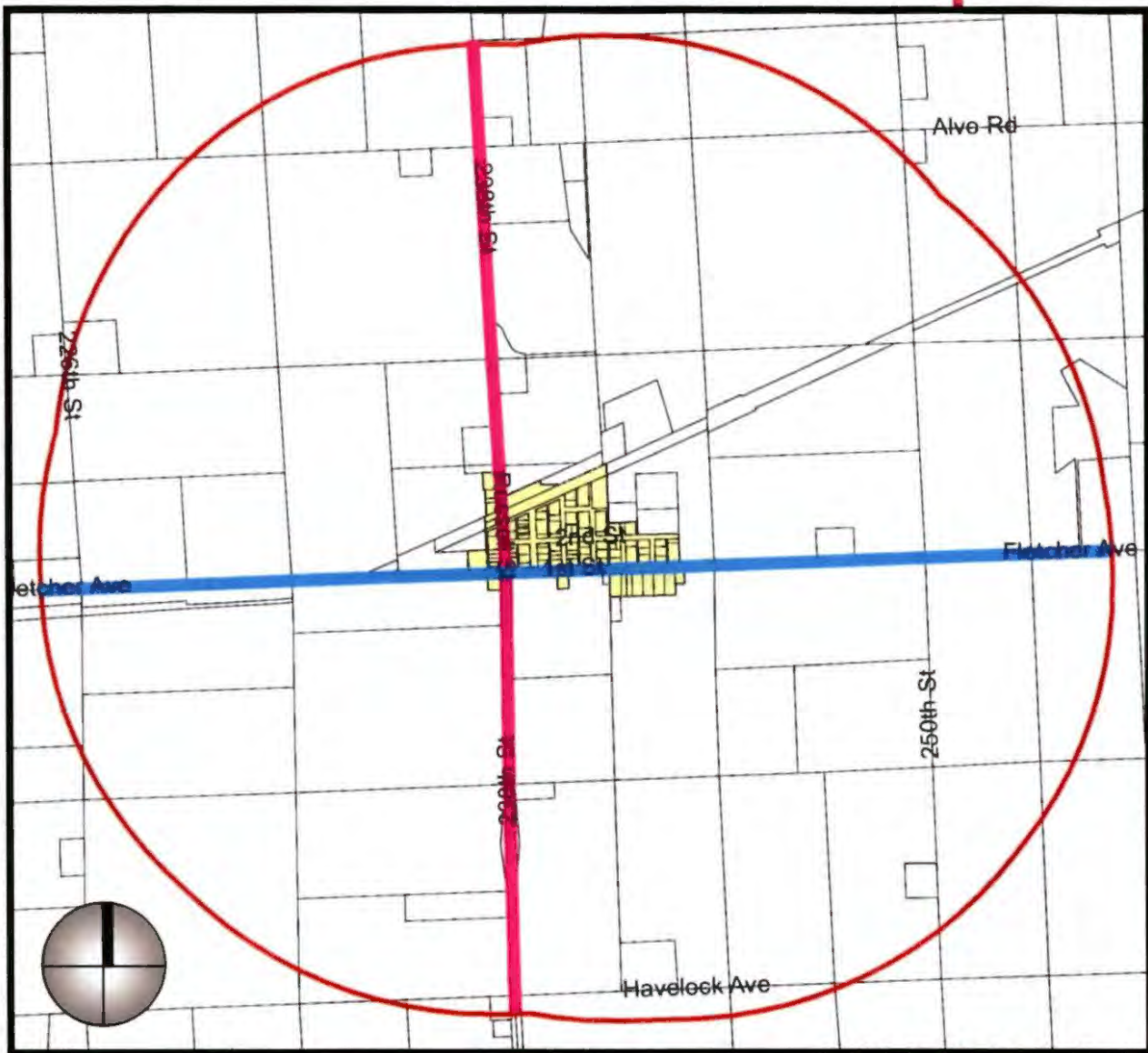
Alvo's current One- and Six-Year Plan calls strictly for continued maintenance of the street system in the community.

Nebraska Department of Roads' Improvements

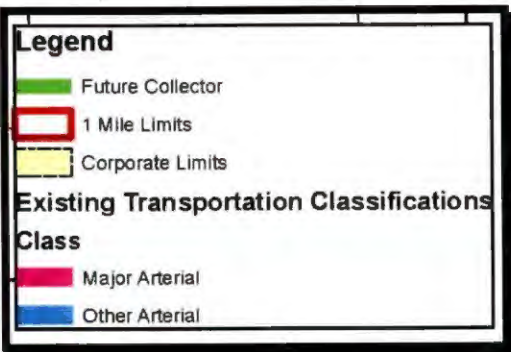
The Nebraska Department of Roads publishes an annual list of proposed projects for the current fiscal year, for fiscal years one to five years from the present, and six years and beyond. Alvo is in the Department of Road's District 1. Within the next five-years, there are three projects that will impact Alvo as well as the overall vicinity. In the Five-year Plan Nebraska Highway 63 will be resurfaced from US Highway 34 north for four miles. Nebraska Highway 63 from Alvo north is also scheduled for resurfacing for approximately 6.8 miles north. Finally, the bridge at reference post 6.40 is scheduled for work.



**FIGURE 6:
EXISTING TRANSPORTATION CLASSIFICATIONS**



**FIGURE 7:
FUTURE TRANSPORTATION PLAN**



EXTRATERRITORIAL JURISDICTION

The one-mile area beyond the Village limits will play a major factor in Alvo's future growth. The land uses in the extraterritorial area are typically agricultural at the present time. These areas will be a key to future residential developments around the community.

It will be critical that the Village take a solid stand on future growth being contiguous and adjacent to the current corporate limits. Growth adjacent to the existing corporate limits will allow the Village to cost-effectively serve these new developments with all services including water, sewer, snow removal, etc.

ANNEXATION POLICY

As communities grow in size the borders must be extended in order to provide a higher quality of life for its residents. The State of Nebraska has established a process for communities to extend their corporate limits into urban or suburban areas situated contiguous to an existing community, provided the criteria for such action is justified. This power should be used, as development becomes urban in nature rather than rural. An important restriction must be followed before contiguous lands are considered for annexation, that is, the land may not be further than 500 feet from the corporate limits of the municipality. There are two means for annexing land into the corporate limits:

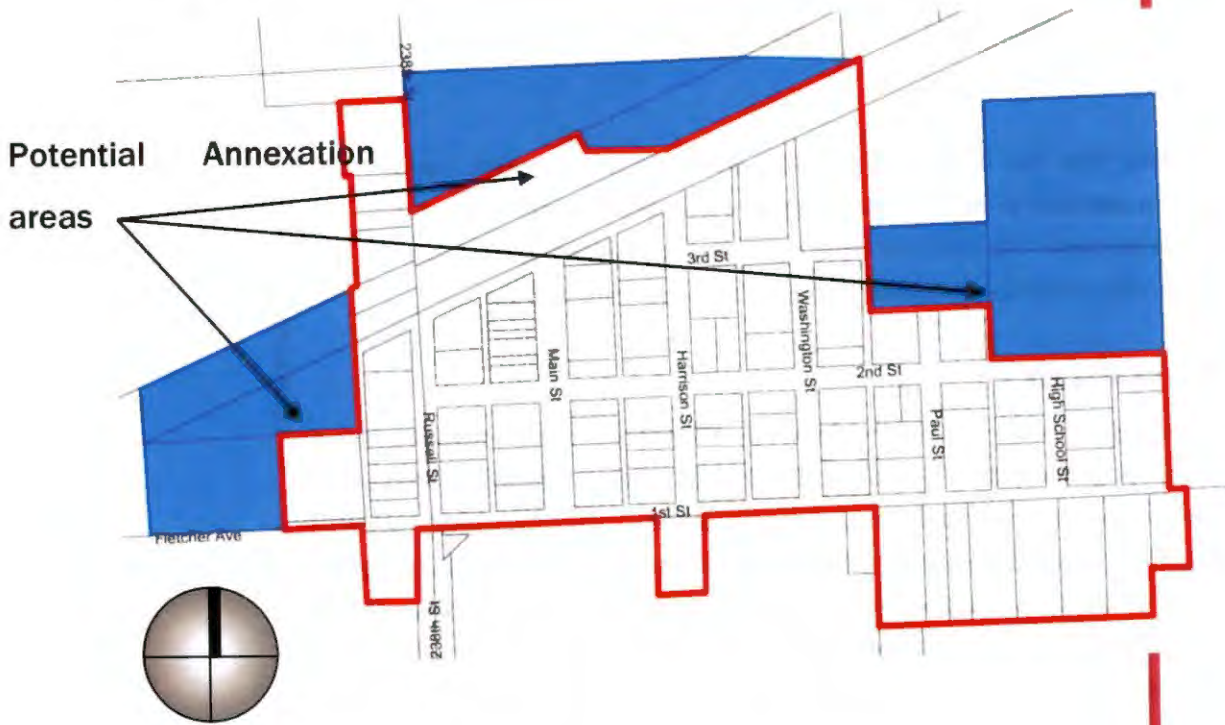
- Land that has been requested to be annexed by the property owner(s), or
- Any contiguous or adjacent lands, lots, tracts, streets, or highways which are urban or suburban in character.

Landowners that desire annexation of land must submit a plat, by a licensed surveyor. This plat must be approved by the Village Engineer and filed with the Clerk along a written request signed by all owner(s) of record within the proposed annexed area.

Following three separate readings of the ordinance (waiver of the three readings is not allowed by State Law under this process), a majority of affirmative votes by the Village Board of Trustees in favor of an annexation is required at each reading, to pass the annexation. The certified map is then filed with the Register of Deeds, County Clerk and County Assessor, together with a certified copy of the annexation ordinance. The Village has one year to develop a plan that addresses the providing of services to residents of the annexed area.

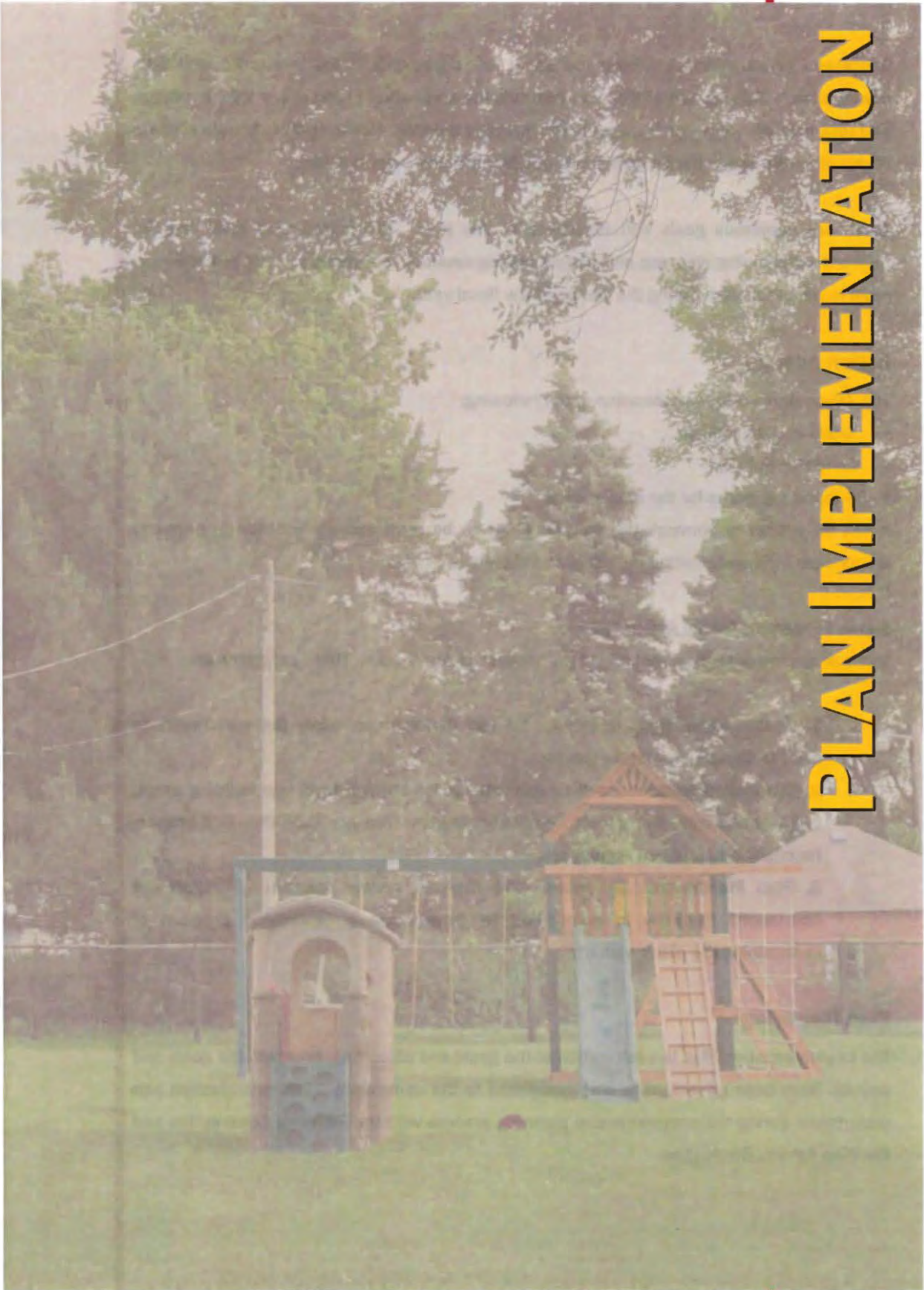
With regard to annexation, the Village should establish subdivision improvement agreements and non-contested annexation agreements with future Sanitary Improvement Districts (SID's). This agreement gives the SID a possible financing vehicle, the Village gets an agreement that states that the SID can be annexed, at the discretion of the Village, and the SID will not contest the annexation action.

**FIGURE 8:
POTENTIAL ANNEXATIONS**



Potential Annexations

There are only three areas that could be annexed in the near future. These areas are indicated on Figure 8 of this Plan. However, as discussed previously, as newer areas are developed, the Village should be annexing these areas in compliance with Nebraska State Statute.



PLAN IMPLEMENTATION

ACHIEVING ALVO'S FUTURE

Successful community plans have the same key ingredients: "2% inspiration and 98% perspiration." This section of the plan contains the inspiration of the many village officials and residents who have participated in the planning process. However, the ultimate success of this plan remains in the dedication offered by each and every resident.

There are numerous goals and objectives in this plan. We recommend reviewing the relevant goals during planning and budget setting sessions to determine what projects may need to be undertaken during the course of the fiscal year.

Action agenda

The Action Agenda is a combination of the following:

- Goals and Objectives
- Land Use Policies
- Support programs for the above items

It will be critical to earmark the specific funds to be used and the individuals primarily responsible for implementing the goals and objectives in Alvo.

Support Programs for the Action Agenda

Three programs will play a vital role in the success of Alvo's plan. These programs are:

1. **Zoning Regulations**—updated land use districts can allow the community to provide direction for future growth.
2. **Subdivision Regulations**—establish criteria for dividing land into building areas, utility easements, and streets. Implementing the Transportation Plan is a primary function of subdivision regulations.
3. **Plan Maintenance**—an annual and five-year review program will allow the community flexibility in responding to growth and a continuous program of maintaining the plan's viability.

Plan Financing

The Implementation Plan is a reiteration of the goals and objectives; however, the goals and policies have been prioritized by the importance to the community. This prioritization was undertaken during the comprehensive planning process with the Planning Commission and the Plan Review Committee.

Comprehensive Plan Maintenance

Annual Review of the Plan

A relevant, up to date plan is critical to the on-going planning success. To maintain both public and private sector confidence; evaluate the effectiveness of planning activities; and, most importantly, make mid-plan corrections on the use of community resources, the plan must be current. The annual review should occur during the month of January.

After adoption of the comprehensive plan, opportunities should be provided to identify any changes in conditions that would impact elements or policies of the plan. At the beginning of each year a report should be prepared by the Planning Commission, which provides information and recommendations on:

- whether the plan is current in respect to population and economic changes; and
- The recommended goals, objectives, and/or policies are still valid for the Village and its long-term growth.

The Planning Commission should hold a public hearing on this report in order to:

1. Provide citizens or developers with an opportunity to present possible changes to the plan,
2. Identify any changes in the status of projects called for in the plan, and
3. Bring forth any issues, or identify any changes in conditions, which may impact the validity of the plan.

If the Planning Commission finds major policy issues or major changes in basic assumptions or conditions have arisen which could necessitate revisions to the Comprehensive Plan, they should recommend changes or further study of those changes. This process may lead to identification of amendments to the Comprehensive Plan and would be processed as per the procedures in the next section.

Plan Amendment Procedures

It is anticipated that each year individuals and groups may come forward with proposals to amend the Comprehensive Plan. We would recommend that those proposals be compiled and reviewed once a year at the Annual Review. By reviewing all proposed amendments at one time, the effects of each proposal can be evaluated for impacts on other proposals and all proposals can be reviewed for their net impact on the Comprehensive Plan.

Unanticipated Opportunities

If major new, innovative development opportunities arise which impact several elements of the plan and which are determined to be of importance, a plan amendment may be proposed and considered separate from the Annual Review and other proposed Comprehensive Plan amendments. The Village should compile a list of the proposed amendments received during the previous year; prepare a report providing applicable

Information for each proposal, and recommend action on the proposed amendments. The Comprehensive Plan amendment process should adhere to the adoption process specified by Nebraska law and provide for the organized participation and involvement of citizens.

Methods for Evaluating Development Proposals

The interpretation of the Comprehensive Plan should be composed of a continuous and related series of analyses, with references to the goals and policies, the land use plan, and specific land use policies. Moreover, when considering specific proposed developments, interpretation of the Comprehensive Plan should include a thorough review of all sections of the Comprehensive Plan.

If a development proposal is not in conformance or consistent with the policies developed in the Comprehensive Plan, serious consideration should be given to making modifications to the proposal or the following criteria should be used to determine if a Comprehensive Plan amendment would be justified:

- the character of the adjacent neighborhood
- the zoning and uses on nearby properties
- the suitability of the property for the uses allowed under the current zoning designation
- the type and extent of positive or detrimental impact that may affect adjacent properties, or the community at large, if the request is approved
- the impact of the proposal on public utilities and facilities
- the length of time that the subject and adjacent properties have been utilized for their current uses
- the benefits of the proposal to the public health, safety, and welfare compared to
- the hardship imposed on the applicant if the request is not approved
- comparison between the existing land use plan and the proposed change regarding the relative conformance to the goals and policies
- consideration of Village staff recommendations

VILLAGE OF ALVO

CASS COUNTY, NEBRASKA

ZONING ORDINANCE

ADOPTED BY THE VILLAGE OF ALVO, NEBRASKA

Prepared By



IN ASSOCIATION WITH



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ARTICLE 1: TITLE AND PURPOSE

Section 1.01 Title

This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of the Village of Alvo, 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, Board, commission, trustee, receiver, agent or other representative.

2.01.03 The word "shall" is mandatory. The word "may" is permissive.

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 Alvo, Nebraska.

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

Section 2.02 Abbreviations and Acronyms

For purposes of these Regulations this section contains a listing of abbreviations and acronyms used throughout this document.

- ADA = Americans with Disabilities Act
- A.U. = Animal Unit
- CFR = Code of Federal Regulations
- DU = Dwelling Unit
- DNR= Department of Natural Resources
- FAA = Federal Aviation Administration
- FCC = Federal Communication Commission
- FEMA = Federal Emergency Management Agency
- GFA = Gross Floor Area
- HUD = US Department of Housing and Urban Development
- KV = Kilovolt
- KW = Kilowatt
- NDEQ= Nebraska Department of Environmental Quality
- NDOR= Nebraska Department of Roads
- NEMA= Nebraska Emergency Management Agency
- NHHS= Nebraska Department of Health and Human Services
- NPDES = National Pollutant Discharge Elimination System
- NRCS = Natural Resources Conservation Service
- USC = United States Code
- USACE = United States Army Corps of Engineers
- USDA = United States Department of Agriculture

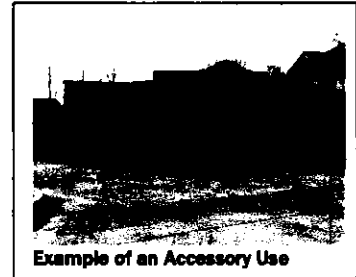
Section 2.02 Definitions

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.

ABUT shall mean to border on, be contiguous with or have common property or district lines, including property separated by an alley

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.

ACCESSORY LIVING QUARTERS shall mean living quarters within an accessory building 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.



Example of an Accessory Use

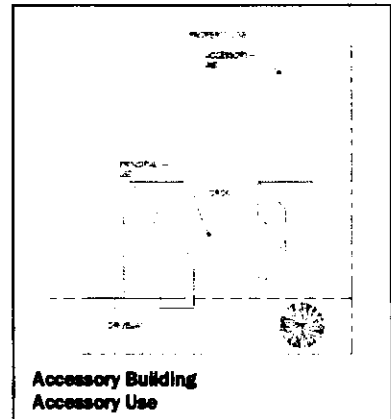
ACCESSORY BUILDING or STRUCTURE shall mean a detached subordinate building or structure located on the same lot with the principal building or structure, the use of which is incidental and accessory to that of the principal structure. Customary accessory buildings and structures include farm buildings, garages, carports, and storage sheds.

ACCESSORY USE shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building.

ACREAGE shall mean any tract or parcel of land, used for single-family residential purposes, that does not qualify as a farm or farmstead.

ADJACENT shall mean near, close, or abutting. For example, an Industrial District across the street or highway from a Residential District shall be considered "adjacent" to the Residential District.

ADVERTISING STRUCTURE shall mean any structure 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.



Accessory Building
Accessory Use

AGRICULTURAL or FARM BUILDINGS shall mean any building or structure which is necessary or incidental to the normal conduct of a farming operation, including but not limited to, residence of hired persons, 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.

AGRICULTURE shall mean the use of land for agricultural purposes, for 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.

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

ALTERATION shall mean any change, addition or modification to the construction or occupancy of an existing structure.

AMENDMENT shall mean a change in the wording, context, or substance of this Ordinance, or an addition, deletion or change in the district boundaries or classifications upon the Official Zoning Map.

ANIMAL, DOMESTIC see Household Pet.

ANIMAL HOSPITAL shall mean a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

ANIMAL UNIT shall mean any farming operation or the feeding, farrowing, or raising cattle, swine, sheep, poultry, or other livestock, in a confined area where grazing is not possible, and where the confined area is for more than 6 months in any one calendar year, and where the number of animals so maintained exceeds 300 Animal Units as defined below. The confined area of the LFO shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations. Two or more LFO's under common ownership are deemed to be a single LFO if they are adjacent to each other or if

they utilize a common area of system for the disposal of livestock wastes. Animal Units (A.U.) are defined as follows:

- One (1) A.U.= One Cow/Calf combination;
- One (1) A.U.= One Slaughter, Feeder Cattle;
- One (1) A.U.= One-half Horse;
- One (1) A.U.= Seven Tenths Mature Dairy Cattle;
- One (1) A.U.= Two and One Half Swine (55 lbs or more);
- One (1) A.U.= Twenty Five Weaned Pigs (less than 55 lbs);
- One (1) A.U.= Two Sows with Litters;
- One (1) A.U.= Ten Sheep;
- One (1) A.U.= One Hundred Chickens;
- One (1) A.U.= Fifty Turkeys;
- One (1) A.U.= Five Ducks.

ANTENNA shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. Also, see Satellite Dish Antenna and Tower.

ANTIQUÉ SHOPS shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, that is at least 30 years old.

APARTMENT shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed as a place of residence for a single family or group of individuals living together as a single housekeeping unit, including culinary accommodations. Also, see Dwelling Unit.

APARTMENT COMPLEX shall mean a building or buildings containing apartments used as a place of residence for more than two households.



APARTMENT HOUSE see Dwelling, Multiple Family.

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.

APPROPRIATE shall mean fitting the context of the site and the whole community.

APPURTENANCES shall mean the visible, functional objects accessory to and part of buildings.

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.

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, and writing.



ATTACHED shall mean a foundation, wall or roof of a building or structure which is connected to and supported by the foundation, wall, or roof of another building or structure.

AUTOMATIC TELLER MACHINE (ATM) shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.

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.

AUTOMOTIVE AND MACHINERY REPAIR SHOP shall mean a building used for the repair of motor vehicles or machinery; when such repair shall be wholly within a completely enclosed building. This definition also includes body repair and painting.

AUTOMOTIVE SALES AREA shall mean an open area, other than a street, used for display or sale of new or used motor vehicles and trailers by one required to be licensed as a motor vehicle dealer by the State of Nebraska, and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed and sold on the premises.

BAR shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. Also, see Nightclub and Tavern.

BASE FLOOD shall mean the flood, from whatever source, having a one percent chance of being equaled or exceeded in any given year, otherwise referred to as the 100-year flood.

BASE FLOOD ELEVATION shall mean that elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every 100 years, or which is subject to a one percent or greater chance of flooding in any given year.

BASEMENT shall mean a story having part but not more than one-half its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

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.

BED AND BREAKFAST INN shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided, and the operator of which shall live on the premises.

BEDROOM shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

BERM shall mean a raised form of earth to provide screening or to improve the aesthetic character.

BEST INTERESTS OF COMMUNITY shall mean interests of the community at large and not the interest of the immediate neighborhood.

BILLBOARD see Sign, Billboard.

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.

BLOCK FRONTAGE shall mean that section of a block fronting on a street between two intersecting streets or other block boundary.

BOARD OF ADJUSTMENT shall mean that Board that has been created by the Village and which has the statutory authority to hear and determine appeals from, interpretations of, and variances to the zoning regulations.

BOARDING OR ROOMING HOUSE shall mean a building other than a hotel or motel, but containing a single dwelling unit and provisions for three but not more than 20 guests, where lodging is provided with or without meals for compensation.

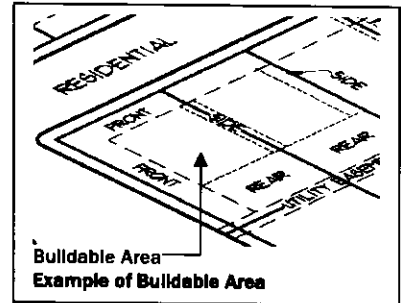
BREW-ON PREMISES STORE shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

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. Also see Brewery, Craft.

BREWERY shall mean a facility for brewing 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.

BREWERY, CRAFT shall mean a brew pub or a micro brewery.

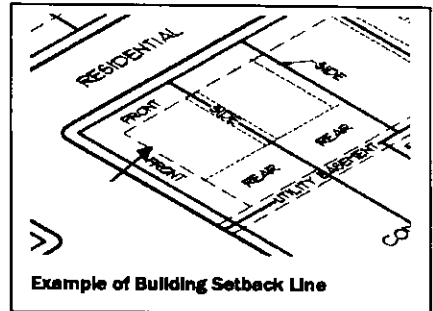
BREWERY, MICRO shall mean a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 10,000 barrels per year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.



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. Also, see Screening.

BUFFER AREA shall mean an open and unobstructed ground area of a plot in addition to any no building zones or street widening around the perimeter of any plot where required.

BUILDABLE AREA shall mean that part of a zoning lot not included within the required yards or subject to other restrictions herein required.



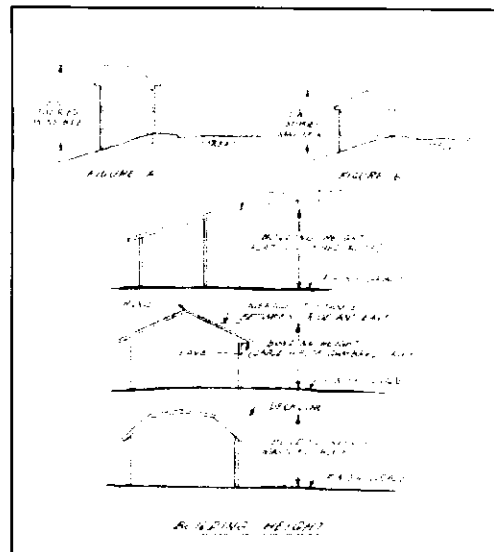
BUILDING shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure, Temporary". Trailers, with or without wheels, shall not be considered buildings.

BUILDING AREA shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

BUILDING CODE shall mean the various codes of the Village of Alvo that regulate construction and require building, electrical, mechanical, plumbing and other permits to as well as other codes adopted by the Village that pertain to building construction.

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 point of a gable, hip, or shed roof, measured from the highest adjoining sidewalk or ground surface within a five feet horizontal distance of the exterior wall of the building.

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



BULK REGULATIONS shall mean regulations controlling the size and relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling: (1) maximum height (2) maximum lot coverage and (3) minimum size of yard and setbacks.

BUSINESS SERVICES shall mean uses providing services to people, groups, businesses, dwellings and other buildings. Business services shall include janitorial services, carpet and upholstery cleaning, painting and decorating, building maintenance, swimming pool maintenance, security service, graphics/advertising agency, photocopying/duplication, quick print shops, printing, blueprinting, sign painting, non-vehicle equipment rental, photographic studios.

CAMPGROUND shall mean a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles for which the primary purpose is recreational, and having open areas that are natural in character.

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.

CARPORT shall mean a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.

CELLAR shall mean a building space having less than one-half of its height below the average adjoining grade lines.

CEMETERY shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.

CHANNEL shall mean the geographical area located within either the natural or the artificial banks of a watercourse or drainageway.

CHARITABLE shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.

CHILD CARE CENTER shall mean an establishment other than a public or parochial school, which provides day care, play groups, nursery schools or education for nine or more children under age 13, at any one time, from families other than that of the provider. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.

CHILD CARE HOME shall mean an operation in the provider's place of residence which serves at least four, but not more than eight children at any one time, from families other than that of the provider. A Family Child Care Home I provider may be approved to serve no more than two additional school-age children during non-school hours. A Family Child Care Home II operation may be either in the provider's place own residence or a site other than the residence, serving 12 or fewer children at any one time. In addition to these regulations, Child Care Homes shall meet all requirements of the State of Nebraska.

CHURCH, STOREFRONT shall mean a religious facility contained within a store or similar structure not typically used for religious activities that are now used as a meeting place for a congregation, including but not limited to, barns, stores, warehouses, old public buildings, and single-family dwellings.

CLEAR VIEW ZONE See Sight Triangle.

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.

CODE shall mean the Municipal Code of the Village of Alvo, Nebraska.

COFFEE KIOSK shall mean a retail food business in a freestanding building that sells coffee, or other nonalcoholic beverages, and pre-made 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.

COMMISSION shall mean the Alvo Planning Commission.

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.

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.

COMPATIBILITY shall mean harmony in the appearance of two or more external design features in the same vicinity.

COMPATIBLE USE shall mean a land use that is suitable with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be caused 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.

COMPREHENSIVE 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 USE PERMIT shall mean a permit issued by the Planning Commission and Village Board that authorizes the recipient to make a conditional use of property in accordance with the provisions of Article 6 and any additional conditions placed upon, or required by said permit.

CONDOMINIUM shall mean real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, pursuant to the Nebraska Condominium Act, as set forth in Neb. Rev. Stat. §§ 76-825 to 76-894 (R.R.S.1997).

CONFLICTING LAND USE shall mean the use of property which transfers over neighboring property lines negative economic or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, and water vapor, or consists of mismatched land uses, density, height, mass, or layout of adjacent uses, or results in a loss of privacy.

CONGREGATE HOUSING shall mean a residential facility for four or more persons aged 55 years or over and their 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. Also, see Life Care Facility.

CONSERVATION shall mean the management of natural resources to prevent waste, destruction, or degradation.

CONSERVATION AREA shall mean an area of environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in the case of an 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.

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.

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, and may also sell gasoline, to customers who purchase only a relatively few items (in



Convenience Store

contrast to a "supermarket.") It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic.

CONTIGUOUS see Abut.

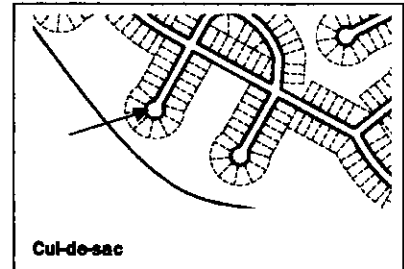
CORPORATE LIMITS shall mean all land, structures and open space that has been annexed into the City's jurisdiction. This does not include the extraterritorial jurisdiction of the City.

COURT shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on two or more sides by such building or buildings.

COURT, INNER shall mean a court enclosed on all sides by the exterior walls of a building or buildings.

COURT, OUTER shall mean a court enclosed on all but one side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.

CUL-DE-SAC shall mean a short public way, which has only one outlet for vehicular traffic and terminates in a vehicular turn-around.



CURVE LOT see Lot, Curve.

DATE OF SUBSTANTIAL COMPLETION shall mean the date certified by the local building inspector or zoning administrator when the work, or a designated portion thereof is sufficiently complete, so the owner may occupy the work or designated portion thereof for the use for which it is intended.

DECIDUOUS SCREEN shall mean landscape material consisting of plants which lose their leaves in winter and eventually will grow and be maintained at six feet in height, at least.

DECK shall mean a flat, floored, roofless structure. Roofless does not include a roll-out awning or a canopy provided that all the vertical sides, other than the residential structure are open.

DENSITY shall mean the number of dwelling units per gross acre of land.

DENTENTION BASIN shall mean a facility for the temporary storage of stormwater runoff.

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.

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.

DEVELOPMENT CONCEPT PLAN see Site Plan.

DEVELOPMENT REVIEW shall mean the review, by the City, of subdivision plats, site plans, rezoning requests, or permit review.

DISTRICT OR ZONE shall mean a section or sections of the Zoning Area for which uniform regulations governing the use of land, the height, use, area, size, and intensity of use of buildings, land, and open spaces are established.

DOG KENNEL see Kennel, Boarding or Training, and Kennel, Commercial.

DOMESTIC ANIMALS see Household Pet.

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.

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 when there is doubt as to whether a depression is a watercourse or drainageway, it shall be presumed to be a watercourse.

DRIVE-IN FACILITY shall mean an establishment where customers can be served without leaving the confinement of their vehicle.

DRIVEWAY shall mean any vehicular access to an off-street parking or loading facility.

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.

DUPLEX see Dwelling, Two Family.

DWELLING shall mean any building or portion thereof, which is designed and used exclusively for single family residential purposes, excluding mobile homes.

DWELLING, MANUFACTURED HOME shall mean 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 HUD.

DWELLING, MOBILE HOME shall mean 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 rollers, 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.

- a) 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.
- b) 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 inches below the final ground level.

DWELLING, MODULAR shall mean any dwelling whose construction consists entirely of or the major portions of its construction consist of a unit or units not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities, pursuant to the Nebraska Uniform Standards for Modular Housing Units Act, as set forth in Neb. Rev. Stat. §§ 71-1557 to 71-1568.01 (Cum.Supp.2000). Further, such dwelling must also meet or be equivalent to the construction criteria set forth in the Nebraska Uniform Standards for Modular Housing Units Act. Such dwelling is considered to be a conventional type single-family dwelling, and those that do not meet the above criteria shall be considered a mobile home.

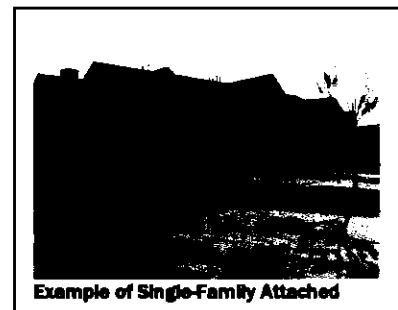
DWELLING, MULTIPLE shall mean a building or buildings designed and used for occupancy by three or more families, all living independently of each other, and having separate kitchen and toilet facilities for each family.

DWELLING, SEASONAL shall mean a dwelling designed and used as a temporary residence and occupied less than six months in each year.

DWELLING, SINGLE FAMILY shall mean a building having accommodations for or occupied exclusively by one family, which meets all the following standards. This definition applies to all "double-wide" mobile or manufactured homes that meet the following standards.

- a) The home shall have no less than 800 square feet of floor area, above grade, for single story construction;
- b) The home shall have no less than a 18 feet exterior width;
- c) The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
- d) The exterior material shall be of a color, material and scale comparable with existing site-built, single family residences;
- e) The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock;
- f) The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and
- g) The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
- h) The home shall have a permanent foundation, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

DWELLING, SINGLE FAMILY ATTACHED shall mean a portion of a residential building having accommodations for and occupied exclusively by one family, and which is located on a separate lot of record apart from the remaining portions of the building. Each such dwelling may be sold independently of other portions.



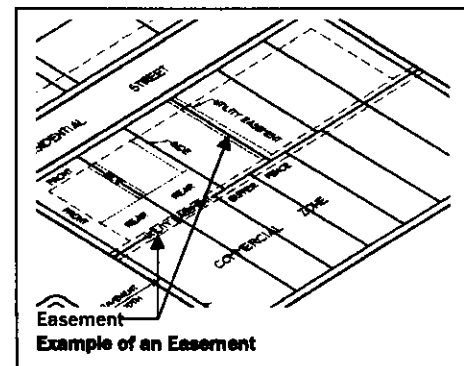
Example of Single-Family Attached

DWELLING, TOWNHOUSE shall mean a one-family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical wall(s).

DWELLING, TWO FAMILY shall mean a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

DWELLING UNIT shall mean one or more 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.

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.



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, and commercial or private trade schools are not included in this definition.

EFFECTIVE DATE shall mean the date that this chapter shall have been adopted, amended, or the date land areas became subject to the regulations contained in this chapter as a result of such adoption or amendment.

ENCROACHMENT shall mean an obstruction or illegal or unauthorized intrusion into a delineated floodway, right-of-way, or adjacent property.

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.

ERECTED shall mean constructed upon or moved onto a site.

ETHANOL PLANT shall mean a facility where the conversion of biomass into an alcohol fuel product is undertaken. The facility also includes the processing of certain by-products resulting from the fermentation and distillation process.

EVERGREEN OR CONIFEROUS SCREEN shall mean landscape material consisting of plants which retain leaves or needles throughout the year which eventually will grow and be maintained at six feet in height, at least.

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.

EXTRATERRITORIAL JURISDICTION shall mean the area beyond the corporate limits of the Village, in which the State has granted the Village the power to exercise zoning jurisdiction and building regulations.

FAÇADE shall mean the exterior wall of a building exposed to public view from the building's exterior.

FACTORY shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

FAMILY shall mean one or more persons occupying a single dwelling unit, provided, that all members are related by blood, marriage, or adoption, and living as a single housekeeping unit. A family may include, in addition, not more than three people who are unrelated, but provided further domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

FARM an area containing at least 20 acres or more which is used for growing or storage of the usual farm products such as vegetables, fruit, and grain, as well as for the raising thereon of the usual farm poultry and farm animals, and which produces 1,000 dollars or more per year of farms products raised on the premises. 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.

FEEDLOT, COMMERCIAL shall mean a lot or building or combination of lots and buildings intended to be used for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetation cover cannot be maintained in the enclosure.

FENCE shall mean a structure serving as an enclosure, barrier or boundary above ground.

FENCE, INVISIBLE shall mean an electronic pet containment system that includes the burying of wire and the use of transmitters for complete enclosure of a yard or creating sectional areas within a yard.

FENCE, OPEN shall mean a fence, including gates, which has 50 percent or more of the surface area in open spaces, which affords direct views through the fence.

FENCE, SOLID shall mean any fence, which does not qualify as an open fence.

FIREWORKS STAND shall mean any tent used for the retail sale of fireworks, on a temporary basis.

FIREWORKS STORAGE shall mean any permanent building and/or structure where fireworks are stored for any portion of a year provided there is no retail sales made from the storage location. Said storage facility may also be used for the delivery and distribution of fireworks on a wholesale basis.

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 source.

FLOODPLAIN shall mean any land area susceptible to being inundated by water from any source. See definition of flood.

FLOOD PROOFING shall mean any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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.

FLOOR AREA shall mean the square feet of floor space within the outside line of the walls, including the total of all space on all floors of the building. Floor area shall not include porches, garages, or spaces in a basement, cellar, or attic.

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.

FREESTANDING CANOPY shall mean a permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.

FRONTAGE shall mean that portion of a parcel of property that abuts a dedicated public street or highway.

GARAGE, PRIVATE shall mean a detached accessory building up to and including 1,000 s.f., including carports, on the same lot as a dwelling, used to house vehicles of the occupants of the dwelling.

GARAGE, PUBLIC shall mean any garage other than a private garage designed or used for equipment, repairing, hiring, servicing, selling, or storing motor driven vehicles.



Freestanding Canopy

GARAGE, REPAIR shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. Also, see Service Station.

GARAGE, STORAGE shall mean a detached accessory building over 1,000 s.f., on the same lot as a dwelling, used to house vehicles, recreational vehicles, and other consumables owned by the occupants of the dwelling.

GARBAGE shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.

GRADE shall mean the average of the finished ground level at the center of all walls of a building. In the case of walls that are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

GRANNY FLAT shall mean a secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

GREENHOUSE shall mean a building or premises used for growing plants, preparing floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

GREENHOUSE, NONCOMMERCIAL shall mean a building constructed primarily of glass, plastic or similar material in which temperature and humidity can be controlled for the cultivation of fruit, herbs, flowers, vegetables or other plants intended for private use and not for sale.

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.

GROUNDCOVER shall mean plant material used in landscaping which remains less than 12 inches in height at maturity.

GROUNDWATER shall mean water naturally occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

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 24 hour care for individuals in a residential setting.

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.

GROUP HOUSING shall mean two or more separate buildings on a lot, each containing one or more dwelling units.

GUEST ROOM shall mean a room, which is designed to be occupied by one or more guests for sleeping purposes, having no kitchen facilities, not including dormitories.

HALF-STORY shall mean a story under a sloped roof which has the intersection of the roof line and exterior wall face not more than three feet above the floor of such story.

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.

HAZARDOUS WASTE shall mean any discarded material, refuse, or waste products, in solid, semisolid, liquid, or gaseous form, that cannot be disposed of through routine waste management techniques because they pose a present or potential threat to human health, or to other living organisms, because of their biological, chemical, or physical properties.

HEALTH CLUB shall mean a privately owned facility operated for profit, such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.

HEDGE shall mean a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.

HOME OCCUPATION shall mean an "in-home" or "home based" or entrepreneurial business operating from a residential dwelling within Alvo. 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 not considered a Home Occupation.

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.

HOSPICE shall mean a facility serving as a medical and residential facility for end of life treatment, providing inpatient services and support services for families of the residents and patients.

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 but is not limited to motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, and motor hotel.

HOUSEHOLD PET shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.

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 compacted sand, rock, gravel, or clay and conventionally surfaced streets, roofs, sidewalks, parking lots, and driveways.

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

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 any storage facilities operated in conjunction with an industrial use or for a fee, including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

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

INFILL SITE shall mean any vacant lot, parcel or tract of land within developed areas of the Village and where water, sewer, streets, schools, and fire protection have already been constructed or are provided. a predominately built up area.

INFRASTRUCTURE shall mean facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.

INOPERABLE MOTOR VEHICLE shall mean any motor vehicle which: (1) Does not have a current state license plate; or, (2) Which is disassembled or wrecked in part or in whole, or is unable to move under its own power; or, (3) is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle that is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

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 intensity uses.

INTENT AND PURPOSE shall mean that the Commission and Village 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.

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.

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, parts and equipment result 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".

KENNEL, BOARDING, or TRAINING shall mean a use on any lot or premises in which dogs, cats or any other household pets, at least four months of age, are raised, boarded, bred, or trained.

KENNEL, COMMERCIAL shall mean 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, excluding vicious animals, are raised, bred, boarded, trained, groomed or sold as a business

KENNEL, PRIVATE shall mean an establishment where three or less dogs or cats, other than household pets, or non-farm/non-domestic animals at least six months of age, excluding vicious animals, are raised, bred, or boarded

LAGOON shall mean a wastewater treatment facility that 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 NDEQ and the NHHS. All lagoons shall have the proper permits approved prior to starting construction.

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.

LANDSCAPE shall mean plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

LANDSCAPING shall include the original planting of suitable vegetation in conformity with the requirements of this Regulation and the continued maintenance thereof.

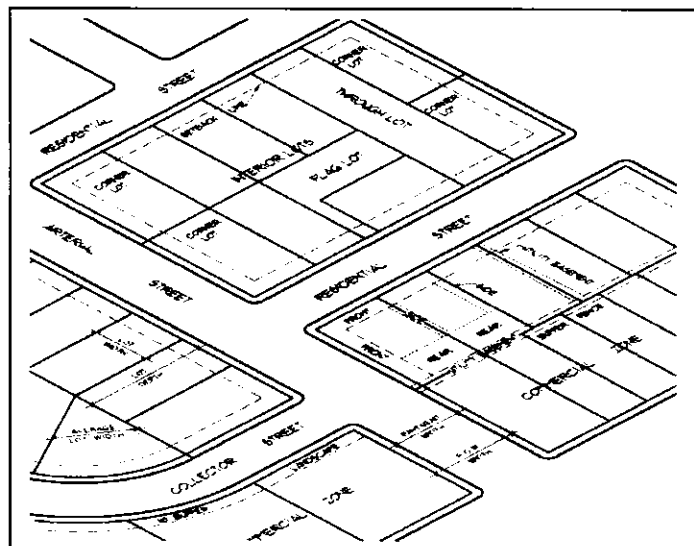
LAUNDRY, SELF SERVICE shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.

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, culminating in full health, and continuing care nursing home facility. Also, see Congregate Housing.

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.

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.

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 AREA shall mean the total area, on a horizontal plane, within the lot lines of a lot.

LOT COVERAGE shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

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 LINE, FRONT shall mean the property line abutting a street.

LOT LINE, REAR shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

LOT LINE, SIDE shall mean any lot line not a front lot line or rear lot line.

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 OF RECORD shall mean a lot or parcel of land, the deed to which has been recorded in the records of the Cass County Register of Deeds at the time of the passage of a regulation establishing the zoning district in which the lot is located.

LOT WIDTH 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.

MANUFACTURED HOME see Dwelling, Manufactured Home.

MANUFACTURED or MOBILE HOME PARK shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured or mobile housing used or to be used for dwelling purposes and where manufactured or mobile home spaces are not offered for sale or sold. The terms "manufactured home park" or "mobile home park" do not include sales lots on which new or used manufactured or mobile homes are parked for the purposes of storage, inspection, or sale. The terms "manufactured home park" or "mobile home park" shall include the term "trailer camp", as defined in the Alvo Code.

MANUFACTURED or MOBILE HOME SUBDIVISION shall mean a parcel of land that has been subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured or mobile homes.

MANUFACTURING shall mean the mechanical or chemical transformation of materials or substances into new products. Manufacturing uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Assembling component parts of manufactured products is 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.

MASSAGE PARLOR shall mean an establishment other than a regularly licensed and established hospital or dispensary where non-medical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices. Also, see Adult Uses.

MASTER FEE SCHEDULE shall mean a fee schedule maintained by the Village of Alvo and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, and Subdivision activities.

MECHANICAL EQUIPMENT shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

MINI-STORAGE OR MINI-WAREHOUSE see Self-Service Storage Facility.

MISCELLANEOUS STRUCTURES shall mean structures, other than buildings, visible from public ways. Examples are memorials, staging, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, and transformers.

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.

MOBILE HOME see Dwelling, Mobile Home.

MOBILE HOME PARK see Manufactured or Mobile Home Park.

MOBILE HOME SUBDIVISION see Manufactured or Mobile Home Subdivision.

MOTEL see Hotel.

MOTOR FREIGHT TERMINAL shall mean a building or area in which freight brought by motor truck is received, assembled or stored and dispatched for routing by motor truck which may include motor truck storage.

MOTOR VEHICLE shall mean every self-propelled land vehicle, not operated upon rails, except self-propelled wheel chairs.

NIGHTCLUB shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. Also, see Bar.

NONCOMMUNITY WATER SUPPLY SYSTEM shall mean any public water supply system that is not a community water supply system.

NONCONFORMING 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.

NONCONFORMING USE shall mean any use existing and lawful at the time of adoption of these regulations occupying a building, structure or land but is no longer allowed.

NON-FARM BUILDINGS shall mean all buildings except those buildings utilized for agricultural purposes on a farm

NUISANCE shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.

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.

NURSING HOMES OR CONVALESCENT HOMES shall mean an institution or agency licensed by the State of Nebraska for the reception, board, care, or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

OFFICE shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.

OFFICIAL ZONING DISTRICT MAP shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Alvo Village Board.

OFF-STREET PARKING AREA shall mean 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.

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 substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

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.

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.

OUTDOOR ADVERTISING see Advertising Structure and Sign.

OVERLAY DISTRICT shall mean a district in which additional requirements are imposed upon a use, in conjunction with the underlying zoning district. The original zoning district designation does not change.

OWNER shall mean one or more persons, including corporations, who have title to the property, building or structure in question.

PACKAGE LIQUOR STORE shall mean an establishment in which alcoholic beverages in original containers are sold for consumption off the premises.

PAINTBALL COURSE 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.

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.

PARK shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

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.

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.

PARKING LOT shall mean an area consisting of one or more parking spaces for motor vehicles together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for motor vehicles.

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 feet by 20 feet, plus such additional area as is necessary to afford adequate ingress and egress.

PERFORMANCE GUARANTEE shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with these regulations as well as with approved plans and specifications of a development.

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.

PERMANENT TREE PROTECTION DEVICES shall be structural measures, such as retaining walls or aeration devices that are designed to protect the tree and its root systems throughout its lifetime.

PERMITTED USE shall mean any land use allowed without condition within a zoning district.

PERMANENTLY ATTACHED 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.

PERSON shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Alvo, Nebraska.

PERSONAL SERVICES shall mean uses providing human services exclusively to private individuals as the ultimate consumer. Personal services shall not be limited to but including grocery shopping services, tailoring and alterations, hair salons, spas, nail salons, barber shops, private household services and temporary personal in-home care.

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.

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

PLANT MATERIALS shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs and other such vegetation.

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

POLE BUILDING shall mean a structure built with no foundation or footings, using poles embedded directly in the ground as its primary support to hold metal, plastic, fiberglass or wood covering to form the building.

POLICY shall mean a statement or document of the City, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.

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.

PRESERVATION shall mean the act of protecting an area, parcel of land, or structure from being changed or modified from the present character to another that is not representative of a specific period or condition.

PRINCIPAL STRUCTURE shall mean the main building or structure on a lot, within which the main or primary use of the lot or premises is located.

PROHIBITED USE shall mean any use of land, other than nonconforming, which is not listed as a permitted use, conditional use or accessory use within a zoning district.

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, 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.

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.

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.

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 15 service connections or regularly serves at least 25 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.

RAILROAD shall mean the land use including the right-of-way 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.

RECREATION, INDOOR shall mean a facility for relaxation, diversion, amusement or entertainment where such activity occurs within a building or structure.

RECREATION, OUTDOOR shall mean a facility for relaxation, diversion, amusement or entertainment in which some or all of the activities occur on the exterior but within the property of the facility.

RECREATIONAL FACILITY shall mean facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. 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, amphitheaters, race tracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.

RECREATIONAL VEHICLE (RV) shall mean a vehicular unit less than 40 feet in overall length, eight feet in width, or 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.

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.

RECYCLING CENTER shall mean a building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products. The facility is not junkyard.

RECYCLING COLLECTION POINT shall mean a collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

REDEVELOPMENT shall mean the act of preserving and/or rehabilitating existing buildings. In extreme cases, a building or structure could be demolished for the purpose of a new use or building.

RENEWABLE ENERGY shall mean energy sources including wind, solar power, biomass, and hydropower, that can be regenerated and that is much less polluting than nuclear or fossil fuels.

RENEWABLE RESOURCE shall mean a natural resource that is able to regenerate, either by itself or with human assistance, over a short to moderate time period, including food crops and trees.

RESIDENCE shall mean a building used, designed, or intended to be used as a home or dwelling place for one or more families.

RESTAURANT shall mean a public eating establishment operated for profit at which the primary function is the preparation and serving of food primarily to persons seated within the building.

RESTAURANT, DRIVE-IN shall mean a restaurant 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.



RESTAURANT, ENTERTAINMENT shall mean a restaurant 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.

RESTAURANT, FAST FOOD shall mean a restaurant 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.



RETAIL SALES shall mean establishments engaged in selling of goods or merchandise to the general public for personal or household consumption.

RETAIL TRADE shall mean selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Businesses engaged in retail trade sell merchandise to the general public or to households for personal consumption.

RETENTION BASIN shall mean a pond, pool, or basin used for the permanent storage of stormwater runoff.

REZONING shall mean an amendment to or change in the zoning regulations either to the text or map or both.

REZONING, PIECEMEAL shall mean the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

RIGHT-OF-WAY shall mean an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.

ROAD, PRIVATE shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. Also, see Right-of-way and Street.

ROAD, PUBLIC shall mean all public rights-of-way reserved or dedicated for street or road traffic. Also, see Right-of-Way and Street.

ROOM shall mean an unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

SANITARY TRANSFER STATION shall mean a collection point for temporary storage of refuse. No processing of refuse would be allowed. The transfer station must be in conformance with the requirements of all State and Federal Agencies.

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. Also, see Antenna.

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. Such shall be approved by the Nebraska State Fire Marshall as being in conformance with safety provisions pursuant to 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.

SCREENING shall mean a structure or planting that conceals from public view the area behind such structure or planting.

SELECTIVE CLEARING shall be the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.

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.

SELF-SERVICE STORAGE FACILITY shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

SEPARATE OWNERSHIP shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

SEPTIC SITE shall mean the area bounded by the dimensions required for the proper location of the septic tank system.

SERVICE STATION 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.

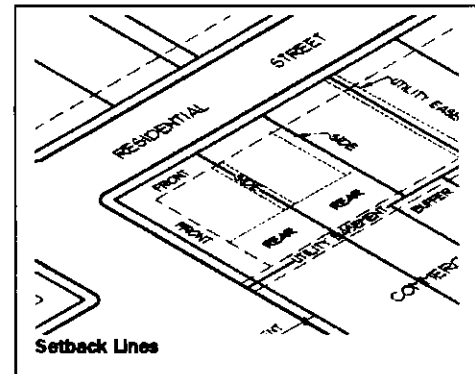
SETBACK shall mean the minimum distance, as prescribed by this regulation, measured from the edge of the eave or other similar building component located closest to the lot line.

SETBACK LINE, FRONT YARD see Yard, Front

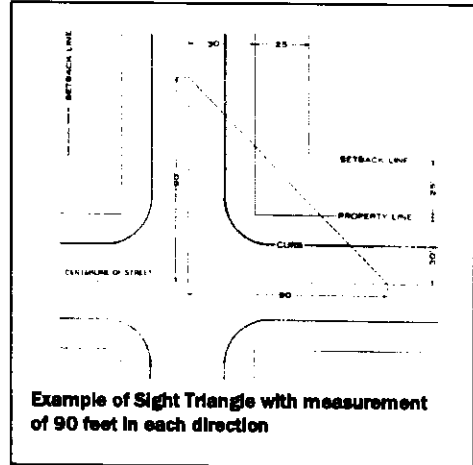
SETBACK LINE, REAR YARD see Yard, Rear

SETBACK LINE, SIDE YARD see Yard, Side

SHRUB shall mean a multi-stemmed woody plant other than a tree.



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 two and one-half 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 along the centerline of the streets. At the intersection of major or arterial streets, the 60 foot distance shall be increased to 90 feet for each arterial leg of the intersection.



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, except the following:

1. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
2. Flags and insignia of any government except when displayed in connection with commercial promotion;
3. Legal notices: identification, informational, or directional signs erected or required by governmental bodies;
4. Integral decorative or architectural features of buildings, except letter, service marks, trademarks, moving parts, or moving lights;
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

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.

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










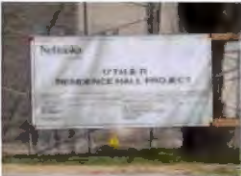






SIGN, ANNOUNCEMENT shall mean a small sign, not over six square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal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

















SIGN, ARCHITECTURAL CANOPY shall mean an enclosed, illuminated or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's area integrated into its surface.

SIGN AREA shall mean the entire area including the background 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.

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.

SIGN, BANNER shall mean any sign of lightweight fabric or similar material that is permanently 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.

 <p>Animated Sign</p>	 <p>Announcement Sign</p>	 <p>Awning Sign</p>	 <p>Banner/Flag Sign</p>
 <p>Banner Sign (Commercial)</p>	 <p>Building Marker Sign</p>	 <p>Canopy Sign</p>	 <p>Changeable Copy Sign</p>
 <p>Commemorative Sign</p>	 <p>Construction Sign</p>	 <p>Double-faced Sign</p>	 <p>Electronic Message Sign</p>
 <p>Freestanding Sign</p>	 <p>Gas Station Price Sign</p>	 <p>Ground Monument Sign</p>	 <p>Off-Premises Sign</p>

 <p>Painted Wall Sign</p>	 <p>Parapet Sign</p>	 <p>Pole Sign</p>	 <p>Political Sign</p>
 <p>Projecting Sign</p>	 <p>Public/Traffic Information Sign</p>	 <p>Real Estate Sign</p>	 <p>Roof Sign</p>
 <p>Roof (Integrated) Sign</p>	 <p>Sandwich Board Sign</p>	 <p>Sign Stacking</p>	 <p>Subdivision Identification Sign</p>
 <p>Suspended Sign</p>	 <p>Wall Sign</p>	 <p>Warning Sign</p>	 <p>Window Sign</p>

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.

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

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.

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.

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

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.

SIGN, COMMUNITY OR CIVIC shall mean a sign containing business logos and/or logos of civic organizations. The sign is intended to provide space for several businesses and/or organizations on one sign, and all advertising is similar in size. The primary intent of the community or civic sign is for informational purposes and to communicate information to the motoring public as to businesses and organizations that are active in the community. Community or civic signs are owned and operated by the local chamber of commerce or other civic organization or non-profit entity.

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.

SIGN, ELECTRONIC MESSAGE BOARD 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, 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.

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.

SIGN, GROUND shall mean a sign mounted directly to the ground with a maximum height not to exceed six feet.

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

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.

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.

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

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

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 months after the termination of the existence of such business or the termination of sale of the product advertised.

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.

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

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.

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.

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 feet or more above grade.

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 of the business.

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

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

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.

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 inches.

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

SIGN, SUBDIVISION identification shall mean a sign erected on a subdivision identification lot that identifies the platted subdivision where the sign is located.

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

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

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.

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.

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.

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.

SITE BREAK shall mean a structural or landscape device used to interrupt long vistas and create visual interest in a site development.

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.

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.

SKATE PARK shall mean a recreational facility containing skateboard ramps and other obstacle courses and devices for the use with skateboards and in-line skates.

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 lies upon the device while it is in motion.

SKATEBOARD or HALF PIPE shall mean an outdoor structure that is shaped into a half circle or oval that is designed and principally intended to permit persons on skateboards to move continuously from one side to the other.

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.

SLUDGE shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.

SOLID WASTE shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

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.

STANDARD SYSTEM shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.

STOCKPILING shall mean the accumulation of manure in mounds, piles, or other exposed and non-engineered site locations for storage or holding purposes for a period of not more than one year.

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 30 days.

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.

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.

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.

STORMWATER RETENTION AREA shall mean an area designed by a licensed professional engineer and approved by the Village to retain water to control the flow of stormwater.

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.

STORY shall mean a space in a building 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.

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".

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.

STREET CENTERLINE shall mean the centerline of a street right-of-way as established by official surveys.

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.

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.

STREET HARDWARE shall mean man-made objects other than buildings that are part of the streetscape. Examples include but are not limited to lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, and fire hydrants.

STREET LINE shall mean a dividing line between a lot, tract, or parcel of land and the contiguous street.

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.

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.

STRUCTURAL ALTERATION shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

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.

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.

SWIMMING POOL, PRIVATE shall mean a pool which is an accessory use to a residence and for the exclusive use of the occupants of the residential building and their guests.

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.

TATTOO 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.

TAVERN see Bar.

TEMPORARY USE shall mean a use intended for limited duration to be located in a zoning district not permitting such use.

TERRACE shall mean a raised earthen embankment with the top leveled. A terrace may be supported by a retaining wall.

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 limited audience participation or meal service.

TOWER shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. Also, see Antenna.

TOWNHOUSE shall mean a one-family dwelling unit, with a private entrance in a group of three or more units where the unit and land are in the ownership of the same owner, which part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

TRACT shall mean a lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.

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.

TREE COVER shall mean an area directly beneath the crown and within the dripline of the tree.

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 ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.

TRUCK WASH shall mean a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.

UPPER STORY HOUSING shall be defined as one or more dwelling units located above the first floor where allowed within a commercial district.

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.

USE shall mean the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

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.

USE, CONDITIONAL shall mean a use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving agency.

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.

USE, PERMITTED shall mean any land use allowed as a use by right within a zoning district.

USE, NONCONFORMING shall mean a use that was valid and legal when brought into existence, but by subsequent regulation becomes no longer conforming.

USE, PRINCIPAL shall mean the main use of land or structure, as distinguished from an accessory use.

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".

UTILITARIAN STRUCTURE shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.

UTILITY EASEMENT see Easement

UTILITY HARDWARE shall mean devices such as poles, crossarms, 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.

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 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.

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.

UTILITY SERVICE shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.

VARIANCE shall mean a relief from or variation of the provisions of this chapter, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.

VEGETATION shall mean trees, shrubs, and vines.

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.

VEHICLE, MOTOR see Motor Vehicle.

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

VILLAGE ATTORNEY shall mean the Village Attorney of the Village of Alvo or his/her authorized deputy, agent or representative.

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.

VILLAGE LIMITS shall mean the established corporate boundary of the Village of Alvo.

VISUAL OBSTRUCTION shall mean any fence, hedge, tree, shrub, wall or structure exceeding two feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of eight feet.

WAREHOUSE shall mean a building used primarily for the storage of goods and materials.

WAREHOUSE AND DISTRIBUTION shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

WASTEWATER LAGOON see Lagoon.

WATERCOURSE shall mean natural or once naturally flowing water, either perennially or intermittently, including rivers, streams, creeks, and other natural waterways. Includes waterways that have been channelized, but does not include manmade channels, ditches, and underground drainage and sewage systems.

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.

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.

WETLAND, SALINE shall mean an area that is saturated by salty soils and water at a frequency and duration sufficient to support, and that, under normal circumstances, does support a prevalence of salt-tolerant vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.

WHOLESALE ESTABLISHMENT shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

WHOLESALE TRADE shall mean the selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or buyers 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.

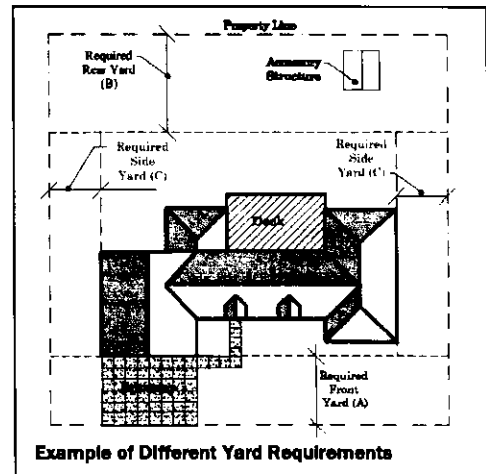
WIRELESS COMMUNICATION TOWER shall mean a structure for the transmission or broadcast of cellular, radio, television, radar, or microwaves which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered wireless communication towers.

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 buildings or structures permitted by this Regulation.

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.

YARD, REAR shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

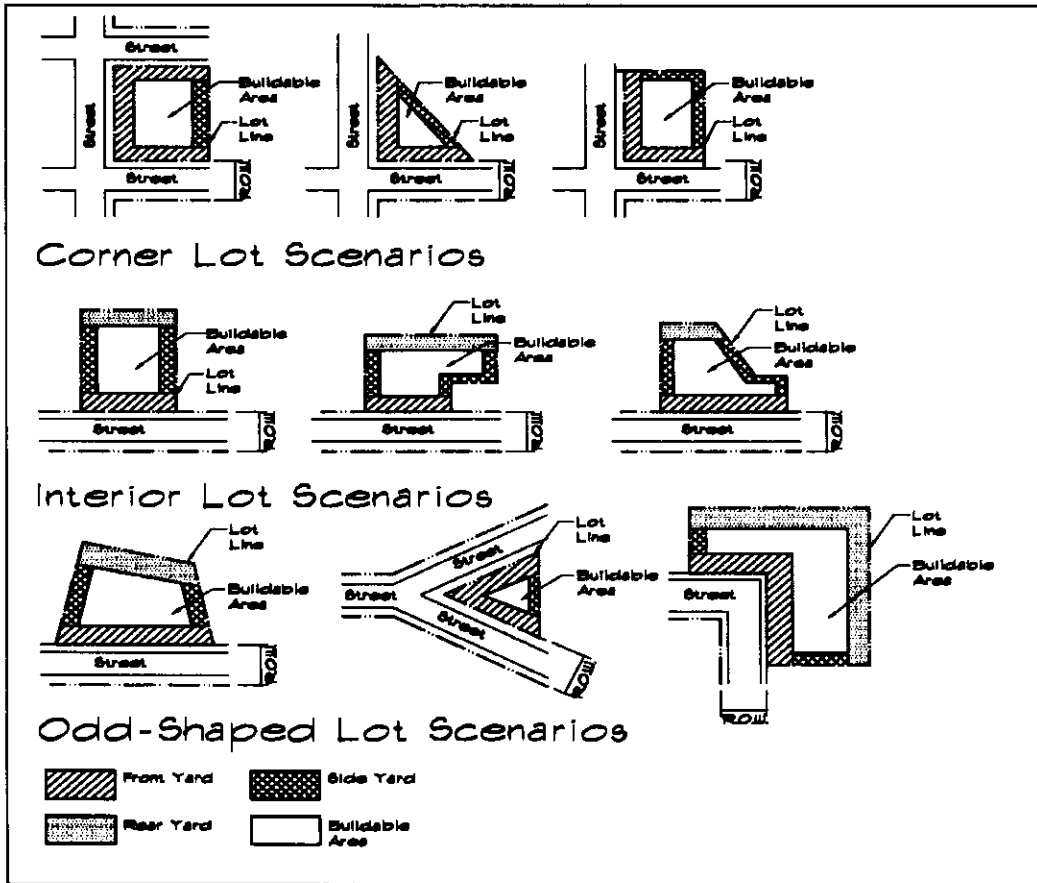
YARD, SIDE shall mean a space extending from the front yard, or from the front lot line where no front yard is required by this Regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.



ZONING ADMINISTRATOR shall mean the person or persons authorized and empowered by the county to administer and enforce the requirements of this chapter.

ZONING DISTRICT see District

ZONING DISTRICT, CHANGE OF shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the City.



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 in the Village and the area within one mile of the corporate boundaries, the Village is hereby divided into districts.

Section 3.02 Provision for Official Zoning Map

- 3.02.01** The Village 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 Mayor, attested by the Village Clerk, and bearing the seal of the Village under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.02 of Ordinance No. (____) of the Village of Alvo, 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 Village Board.
- 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 Village Board 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 Mayor attested by the Village Clerk and bearing the seal of the Village under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (Ordinance No. (____)) of the Village of Alvo 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.

ARTICLE 4: GENERAL PROVISIONS

Section 4.01 Planning Commission Recommendations

Pursuant to Neb. Rev. Stat. §19-901 (R.R.S.1996), it shall be the purpose of the Planning Commission to hold public hearings upon, and make recommendation to the legislative body, regarding proposed amendments to the comprehensive plan and zoning regulations within the jurisdiction of the Village.

The Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the Village Board 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 Village at least one time ten days prior to such hearing.

Section 4.03 Jurisdiction

The provisions of this Ordinance shall apply within the corporate limits of the Village of Alvo, Nebraska, and within the territory beyond said corporate limits as now or hereafter fixed, for a distance of one mile, as established on the map entitled "The Official Zoning Map of the Village of Alvo, 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 are in conflict with the provisions of any other ordinance or municipal law, the ordinance or municipal law with the most restrictive provisions shall govern.

Section 4.05 Zoning Affects Every Building and Use

No building or land shall hereafter be used or 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, except that any structure damaged or destroyed may be restored if such structure does not involve a non-conforming use.

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 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 recommended by the Planning Commission and approved by the Village Board.

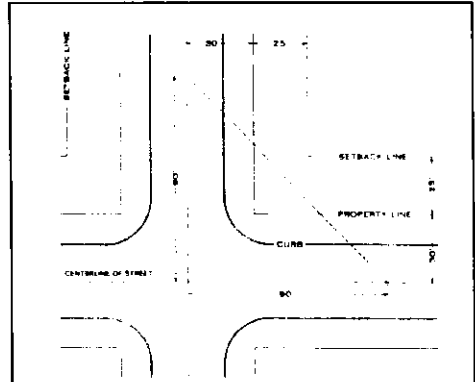
1. Institutional buildings
2. Public or semi-public buildings
3. Multiple-family dwellings
4. Commercial or industrial buildings
5. Home for the aged
6. Agricultural buildings

Section 4.07 Reductions in Lot Area Prohibited

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, minimum lot area, lot width, maximum 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

On a corner lot, within the area formed by the center line of streets at a distance of 75 feet from their intersections, there shall be no obstruction to vision between a height of two and one-half feet and a height of 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 90 feet for each arterial leg of the intersection. The requirements of this section shall not be deemed to prohibit any necessary retaining wall. See "Sight Triangle," as defined in Article 2 of this Ordinance.



Example of Sight Triangle with the measurement of 90 feet in each direction

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 No part of a yard, or other open space, or off-street parking or loading space, required in connection with any building for the purpose of complying with this regulation, shall be included as part of a yard, open space, or off-street parking or loading space required for another building and or lot.
- 4.09.03 No yard or lot existing at the time of passage of this regulation shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this regulation shall meet the minimum requirements herein.
- 4.09.04 All accessory buildings when connected to the principal building (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
- 4.09.05 The Zoning Administrator 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 40 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.
- 4.09.06 Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed and the buildings on this side of a block have developed and observed a front yard setback greater than the depth herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings provided that no building shall be required to have a front yard setback greater than 50 feet.
- 4.09.07 Any side or rear yard in a residential district which is adjacent to any existing industrial or commercial use shall be no less than 25 feet and shall contain landscaping and planting suitable to provide effective screening.
- 4.09.08 Any yard for a commercial or industrial use located within any Commercial or Industrial Zoning District, which is adjacent to any residential use, or district shall be increased to 40 feet and shall contain landscaping and planting suitable to provide effective screening; except in the Downtown Commercial District. Included in the Increased yard, a solid or semi-solid fence or wall at least six feet, but not more than eight feet high shall be provided adjacent to an adjoining residential district unless the adjacent residential district and industrial district are separated by a street right-of-way. The owner or owners of the property in the Commercial and/or Industrial District shall maintain said fence or wall in good condition. Said fencing shall be constructed of commercially available fencing.

Section 4.10 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 Village or their designated agent that such changes will not be a detriment to the neighboring lands.

Section 4.11 Permitted Obstructions in Required Yards

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

- 4.11.01 *All Yards:* Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which will not exceed minimum requirements of the Americans with Disabilities Act are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys projecting 24 inches or less into the yard; recreational equipment and clothes lines; approved freestanding signs; arbors and trellises; flag poles; window unit air conditioners projecting not more than 18 inches into the required yard; and fences or walls subject to applicable height restrictions are permitted in all yards.
- 4.11.02 *Rear and Side Yards:* Open off-street parking spaces or outside elements of central air conditioning systems; emergency egress systems for basements on an existing structure.
- 4.11.03 *Double Frontage Lots:* The required front yard shall be provided on each street.
- 4.11.04 *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 building occupying one lot.

Section 4.12 Accessory Building and Uses

- 4.12.01 In no event shall an accessory building be used as a dwelling.
- 4.12.02 No detached accessory building or structure shall exceed the maximum permitted height allowed in the individual district, unless otherwise provided.
- 4.12.03 No accessory building shall be constructed in the required front yard.
- 4.12.04 No accessory building shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.
- 4.12.05 Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than 10 feet.
- 4.12.07. Regulation of accessory uses shall be as follows:
 - 1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
 - 2. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.
 - 3. Storage of any boat, boat trailer, camp trailer, or other vehicle shall not be permitted in any required front yard; but a boat, boat trailer, camp trailer may be permitted in a side yard or rear yard.

Section 4.13 Permitted Modifications of Height Regulations

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

- | | |
|----------------------------------|---|
| Air-Pollution Prevention Devices | Flag Poles |
| Belfries | Ornamental Towers and Spires |
| Chimneys | Public Monuments |
| Church Spires | Radio/Television Towers less than 125 feet tall |
| Conveyors | Silos |
| Cooling Towers | Smoke Stacks |
| Elevator Bulkheads | Stage Towers or Scenery Lots |
| Commercial Elevator Penthouses | Tanks |
| Fire Towers | Water Towers and Standpipes |
| | Wind Generation equipment (non-utility grade and attached to a structure) |

Provided that the appropriate yard setbacks are increased by one foot for every two feet in excess of the maximum height requirement for the given zoning district.

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

Section 4.14 Occupancy of Basements and Cellars

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed, and any required emergency egress requirements of the Village of Alvo have been installed as required per state and life-safety codes.

Section 4.15 Nonconforming, 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 4.16 Nonconforming Lots of Record

In any district, notwithstanding limitations imposed by other provision of this ordinance, a primary structure and customary accessory buildings 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. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

Section 4.17 Nonconforming Structures

4.17.01 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.

4.17.02 Enlargement, Repair, Alterations: Any such structure described in Section 4.17.01 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 special permit unless otherwise approved or as specified in the Residential District.

4.17.03 Damage or Destruction: In the event that any structure described in Section 4.17.01 is damaged or destroyed, by any means other than intentional destruction, to the extent of more than 70 percent 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 4.16, shall not have a side yard of less than five feet. When a structure is damaged to the extent of less than 70 percent 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 is diligently pursued to completion.

Complete reconstruction of a nonconforming structure may be allowed through a Conditional Use Permit if the structure is damaged or destroyed by natural means and not through intentional destruction or actions of the property owner or tenant. Reconstructed structures shall not be allowed to increase the level of nonconformity with regard to setbacks or lot coverage.

4.17.04 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.

Section 4.18 Nonconforming Uses

4.18.01 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:

1. 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;
2. 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.
3. If any such nonconforming use of land ceases for any reason for a period of more than 12 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.

4.18.02 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:

1. 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 a use permitted in the district in which it is located;
2. 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;
3. 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 board of adjustment 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 board of adjustment may require appropriate conditions and safeguard in accord with the provisions of this ordinance;
4. Any structure, or structure and land in combination, in 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;
5. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for 12 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;
6. 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 4.19 Repairs and Maintenance

4.19.01 On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of non-bearing 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.

4.19.02 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 4.20 Uses under Conditional Permit not Nonconforming Uses

Any use for which a special exception has been issued as provided in previous ordinances shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

Section 4.21 Temporary Permits

The administrator shall issue temporary permits for buildings to be constructed and used for storage incidental to construction of buildings on the property and for signs advertising a subdivision or tract of land or the lots thereon. The permits shall not exceed 180 days in duration.

Section 4.22 Prohibited Uses

All uses which are not specifically permitted or are not permissible as a Conditional Use throughout each district of this Ordinance are prohibited until such time as the Ordinance is amended accordingly.

Section 4.23 Fees

The payment of any and all fees for any zoning or subdivision related action or permit request shall be required prior to the issuance or investigation of any said action or permit request. Such fees shall be adopted and published by the Village Board by separate Resolution.

ARTICLE 5: ZONING DISTRICTS

5.01	Districts; Uses	
5.02	Districts; Boundaries	
5.03	District Boundaries; Interpretation	
5.04	Districts; Classification of Districts upon Annexation and Conformance with Land Use Plan	
5.05	District (TA-1); Transitional Agricultural District	
5.06	District (R-1);	Low Density Residential District
5.07	District (R-2);	Medium Density Residential District
5.08	District (R-3);	High Density Residential District
5.09	District (RM);	Mobile Home Residential
5.10	District (C-1);	Downtown Commercial
5.11	District (C-2);	General Commercial
5.12	District (C-3);	Highway Commercial
5.13	District (I-1);	Industrial

Section 5.01 Districts; Use

For the purpose of this Chapter, the Municipality is hereby divided into nine districts, designated as follows:

(TA-1)	Transitional Agricultural
(R-1)	Low Density Residential District
(R-2)	Medium Density Residential District
(R-3)	High Density Residential District
(RM)	Mobile Home Residential
(C-1)	Downtown Commercial
(C-2)	General Commercial
(C-3)	Highway Commercial
(I-1)	Industrial

Section 5.02 Districts; Boundaries

The boundaries of the districts are hereby established as shown on the maps entitled "Official Zoning Map of the Village of Alvo, Nebraska." Said maps and all explanatory matter thereon accompany and are hereby made a part of this Chapter as if fully written herein. The Official Zoning District Map shall be identified by the signature of the Mayor, and attested by the Village Clerk. No changes shall be made on the Zoning District Map except as may be required by amendments to this Chapter. 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.

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 Village limits shall be construed as following such Village 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;
- 5.03.06 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;
- 5.03.07 Boundaries indicated as parallel to or extensions of features indicated in subsections 5.03.01 to 5.03.06 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- 5.03.08 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 5.03.01 to 5.03.07 above, the Board of Zoning Adjustment shall interpret the district boundaries;
- 5.03.09 Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, The Board of Zoning Adjustment may permit the extension of the regulations for

either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

5.03.10 When a district boundary line splits a lot, tract, or parcel that is in sole ownership, the zoning district that controls the majority of the property may be extended over the entire property without amending the zoning map through the public hearing process.

5.03.11 When a lot, tract, or parcel is bisected by the extraterritorial jurisdiction boundary line, the jurisdiction with the greatest portion of the property shall have controlling interest.

Section 5.04 Annexation and Conformance with the Land Use Plan

Areas annexed into the corporate limits of Alvo shall be zoned to conform to the Land Use Plan.

Section 5.05 TA-1 Transitional Agricultural District

5.05.01. Intent: The (TA-1) Transitional Agriculture District is to recognize the transition between agricultural uses of land and communities; to encourage the continued use of that land which is suitable for agriculture, but not limit any land uses that may be a detriment to normal community expansion.

5.05.02 Permitted Uses:

The following principal uses are permitted in the TA-1 District.

1. Farming, pasturing, truck gardening, and orchards, including the sale of products raised on the premises.
2. Single-family dwellings (detached)
3. Public parks and recreation areas, parks and playgrounds and conservation areas including flood control facilities and natural wildlife habitats and preserves.
4. Recreational camps, golf courses, country clubs, tennis courts.
5. Railroads, not including switching, terminal facilities or freight yards.
6. Public overhead and underground local distribution utilities.
7. Churches, temples, seminaries, and convents including residences for teachers and pastors.
8. Public services such as police, fire, and emergency facilities.

5.05.03 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 TA-1 District as recommended by the Planning Commission and Village Board and approved by the Village Board.

1. The keeping of livestock, provided the following:
 - a. No operation shall have more than 300 animal units and
 - b. The producer can meet a density of one acre for the first A.U. and one-half acre for each additional A.U.
2. Commercial production and husbandry of livestock, poultry, fish and small animals.
3. Commercial auction yards and barns.
4. Feed mills.
5. Commercial greenhouses.
6. Public and private stables and riding clubs, provided:
 - a. No structure or building used to house horses or other animals is located closer than 300 feet to any residential use or district.
 - b. Minimum lot area of four acres.
7. Private or commercial kennels and facilities for the raising, breeding and boarding of dogs and other small animals, provided:
 - a. No structure or building is located closer than 300 feet to any residential use or district.
 - b. Minimum lot area of four acres.
8. Agricultural storage facilities for equipment and grain.
9. Educational institutions, including public and private primary schools, secondary schools including universities, colleges, vocational schools, and business schools.
10. Mining and extraction of minerals or raw materials and the manufacturing, processing, treating, and the storing of materials or minerals, which are extracted from any portion of the district
11. Radio, television and wireless communication towers and transmitters, pursuant to Section 9.02.
12. Cemeteries provided all structures are located at least 100 feet from all property lines.
13. Water supply and storage facilities, wastewater treatment, sewage disposal, and solid waste disposal facilities.
14. Veterinarians' offices and hospitals, provided
15. Commercial Wind energy systems on tracts of more than 10 acres, pursuant to Section 9.07.
16. Public campgrounds.
17. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals.
18. Bed and Breakfast establishments.

5.05.04 Temporary Uses:

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

1. Temporary greenhouses.

2. Fireworks stands provided the criteria are met as established by the Village through separate Ordinances.
3. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
4. Temporary structure for festivals or commercial events.

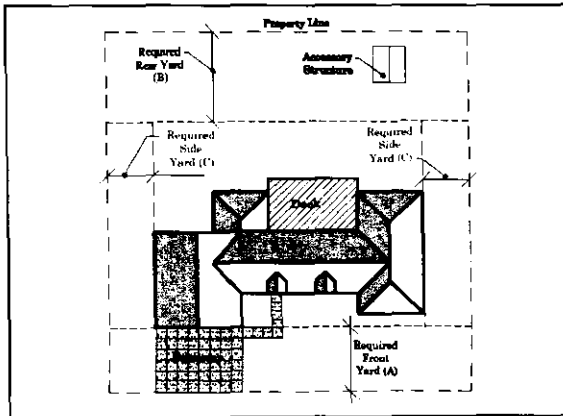
5.05.05 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Roadside stands offering the sale of agriculture products produced on the premises.
3. Fences pursuant to Section 9.03
4. Home occupation, pursuant to Section 9.01.
5. Parking pursuant to Article 7.
6. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
7. Signs pursuant to Article 8.
8. Decks, gazebos, elevated patios either attached or detached.
9. Family Child Care Home I
10. Mobile homes and single-family dwelling units on a farm or ranch provided they are used for relatives or farm workers associated with the farm operation.
11. Small wind Energy Systems pursuant to Section 9.06.
12. Solar panels, pursuant to 9.10

5.05.06 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family Dwelling	3	200	*	**	***	35	20
Other Permitted Uses	3	200	*	**	***	35	20
Permitted Conditional Uses	3	200	*	**	***	35	20
Accessory Buildings	-	-	*	**	***	35	-

- * Front yard setback shall be 68 feet from the centerline of a County Road, or shall 35 feet when abutting any other platted street, road or highway.
- ** Rear yard setback shall be 83 feet from the centerline of a County Road, or shall be 50 feet abutting any other platted street, road or highway or interior property line.
- *** Side yard setback shall be 53 feet from the centerline of a County Road, or shall 20 feet when abutting any other platted street, road, or highway or interior property line.



5.05.07 Other Applicable Provisions:

1. The following uses shall be located a minimum of 2,640 feet from any adjacent residential, commercial, industrial, or public use, as measured from the nearest point on the lot line.
 - a. Commercial auction yards or barns.
 - b. Commercial production and husbandry of poultry, fish, and small animals.
 - c. Commercial feedlots.
 - d. Mining and extraction of natural resources.
 - e. Feed mills.
 - f. Veterinarians' offices and hospitals, and boarding kennels, applicable only to any structure or building used to house horses or other animals.
 - g. Kennels, stables, and riding clubs, applicable only to any structure or building used to house horses or other animals.
 - h. Auto wrecking yards, junk yards, salvage yards, and scrap processing yards.
 - i. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals.
2. No new residential, commercial, industrial, or public use shall be located nearer than 3,960 feet to any existing use listed in Section 5.05.07 (1)

Section 5.06 R-1 Low Density Residential District

5.06.01 Intent: The (R-1) Low Density Residential District is intended to provide for larger lot residential and compatible uses while maintaining reserve land for planned expansion of intense urban development; to facilitate planned extension of municipal services; and to permit residential use of land where, unstable land, or other natural land features, intensive development is not in the best public interest.

5.06.02 Permitted Uses:

The following principal uses are permitted in the R-1 District.

1. Single family detached dwellings.
2. Public and private schools.
3. Churches, temples, seminaries, convents, including residences for teachers and pastors.
4. Publicly owned and operated services such as: Community Centers, Libraries, Auditoriums, or Museums.
5. Public and private parks, playgrounds or playfields and recreation areas as, country clubs, golf courses (except miniature golf courses and driving ranges), lakes, common areas and swimming pools.
6. Agricultural uses limited to the raising of crops.

5.06.03 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 R-1 District as recommended by the Planning Commission and Village Board and approved by the Village Board.

1. Two-family dwellings.
2. Child Care Center and Child Care Home.
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
4. Bed and Breakfast establishments.
5. Boarding houses and dormitories.

5.06.04 Temporary Uses:

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

1. Temporary greenhouses.
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.

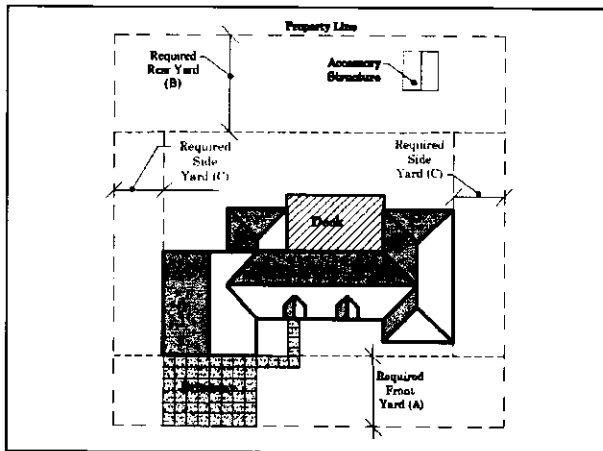
5.06.05 Accessory Uses:

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Fences pursuant to Section 9.03.
3. Home occupation, pursuant to Section 9.01.
4. Parking pursuant to Article 7.
5. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
6. Signs pursuant to Article 8.
7. Decks, gazeboes, elevated patios either attached or detached.
8. Family Child Care Home I
9. Solar panels, pursuant to 9.10.
10. Small wind Energy Systems pursuant to Section 9.06.

5.06.06 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family Dwelling	3	100	*	**	***	35	30
Single-family Dwelling w/ central water and/or sewage system	1	100	*	**	***	35	30
Other Permitted Uses	3	100	*	**	***	35	30
Permitted Conditional Uses	3	100	*	**	***	35	30
Accessory Buildings	-	-	*	5****	***	35	-

- * Front yard setback shall be 68 feet from the centerline of a County Road, or shall 35 feet when abutting any other platted street, road or highway.
- ** Rear yard setback shall be 58 feet from the centerline of a County Road, or shall be 25 feet abutting any other platted street, road of highway or interior property line.
- *** Side yard setback shall be 43 feet from the centerline of a County Road, or shall 10 feet when abutting any other platted street, road, or highway or interior property line.
- **** If an alley is located at the rear of the lot the accessory rear yard setback shall be increased to 20 feet for garages directly accessing the alley from the garage and door is parallel to the alley.



Section 5.07 R-2 Medium Density Residential District

5.07.01 Intent: The (R-2) Medium Density Residential District is intended to permit an increased density of residential development to include two-family units, as well as other compatible uses.

5.07.02 Permitted Uses:

The following principal uses are permitted in the R-2 District.

1. Single family detached dwellings.
2. Single-family attached dwellings
3. Two-family dwellings
4. Public and private schools.
5. Publicly owned and operated services such as: Community Centers, Libraries, Auditoriums, or Museums.
6. Churches, temples, seminarles, convents, including residences for teachers and pastors.
7. Public and private parks, playgrounds or playfields
8. Nursing homes, convalescent, and retirement homes.

5.07.03 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 R-2 District as recommended by the Planning Commission and Village Board and approved by the Village Board.

1. Condominiums
2. Multi-family dwellings including apartment buildings.
3. Lodging and boarding houses.
4. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
5. Child Care Center and Child Care Home.
6. Bed and Breakfast establishments.
7. Public and private country clubs, and golf courses, but not including commercial miniature golf, golf driving ranges, motorized cart tracts, and similar uses not on less than 10 acres.
8. Commercial recreational areas and facilities such as swimming pools.
9. Elderly Day Care Centers.

5.07.04 Temporary Uses:

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

1. Temporary greenhouses.
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.

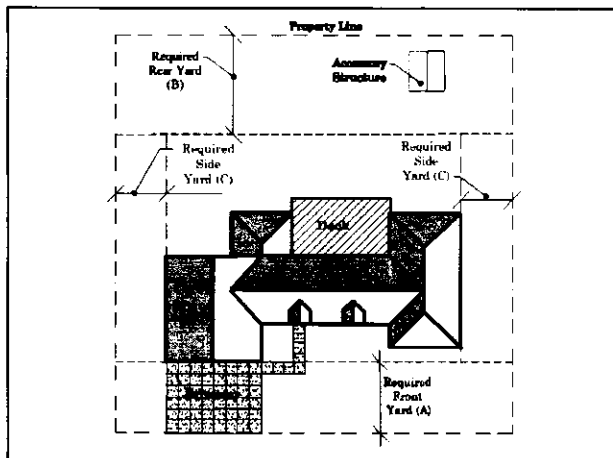
5.07.05 Accessory Uses:

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Fences pursuant to Section 9.03.
3. Home occupation, pursuant to Section 9.01.
4. Parking pursuant to Article 7.
5. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
6. Signs pursuant to Article 8.
7. Decks, gazebos, elevated patios either attached or detached.
8. Family Child Care Home I
9. Solar panels, pursuant to 9.10.
10. Small wind Energy Systems pursuant to Section 9.06.

5.07.06 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

Use	Lot Area (sq. ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family, detached	7,000	60***	30	20	5	35	40
Single-family, attached (2 units only)	4,000 per unit	60 per unit	30	20	5*	35	40 per unit
Two-family Dwelling	4,000 per unit	120	30	20	5	35	40
Condominiums and Townhouses (more than 2 units)	2,500 per unit LB per unit****		30	20	5*	35	40
Multi-family Dwelling	Per Unit						
1-Story	4,000	100	30	20	5	45	40
2-Story	2,500	100	30	25	10	45	35
3-Story	1,500	100	30	30	20	45	30
Other Permitted Uses and Conditional Uses	7,000	60***	30	20	5	45	40
Accessory Buildings	-	-	50	5**	5	-	20

- * Common wall shall have a zero lot line setback and shall be located on the property line separating both dwellings.
- ** If an alley is located at the rear of the lot the accessory rear yard setback shall be increased to 20 feet for garages directly accessing the alley from the garage and door is parallel to the alley.
- *** Minimum Lot Width shall be 60 feet for an interior lot; 75 feet for a corner lot; or 45 feet when facing a cul-de-sac or curve.
- **** The units on each end shall have a minimum lot width of 50 feet.



Section 5.08 R-3 High Density Residential District

5.08.01 Intent: The (R-3) High Density Residential District is intended to provide for a high density permit an increased density of residential development to include two-family units, as well as other compatible uses.

5.08.02 Permitted Uses:

The following principal uses are permitted in the R-3 District.

1. Single family dwellings.
2. Single-family attached.
3. Two-family dwellings.
4. Public and private schools
5. Churches, temples, seminaries, and convents including residences for teachers and pastors.
6. Publicly owned and operated parks, playgrounds, fire stations, community centers, and libraries
7. Public facilities.
8. Multi-family dwelling units including apartment buildings.
9. Lodging and boarding houses.
10. Condominiums.

5.08.03 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 R-3 District as recommended by the Planning Commission and Village Board and approved by the Village Board.

1. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
2. Child Care Center and Child Care Home.
3. Bed and Breakfast establishments.
4. Funeral homes and mortuaries.
8. Public and private country clubs, and golf courses, but not including commercial miniature golf, golf driving ranges, motorized cart tracts, and similar uses not on less than 10 acres.
9. Commercial recreational areas and facilities such as swimming pools.
10. Elderly Day Care Centers.

5.08.04 Temporary Uses:

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

1. Temporary greenhouses.
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.

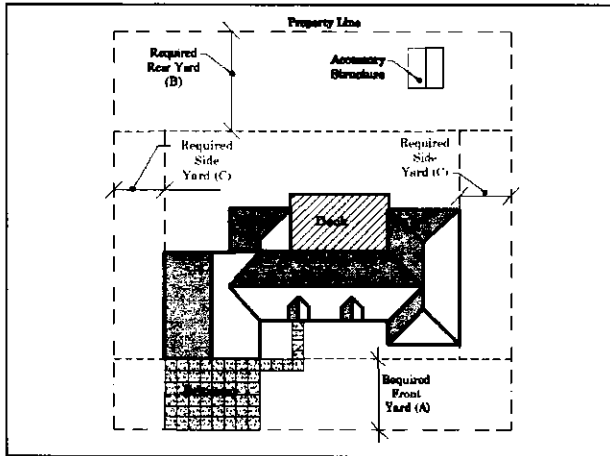
5.08.05 Accessory Uses:

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Fences pursuant to Section 9.03.
3. Home occupation, pursuant to Section 9.01.
4. Parking pursuant to Article 7.
5. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
6. Signs pursuant to Article 8.
7. Decks, gazeboes, elevated patios either attached or detached.
8. Family Child Care Home I
9. Solar panels, pursuant to 9.10.
10. Small wind Energy Systems pursuant to Section 9.06.

5.08.06 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

Use	Lot Area (sq. ft.)	Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family, detached	4,500	50	25	20	10	35	50
Single-family, attached (2 units only)	2,500 per unit	50 per unit	25	20	10*	35	50 per unit
Two-family Dwelling	2,500 per unit	100	25	20	10	35	50
Condominiums and Townhouses (more than 2 units)	2,500 per unit LB per unit***		25	20	10*	35	50
Multi-family Dwelling	Per Unit						
1-Story	3,000	100	25	25	10	45	50
2-Story	2,500	100	30	25	10	45	45
3-Story	1,500	100	35	30	15	45	40
Other Permitted Uses and Conditional Uses	4,500	50	25	25	10	45	50
Accessory Buildings	-	-	25	5**	5	-	20

- * Common wall shall have a zero lot line setback and shall be located on the property line separating both dwellings.
- ** If an alley is located at the rear of the lot the accessory rear yard setback shall be increased to 20 feet for garages directly accessing the alley from the garage and door is parallel to the alley.
- *** Minimum Lot Width shall be 60 feet for an interior lot; 75 feet for a corner lot; or 45 feet when facing a cul-de-sac or curve.
- **** The units on each end shall have a minimum lot width of 50 feet.



Section 5.09 RM Mobile Home Residential District

5.09.01 Intent: The (RM) Residential Mobile Home District is intended to provide for mobile home developments on leased or owned property in areas where a mobile home park or subdivision is appropriate, and where such development is recognized as being in the best interests of the Village. The RM District is a floating zone district. Although the specific conditions within this district are predetermined, the location of a proposed district must be carefully reviewed to assure that the following conditions are met.

5.09.02 Permitted Uses:

The following principal uses are permitted in the RM District.

1. Single family dwellings.
2. Single-family attached
3. Two-family dwellings
4. Mobile home dwellings within a mobile home park or subdivision.
5. Public parks, playgrounds and recreational facilities.
6. Churches, temples, seminaries, and convents including residences for teachers and pastors.

5.09.03 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 RM District as recommended by the Planning Commission and Village Board and approved by the Village Board.

1. Multi-family dwellings including apartment buildings
2. Child Care Centers.
3. Elderly Day Care Centers.
4. Public utility main transmission lines including substations, distributions centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.

5.09.04 Temporary Uses:

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

1. Temporary greenhouses.
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 Accessory Uses:

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Fences pursuant to Section 9.03.
3. Home occupation, pursuant to Section 9.01.
4. Parking pursuant to Article 7.
5. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
6. Signs pursuant to Article 8.
7. Decks, gazeboes, elevated patios either attached or detached.
8. Family Child Care Home I
9. Solar panels, pursuant to 9.10.
10. Small wind Energy Systems pursuant to Section 9.06.

5.09.06 Lot and Height Requirements:

1. A mobile home development shall have a lot area of not less than five acres. No mobile homes or other structures shall be located less than 58 feet from the road centerline when contiguous to or having frontage to a County Road or 25 feet when contiguous from a State Highway. The setback on all other court property lines shall be 10 feet. These areas shall be landscaped. The minimum lot depth in a mobile home court shall be 200 feet.
2. Each lot provided for occupancy of a single mobile home dwelling shall have an area of not less than 4,000 square feet, excluding road right-of-way, and a width of not less than 40 feet. Each individual lot shall have:

- a. Side yard setback shall not be less than five feet, except that on corner lots, the setback for all buildings shall be a minimum of 25 feet on the side abutting a street/road.
- b. Front yard setback shall not be less than 25 feet.
- c. Rear yard of not less than 25 feet.
3. There shall be a minimum livable floor area of 500 square feet in each mobile home.
4. Height of buildings shall be:
 - a. Maximum height for principal uses shall be 35 feet.
 - b. Maximum height for accessory uses shall be 10 feet.
5. Each lot shall have access to a hard surfaced drive not less than 24 feet in width, excluding parking.
6. Community water and community sewage disposal facilities shall be provided with connections to each lot, in accordance with design standards for the Village. The water supply shall be sufficient for domestic use and for fire protection.
7. Service buildings including adequate laundry and drying facilities. Common toilet facilities for mobile homes which do not have these facilities within each unit may be provided.
8. Storm shelters shall be required and shall meet the following criteria:
 - a. Shelter space equivalent to two persons per mobile home lot,
 - b. Designed in conformance with "National Performance Criteria for Tomado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA,
 - c. 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.
9. All trailer pad locations shall be hard surfaced with properly reinforced Poured in Place Concrete.
10. Not less than 10 percent of the total court area shall be designated and used for park, playground and recreational purposes.
11. Each mobile home dwelling shall be provided with a paved patio or equivalent, other than parking spaces, of not less than 150 square feet.

5.09.07 Plan Requirements:

1. A complete plan of the mobile home development shall be submitted showing:
2. A development plan and grading plan of the court.
3. The area and dimensions of the tract of land.
4. The number, location, and size of all mobile home spaces.
5. The area and dimensions of the park, playground and recreation areas.
6. The location and width of roadways and walkways.
7. The location of service buildings and any other proposed structures.
8. The location of water and sewer lines and sewage disposal facilities.
9. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

5.09.08 Use Limitations: All lots must be platted in accordance with the Subdivision Regulations of the Village of Alvo.

Section 5.10 C-1 Downtown Commercial District

5.10.01 Intent: The (C-1) Downtown Commercial District is intended to provide for commercial development within the existing downtown area of Alvo that will benefit the retail trade, business, cultural, and social activities of the entire community.

5.10.02 Permitted Uses:

The following principal uses are permitted in the C-1 District.

1. Business and professional services including: attorneys, banks, insurance, real estate, offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, savings and loans, finance services and investment services; but not including uses defined in Adult Establishment.
2. Dance studio, not including uses defined in Adult Establishment.
3. Meeting hall, not including uses defined in Adult Establishment.
4. Clinic and offices for physicians and other medical professionals.
5. Printing shop.
6. Government offices and facilities.
7. Mortuary.
8. Churches, temples, seminaries, and convents including residences for teachers and pastors.
9. Painting, plumbing, upholstery or similar general service shop.
10. Retail business or service establishment supplying commodities or performing services at a small scale, such as, or in compatibility with and including the following:
 - a. Apparel shop.
 - b. Antique store.
 - c. Automobile parts supply store, not including repair or service facilities.
 - d. Bakery shop.
 - e. Barber and Beauty shop.
 - f. Bookstore, not including uses defined in Adult Establishment.
 - g. Communication services.
 - h. Computer store.
 - i. Dress/Alteration Shop
 - j. Drug stores and prescription shops.
 - k. Floral shop and commercial greenhouses.
 - l. Gift and curlo shop.
 - m. Grocery store.
 - n. Hardware store including painting, plumbing, upholstery or similar.
 - o. Laundry and dry cleaning pick-up and delivery stations.
 - p. Photography studio not including uses defined in Adult Establishment.
 - q. Picture framing shop.
 - r. Restaurants.
 - s. Second hand stores.
 - t. Tanning salon.
 - u. Variety store, not including uses defined in Adult Establishment.
 - v. Video store, not including uses defined in Adult Establishment.
 - w. Telephone exchange.
 - x. Telephone answering service.
 - y. Frozen Food Locker
 - z. Self-service laundries.

5.10.03 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 C-1 District as recommended by the Planning Commission and Village Board and approved by the Village Board.

1. Car wash.
2. Convenience store with limited fuel sales provided the following minimum requirements are met:
 - a. The use has a minimum lot area of 10,000 square feet
 - b. All surfaces associated with the sale of gasoline shall be on an all-weather surface.
3. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.

4. Automobile or trailer display or salesroom or an automobile or trailer sales storage lot when located at least 50 feet from any Residential District
5. Gas station provided the following minimum requirements are met:
 - a. The use has a minimum lot area of 10,000 square feet
 - b. All surfaces associated with the sale of gasoline shall be on an all-weather surface.
6. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.

5.10.04 Temporary Uses:

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

1. Temporary greenhouses.
2. Fireworks stands provided the criteria are met as established by the Village through separate Ordinances and the Nebraska State Fire Marshall's Office.
3. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
4. Temporary structure for festivals or commercial events.

5.10.05 Accessory Uses

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking pursuant to Article 7.
3. Signs pursuant to Article 8.

5.10.06 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

Use	Lot Area (sq. ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Permitted Uses	-	-	-	**	*	45	100
Conditional Uses	-	-	-	**	*	45	100
Accessory Buildings	-	-	-	**	*	-	10

* None, except that when adjacent to any residential district, the Side Yard setback shall be 10 feet unless separated by an alley.
 ** None, except that when adjacent to any residential district, the Rear Yard setback shall be 25 feet unless separated by an alley.

5.10.07 Use Limitations:

1. When adjacent to any residential district, no parking lots, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet or six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 9.03.
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/or District and so that no glare is visible to any traffic on any public street.
5. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
6. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
7. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

Section 5.11 C-2 General Commercial District

5.11.01 Intent: The (C-2) 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:

The following principal uses are permitted in the C-2 District.

1. Business and professional services including: attorneys, banks, insurance, real estate, offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, savings and loans, finance services and investment services; but not including uses defined in Adult Establishment.
2. Child care/day care.
3. Clinic.
4. Churches, temples, seminaries, and convents including residences for teachers and pastors.
5. Dance studio, not including uses defined in Adult Establishment.
6. Meeting hall, not including uses defined in Adult Establishment.
7. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - a. Antique store.
 - b. Automobile displays, sales, service, and repair.
 - c. Automobile parts and supplies store.
 - d. Bakery shop.
 - e. Bar and tavern.
 - f. Barber and Beauty shop.
 - g. Building materials retail sales.
 - h. Commercial greenhouses.
 - i. Communication services.
 - j. Computer store.
 - k. Dress/Alteration Shop
 - l. Drug stores and prescription shops.
 - m. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
 - n. Floral shop.
 - o. Gift and curio shop.
 - p. Grocery store.
 - q. Hardware and buildings materials store.
 - r. Indoor amusement and entertainment establishment, including bowling alleys and movie theaters, not including uses defined in Adult Establishment.
 - s. Laundry and dry cleaning pick-up and delivery stations.
 - t. Medical and dental clinics.
 - u. Mortuaries and funeral chapels.
 - v. Outdoor amusement and entertainment establishment, including miniature golf, but not including outdoor movie theaters.
 - w. Photography studio.
 - x. Picture framing shop.
 - y. Restaurants, cafes, and fast food establishment.
 - z. Second hand stores.
 - aa. Tanning salon.
 - bb. Variety store, not including uses defined in Adult Establishment.
 - cc. Video store, not including uses defined in Adult Establishment.
 - dd. Social club and fraternal organizations, not including uses defined in Adult Establishment.
 - ee. Telephone exchange.
 - ff. Telephone answering service.
 - gg. Public overhead and underground local distribution utilities.

5.11.03 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 C-2 District as recommended by the Planning Commission and Village Board and approved by the Village Board.

1. Amusement arcades.
2. Garden supply and retail garden center.
3. Totally enclosed, automated and conveyor-style car washes.
4. Convenience store with limited fuel sales provided the following minimum requirements are met:
 - a. The use has a minimum lot area of 10,000 square feet
 - b. All surfaces associated with the sale of gasoline shall be on an all-weather surface.
5. Retail motor vehicle sales and service.
6. Car wash.
7. Garden supply and retail garden center.
8. Service station and minor automobile repair services provided the following minimum requirements are met:
 - a. The use has a minimum lot area of 10,000 square feet
 - b. All surfaces associated with the sale of gasoline shall be on an all-weather surface.
9. Tire store and minor automobile repair service.

5.11.04 Temporary Uses:

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

1. Temporary greenhouses.
2. Fireworks stands provided the criteria are met as established by the Village through separate Ordinances.
3. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
4. Temporary structure for festivals or commercial events.

5.11.05 Accessory Uses

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking pursuant to Article 7.
3. Signs pursuant to Article 8.

5.11.06 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

Use	Lot Area (sq. ft.)	Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Max. Height (feet)	Max. Lot Coverage (%)
Permitted Uses	4,000	50	25	25	10	45*	50
Conditional Uses	4,000	50	25	25	10	45*	50
Accessory Buildings	-	-	25	25	10	-	10

* The maximum height of any use shall be decreased to 35 feet when located within 100 feet of any residential district.

5.11.07 Use Limitations:

1. When adjacent to any residential district, no parking lots, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet of six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 9.03.
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.
5. When adjacent to an alley, the width of the alley shall be included in computing the minimum rear yard setback.
6. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential or mobile home district.
7. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless

screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.

8. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
9. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

Section 5.12 C-3 Highway Commercial District

5.12.01 Intent: The (C-3) Highway Commercial District is intended for the purpose of servicing highway travelers and providing limited commercial services. Off-street parking is required in order to reduce possible adverse effects on adjacent properties. In some cases, developments may be required to plat and construct service roads in order to limit the amount of access points required along the expressway.

5.12.02 Permitted Uses:

The following principal uses are permitted in the C-3 District.

1. Business and professional services including: attorneys, banks, insurance, real estate, offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, savings and loans, finance services and investment services; but not including uses defined in Adult Establishment.
2. Clinic.
3. Dance studio, not including uses defined in Adult Establishment.
4. Meeting hall, not including uses defined in Adult Establishment.
5. Golf driving range
6. Contract construction services.
7. Churches, temples, seminaries, and convents including residences for teachers and pastors.
8. Feed, grain, and fertilizer sales.
9. Veterinary services and small animal hospital.
10. Wholesale distribution and warehousing.
11. Raising of field crops and horticulture.
12. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - a. Agricultural implement sales and service centers.
 - b. Antique store.
 - c. Automobile displays, sales, service, and repair.
 - d. Automobile parts and supplies store.
 - e. Bakery shop.
 - f. Bar and tavern.
 - g. Barber and Beauty shop.
 - h. Bottled gas transfer.
 - i. Building materials retail sales.
 - j. Car Washes, Manual.
 - k. Commercial greenhouses.
 - l. Communication services.
 - m. Computer store.
 - n. Dress/Alteration Shops
 - o. Drug stores and prescription shops.
 - p. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
 - q. Floral shop.
 - r. Gift and curio shop.
 - s. Grocery store.
 - t. Hardware and buildings materials store.
 - u. Indoor amusement and entertainment establishment, including bowling alleys and movie theaters, not including uses defined in Adult Establishment.
 - v. Laundry and dry cleaning pick-up and delivery stations.
 - w. Marine craft and accessories.
 - x. Mortuaries and funeral chapels.
 - y. Motels and Hotels
 - z. Outdoor amusement and entertainment establishment, including miniature golf.
 - aa. Restaurants, cafes, and fast food establishment.
 - bb. Tanning salon.
 - cc. Variety store, not including uses defined in Adult Establishment.
 - dd. Video store, not including uses defined in Adult Establishment.
 - ee. Social club and fraternal organizations, not including uses defined in Adult Establishment.
 - ff. Public overhead and underground local distribution utilities.

5.12.03 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 C-3 District as recommended by the Planning Commission and Village Board and approved by the Village Board.

1. Garden supply and retail garden center.
2. Totally enclosed, automated and conveyor-style car washes.
3. Convenience store with limited fuel sales provided the following minimum requirements are met:
 - a. The use has a minimum lot area of 10,000 square feet
 - b. All surfaces associated with the sale of gasoline shall be on an all-weather surface.
4. Retail motor vehicle sales and service.
5. Service station and minor automobile repair services provided the following minimum requirements are met:
 - a. The use has a minimum lot area of 10,000 square feet
 - b. All surfaces associated with the sale of gasoline shall be on an all-weather surface.
6. Tire store and minor automobile repair service.
7. Motor home and mobile home sales.
8. Tourist campgrounds on lots of five acres or more provided adequate public utilities are available on the site.

5.12.03 Temporary Uses:

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

1. Temporary greenhouses.
2. Fireworks stands provided the criteria are met as established by the Village through separate Ordinances.
3. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
4. Temporary structure for festivals or commercial events.

5.12.05 Accessory Uses

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking pursuant to Article 7.
3. Signs pursuant to Article 8.

5.12.06 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

Use	Lot Area (sq. ft.)	Lot Width (feet)	A			Max. Height (feet)	Max. Lot Coverage (%)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Permitted Uses	10,000	80	35	20	10	45*	40
Conditional Uses	10,000	80	35	20	10	45*	40
Accessory Buildings	-	-	35	20	10	-	10

* The maximum height of any use shall be decreased to 35 feet when located within 100 feet of any residential district.

5.12.07 Use Limitations:

1. When adjacent to any residential district, no parking lots, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet of six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 9.03.
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.
5. When adjacent to an alley, the width of the alley shall be included in computing the minimum rear yard setback.
6. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential or mobile home district.
7. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless

screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.

8. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
9. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

Section 5.13 I-1 Industrial District

5.13.01 Intent: It is the Intent of the (I-1) Industrial District to provide standards for areas suitable for some 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 Alvo Zoning Ordinance in including these uses in this district is not to prohibit these uses but to regulate the secondary effects of these uses within the community.

5.13.02 Permitted Uses:

The following principal uses are permitted in the I-1 District.

1. Assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials.
2. Manufacture and assembly of electrical and electronic components.
3. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
4. Manufacture of light sheet metal products including heating and ventilation equipment.
5. Warehouses and wholesale businesses.
6. Concrete batch plant
7. Cement or clay products manufacture.
8. Fuel storage yard and/or refining
9. Machine shops and/or welding shops.
10. Truck and tractor repair.
11. Mobile or modular home manufacturing.
12. Building materials yards with enclosed and screened storage areas.
13. Highway maintenance yards or buildings
14. Field crops and horticulture.
15. Self storage units.
16. Grain Storage.
17. Gas station provided the following minimum requirements are met:
 - a. The use has a minimum lot area of 10,000 square feet
 - b. All surfaces associated with the sale of gasoline shall be on an all-weather surface.
18. Sales, service and storage of mobile homes, campers, boats, bicycles, motor vehicles, motorized equipment and accessories for such vehicles.
19. Commercial uses (excluding retail stores) including but not limited to the following:
 - a. Lumber yards
 - b. Nursery stock production and sales
 - c. Yard equipment and supply dealers
 - d. Firewood operations
 - e. Building contractors and equipment
 - f. Transportation centers
 - g. Service garages
 - h. Wholesale operation household equipment and appliance repair
 - i. Rental establishments
 - j. Car washes
 - k. Bulk cleaning and laundry plants
 - l. Cold storage lockers
 - m. Printing services

5.13.03 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 I-1 District as recommended by the Planning Commission and Village Board and approved by the Village Board.

1. Gravel, sand or dirt removal, stockpiling, processing or distribution.
2. Retail sales of products constructed on site.
3. Auto wrecking and salvage operations, pursuant to Section 9.08
4. Vocational schools

5. Truck terminal and dock facilities to include truck washing, tractor, trailer or truck storage including maintenance facilities.
6. Contractor's storage yard or plant.
7. Animal hospitals and kennels provided the use is located a minimum of 300 feet from any residential use or district.
8. Radio, television and communication towers and transmitters, pursuant to Section 9.02.
9. Overhead and underground utility main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
10. Auction Sales.
11. Paint shops in association with permitted or conditional use within the district.
12. Construction and heavy equipment sales and service.
13. Farm implement, sales and service.
14. Auto body repair and shops.
15. Perimeter security fencing above six feet in height.
16. Adult Entertainment establishments, provided the provision of Section 9.12 are met:

5.13.04 Temporary Uses:

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

1. Temporary greenhouses.
2. Fireworks stands provided the criteria are met as established by the Village through separate Ordinances.
3. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
4. Temporary structure for festivals or commercial events.

5.13.05 Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking pursuant to Article 7.
3. Signs pursuant to Article 8.

5.13.06 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

Use	Lot Area (sq. ft.)	Lot Width (feet)	A			Max. Height (feet)	Max. Lot Coverage (%)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Permitted Uses	20,000	80	50	20	10	*	50
Conditional Uses	20,000	80	50	20	10	*	50
Accessory Buildings	-	-	-	-	-	-	20

* The maximum height of any use shall be decreased to 45 feet when located within 150 feet of any residential use or district.

5.13.07 Use Limitations:

1. When adjacent to any residential district, no parking lots, drives or signs shall be allowed in the required front yard within 15 feet of such residential district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, pursuant to Section 9.05.
2. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
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. All developments shall include access roads and an interior circulation system.
5. All business establishments shall be retail, service or wholesale establishments dealing directly with customers.
6. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
7. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.

8. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

5.13.07 Performance Standards: See Section 9.04 of the Supplemental Regulations

ARTICLE 6: CONDITIONAL USE PERMITS

Section 6.01 General Provisions

The Village Board may authorize and a permit conditional uses as designated in the use regulations of each district, after the following:

1. After a Planning Commission Public Hearing,
2. Referral by the Planning Commission; and
3. Conducting a Village Board Public Hearing

Approval or denial 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 Village Board 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 Village Board may:

1. Authorize the use and
2. Shall prescribe and impose appropriate conditions, safeguards, and a specified time limit for the implementation of the identified conditional use permit.

Section 6.02 Application for Conditional Use Permit

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 Village 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 as established by the Village Board.

Section 6.03 Public Hearing

Before issuance of any conditional use permit, both the Planning Commission and Village Board shall hold a Public Hearing after proper and legal notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the Village of Alvo, one time at least 10 days prior to such hearing.

The Village Board will consider the application for the Conditional Use Permit together with the recommendations of the Planning Commission.

Section 6.04 Decisions

A majority vote of the Village Board shall be necessary to grant a Conditional Use Permit.

The applicant shall have 12 months from the approval of the Conditional Use Permit to commence the use, unless the Village Board specifically grants a longer period of time upon the recommendation of the Village Planning Commission. If the use stated within the Conditional Use Permit has not been commenced within 12 months, or approved time period, said Permit shall become invalid and any activity shall be required to apply for a new Conditional Use Permit.

All decisions by the Village Board and the recommendations of the Planning Commission shall be required to provide findings of fact for their decision for either approval or denial.

Section 6.05 Transferability

Any approved Conditional Use Permit is automatically transferable upon sale of the property from the original applicant to another party. However, the new owner shall assume the responsibility for complying with:

1. the conditions of the granted permit,
2. The use shall not change or be expanded unless a new Conditional Use Permit is approved,
3. Failure to comply with the conditions of the permit shall subject the new owner to the revocation process of this Article.

Section 6.06 Revocation

Any approved Conditional Use Permit may be revoked for failure to comply with the conditions approved by the Village Board. Revocation shall require that the Village notify the applicant of any noncompliance, in writing, and provide the applicant 30 days to correct the issue(s).

Failure to comply with the notice shall cause a Public Hearing to be schedule by the Village Board, to review the permit and the approved conditions and the failure to act by the applicant. If the applicant is found to be noncompliant with the issued permit and conditions, the Village Board shall revoke the permit and order the use to cease and desist.

Failure to follow a Cease and Desist order shall cause action to be filed by the Village Attorney in District Court.

Revocation may also occur, if the Village documents that the use has ceased operations for 12 consecutive months. The Village shall notify the applicant of the revocation in writing. The permit shall become invalid within 30 days.

Section 6.07 Standards

No conditional use permit shall be granted unless the Planning Commission or Village Board has found:

- 6.07.01 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.
- 6.07.02 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.
- 6.07.03 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.
- 6.07.04 That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
- 6.07.05 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.
- 6.07.06 The use shall not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
- 6.07.07 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.
- 6.07.08 The use shall not involve any malodorous gas or matter, which is discernible on any adjoining lot or property.
- 6.07.09 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.
- 6.07.10 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.
- 6.07.11 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: PARKING REQUIREMENTS

Section 7.01 Off-Street Automobile Storage

- 7.01.01 Off-street automobile storage or standing space shall be provided on any lot on which any of the uses or similar uses found in Section 7.02.
- 7.01.02 Off-street automobile storage or standing space shall be provided with vehicular access to a street or an alley.
- 7.01.03 For purposes of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used. 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.
- 7.01.04 All parking spaces for single-family, two-family, and multi-family dwellings, rooming and boarding houses, convalescent homes, and mobile homes shall be either gravel or paved with asphalt or concrete.
- 7.01.05 In Districts R-1, R-2, and R-3 required off-street parking for residential uses shall be provided on the lot on which the use is located. In all other Districts, if the vehicle storage space or standing space required in section 7.02 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Planning Commission and Village Board, the Village Board may permit such space to be provided on another off-street property, provided such space lies within 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.
- 7.01.06 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.
- 7.01.07 Some uses may require two different use types to be calculated together in order to determine the total parking requirement, i.e. primary schools may require one a calculation for classrooms and another for assembly areas.
- 7.01.08 The parking requirements herein do not apply to the C-1 Downtown Commercial District.

Section 7.02 Schedule of Minimum Off-Street Parking and Loading Requirements

Uses	Parking Requirements	Loading Requirements
Adult entertainment establishments	1 space per 2 persons of licensed capacity	None required
Auditoriums/Stadiums and arenas	1 space per 4 seats in main assembly area	None required
Bowling Alleys	4 spaces per alley plus 1 space per 2 employees	One per establishment
Churches, Synagogues, and Temples	1 space per 4 seats in main worship area	None required
Clubs, Including fraternal organizations	1 space per 500 s.f. of gross floor area	None required
Commercial Uses		
Agricultural Sales / Service	1 space per 500 s.f. of gross floor area	One per establishment
Automotive Rental / Sales	1 space per 500 s.f. of gross floor area	One per establishment
Automotive Servicing	3 spaces per repair stall	None required
Body Repair	4 spaces per repair stall	None required
Equipment Rental / Sales	1 space per 500 s.f. of gross floor area	One per establishment
Campground	1 space per camping unit	None required
Commercial Recreation	1 space per 4r persons of licensed capacity	One per establishment
Communication Services	1 space per 500 s.f. of gross floor area	One per establishment
Construction Sales / Service	1 space per 500 s.f. of gross floor area	One per establishment
Food Sales (limited)	1 space per 300 s.f. of gross floor area	One per establishment
Food Sales (general)	1space per 200 s.f. of gross floor area	Two per establishment
General Retail Sales	1 space per 200 s.f. of gross floor area	One per establishment
Laundry Services	1 space per 200 s.f. of gross floor area	None required
Restaurants w/ drive-thru	Greater of the two: 1 space per 40 s.f. of dining area, or 1 space per 150 s.f. of gross floor area	One per establishment
Restaurants (General)	Parking equal to 30% of licensed capacity	Two per establishment
Convalescent and Nursing Home Services	1 space per 2 beds plus 1 per employee on the largest shift	Two per structure
Dance Hall, skating rink	1 space per 100 square feet of floor area plus 1 space per 2 employees	
Day Care	1 space per employee plus 1 space or loading stall per each 10 persons of licensed capacity	None required
Educational Uses, Primary facilities	2 spaces per classroom	Two per structure
Educational Uses, Secondary facilities	8 spaces per classroom plus 1 space per employee on largest shift	Two per structure
Funeral Homes, Mortuaries and Chapels	8 spaces per reposing room	Two per establishment
Group Care Facility	1 space per 4 persons of licensed capacity	Two per structure
Group Home	1 space per 4 persons of licensed capacity	Two per structure
Guidance Services	1 space per 300 s.f. of gross floor area	None required
Hospitals	One space per two licensed beds	Three per structure
Hotels and Motels	1 space per rental unit plus 1 space per 2 employees	One per establishment
Housing (Congregate)		
Assisted-living facilities	1 space per dwelling unit plus 1 space per employee on the largest shift	One per structure
Duplex	2 spaces per dwelling unit	None required
Multi-family / Apartments	1 space per sleeping unit - spaces to be sited in the general proximity of where the sleeping units are located	None required
Industrial Uses	.75 times the maximum number of employees during the largest shift	Two per establishment
Libraries	1 space per 400 s.f. of gross floor area plus 1 space per 2 employees	One per structure
Boarding Houses / Bed and Breakfasts	1 space per rental units	None required
Medical Clinics	5 spaces per staff doctor, dentist, chiropractor	None required
Mobile Home Park	2 per dwelling unit	None required
Offices and Office Buildings	1 space per 200 s.f. of gross floor area plus 1 space per 2 employees	None required
Residential (Single-family, attached and detached)	2 spaces per dwelling unit and 1 may be enclosed	None required
Roadside stands	4 spaces per establishment	None required
Service Oriented Establishments	1 space per 200 s.f. of gross floor area	One per establishment
Theaters, Auditoriums, and Places of Assembly	1 space per 5 persons of licensed capacity	One per establishment
Veterinary Establishments	1 spaces per staff doctor	None required
Wholesaling / Distribution Operations	1 space per 2 employees on the largest shift	Two per establishment

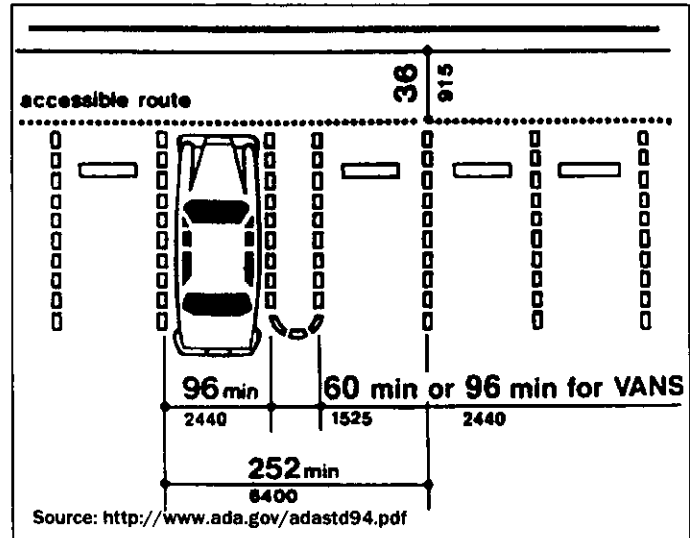
Section 7.03 Off-Street Parking: Shared Parking Requirements

7.03.01 Notwithstanding the provisions of Section 7.02, in cases where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in a common parking lot is likely to occur, compliance with the standard parking ratios may be decreased by the Planning Commission and Village Board.

Section 7.04 Off-Street Parking: Parking for Individuals with Disabilities

7.04.01 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.

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
501 to 1,000	2 percent of the total
1,001 and over	20 plus 1 for each 100 over 1,000



7.04.02 Access aisles adjacent to accessible spaces shall be 60 inches wide at a minimum.

1. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated "van accessible" as required by Section 7.04.04 of this Ordinance. The vertical clearance at such spaces shall comply with 7.04.05 of this Ordinance. All such spaces may be grouped on one level of a parking structure.
2. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.
3. Parked vehicle overhangs shall not reduce the clear width of an accessible route.
4. Parking spaces and access aisles shall be level with slopes not exceeding two percent in all directions.
5. If passenger-loading zones are provided, then at least one passenger loading zone shall comply with 7.04.06 of this Ordinance.
6. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 7.04 of this Ordinance shall be provided in accordance with 7.04.01 of this Ordinance; except as follows:
 - a. Outpatient units and facilities: 10 percent of the total number of parking spaces provided serving each such outpatient unit or facility;
 - b. 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.
7. Valet parking: valet parking facilities shall provide a passenger loading zone complying with 7.04.06 of this Ordinance located on an accessible route to the entrance of the facility. Sections 7.04.01, 7.04.02 (1), and 7.04.02 (3) of this Ordinance do not apply to valet parking.

7.04.03 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.

1. 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.
2. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

7.04.04. Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with Section 7.04.02 (1) shall have an additional sign

stating the stall is "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.

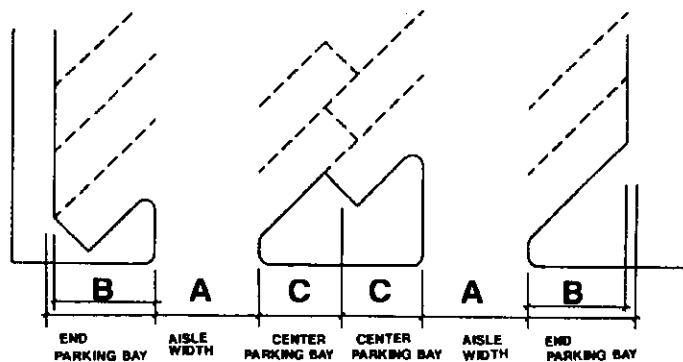
- 7.04.05. Minimum vertical clearance of 114 inches at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 7.04.02 (1), provide minimum vertical clearance of 98 inches at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).
- 7.04.06. Passenger Loading Zones shall provide an access aisle at least 60 inches wide and 240 inches 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 two percent in all directions.

Section 7.05 Off-Street Parking Design Criteria

7.05.01 Standard parking stall dimensions shall not be less than nine 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 five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two 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 (C)			
	18 feet	18 feet	16 feet



7.05.02 Minimum dimensions for a parallel parking space shall be nine feet by 23 feet.

7.05.03 Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Planning Commission and Village Board upon recommendation of the Village Engineer

ARTICLE 8: SIGN REGULATIONS

Section 8.01 Compliance with Sign Regulations

All signs constructed, erected, modified or moved after the effective date of this Ordinance shall comply with the regulations herein, unless expressly exempted.

Section 8.02 Sign Area Computation

8.02.01 Computation of Area of Individual Signs

The area of a sign 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 regulations and is clearly identical to the display itself.

8.02.02 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.

8.02.03 Computation of Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, parcel, or tract of land, whichever is lower. When a sign is placed on a berm, the height of the sign shall include the height of the berm above grade level at the base of the berm.

Section 8.03 Sign Schedules

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

Sign Type	Zoning District	1A	R-1	R-2	R-3	R-M	C-1	C-2	C-3	I-1
Advertising		-	-	-	-	-	-	-	-	-
Animated		-	-	-	-	-	-	C	C	C
Announcement		+	+	+	+	+	+	+	+	+
Architectural Canopy		+	-	-	-	-	+	+	+	+
Banner		+	-	-	-	-	+	+	+	+
Changeable Copy		+	-	-	-	-	+	+	+	+
Destination		+	+	+	+	+	+	+	+	+
Electronic Message Board		+	-	-	-	-	+	+	+	+
Flashing		-	-	-	-	-	-	-	-	-
Freestanding		T	T	T	T	T	T	T	T	T
Ground		C	C	C	C	C	+	+	+	+
Illuminated		C	-	-	-	-	+	+	+	+
Incidental		+	+	+	+	+	+	+	+	+
Marquee		-	-	-	-	-	+	+	+	+
Nameplate		C	+	+	+	+	+	+	+	+
Off-Premises		C	-	-	-	-	-	C	C	C
On-Premises		+	-	-	-	-	+	+	+	+
Pennant		+	-	-	-	-	+	+	+	+

Zoning District	TA	R-1	R-2	R-3	R-M	C-1	C-2	C-3	I-1
Sign Type									
Pole	-	-	-	-	-	C	C	C	C
Projecting	+	-	-	-	-	+	+	+	+
Portable	T	T	T	T	T	T	T	T	T
Real Estate	+	+	+	+	+	+	+	+	+
Roof	+	-	-	-	-	+	+	+	+
Roof-Integrated	+	-	-	-	-	+	+	+	+
Subdivision	C	C	C	C	C	C	C	C	C
Suspended	+	-	-	-	-	+	+	+	+
Temporary	T	T	T	T	T	T	T	T	T
Wall	+	-	-	-	-	+	+	+	+
Window	+	-	-	-	-	+	+	+	+

+: permitted -: not permitted C: Conditional Use T: Temporary

8.03.02 Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule:

Zoning District	TA	R-1	R-2	R-3	R-M	C-1	C-2	C-3	I-1
Sign Type									
Advertising									
Max. Square Ft.	NA	NA	NA	NA	NA	NA	NA	NA	NA
Max. Height Ft.									
Max. Number									
Animated									
Max. Square Ft.	-	-	-	-	-	-	200	200	200
Max. Height Ft.	-	-	-	-	-	-	45	45	45
Max. Number	-	-	-	-	-	-	1	1	1
Announcement									
Max. Square Ft.	32	6	6	6	6	32	32	32	32
Max. Height Ft.	4	4	4	4	4	4	4	4	4
Max. Number	1	1	1	1	1	1	1	1	1
Architectural Canopy									
Max. Square Ft.	250	-	-	-	-	250	250	250	250
Max. Height Ft.	45	-	-	-	-	45	45	45	45
Max. Number	1 ⁶	-	-	-	-	1 ⁶	1 ⁶	1 ⁶	1 ⁶
Banner									
Max. Square Ft.	32	-	-	-	-	32	32	32	32
Max. Height Ft.	NA	-	-	-	-	NA	NA	NA	NA
Max. Number	NA	-	-	-	-	NA	NA	NA	NA
Changeable Copy									
Max. Square Ft.	32	-	-	-	-	32	32	32	32
Max. Height Ft.	NA	-	-	-	-	NA	NA	NA	NA
Max. Number	NA	-	-	-	-	NA	NA	NA	NA
Destination									
Max. Square Ft.	16	16	16	16	16	16	16	16	16
Max. Height Ft.	8	8	8	8	8	8	8	8	8
Max. Number	1	1	1	1	1	1	1	1	1
Electronic Message Board									
Max. Square Ft.	100	-	-	-	-	100	100	100	100
Max. Height Ft.	20	-	-	-	-	20	20	20	20
Max. Number	1	-	-	-	-	1	1	1	1
Flashing									
Max. Square Ft.	-	-	-	-	-	-	-	-	-
Max. Height Ft.	-	-	-	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-	-	-	-
Freestanding									
Max. Square Ft.	32	32	32	32	32	32	32	32	32
Max. Height Ft.	4	4	4	4	4	4	4	4	4
Max. Number	1	1	1	1	1	1	1	1	1
Ground									
Max. Square Ft.	50	-	-	-	-	32 ²	32 ²	50 ³	50 ³
Max. Height Ft.	10	-	-	-	-	10	10	10	10
Max. Number	1	-	-	-	-	1	1	1	1
Illuminated									
Max. Square Ft.	NA	NA	NA	NA	NA	NA	NA	NA	NA
Max. Height Ft.									
Max. Number									

Sign Type	Zoning District	TA	R-1	R-2	R-3	R-M	C-1	C-2	C-3	I-1
Marquee										
Max. Square Ft.		-	-	-	-	-	250	250	250	250
Max. Height Ft.		-	-	-	-	-	45	45	45	45
Max. Number		-	-	-	-	-	1	1	1	1
Nameplate										
Max. Square Ft.		2	2	2	2	2	2	2	2	2
Max. Height Ft.		-	-	-	-	-	-	-	-	-
Max. Number		1	1	1	1	1	1	1	1	1
Off-Premises										
Max. Square Ft.		640	-	-	-	-	-	640	640	640
Max. Height Ft.		30	-	-	-	-	-	30	30	30
Max. Number		1	-	-	-	-	-	1	1	1
On-Premises										
Max. Square Ft.		320	-	-	-	-	320	320	320	320
Max. Height Ft.		30	-	-	-	-	30	30	30	30
Max. Number		1	-	-	-	-	1	1	1	1
Pennant										
Max. Square Ft.		32	-	-	-	-	32	32	32	32
Max. Height Ft.		NA	-	-	-	-	NA	NA	NA	NA
Max. Number		NA	-	-	-	-	NA	NA	NA	NA
Pole										
Max. Square Ft.		-	-	-	-	-	100 ⁴	100 ⁴	200 ⁴	200 ⁴
Max. Height Ft.		-	-	-	-	-	40	40	40	40
Max. Number		-	-	-	-	-	1	1	1	1
Projecting										
Max. Square Ft.		16	-	-	-	-	16	16	16	16
Max. Height Ft.		45	-	-	-	-	45	45	45	45
Max. Number		1	-	-	-	-	1	1	1	1
Portable										
Max. Square Ft.		32	32	32	32	32	32	32	32	32
Max. Height Ft.		4	4	4	4	4	4	4	4	4
Max. Number		1	1	1	1	1	1	1	1	1
Real Estate										
Max. Square Ft.		32	6	6	6	6	32	32	32	32
Max. Height Ft.		4	-	-	-	-	4	4	4	4
Max. Number		2	1	1	1	1	1	1	1	1
Roof										
Max. Square Ft.		250	-	-	-	-	250	250	250	250
Max. Height Ft.		45	-	-	-	-	45	45	45	45
Max. Number		1	-	-	-	-	1	1	1	1
Roof-Integrated										
Max. Square Ft.		250	-	-	-	-	250	250	250	250
Max. Height Ft.		45	-	-	-	-	45	45	45	45
Max. Number		1	-	-	-	-	1	1	1	1
Subdivision										
Max. Square Ft.		500	500	500	500	500	500	500	500	500
Max. Height Ft.		35	35	35	35	35	35	35	35	35
Max. Number		1	1	1	1	1	1	1	1	1
Max. Lot area s.f.		5,000	5,000	5,000	5,000	5,000	5,000	6,000	5,000	5,000
Suspended										
Max. Square Ft.		20	-	-	-	-	20	20	20	20
Max. Height Ft.		10	-	-	-	-	10	10	10	10
Max. Number		1	-	-	-	-	1	1	1	1
Temporary										
Max. Square Ft.		NA	NA	NA	NA	NA	NA	NA	NA	NA
Max. Height Ft.										
Max. Number										
Wall										
Max. Square Ft.		200 ¹	-	-	-	-	200 ¹	200 ¹	200 ¹	200 ¹
Max. Height Ft.		15	-	-	-	-	45	45	45	45
Max. Number		1	-	-	-	-	1	1	1	1
Window										
Max. Square Ft.		200 ¹	-	-	-	-	200 ¹	200 ¹	200 ¹	200 ¹
Max. Height Ft.		15	-	-	-	-	15	15	15	15
Max. Number		1	-	-	-	-	1	1	1	1

¹ Wall/Window signs shall not exceed 10 percent of the total wall area or the number indicated whichever is greater.
² Ground signs may be increased from 32 square feet in area to 50 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual ground sign for every use/storefront.
³ Ground signs may be increased from 50 square feet in area to 75 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual ground sign for every use/storefront.
⁴ Pole signs may be increased from 100 square feet in area to 150 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.
⁵ Pole signs may be increased from 200 square feet in area to 300 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.
⁶ One Canopy per window – canopy shall meet all minimum height requirements for accessibility.
 NA = Not Applicable – Refer to specific structural sign types

8.03.03 A building or use having frontage on a second street may install a sign on the second street side no greater in size than 20 percent of the total allowed on one facade.

Section 8.04 Signs, Special Conditions

8.04.01 *Real Estate Signs.* Not more than two signs per lot may be used as a temporary sign. Signs in the TA District shall be set back 20 feet from the road right-of-way or road easement.

8.04.02 *Billboard Signs.* Billboards, signboards, and other similar advertising signs shall be subject to the same height and location requirements as other structures in the district and shall also be subject to the following conditions and restrictions.

1. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
2. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a residential district.
3. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.

8.04.03 *Stand-alone ATM's may have the following:*

1. One wall sign on each exterior wall provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 40 square feet in size.
2. 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 40 square feet.
3. Directional signage shall be contained on the ATM, painted within a drive lane or in any curbing defining a drive lane.
4. All signs are subject to the required permitting process of these Regulations.
5. Said signage may be incorporated with lighting plan and backlit in order to provide for greater security on the premises.

8.04.04 *Coffee Kiosks and other Kiosks may have the following:*

1. One wall sign on each exterior wall not used for drive-up service, provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 40 square feet in size.
2. 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 40 square feet.
3. Directional signage shall be contained on the Coffee Kiosk /Kiosk, painted within a drive lane or in any curbing defining a drive lane
4. Window signs limited to menu boards and daily specials shall not require a sign permit.
5. All signs are subject to the required permitting process of these Regulations, unless otherwise noted.

8.04.05 Signs hung from canopies and awnings shall maintain 80 inches of clear space, as measured from the bottom edge of the sign to the grade below.

8.04.06 *Temporary Signs*

Temporary signs for which a permit has been issued shall be issued only for signs meeting the following criteria:

1. No temporary sign shall be of such size, message, or character so to harm the public, health, safety or general welfare.
2. Temporary signs may be for a continual period that has a limited amount of time not to exceed 10 days except that Real Estate signs may be in place until the property sale is finalized.
3. Temporary signs may be allowed in a manner where they are put in place during certain periods of time (set up in the morning and taken down in the evening) without a specific end date to the permit and these signs may advertise an off-premises business and / or organization.
4. Real Estate signs shall be on the property being advertised unless there is an "Open House" Real Estate sign located elsewhere for not more than two days.

8.04.07 Emergency Signs (Permitted)

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.

8.04.08 Other Signs Forfeited

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 Village 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.

8.04.09 Signs Exempt from Regulation Under this Ordinance

The following signs shall be exempt from regulation under this ordinance, except no sign in this provision shall create an obstruction to vision, as per Section 4.08 of this Ordinance and / or a collision hazard to the public:

- Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
- Any religious symbol;
- Construction signs when equal to six square feet or less;
- Any sign identifying a public facility or public / civic event;
- 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
- Holiday lights and decorations with no commercial message;
- 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
- A political sign exhibited in conjunction with the election of political candidates. Such signs may not exceed six square feet in any zone. Only four political signs shall be allowed per zone lot at any one time. All such political signs shall not be erected more than 30 days before the election and shall be removed no later than 10 days after the election. Political signs shall not create an obstruction within the R.O.W.

8.04.10 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 in the city. Such signs include, but are not limited to:

1. Beacons;
2. Marquee signs;
3. Roof signs;
4. Suspended signs;
5. Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section;
6. Animated signs; and
7. Audible Signs

ARTICLE 9: SUPPLEMENTAL REGULATIONS**Section 9.01 Home Occupations**

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

- 9.01.01 One unlit nameplate of not more than two square feet in area attached flat against a building located on local or collector streets. However, signs may be four square feet in area if attached flat against a building located on arterial streets.
- 9.01.02 Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
- 9.01.03 No more than 25 percent of the home can be used for the home occupation,
- 9.01.04 No retail sales are permitted from the site other than incidental sales related to services provided,
- 9.01.05 No exterior storage (excluding storage within detached buildings/garages) is permitted,
- 9.01.06 Additional off-street parking may be required for the business,
- 9.01.09 No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- 9.01.10 All businesses related to Child Care Homes and Child Care Centers shall be licensed in accordance with proper state statutes.

Section 9.02 Wireless Communication Towers**9.02.01 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 in the Village 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 City, 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.

9.02.02 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:

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.

ANTENNA SUPPORT STRUCTURE shall mean any building or structure other than a tower which can be used for location of telecommunications facilities.

APPLICANT shall mean any person that applies for a Tower Development Permit.

APPLICATION shall mean a process by which the owner of a tract of land within the zoning jurisdiction of the Village 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 to the Village concerning such request.

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.

ENGINEER shall mean any engineer qualified and licensed by any state or territory of the United States of America.

OWNER shall mean any person with a fee simple title or a leasehold exceeding 10 years in duration to any tract of land within the zoning jurisdiction of the Village who desires to develop, construct, modify, or operate a tower upon such tract of land.

PERSON shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

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.

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 designed to look other than a tower, such as light poles, power poles and trees.

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 meters or less in diameter which is located on real estate zoned R-1, R-2, or R-3.
2. Any satellite dish antenna of one meter or less in diameter, regardless of zoning applicable to the location of the antenna.

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.

TOWER DEVELOPMENT PERMIT shall mean a permit issued by the Village upon approval by the Village Board of an application to develop a tower within the zoning jurisdiction of the City; 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 permit's duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest. The Tower Development Permit is intended to be a Conditional Use Permit and the subsequent process.

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.

9.02.03 Location of Towers and Construction Standards

1. Towers shall be permitted conditional uses of land in only those zoning districts where specifically listed and authorized in this regulation.
2. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the Village prior to approval of its application for a Tower Development Permit by the Village Board and issuance of the permit by the City. Applicants shall submit their application for a Tower Development Permit to the Zoning Office and shall pay a filing fee in accordance with Section 4.24.
3. All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the Village after the effective date of this regulation shall conform to the Building Codes and all other construction standards set forth by the City, 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 in the Zoning Office.

9.02.04 Application to develop a Tower

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

1. 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.
2. The legal description and address of the tract of land on which the tower is to be located.
3. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one mile radius of the proposed tower, including publicly and privately owned towers and structures.
4. 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.
5. Written technical evidence from an engineer that the proposed tower will meet any established Building Code, and all other applicable construction standards set forth by the Village Board and federal and state and ANSI standards.
6. 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.
7. 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.

9.02.05 Conditional Use Permit for Towers: Procedure

After receipt of an application for a Conditional Use Permit, the Zoning Administrator 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 Conditional Use Permit and shall make a recommendation to the Village Board. Upon the completion of the Planning Commission Public Hearing the Zoning Administrator shall schedule a public hearing before the Village Board, following all statutory requirements for publication and notice, to consider such application and the recommendation of the Village Planning Commission. The Planning Commission and Village Board may approve the Conditional Use 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.

9.02.06 Setbacks and Separation or Buffer Requirements

1. All towers up to 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 50 feet in height shall be set back an additional one foot for each one foot of tower height in excess of 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.
2. Towers exceeding 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 200 feet or 100 percent of the height of the proposed tower, whichever is greater.
3. Towers of 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 100 percent of the height of the tower.
4. Towers must meet the following minimum separation requirements from other towers:
 - a Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.

- b Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.

9.02.07 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.

9.02.08 Illumination and Security Fences

1. 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 percent of the height of the tower, any tower subject to this Section shall be equipped with dual mode lighting.
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence 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.

9.02.09 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 Planning Commission and Village Board 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.

9.02.10 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 City.

9.02.11 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 Village Board, an exemption from compliance as a condition of the Tower Development Permit.

9.02.12 Inspections

The Village 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 City's Building Codes and any other construction standards set forth by the City, federal and state law or applicable ANSI standards. Inspections shall be made by either an employee of the City's Zoning Office, Building Inspector, or a duly appointed independent representative of the City.

9.02.13 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.

9.02.14 Abandonment

If any tower shall cease to be used for a period of one year, the Zoning Office shall notify the tower owner that the site will be subject to determination by the Zoning Administrator that the site has been abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower owner shall have 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 Zoning Administrator shall issue a final determination of abandonment of the site and the tower owner shall have 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 Zoning Administrator and a written request shall be directed to the Village Attorney to proceed to abate said public nuisance pursuant to authority set forth in state statutes and the Village of Alvo Municipal Code, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

9.02.15 Satellite Dish Antennas, Regulation

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

1. In residentially zoned districts, satellite dish antennas may not exceed a diameter of 10 feet.
2. Single family residences may not have more than one satellite dish antenna over three feet in diameter.
3. Multiple family residences with 10 or less dwelling units may have no more than one satellite dish antenna over three feet in diameter. Multiple family residences with more than 10 dwelling units may have no more than two satellite dish antennas over three feet in diameter.
4. In residential zoning districts, satellite dish antennas shall not be installed in the required front yard setback or side yard setback area.
5. All satellite dish antennas installed within the zoning jurisdiction of Alvo, 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.

Section 9.03 Fences

No fence shall be constructed within the zoning jurisdiction of the Village of Alvo unless a permit therefore is approved and issued by the building inspector and is constructed in conformance with the following requirements:

9.03.01 The height limitation for fences shall be 76 inches above ground level except as provided herein.

1. 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 48 inches in height.
2. 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 six feet in height may be approved by through a Conditional Use Permit.
3. Fences constructed along and parallel to lot lines separating a residential lot from property located in a Commercial or Industrial District shall not exceed eight feet in height.
4. 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 in height.

9.03.02 Fences located within a front or side 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.

9.03.03 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.

9.03.04 The use of barbed wire in the construction of any fence is prohibited except:

1. Perimeter security fencing of buildings constructed in an Industrial District. The plans and specifications for any such fencing must be approved by the Village before commencement of construction.
 2. Farm fencing constructed for agricultural purposes on parcels of land 10 acres or more in size, located in the Transitional Agricultural District.
- 9.03.05 All fences shall be maintained in good repair.
- 9.03.06 All fences shall be located inside the boundaries of the property upon which constructed except where two adjacent property owners pursuant to written agreement filed with the Village agree to build one fence on the common lot line of adjacent side yards or back yards.
- 9.03.07 *Electric Fences.* No electric fence, except for underground animal control fencing, shall be constructed or maintained within the Village of Alvo or within its extraterritorial zoning jurisdiction except in TA-Transitional Agriculture District as hereinafter provided. An owner or lessee of such property may, upon application to the Village and approval by the Building Inspector, 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 Inspector shall approve any electrified fencing, it shall be 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.
- 9.03.08 *Facing.* The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two 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.
- 9.03.09 *Fences in existence as of the date of adoption of this Ordinance.* Any existing fence which was in conformity with past Municipal Code provisions and which was in place as of the date of adoption of this Ordinance, may remain without change in accordance with this section notwithstanding same may be in conflict with one or more provisions of this section as amended; provided, however, any 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 9.04 Performance Standards for Industrial Uses**
- 9.04.01 *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 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.
- 9.04.02 *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 Village of Alvo.
- 9.04.03 *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.
- 9.04.04 *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.

9.04.05 Air Contaminants:

1. 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 an capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
2. 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.
3. 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.
4. 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.
5. Gasses: The gasses sulphur dioxide and hydrogen sulphide shall not exceed five parts per million (5ppm), carbon monoxide shall not exceed five parts per million (5ppm). All measurements shall be taken at the zoning lot line.
6. 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 of an inch (0.003") measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.
7. 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 degrees Fahrenheit.

Section 9.05 Screening**9.05.01 Intent:**

The intent of the screening requirements are to improve the appearance of lot areas; 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; and to conserve the value of property and neighborhoods within the community. 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.

9.05.02 Screening Requirements

1. 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 three feet.
2. All commercial and industrial uses that abut residential or office districts shall provide screening not less than six feet in height along the abutting property line(s).
3. Screening required by this section shall be equivalent to the following:
 - a Solid fences or walls as approved by the Planning Commission on the final development plan.
 - b Hedges, shrubs, or evergreen trees of 36 inches in height at planting spaced appropriately to provide a solid screen within three years after planting.
 - c Berms of not less than three 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 above.

- d 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 six feet tall enclosure around each unit. Said enclosure shall be constructed of materials complimentary and suitable to the primary use.
- 4. Junkyards (salvage yards) shall be screened with an eight foot high opaque, solid fence or earth berm so as to provide visual and aural separation between such use and adjacent areas.
- 5. All extractive industries shall be screened by means of plant materials, earth mounding or solid fencing at least six feet in height to provide visual and aural separation between such use and adjacent areas.

9.05.03 Installation and Maintenance of Screening:

1. **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. A qualified code enforcement officer or other planning 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 Zoning Administrator.
2. **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 proper condition. When replacement is necessary all plants and other non-living landscape materials shall be equal in size, density and appearance to those items requiring replacement.
3. 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. Lawn 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.

9.05.04 Parking Lot Plan Approval

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

1. New construction.
2. Expansion of existing facilities.
3. 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.
4. No parking lot shall be exempted from these regulations; unless previously exempted.

Section 9.06 Small Wind Energy Systems

9.06.01 Purpose

It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

9.06.02 Definitions

The following are defined for the specific use of this section.

1. **Small Wind Energy System** shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

2. **Tower Height** shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

9.06.03 Requirements

Small wind energy systems shall be permitted as an Accessory Use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met:

1. **Tower Height**
 - a. For property sizes between ½ acre and one acre the tower height shall be limited to 80 feet.
 - b. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
2. **Setbacks**
 - a. No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the Installation site.
3. **Noise**
 - a. Small wind energy systems shall not exceed 60 dBA, as measured at the closet neighboring inhabited dwelling unit.
 - b. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.
4. **Approved Wind Turbines**
 - a. Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.
5. **Compliance with Building and Zoning Codes**
 - a. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
 - b. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Nebraska and certified by a licensed professional engineer shall also be submitted.
 - c. The manufacturer frequently supplies this analysis.
 - d. Wet stamps shall not be required.
6. **Compliance with FAA Regulations**
 - a. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
7. **Compliance with National Electrical Code**
 - a. Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
 - b. The manufacturer frequently supplies this analysis.
8. **Utility Notification**
 - a. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
 - b. Off-grid systems shall be exempt from this requirement.



9. Setbacks

All towers shall adhere to the setbacks established in the following table:

	Wind Turbine – Non Commercial WECS
Property Lines	One times the total height
Neighboring Dwelling Units	One times the total height
Road Rights-of-Way*	One times the tower height.
Other Rights-of-Way	One times the tower height.
Wildlife Management Areas and State Recreational Areas	NA
Wetlands, USFW Types III, IV, and V	NA
Other structures adjacent to the applicant's sites	NA
Other existing WECS not owned by the applicant.	NA
River Bluffs	

* The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-Way is known.

Section 9.07 Commercial/Utility Grade Wind Energy Systems

9.07.01 Purpose

It is the purpose of this regulation to promote the safe, effective and efficient use of commercial/utility grade wind energy systems within the zoning jurisdiction of the Village of Hickman.

9.07.02 Definitions

The following are defined for the specific use of this section.

1. **Aggregate Project** shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.
2. **Commercial WECS** shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.
3. **Fall Zone** shall mean the area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.
4. **Feeder Line** shall mean any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.
5. **Meteorological Tower** shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.
6. **Micro-Wind Energy Conversion System** shall mean a Wind Energy Conversion System of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.
7. **Public Conservation lands** shall mean land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

8. **Rotor Diameter** shall mean the diameter of the circle described by the moving rotor blades.
9. **Small Wind Energy System** shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.
10. **Substations** shall mean any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 (35,000 KV) for interconnection with high voltage transmission lines.
11. **Total Height** shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.
12. **Tower** shall mean the vertical structures that support the electrical, rotor blades, or meteorological equipment.
13. **Tower Height** shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.
14. **Transmission Line** shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
15. **Wind Energy Conservation System** shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
16. **Wind Turbines** shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

9.07.03 Requirements

Commercial/Utility Grade wind energy systems shall be permitted as a Conditional Use within any district where the use is listed and allowed. The following requirements and information shall be met and supplied:

1. The name(s) of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
5. Site layout, including the location of property lines, wind turbines, electrical grid, and all related accessory structures. This site layout shall include distances and be drawn to scale.
6. Engineer's certification.
7. Documentation of land ownership or legal control of the property.
8. The latitude and longitude of individual wind turbines.
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System, within 10 rotor distances of the proposed Wind Energy Conversion System.
10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed Wind Energy Conversion System.
11. An Acoustical Analysis
12. FAA permit
13. Location of all known Communication Towers within two miles of the proposed Wind Energy Conversion System.
14. Decommissioning Plan

15. Description of potential impacts on nearby Wind Energy Conversion Systems and wind resources on adjacent properties.

9.07.03 Aggregated Projects

1. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals.
2. Permits may be issued and recorded separately.
3. Joint projects will be assessed fees as one project.

9.07.04 Setbacks

All towers shall adhere to the setbacks established in the following table:

	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Property Lines	1.25 times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height.
Neighboring Dwelling Units*	750 feet	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height.
Road Rights-of-Way**	One times the height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Other Rights-of-Way	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Public conservation lands	600 feet	600 feet
Wetlands, USFW Types III, IV, and V	600 feet	600 feet
Other structures	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Other existing WECS	To be considered based on: <ul style="list-style-type: none"> • Relative size of the existing and proposed WECS • Alignment of the WECS relative to the predominant winds • Topography • Extent of wake interference impacts on existing WECS • Property line setback of existing WECS • Other setbacks required Waived for internal setbacks in multiple turbine projects including aggregated projects	
River Bluffs	1,320 feet	

* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System.

** The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-Way is known.

9.07.05 Special Safety and Design Standards

All towers shall adhere to the following safety and design standards:

1. Clearance of rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
2. All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
3. All wind turbines, which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower.
4. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.
5. Color and finish:
All wind turbines and towers that are part of a commercial/utility WECS shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.

6. **Lighting:**
Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.
7. **Other signage:**
All other signage shall comply with the sign regulations found in these regulations.
8. **Feeder Lines:**
All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried, where feasible. Feeder lines installed as part of a WECS shall not be considered an essential service.
9. **Waste Disposal:**
Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
10. **Discontinuation and Decommissioning:**
A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to ground level within 90 days of the discontinuation of use.

Each Commercial/Utility WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities.

11. **Noise:**
No Commercial/Utility WECS shall exceed 50 dBA at the nearest structure or use.
12. **Interference:**
The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the city/county for permits.
13. **Roads:**
Applicants shall:
 - a. Identify all county, municipal or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
 - b. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility.
 - c. Be responsible for restoring or paying damages as agreed to by the applicable jurisdiction sufficient to restore the road(s) and bridges to preconstruction conditions.
14. **Drainage System:**
The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

Section 9.08 Junk Yards or Salvage Yards

Junk Yards and salvage of materials may be allowed by conditional use permit in the (I-1) Industrial District; provided the following minimum conditions are met (additional conditions may be required depending upon the operation and the proposed location):

- 9.08.01 Construction and operation shall comply with the Alvo Municipal Code and any other applicable codes or requirements.
- 9.08.02 Receiving areas for junk or salvage material shall be designed to avoid the depositing of junk or salvage material outside a building or outside screened (solid fence) storage areas.

- 9.08.03 Junk yards and salvage of materials shall contain a minimum of two acres and shall not be located within a designated 100-year floodplain area as identified by the Corps of Engineers.
- 9.08.04 Junk or salvage material kept outside a building or buildings shall not be located closer than 500 feet from any designated State or Federal highway. Or locally designated Expressway, Major Arterial, and Other Arterial as per the State of Nebraska Department of Roads or subsequent successor agency.
- 9.08.05 Junk material kept outside a building or buildings shall not be located in the required front yard.
- 9.08.06 Junk or salvage material kept outside a building or buildings shall be at least 100 feet from the boundaries of the I-1 zoning district and shall be at least 500 feet from the any residential district or use.
- 9.08.07 All motor vehicles shall have all fluids drained prior to placement within the facility.

Section 9.09 Biofuels and Distillation Facilities

The following conditions shall be met when locating a biofuels facility within the zoning jurisdiction of Alvo. The standards are intended to protect the health, safety, and general welfare of the residents of Alvo and the surrounding region.

- 9.09.01 Access to the facility shall be paved and connect to a hard surfaced street/road classified as an arterial.
- 9.09.02 If access is onto a county road or Village street, the applicant must provide evidence that the paving of such highway, road or street is sufficient to carry, without damage to the roadway, the weight and size of the loads of grain and liquid and any by-product entering or leaving the facility by truck.
- 9.09.03 If the road or street is not capable of carrying the weight and size of the loads, then the applicant shall be required to make any necessary upgrades to the paving in order for the pavement to handle the size and weight of the loads.
- 9.09.04 The applicant shall be required to construct and acquire right-of-way for all turning lanes and signals necessary to handle the increase in truck traffic.
- 9.09.05 The facility shall only be located adjacent to a railroad line and shall have sufficient area to provide for sidings for loading and unloading raw or finished product. The sidings shall be constructed at the applicant's expense.
- 9.09.06 The facility shall not be located in an area where winds and other climatic events disperse odor, steam, smoke and other discharges into the corporate limits of the Village of Alvo.
- 9.09.07 The facility shall not be located in an area where topography impairs the dispersal of steam, smoke, or other discharges from the facility.
- 9.09.08 Water supply wells for the facility shall not be located within the 20-year time of travel of any municipal well.
- 9.09.09 The facility shall be designed to recycle, in a manner compliant with all Village and state rules and regulations, a minimum of 75 percent of the water used by the facility including water used for distillation.
- 9.09.10 All fuel storage tanks shall be located in a manner that will not allow for contamination of any groundwater or surface water.
- 9.09.11 Total equipment height limited to the requirements of the zoning district.
- 9.09.12 All fuel storage tanks shall be within an impermeable containment levy system.
- 9.09.13 Site plan review required.
- 9.09.14 Lighting must be compliant with all applicable regulations.
- 9.09.15 Noise produced by facility must comply with noise ordinance regulations.

Section 9.10 Solar Panels

No solar panel shall be constructed within the residential zoning jurisdiction of the Village of Alvo unless a Zoning Certificate therefore is approved and issued by the Zoning Administrator and is constructed in conformance with the state building codes and 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.

9.10.01 Lot and Height Requirements:

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

1. A solar panel which is attached to an integral part of the principal building may project two feet into the front yard; six feet into the rear yard; and two feet into the side yard.
2. A solar panel which is freestanding may be located only in the required rear yard provided it does not exceed six feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the

structure including its foundation and anchorage's, nor shall the solar panel be located in the required side yard or front yard.

9.10.02 Structural Requirements:

The physical structure and connections to existing structures shall conform to the applicable state building codes.

9.10.03 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.

9.10.04 Permit Fees:

Permit fees are required. This permit fee shall be paid prior to the issuance of the zoning permit.

9.10.05 Preexisting Solar Panels:

Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to the adoption of these Regulations, pursuant to a valid building permit issued by the City, may continue to be utilized so long as it is maintained in operational condition.

Section 9.11 Self-Storage Units (Mini-Warehouses)

9.11.01 Minimum lot size of the Self Storage facility shall be 5,000 square feet.

9.11.02 Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.

9.11.03 All driveways, parking, loading and vehicle circulation areas shall be surfaced with concrete, asphalt, asphaltic concrete, crushed rock or other approved rock other than gravel. All driveways within the facility shall provide a hard surface with a minimum width of 25 feet.

9.11.04 All storage must be within enclosed buildings and shall not include the storage of hazardous materials.

9.11.05 No storage may open into the front yards.

9.11.06 The total area covered by buildings shall not exceed 50 percent of the site.

9.11.07 The storage of hazardous, toxic, or explosive substances, including, but not limited to, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage, or used oil.

9.11.08 Facilities must maintain landscape buffer yards of 50 feet adjacent to any public Right-of-Way and 20 feet adjacent to other property lines, unless greater setbacks are required, a total of 35 percent of all buffers shall be landscaped.

9.11.09 Site development shall include provisions for stormwater management in accordance with the Regulations of the Village of Alvo

9.11.10 Height limitations shall require a maximum height of 20 feet for any structure in the facility.

9.11.11 The perimeter of each facility shall be fully enclosed by fencing or screen walls. Perimeter fencing shall be provided at a minimum of six feet and maximum of eight feet in height, of material approved by the Zoning Administrator. Fencing shall be constructed behind required buffer yards.

Section 9.12 Adult Entertainment Establishments

9.12.01 Intent:

The intent of this section is to provide for guidelines and criteria for the regulation, not the elimination of, Adult Entertainment Establishments. The overall intent is to regulate the secondary effects of these uses within the community.

9.12.02 Definitions:

ADULT ARCADE shall mean any place to which the public is permitted or invited in which coin-operated, slug-operated or for any form of consideration, electronically, electrically or mechanically controlled still or motion picture machines, projectors, video or laser disc players 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 the depicting or describing of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE shall mean a bookstore that offers its customers books, movies, or other novelty items characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas."

ADULT CABARET shall mean a nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, video cassettes, slides, or other photographic reproductions in which more than 10 percent of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depiction of specified sexual activities or specified anatomical areas.

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."

ADULT ESTABLISHMENT shall mean any business offering 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, adult 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.

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."

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."

ADULT MINI-MOTION PICTURE THEATER shall mean a business premises 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.

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."

ADULT MOTION PICTURE THEATERS shall mean a business premises 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 or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

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.

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."

ESCORT shall mean a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY shall mean a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

JUICE BAR see Adult Establishment regulations in Section 9.12.

MESSAGE PARLOR (See Adult Establishments)

NUDE MODEL STUDIO shall mean any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a college, community college or university supported entirely or in part by public money; a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college or university supported entirely, partly by public money or in a structure or private studio:

- a. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing;
- b. where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
- c. where no more than one nude or semi-nude model is on the premises at any one time.

NUDITY OR A STATE OF NUDITY shall mean the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the showing of the covered male genitals in a discernibly turgid state.

SEXUAL ENCOUNTER CENTER shall mean a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- b. activities between either male and female persons or persons of the same sex, or both, when one or more of the persons is in a state of nudity or semi-nude.

SPECIFIED ANATOMICAL AREAS shall mean anatomical areas consisting of less than completely and opaquely covered human genitals, buttock, or female breast(s) below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITIES shall mean activities consisting of the following:

- a. 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, zoerasty; or clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
- b. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- c. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
- d. 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
- e. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
- f. Human excretion, urination, menstruation, vaginal, or anal irrigation.

9.12.03 Geography:

Uses defined as Adult Entertainment Establishments are allowed in a limited manner within Alvo and are strictly allowed in those districts that will minimize the secondary effects upon the community at-large.

9.12.04 Special Requirements:

The following Special Requirements shall be the minimum standards necessary for the Village to issue a Conditional Use Permit. The Village reserves the right to add additional requirements that

are dependent upon the intensity of the uses within the application and its proximity to other uses and its overall visibility.

1. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
2. 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.
3. Said businesses shall be screened along adjoining property lines so as to prevent any direct visual contact of the adult business from the perimeter.
4. 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 Store 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.
5. 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.).
6. 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.
7. Such use shall not impair an adequate supply of light and air to surrounding property.
8. Such use shall not unduly increase congestion in the streets or public dangers, including fire and safety hazards.
9. Such use shall be in accord with the intent, purpose and spirit of this Resolution and the Comprehensive Development Plan of Alvo, Nebraska.
10. 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.
11. 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.
12. *Prohibited Activities of Adult Businesses:*
 - A. No adult business shall employ any person under 18 years of age
 - B. No adult business shall furnish any merchandise or services to any person who is under 18 years of age
 - C. 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 Resolution or any other laws of the State.
 - D. 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.

ARTICLE 10: BOARD OF ADJUSTMENT**Section 10.01 Members, Terms and Meetings**

Pursuant to Neb. Rev. Stat. §19-911 (R.R.S. 1997): Notwithstanding the provisions of sections 19-907 and 19-908, the legislative body of a village may, except as set forth in section 19-912.01, provide by ordinance that it shall constitute a board of adjustment, and in the regulations and restrictions adopted pursuant to the authority of sections 19-901 to 19-905 may provide that as such board of adjustment it may exercise only the powers granted to boards of adjustment by section 19-910.

As such board of adjustment it shall adopt rules and procedures that are in harmony with sections 19-907 to 19-910, and shall have the powers and duties therein provided for the board of adjustment, and other parties shall have all the rights and privileges therein provided for. The concurring vote of two-thirds of the members of the legislative body acting as a board of adjustment shall decide any question upon which it is required to pass as such board.

The Village Board of Alvo has established themselves as the Board of Adjustment for the Village under the provisions of Neb. Rev. Stat. §19-911 (R.R.S. 1997).

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

As provided in Neb. Rev. Stat. §19-909 (R.R.S. 1997): Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the Village 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:

1. 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; and
2. 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
3. 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.

No such variance shall be authorized by the Board unless it finds that:

1. The strict application of the Ordinance would produce undue hardship; and
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
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 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 Neb. Rev. Stat. §19-912, (R.R.S.1997).

ARTICLE 11: AMENDMENTS**Section 11.01 Amendment Procedures**

Regulations, restrictions, and boundaries authorized to be created pursuant to Neb. Rev. Stat. §§ 19-901 to 19-915 may from time to time be amended, supplemented, changed, modified, or repealed.

1. Public Hearing.

The Planning Commission and Village Board shall each hold a public hearing on any proposed amendment. The Public Hearings shall be held at a reasonable hour and place for such public hearing, and they shall hold said hearings at the next regular meeting after proper notification of adjacent property owners.

2. Planning Commission Review

No amendment, supplement, change or modification of this Ordinance, including the boundaries of any zoning district, shall be made by the Village Board without first the consideration by the Village Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the Village Board. 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.

3. Notice of Hearings.

Public notice of hearing on a proposed amendment shall be published once in the official Village newspaper and at least ten days shall elapse between the date of publication and the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed change in regulations or restrictions or the zoning classification or zoning district boundaries of the property.

The provisions of Neb. Rev. Stat. §19-904 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 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches (1-1/2) 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 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.

If the record title owners of any lots included in such proposed change be nonresidents of the municipality, then a written notice of such hearing shall be mailed by certified mail to them addressed to their last-known addresses at least ten days prior to such hearing.

At the option of the legislative body of the municipality, in place of the posted notice provided above, the owners or occupants of the real estate to be zoned or rezoned and all real estate located within 300 feet of the real estate to be zoned or rezoned may be personally served with a written notice thereof at least 10 days prior to the date of the hearing, if they can be served with such notice within the county where such real estate is located. Where such notice cannot be served personally upon such owners or occupants in the county where such real estate is located, a written notice of such hearing shall be mailed to such owners or occupants addressed to their last-known addresses at least 10 days prior to such hearing.

4. Protests.

In case of a protest against such change, signed by the owners of 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 300 feet there from, and of those directly opposite thereto extending 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 the members of the legislative body of such municipality.

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 types of zoning districts are proposed, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the municipality, but only the requirements of Neb. Rev. Stat. § 19-904 shall be applicable.

Section 11.02 Zoning Administrator

The provisions of this Ordinance shall be administered and enforced by a Zoning Administrator as appointed by the Village Board, who shall have the power to make inspection of buildings or premises necessary to carry out his or her duties in the enforcement of this Ordinance.

Section 11.03 Zoning Permits

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

1. It shall be unlawful to commence 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 Zoning Administrator has issued a zoning permit for such work.
2. Issuance of a zoning permit. In applying to the Zoning Administrator for a zoning 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 Zoning Administrator for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this Ordinance, and other Ordinances of the Village then in force, the Zoning Administrator shall issue a zoning permit for such excavation or construction. If a zoning permit is refused, the Zoning Administrator 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 Zoning Administrator 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 zoning permit shall become void 12 months from the date of issuance unless substantial progress has been made by that date on the project described therein.

Section 11.04 Certificate of Zoning Compliance

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Zoning Administrator shall have issued a certificate of zoning compliance 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 days after notification that a building or premises is ready for occupancy or use, it shall be the duty of the Zoning Administrator to make a final inspection thereof and to issue a Certificate of Zoning Compliance 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 11.05 Penalties

Pursuant to Neb. Rev. Stat. §19-913 (R.R.S.1997), 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 100 dollars for any one offense. Each day of non-compliance with the terms of this Ordinance shall constitute a separate offense.

Section 11.06 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 Neb. Rev. Stat. §§19-901 to 19-914 (R.R.S.1997), 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 Severability

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 Alvo, Nebraska,

This _____ day of _____, 2010.

Ryan Anderson, Village Board Chair

(Seal)

ATTEST:

Ginger Neuhardt
Village Clerk

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.

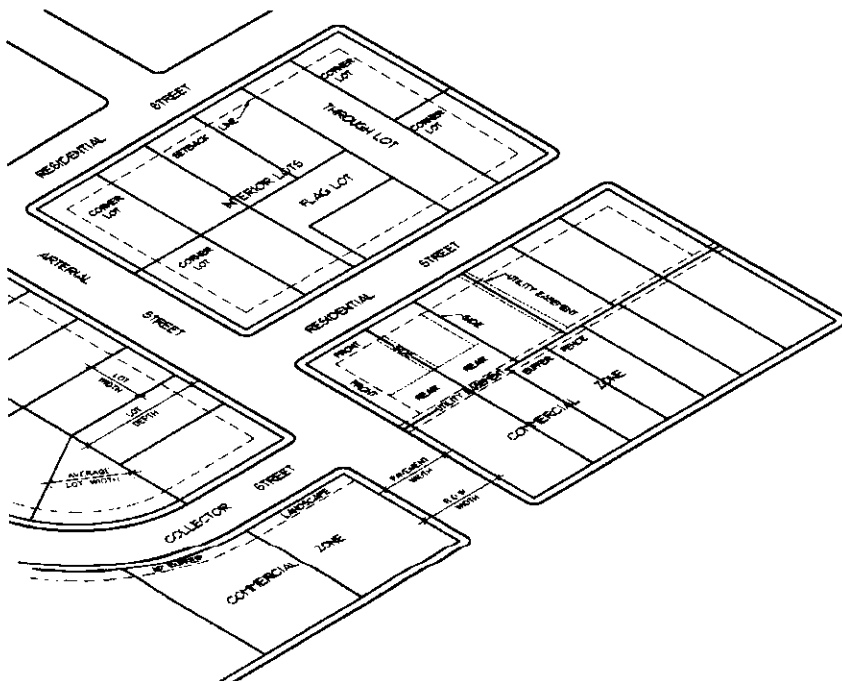
LOT shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon an improved street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, 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.

- (6) Resource conservation or preservation areas, including wetlands, wooded areas, streams and waterways, and other features that will be maintained and incorporated into future development concepts.
 - (7) The Master Plan shall provide a minimum gross residential density of no less than four units per acre on the portion of the site that is to be developed for urban residential purposes.
 - (8) The Master Plan may propose a land use master plan, displaying the location and relationship of various uses, but such a plan is not a requirement for approval.
- f. For a "ghost" plat located within the jurisdiction of Alvo, the Village Board shall require the execution of a written agreement with the Village relating to conversion of the acreage development to higher urban density and the future annexation of the subdivision as a whole and the implementation of the Master Plan for the future development of the urban density of the clustered/mixed use development. The written agreement shall include, but not be limited to, the following provisions:
- (1) The timing of annexation and the final platting of the urban density areas following the extension of sanitary sewer and water utilities to the subdivision;
 - (2) A plan for funding infrastructure cost for conversion of the acreage development and implementation of the master plan for the urban residential density, including an agreement to agree to petition for the creation of special assessment districts for the installation of such improvements if not installed by the permittee at permittee's own cost and expense. If after a public hearing, the Planning Commission finds that the proposed development does not meet the above requirements for approval, the Planning Commission may deny the application or approve the application upon condition that the applicant makes specific changes in the proposed community unit plan which will remove the objection. In the event the Planning Commission fails to act upon the application within sixty days from the date the application is referred to the Planning Commission, the applicant may appeal to the Village Board requesting final action. If the Village Board determines that the delay of the Planning Commission is unjustified, it shall direct the Commission to act no later than the Commission's next regularly scheduled meeting.

Section 4.05 Special Requirements for "Ghost" Plats

The following special requirements shall be provided to the Village and completed as indicated and required by this Ordinance.

1. All platted streets required to be platted as part of the "Ghost" plat shall be protected as a part of the initial installation of improvements and street during the acreage development phase.
2. All "Ghost" plats shall required to have easements placed at a minimum of five feet either side of a proposed future property line (urban residential density) and around the perimeter of the acreage density lots.
3. A Subdivision Agreement that will require the owner(s) at the owners expense:
 - a. To complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
 - b. To comply with the provisions of this Ordinance regarding land preparation and grading.
 - c. To notify all potential purchasers of all lots that said lots are subject to future subdivision and additional future urban residential development when (1) the sanitary sewer and water mains have been extended to serve the final plat; (2) the lots have been annexed; and (3) the lots have been rezoned to a district allowing for higher urban density.
 - d. To notify all potential purchasers of lots that an identified Outlot, identified on a final plat as Reserved for Future Platting to Urban Density, is subject to future urban residential development when (1) the sanitary sewer and water mains have been extended to serve the final plat; (2) the Outlot has been annexed; and (3) the Outlot has been zoned to a district allowing for higher urban density.
 - e. To install water mains to all lots at the owners own cost and expense within 12 months following annexation of said lots into the Village of Alvo , unless a water district is created by the Village Board for the water mains and the water mains are finally ordered constructed within six months following said annexation.
 - f. In the event any infrastructure improvements including but not limited to water mains, street paving, sidewalks, street trees, stormwater and ornamental street lighting are ordered constructed pursuant to a special assessment district Subdivider (1) agrees and consents that the costs thereof shall be assessed and levied together with assessment and equalization costs, against the benefited properties in the _____ Addition, waiving all objections to the sufficiency of the petitions therefore, to the proceedings and (2) agrees to pay to the Village of Alvo said costs as thus assessed and levied against said property.

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- g. To and hereby waives, as against the Village of Alvo , any and all damages and any claim or right of action for any and all damages , of every nature, which may accrue to Subdivider, or which may result to Subdivider's property or interest therein, by reason of said infrastructure improvements or construction thereof.**
 - h. Not to protest annexation of the property within the subdivision into the Village of Alvo.**
 - i. That the obligations of Subdivider under this "Ghost" platting process and agreement shall constitute a covenant running with the land and shall be binding on the Subdivider and Subdivider's heirs, administrators, successors and assigns.**

ARTICLE 5: DESIGN STANDARDS

Section 5.01 General

No subdivision shall be approved unless it is in conformance with the requirements of these regulations and the Comprehensive Development Plan.

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use so as to best conform to any recommendations of the Comprehensive Development Plan. Any provisions for schools, parks, and playgrounds should be indicated on the Preliminary Plat in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.

Land which the Planning Commission has found to be unsuitable for subdividing, due to flooding, poor drainage, steep slopes, rock formation, or other features likely to be harmful to the safety, welfare or health of the future residents, shall not be subdivided unless adequate methods for subdivision are formulated by the developer and approved by the Planning Commission that would eliminate or substantially reduce such hazards.

The Planning Commission may require all contiguous land under common ownership to be submitted with the Preliminary Plan in order to evaluate overall development patterns and conformity with the Comprehensive Development Plan and issue proper extension of future roads and services.

Section 5.02 Streets

The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Development Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be serviced by such streets. All streets shall meet applicable AASHTO standards and shall conform to the minimum design standards set by the Nebraska Board of Public Roads Classification and Standards. See Schedule A for Minimum Street Standards.

The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys already existing in areas adjacent to the area being subdivided. Where, at the determination of the Planning Commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of the subdivision. Where the Planning Commission deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a right-of-way radius of at least 50 feet and a paved radius (usually crushed rock) of 30 feet, or other approved design.

Section 5.03 Dedication of Rights-of-Way for New Streets

The dedications of rights-of-way for new streets measured from lot line to lot line shall be shown on the plat and shall meet the right-of-way requirements as stated in Schedule A of this Ordinance. The Village shall approve access to lots located on arterials.

Where a subdivision fronts on an arterial street, the Planning Commission shall, where possible, require frontage roads. Where lots back up to an arterial street and such lots have access by means other than the arterial street, a frontage road may not be required.

Section 5.04 Dedication of Rights-of-Way for Existing Streets

Subdivisions platted along existing streets shall dedicate additional right-of-way or easements if necessary to meet the minimum street width requirements set forth in this Ordinance. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one half of the required right-of-way width, measured from the centerline of the existing roadway, shall be dedicated along with any proposed easements.

Section 5.05 Frontage Roads

Where a front or side yard abuts railroad, limited access freeway, or principal highway or arterial street rights-of-way, a marginal access street or frontage road may be required parallel and adjacent to the boundary of such rights-of-way when necessary for adequate protection of properties from the arterial street and to protect and preserve the safety and traffic handling capabilities of the arterial street. The distance from said rights-of-way shall be determined, with due consideration to minimum distance required for approach connections to future grade-separated intersections. In the case of lots where the rear yard is

adjacent to an arterial street and such lots have access other than of off the arterial street frontage, a frontage road may not be required.

Section 5.06 Intersections

Streets shall intersect as nearly as possible at an angle of 90 degrees, and no intersection shall be constructed at an angle of less than 60 degrees. Street curb intersections shall be rounded by radii of at least 20 feet. Larger intersection radii may be required in industrial or commercial area or when directed by the Village Engineer. When the smallest angle of street intersection is less than 75 degrees, the Planning Commission may require curb radii of greater length.

Access onto any street intersecting an arterial street shall be located no closer to the right-of-way of such arterial street than 75 feet, or more at the discretion of the Village Engineer.

Consideration shall be given to street and right-of-way widths such that minimum sidewalk requirements are maintained.

Section 5.07 Curves in Streets: Horizontal and Vertical

A tangent of at least 100 feet in length shall be introduced between reversed curves on arterial and collector streets.

Where there is a deflection angle of more than 10 degrees in the horizontal alignment of a street, a curve shall be installed with a radius adequate to ensure safe sight distances. Maximum requirements shall conform to the standards in Schedule A of this Ordinance.

Minimum sight distances shall meet applicable AASHTO standards and shall conform to the minimum design standards set by the Nebraska Board of Public Roads Classifications and Standards.

Section 5.08 Street Grades and Elevations

All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. The minimum street grade shall not be less than four tenths of one percent (0.4%). Minimum grades for gutters and ditches shall be four tenths and five tenths of one percent (0.4% and 0.5%), respectively. The Village may allow lesser slopes if approved by the Village Engineer. Fill may be used in areas subject to flooding in order to elevate streets and building pads provided such fill will not increase flood elevations more than one foot. Street grades shall conform to the maximum requirements provided in Schedule A of this Ordinance.

Section 5.09 Access Control

In the interest of public safety and for the preservation of the traffic-carrying capacity of the street system, the Planning Commission and Village Board shall have the right to restrict and regulate points of access to all property from the public street system. Such restrictions shall be indicated on the Final Plat.

Section 5.10 Street Jogs

Street jogs with centerline offsets of less than 150 feet at intersections shall be prohibited.

Section 5.11 Cul-de-sac Streets

Cul-de-sacs shall not be longer than 500 feet and shall provide a turnaround having a radius at the outside of the pavement of at least 50 feet and a radius at the right-of-way of at least 110 feet. Alternative designs for temporary turnarounds may be approved by the Village. Streets dead-ending or terminating in a temporary turnaround shall not have a length greater than 500 feet or a radius at the right-of-way less than 60 feet. Cul-de-sac and temporary turnarounds shall be measured from the center of the cul-de-sac or temporary turnaround to the nearest right-of-way line of the intersecting street.

Section 5.12 Street Names

Proposed streets, which are in alignment with other existing streets, shall bear the name of such other existing streets. The name of a proposed street which is not in alignment with an existing street shall not be named so similarly to the name of any existing street as to cause confusion. To avoid duplication and confusion, the proposed names of all streets shall be approved by the Village Board prior to such names being assigned or used.

Section 5.13 Private Streets and Reserve Strips

New private streets may be created as part of a planned development district provided such streets are specifically authorized by the Planning Commission and Village Board as an exception to the terms of the

Ordinance. There shall be no reserve strips in a subdivision except where their control is definitely vested in the municipality under conditions of approval by the Planning Commission as authorized in these regulations.

Section 5.14 Alleys

Alleys may be required in commercial, industrial, and residential areas. Dead-end alleys shall be avoided, however, where a dead-end alley cannot be avoided, a dead-end alley shall be provided with adequate turnaround capacity at the dead-end. Alleys should be avoided in residential areas except where an existing alley of an adjoining subdivision would dead-end at the boundary of the proposed subdivision.

Section 5.15 Water Lines and Hydrants

All water mains within a subdivision shall be a minimum of six inches in diameter. All water mains and/or shall be looped, unless a dead-end is approved by the Village Engineer. Hydrant shall be placed on the corners of each block or with a maximum spacing not exceed 400 feet.

Section 5.16 Water Mains and Sewer Mains

Except for good cause, all water mains and sewer mains shall be located within the street right-of-way, but not under the pavement located thereon. Further, all manholes shall not be placed in the proposed driveways of residential subdivisions.

Section 5.17 Sidewalks

All sidewalks within a subdivision shall have a minimum pavement width of four feet and shall be located one foot into the street right-of-way adjacent to the residential lot line unless otherwise approved.

Section 5.18 Blocks

In determining the lengths, widths and shapes of blocks, consideration shall be given to the provision of adequate access and circulation, the suitability of building sites to the needs of the use contemplated, and the zoning requirements regarding minimum lot sizes, widths and frontages of the anticipated zoning district. Except in unusual circumstances approved by the Village, block lengths shall not exceed 600 feet. Pedestrian easements 10 feet wide shall be provided through or near the center of blocks more than 600 feet long in order to provide for adequate pedestrian circulation.

Section 5.19 Lots

The size, width, depth, shape and orientation of lots shall conform to the regulations of the applicable zoning district for the type of development and use contemplated. All lots shall be developed such that surface drainage is diverted to lot lines and not across adjacent properties. Corner lots for residential uses shall be designed with adequate width to permit appropriate building setback distances and orientation to both streets. The subdividing of land shall be such as to provide each lot with satisfactory vehicular access from a public street or an approved private street. Side lot lines shall be designed as close as possible to be perpendicular to street right-of-way lines or radial to cul-de-sac center points.

Section 5.20 Through Lots

Through lots shall be avoided, except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography. Where such lots are used in relation to an arterial street, a landscape screen easement of at least 10 feet in width shall be provided along the property line of such lots abutting such arterial street. Within this easement, the subdivider shall install trees, shrubbery or fences or a combination thereof to screen the residential development from the arterial street and dampen the noise generated by traffic on the arterial street.

Section 5.21 Easements

Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 16 feet in width. When located on a lot line, said easement shall be centered so that there is eight feet of easement on each side of lot line. In those zoning districts that require five feet side yard setbacks, the required easement shall be at least 10 feet in width, centered upon the lot line so that there is five feet of easement on each side of the side property line.

Where a subdivision is traversed by a water course, there shall be provided a storm water drainage easement substantially following the width of such water course. The width of the easement shall be adequate for maintenance purposes, and shall be determined by the Village Engineer as part of the Preliminary Plat.

Section 5.22 Storm Sewer System

Provisions shall be made to limit the peak rate of storm water discharge from the subdivision. Post development runoff shall not exceed pre-development runoff by more than five percent, based upon a 10-year storm event or as determined by the Village engineer. Pre-development shall be the condition prior to improvements being completed. In determining the size or type of the storm sewer system to be used, the design shall be sufficient to handle all computed runoff from the proposed development. For large drainage areas, natural drainage ways shall be maintained, and the Village may require cross drainage structures such as culverts, bridges, etc.

Section 5.23 Flood Hazards

Land subject to flooding and land deemed to be topographically unsuitable for residential or other development shall not be platted for such purposes. Such land may be set aside on the plat for such uses compatible with the hazards associated with flooding or erosion. All development shall conform to the flood hazard zoning provisions of the Zoning Ordinance.

Section 5.24 Conformance with Other Regulations

No Final Plat of land within the Village or its jurisdictional area shall be approved unless it conforms to existing zoning regulations. Whenever there is a conflict between the standards set forth in these regulations and those contained in other regulations the highest standard shall govern.

Section 5.25 Schedule A: Minimum Street Standards

Street Classifications	Minimum Right-of-Way (ft.)	Minimum Pavement Width (ft.) (5)	Minimum Number of Traffic Lanes	Maximum Grade (%)	Minimum Centerline Radius (ft.)
Major Arterial (1)	100	45	4	6	510
Other Arterial (2)	100	45	4	6	510
Collector (3)	80	39	2	8	200
Local (4)	60	25	2	10	100
Frontage	50	25	2	10	100
Cul-de-sac or Turnaround	110(6)	50 (6)	2	10	200
Alleys	20	20	2	-	-

- (1) Major Arterial streets shall generally consist of extensions of the rural major arterials which provide continuous service through municipalities for long-distance rural travel. They are the arterial streets used to transport products into and out of municipalities.
- (2) Other Arterial streets shall consist of two categories: Municipal Extensions of Rural Other Arterials, and Arterial Movements Peculiar to a Municipality's Own Complex, that is streets which interconnect major areas of activity within a municipality, such as shopping centers, the central business district, manufacturing centers, and industrial parks.
- (3) Collector streets shall consist of a group of streets which collect traffic from residential streets and move it to smaller commercial centers or to higher arterial systems.
- (4) Local streets shall consist of the balance of streets in each municipality, principally residential access service streets and local business streets. They are characterized by very short trip lengths, mostly limited to vehicles desiring to go to or from an adjacent property.
- (5) Pavement width measured from back of curb to back of curb.
- (6) Minimum right-of-way radius for the cul-de-sac turnaround shall be 110 feet; the minimum pavement radius for the cul-de-sac turnaround shall be 50 feet.

ARTICLE 6: REQUIRED IMPROVEMENTS

Section 6.01 General

The subdivider shall design and construct improvements using standards not less than the standards outlined in this Ordinance. The Planning Commission and Village Board upon recommendation of the Village Engineer shall approve all such plans.

The work shall be done under the supervision and inspection of the Village and shall be completed within the time limitations established herein. The minimum requirements for materials shall be in accordance with specifications approved by the Village. Standards applicable to health and sanitation as required by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services shall be the minimum standards required thereof.

All inspection costs and costs for required tests shall be paid by the subdivider.

Section 6.02 Monuments and Markers

6.02.01 Monuments and markers placement shall be located at all quarter section points or other reference points tied to the federal land survey on the boundaries of or within the area being platted.

6.02.02 Monument Construction. Monument construction shall meet or exceed the "Minimum Standards for Surveys," as the same may be amended from time to time, as adopted by the Professional Surveyors Association of Nebraska in February 1989. These standards are as follows:

The surveyor shall establish or confirm the prior establishment of permanent monuments at each corner on the boundary lines of the parcel being surveyed. Monuments shall be solid and substantially free from movement. In such cases where the placement of a permanent monument at the true corner is impractical because of instability or is likely to be destroyed, the surveyor shall set a corner accessory monument and show its relationship by dimension to the true corner.

The monuments set shall be constructed of material capable of being detected by commonly used magnetic locators. These monuments shall consist of an iron pipe or steel rod with a minimal diameter of five-eighths (5/8) inch and minimal length of 24 inches. When extenuating circumstances dictate, the surveyor may use monuments (i.e., nail and washer) that have a probability of permanence. Where a corner or a line falls on or within a wall, column line or other physical feature and the placement of a monument is not feasible, the wall, column line or physical feature shall become the monument by reference thereto.

In addition, monuments shall be set at all block corners, lot corners, deflection points and points of curvature, except in cases where it is deemed clearly unreasonable or infeasible by the Village Board .

Section 6.03 Street Grading, Construction and Surface Type

6.03.01 All streets shall be graded to a minimum distance 15 feet from the back of the curb or edge of pavement and to within six inches of the street grade established in the approved Final Plat construction plans and specifications.

Design standards for the excavation and preparation of the road bed shall be approved by the Village Engineer. Where unusual soil conditions, extra-ordinary traffic volumes, or other abnormal characteristics exist, the Village Engineer may approve alternate design standards to address such condition, if possible.

6.03.02 Concrete curbs and gutters shall be required for all streets within the boundaries of the subdivision unless accepted by the Planning Commission and Village Board in accordance with the terms of this Ordinance.

6.03.03 All streets shall be poured-in-place using Portland cement concrete. Concrete shall be Class "47B-3,625," and shall conform to Division 600 of the Nebraska State Standard Specifications. Minimum compressive strength shall be 3,625 psi in 28 days. To verify compressive strength of the concrete, a set of three all concrete test cylinders shall be made according to ASTM C-31 and C-39. One set of concrete cylinders shall be required for each day's concrete placement or for

each 100 cubic yards of concrete placed if, more than 100 cubic yards are placed in one day. The concrete cylinders shall be tested by an approved testing laboratory and results of the testing furnished to the Village Engineer. Testing shall be conducted at seven days and 28 days from the date of cylinder casting.

- 6.03.04 All materials used shall conform to Nebraska State Standard Specifications for Highway Construction, Division 1000, and Material Details. Curing shall be accomplished with a continuous coating of white pigmented curing compound conforming to the requirements of Section 1012 of the Nebraska State Standard Specifications.

Section 6.04 Street Signs, Lighting and Electrical Power

6.04.01 At least one street sign shall be installed at each street intersection within or on the perimeter of the subdivision and shall be located in the northeast corner thereof, whenever possible, and within the area between the street and sidewalk at a point approximately six inches from said sidewalk or its intended location.

6.04.02 The developer shall provide and install street lights at each entrance (street or sidewalk) into a subdivision and at each street intersection within the subdivision and at such intermediate points as necessary, as specified by **Omaha** Public Power District and/or the Village Engineer.

6.04.03 New subdivision lighting and electrical power shall be installed underground. The location of easements for such wiring shall be indicated on the Preliminary and Final Plats. All underground wiring shall conform to installation specifications required by the Nebraska State Electrical Code.

Section 6.05 Landscape Screens

Landscape screens as required by the Village shall be installed at the subdivider's expense as a buffer for the protection of residential properties along arterial and collector streets, state and federal highways, county roads, railroad rights-of-way, and land uses which are substantially different from that proposed in the subdivision.

Section 6.06 Drainage

6.06.01 A drainage management system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water within the subdivision.

1. Preliminary Plat Report shall include:

- a). Preliminary estimates of the quantity of storm water entering the subdivision both naturally and once there has been full development of lots within the subdivision.
- b). An analysis of existing conditions of the watershed that may affect the proposed subdivision, such as soil type, drainage channels, and obstructions to water flow.
- c). A preliminary grading plan illustrating the proposed drainage management system.

2. Final Plat Drainage Report shall contain:

- a). Calculations of the quantity of storm water entering the subdivision naturally and estimates of the quantity of storm water entering the subdivision once there has been full development of the lots within the subdivision based on the proposed zoning.
- b). Quantities of flow at each pick-up point.
- c). Estimates and type of temporary erosion control measures necessary to control erosion during construction.
- d). A description of an adequate drainage management system within the subdivision and its design capacities based on a 10-year storm.
- e). An evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the run-off which would be generated by the development of the land within and above the subdivision and the impacts of such drainage on downstream drainage systems.

6.06.02 **Drainage Requirements.** The drainage management system designed by the subdivider shall include culverts and storm sewers whenever necessary or required by the Village Engineer. Where storm sewers are not required, all open ditches shall be graded and all pipes, culverts, intersection drains, drop inlets, bridges, headwalls, gutters and similar or related installations necessary to provide adequate surface water drainage shall be constructed and installed in accordance with plans approved by the Village Engineer.

6.06.03 Drainage System Standards.

1. All streets shall be provided with an adequate storm drainage system of curbs, gutters and storm sewers or open ditches.
2. Curb drainage inlets shall be provided at appropriate intervals along streets having curbs and gutters. Where inlets connect to storm sewers, a drain inlet structure and a protective grating shall be installed.
3. Where storm water flows across the intersections of streets having curbs and gutters, concrete cross gutters shall be installed at such intersections.
4. All off-street drainage swales and ditches shall be protected by drainage easements noted on the Preliminary and Final Plats. Where water courses would cross lots diagonally, the subdivider shall straighten such course and shall substantially follow lot lines.

6.06.04 Storm Drain Responsibility. The Village of Alvo will review all storm drain design criteria. In addition, the Village of Alvo may participate in the costs associated with providing adequate storm drainage.

Section 6.07 Sanitary Sewers.

A sanitary sewer system shall be designed and constructed by the subdivider for all lots in the proposed subdivision. The following requirements shall apply:

6.07.01 Within the corporate limits, a sanitary sewer collection system including all pipes and manholes shall be provided and said collection system shall be connected to the public sewage system in accordance with plans acceptable to the Planning Commission and Village Board.

6.07.02 Within the jurisdictional areas of the Village but outside the corporate limits, if a proposed subdivision is so located with regard to adequate public sewer, either existing or to be existing within one year from the date of application for final plat approval, or that said sewer is located within 500 feet of the proposed subdivision or can be reached if the cost of installing lateral and connecting sewers from all lots shown upon said plat, exclusive of connections from individual structures; is equal to or less than 150 percent of the cost of installing a private sewage collection and disposal system for all lots, then adequate lateral and connecting sewers to said public sewer system shall be constructed.

6.07.03 If the subdivision is not located relative to a public sewer system, a private collection and treatment system acceptable to the Village Board and appropriate to the Nebraska Department of Health and Human Services and the Nebraska Department of Environmental Quality (or successor agencies) may be used. However, the Village may require the developer to provide a plan for future expansion of utilities including permanent easements. If on-site disposal is proposed, the subdivider shall document acceptable percolation rates on each lot and such lots shall be adequately sized to allow for the installation and safe operation of such systems in conjunction with any proposed water supply or well location.

6.07.04 Standards. When applicable, improvement plans for a permanent sewage system shall be provided showing pipe sizes, gradients, type of pipe, invert and finished grade elevations, location and type of manholes, treatment facilities, if applicable, and the location, type and size of all lift or pumping stations.

Design Standards of said system shall be subject to the approval of the Village in accordance with the following standards:

1. At least 8-inch sewer lines will be installed.
2. At least 4-inch service connections from the sewer line to the property line of each lot will be installed with the location marked.
3. Manholes will be provided at all interceptor and lateral junctions, at the end of each line, and at all changes in direction, grade, and size.

Design standard of said system shall be in general compliance with the requirements of the Nebraska Department of Environmental Quality (or successor agencies).

Section 6.08 Water Mains.

A water distribution system shall be designed and constructed by the subdivider to provide adequate water service to all lots in the proposed subdivision. The following requirements shall apply:

6.08.01 Type of Improvement. Within the corporate limits, a water distribution system including all pipes, fire hydrants, valves and other appurtenances shall be provided and said distribution system shall

be connected to the public water system in accordance with plans acceptable to the Planning Commission and Village Board .

Within the jurisdictional area of the Village but outside the corporate limits, if a proposed subdivision is so located with regard to an adequate public water supply line, either existing or proposed within one year from the date of application for Final Plat approval or that said water line is located within 500 feet of the proposed subdivision or can be reached if the cost of connecting to said water line and installing an adequate distribution system to all lots shown upon said plat, exclusive of connections from individual structures, is equal to or less than 150 percent of the cost of installing an individual water system for all lots, then adequate connecting lines to said public water system shall be constructed.

If the subdivision is not so located relative to a public water line, the Village may authorize a community well system. In addition, the Village may require a plan for future extension of such utilities, including permanent easements, for utilities throughout the proposed subdivision.

6.08.02 Standards. When applicable, improvement plans for a permanent water system shall be provided showing pipe sizes, type of pipe, locations of fire hydrants and valves and, if applicable supply facilities, booster pumps, elevated or ground level storage tanks and other appurtenances.

Design Standards of said system shall be subject to the approval of the Village in accordance with the following standards:

1. The minimum main or pipe size shall be determined by the type of uses to be served and the provision of adequate fire flow capacities. Generally, water lines shall be a minimum of 6-inches in diameter.
2. All hydrants will be located on the corner of each block or at a maximum of 400-foot intervals, unless otherwise authorized by the Village. The layout and flow design must meet the minimum requirements as set forth by the Village.
3. Gate valves on cross-connecting water lines shall be so located that no single break in the distribution system shall require more than 400 feet to be out of service in any zoning district.

Valves or cross-connecting mains shall be so located that a break in the secondary distribution system will not necessitate shutting down major distribution lines

Design standards of the water distribution system shall be in compliance with the requirements of the Nebraska Department of Health and Human Services (or successor agencies).

Section 6.09 Cost of Over-size Improvements.

Minimum street pavement widths for streets shall conform to the standards established in Section 5.25 of this Ordinance. Minimum utility sizes shall be determined by the standards of the Village with regard to providing service to the subdivision in question.

Where pavement widths or larger pipe or main sizes are deemed necessary by the Planning Commission and Village Board, the Village may choose to bear the extra cost of providing such greater width or larger pipe or main sizes. The subdivider shall be required to pay for that part of the construction costs for the Arterial streets, trunk sewers, or water mains which are serving the proposed subdivision as determined by the Planning Commission and Village Board. The Village shall pay the remainder of the costs.

Section 6.10 Extension to Boundaries.

The subdivider may be required to extend all necessary improvements to the boundaries of the proposed subdivision at his/her expense to allow for services to future anticipated developments on the adjoining lands, as determined by the Planning Commission and Village Board.

Section 6.11 Off-site Extensions.

If streets or utilities are not available at the boundary of the proposed subdivision or within the distances or costs established in this Article and the Planning Commission determines that extensions across undeveloped areas are not warranted, the subdivider, if he/she wishes to proceed with the development, shall pay the cost of such off-site improvements and provide for appropriate off-site easements prior to the approval of the Final Plat. Such improvements shall be available for connections by subdividers of adjoining lands subject to Village approval.

Section 6.12 Land Preparation.

Any cut, fill and compaction of land within, and if applicable, adjacent to the subdivision, shall be accomplished in accordance with design standards of the Village or as approved by the Village Engineer. To control erosion and sedimentation during and after land preparation, the subdivider, any successors and assigns shall provide for disturbing only the areas needed for construction; removing only those trees, shrubs and grasses that must be removed by construction; installing required sediment basins and diversion dikes before disturbing the land that drains into them; and temporary stabilizing each segment of graded or otherwise disturbed land by seeding and mulching or by other approved methods.

As land preparation is completed, the subdivider, any successors and assigns shall permanently stabilize each segment with perennial vegetation and structural measures. Diversion dikes and sediment basins shall be leveled after areas that drain into them are stabilized, and permanent vegetation shall be established on those areas. Sediment basins that are to be retained for storm water detention shall be seeded to permanent vegetation no later than nine months after completion of the sediment basins and shall be permanently maintained by the subdivider or any successors and assigns.

ARTICLE 7: DEDICATIONS AND RESERVATIONS ON PUBLIC LAND

Section 7.01 Dedication

As a condition of Final Plat approval, the subdivider shall dedicate to the public all streets and alleys as may be required by the Planning Commission and Village Board. If such streets and alleys are not to be dedicated and are to be developed as private streets, the subdivider shall make adequate provision for an owner's association with direct responsibility to and control by the property owners of the subdivision, to provide for the maintenance of all such private streets and alleys and the removal of debris and snow there from so as to maintain adequate access at all times for fire, police, sanitation, utility and emergency vehicles. Legal assurances shall be provided which show that the association is self-perpetuating and has the authority to collect assessments from owners of property within the subdivision to accomplish these and other related purposes.

Such provisions shall also provide for agreement of the property owners that if the Village is requested or required to perform any maintenance or snow removal from such streets in order to maintain adequate access, said owners shall pay the costs thereof to the Village and that if not paid, the same shall become a lien upon the properties until such costs are paid in full.

ARTICLE 8: WAIVERS AND ANNEXATIONS

Section 8.01 Granting of Waivers (Exceptions) and Conditions

In addition to the exceptions contained in this Ordinance, the Planning Commission may recommend and the Village Board may grant waivers from the provisions of these regulations, but only after determining that:

1. There are unique circumstances or conditions affecting the property that are not the result of actions by the subdivider.
2. The waivers are necessary for the reasonable and acceptable development of the property in question.
3. The granting of the waivers will not be detrimental to the public or injurious to adjacent and nearby properties.

Section 8.02 Subdivision; Annexation of Adjoining or Contiguous Properties

All subdivisions or additions laid out adjoining or contiguous to the corporate limits of Alvo may be included within the same and become a part of the Village of Alvo upon approval of and acceptance by Ordinance. Such annexation shall only occur after the Village Board has voted to approve said inclusion by a separate vote from that approving the Final Plat. Further, such annexation shall occur prior to approval of the Final Plat for the subdivision.

When the intent of the Planning Commission and Village Board is to annex said subdivision or addition upon approval of the Final Plat; the following procedures shall be taken:

1. Notice of the time and place of separate public hearings for the Planning Commission to recommend and the Village Board to approve the annexation shall be provided pursuant to Neb. Rev. Stat. §19-904 (R.R.S.1997).
2. The Public Hearings listed above shall be held separate from the public hearings held to recommend and approve the Final Plat of the subdivisions or additions.

Section 8.03 Amendments

Any provision of these Regulations from time to time may be amended, supplemented, changed, modified or repealed by the Village Board according to law; provided, however, that such amendments, supplements, changes, modifications or repealed provisions shall not become effective until after public hearing and report by the Planning Commission.

ARTICLE 9: ADMINISTRATION AND ENFORCEMENT

Section 9.01 General

9.01.01 It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the Planning Commission and Village Board any violation or lack of compliance herewith.

9.01.02 No owner or agent of an owner, of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a Final Plat of such subdivision has been approved by the Planning Commission and Village Board in accordance with the provisions of these regulations, and filed for record with Cass County Register of Deeds.

9.01.03 The subdivision or replat of any lot or any parcel by the use of metes and bounds description for the purpose of sale, transfer or lease which would evade these regulations shall not be permitted. All such subdivisions shall be subject to all the requirements contained in these regulations.

9.01.04 No zoning permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided, sold, transferred or leased in violation of the provisions of these regulations.

Section 9.02 Amendments

Any provision of this Ordinance may be amended, supplemented, changed, modified, or repealed from time to time by the Village Board according to law, provided however, that such amendments, supplements, changes, modification or repealed provisions shall not become effective until after the study, written report and recommendation by the Planning Commission to the Village Board .

Section 9.03 Violation and Penalties

Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be guilty of a misdemeanor. Such conviction shall carry a fine of up to 100 dollars plus the cost of prosecution for each violation. The non-payment of such fine and costs shall subject the guilty party to imprisonment in the county jail for a period of time not to exceed the lesser of 1) 30 days, or 2) the time necessary to pay such fine and costs in full. Each day a violation exists or continues shall constitute a separate offense.

ARTICLE 10: CERTIFICATION AND DEDICATION STATEMENTS

Section 10.01 Notary Public Acknowledgment

STATE OF NEBRASKA)
) ss
COUNTY OF CASS)

The forgoing instrument was acknowledged before me this ____ day, of _____ 20____, by _____, who personally appeared before me and whose name is affixed to this plat and who acknowledge the execution thereof to be his/her voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above mentioned.

Notary Public

(SEAL)

My Commission Expires: _____

Section 10.02 Surveyor's Certification

SURVEYORS CERTIFICATION:

I hereby certify that I am a professional land surveyor, registered in compliance with the laws of the State of Nebraska, and that this plat correctly represents a survey conducted by me or under my direct supervision on the ____ day of _____, 20____, that any changes from the description appearing in the last record transfer of the land contained in the Final Plat are so indicated, that all monuments shown thereon actually exist as described or will be installed and their position is correctly shown and that all dimensional and geodetic data is correct.

Surveyor, RLS #

Date

(SEAL)

Section 10.03 Approval of Alvo Planning Commission

APPROVAL OF THE PLANNING COMMISSION OF ALVO, NEBRASKA

This plat of _____
was approved by the Alvo Planning Commission on this ____ day of _____, 20____.

Chairperson, Alvo Planning Commission

Section 10.04 Acceptance by Alvo Village Board

ACCEPTANCE BY THE VILLAGE BOARD OF ALVO , NEBRASKA

This plat of _____
was approved by the Village Board of the Village of Alvo, Nebraska on this ____ day of _____,
20____, in accordance with the State Statutes of Nebraska.

(Village of Alvo SEAL)
Mayor

ATTEST:

Village Clerk

Section 10.05 Acceptance by Cass County Register of Deeds

ACCEPTANCE BY CASS COUNTY REGISTER OF DEEDS

This plat of _____
was recorded on this ____ day of _____, 20____, at book # _____, page # _____.

Cass County Register of Deeds (SEAL)

Section 10.06 Review of Cass County Surveyor

REVIEW OF CASS COUNTY SURVEYOR

This plat of _____
was reviewed by the office of Cass County Surveyor on this ____ day of _____, 20____.

Cass County Surveyor (SEAL)

Section 10.07 Cass County Treasurer's Certifications

CASS COUNTY TREASURER'S CERTIFICATIONS

This is to certify that I find no regular or special taxes due or delinquent against the property described in the Surveyor's Certificate and embraced in this plat as shown by the records of this office.

Cass County Treasurer

Date

(SEAL)

Section 10.08 Administrative Plat Approval

APPROVAL OF ADMINISTRATIVE PLAT

This Administrative Plat was approved by the Village of Alvo on this _____ day of _____, 20_____.

Village Clerk

Chair, Village Board of Trustees

Zoning Administrator
(Village of Alvo SEAL)

Section 10.09 Owners Certification

OWNERS CERTIFICATION

I/we, the undersigned owner(s) of the real estate shown and described herein, do hereby certify that I/we have laid out, platted and subdivided, and do hereby lay out, plat and subdivide, said real estate in accordance with this plat.

This subdivision shall be known and designated as _____, an addition to the Village of Alvo, Nebraska (delete previous phrase if the subdivision is located outside of the corporate limits and will not be annexed to the Village). All streets and alleys shown and not heretofore dedicated are hereby dedicated to the public unless specifically noted herein. Other public lands shown and not heretofore dedicated are hereby reserved for public use.

Clear title to the land contained in this plat is guaranteed. Any encumbrances or special assessments are explained as follows: _____.

There are strips of ground shown on this plat and marked easement, reserved for the use of public utilities and subject to the paramount right of a public utility or the Village to install, repair, replace and maintain its installations.

(Additional covenants or restrictions and enforcement provisions therein may be inserted here or attached to the plat).

Signature of Owner

Signature of Owner

Printed name

Printed name

Date

Date

ARTICLE 11: LEGAL STATUS PROVISIONS

Section 11.01 Severability

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 11.02 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 11.03 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 11.04 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 Alvo, Nebraska,

This _____ day of _____, 2010.

(Seal)

ATTEST:

Village Clerk

Chair, Village Board of Trustees

RULES AND PROCEDURES FOR THE BOARD OF ADJUSTMENT
Village of Alvo, Nebraska

Rule I: ORGANIZATION

101 Officers

The Board of Adjustment shall elect a Chair and Vice-Chair at its first meeting of the calendar year. The Zoning Administrator or designee shall be the Secretary of the Board. The Vice-Chair shall fill any unfilled term of the office of the Chair should that office become vacant for any reason.

102 Duties

A. The Chair, or the Vice-Chair when the Chair is vacant, shall preside at meetings, shall decide all points of order or procedure, may administer oaths and take evidence, and shall as necessary compel the attendance of witnesses in accordance with the laws of the State of Nebraska. The Vice-Chair shall be the Acting Chair and shall perform all duties of the Chair whenever the Chair is absent. In the event that neither the chair nor the vice-chair is in attendance, the former chair, if present and if still a member of the Board, or the most senior member of the Board shall service as the acting chair.

B. The Secretary of the Board shall attend to official correspondence, and shall supervise the clerical work and technical preparation necessary to the disposition of appeals before the Board. The Zoning Administrator may appoint a designee or designees to fulfill all or part of his/her duties.

103 Legal Counsel

The Village Attorney, or designated representative, shall be the legal counsel for the Board.

104 Applicant attendance

The applicant, or authorized representative, in any case being heard before the Board shall be present. However, this requirement shall not prevent the Board from hearing and acting upon the application where notice has been given to the applicant, or authorized representative, as required by statute or ordinance, if the applicant or his or her representative is not present.

105 Board of Adjustment membership

The Board of Adjustment for the Village of Alvo as provided in Nebraska Revised Statutes §19-911 shall act as the Board of Adjustment for the Village of Alvo.

Rule II: MEETINGS

201 Regular Meetings

- A. The Board will meet at the call of the Chairperson or as business comes before the body and after the proper notice has been given.
- B. Meetings of the Board shall be held in the Village Hall or other location as designated by the Chair. The Board shall begin its meetings at 7:00 p.m.
- C. All meetings of the Board of Adjustment, except an executive session called and noticed pursuant to state statute, shall be open to the public.

202 Special Meetings

Special meetings for any purpose may be held by the Board on written request of three members, which call or request shall be filed in writing with the Zoning Administrator, or as may be scheduled by a majority of the members at any previous meeting. The manner of the call shall be noted in the minutes of the special meeting, and at least 48 hours notice of the meeting shall be given to each member. Public notice shall be made by the Zoning Administrator as required by State Statute.

203 **Quorum**

A quorum of the Board shall consist of at least four members. The concurring vote of four members shall be necessary to reverse any administrative decision made by the Zoning Administrator; to pass, modify, amend, or to effect any variations from the zoning ordinance, or to take any action or make any decision delegated to the Board by the Village Board.

204 **Agenda**

- A. An agenda of the matters to come before the Board will be prepared by the Zoning Administrator and mailed to all Board members and known interested parties.
- B. The matters shall be heard in the order that the items appear on the agenda.
- C. The agenda may list the matters of business in the following order.

Call to Order

Roll Call - Recording of members present and absent

Administrative Items - elections of chair and vice-chair, procedural changes, etc.

Continuances/Withdrawals

Minutes - submitted for approval, subject to changes as directed

Regular agenda

Recess to executive session on majority vote of the Board

Miscellaneous - Other business not a part of a hearing

Adjournment

Case presentations may follow this order:

- Staff presentation
- Applicant's presentation
- Other party(ies) in interest presentation
- Public testimony
- Rebuttal by applicant
- Close testimony
- Discussion
- Motion
- Vote by the Board

The Board has the right to establish time limits for all presentations.

205 **Continuances**

The Board will allow one continuance of a scheduled item at the request of the staff, applicant, or real-party-in-interest as a matter of course. Additional continuances will be granted only upon a show of good cause made to the Board.

Rule III: OFFICIAL RECORDS

301 **Definitions**

- A. The official records shall include these rules and regulations, the written minutes of the Board (or if none exist, any video or audio tape made by the Village of the meeting) together with all findings, applications, exhibits, decisions and other official actions.
- B. In all places in these Rules of Procedure, the person referred to as the Zoning Administrator shall be the same person referred to as the Zoning Administrator in the Alvo Zoning Ordinance.
- C. The Office of the Board is assigned as the office of the Village Clerk of Alvo, Nebraska.

302 **Recording of Vote**

Minutes shall include, but not limited to:

- 1. The date, time and place of the meeting;
- 2. The members of the public body recorded as either present or absent or a conflict was declared;

3. A general description of the matters considered;
4. An accurate description of all legal actions proposed, discussed or taken, and the names of members who propose each motion, and
5. The names of persons, as given, making statements or presenting material to the Board and a reference to the legal action about which they made statements or presented material.
6. Any findings made by the Board.
7. Motion and Vote of the Board

303 Public Record

- A. All of the official records of the Board shall be public records, and open to public inspection during normal working hours.
- B. All decisions shall be considered as filed upon submittal to the Village Clerk.

Rule IV: POWERS AND DUTIES

401 Jurisdiction

The Board of Adjustment shall have the following powers:

1. 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; and
2. To hear and decide, in accordance with the provisions of the Zoning Ordinance, requests for interpretation of any map, or for decisions upon other special questions upon which the Board is authorized by the Zoning Ordinance to pass; and
3. To grant variances, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of the Zoning 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 the Zoning 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 the Zoning Ordinance.

402 Administration of Oaths

The Chair of the Board shall have the power to administer oaths and to take evidence in accordance with State Statute.

The oath to be so administered shall be substantially as follows:

I _____, do solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth.

403 Submission of Evidence and Written Material

- A. Documentary evidence or written material supporting the grant or denial of an adjustment, or relevant to any matter the Board is authorized to hear and decide, shall be submitted with 15 copies by noon at least 14 calendar days prior to the public meeting (including holidays), or it will be rejected. Evidence and written material shall be submitted by interested parties to the Village Clerk and not directly to Board members. An applicant shall supply an opposing party with a copy of the same material in the same time frame.

Any evidence or written material not submitted at least 14 calendar days in advance of the public meeting may be addressed, but no handouts to the Board will be accepted at the public meeting as part

of the applicant's presentation or as public testimony, whichever is applicable. Strict adherence to judicial rules of evidence is not required.

- B. Written Citizen comment shall be submitted at least seven calendar days prior to the public hearing.

404 **Presentation of Testimony**

- A. Each person should first state his or her name and address. Such individual should then present the reasons why the appeal should be granted or should not be granted, in relation to the Board's jurisdictional framework as provided in Article ___ of the _____ Zoning Ordinance.
- B. All parties presenting testimony are requested to avoid repetition of statements and are requested to present their position as briefly as possible.
- C. The Board may call upon staff assistance or comments from the proper Village of Alvo personnel at any time during the proceedings.

405 **Nature of Testimony; Duty of Appellant**

- A. All appeals to the board shall state the jurisdictional basis upon which the appeal is being made, and shall state the name of the real party or parties in interest.
- B. Testimony before the Board shall be relevant to the jurisdictional basis upon which the appeal is made.
- C. The appellant must state facts sufficient to permit the Board to find in favor of the appellant, with the jurisdictional limitations of the Board as provided by Article ___ of the _____ Zoning Ordinance. The appellant shall clearly indicate the manner in which the asserted facts fit into the jurisdictional framework of the Board.
- D. The Board may ask questions of persons testifying. There shall, however, be no cross-examination or direct questioning in front of the Board between proponents and opponents.

406 **Application of a Variance**

Variations granted by the Board of Adjustment run with the land.

407 **Applicant Revisions to Variance Requests**

The applicant may revise the request for variance at any time prior to the Board's hearing without invoking the requirements for resubmittal as outlined in Section 407. Revisions to the request that are made after the case has been publicly noticed will require the case to be re-noticed as required under State Statute.

408 **Resubmittals**

No adjustment or appeal of a decision or interpretation of the Zoning Administrator that has been denied shall be further considered by the filing of a new application for one year unless the new application contains a material change in the nature of the case. If a material change is claimed by the applicant, the Board shall first hear the applicant on the issue of materiality of said change before allowing the Secretary of the Board to post the required notices for a hearing on the merits of the case. No application concerning matters under consideration of the Board shall be accepted.

409 **Withdrawals or Referral**

Any matter, which has been advertised for public hearing, may be withdrawn or deferred prior to preparation of the agenda before the meeting. Once the agenda had been prepared, items may be withdrawn or deferred only for good cause, with approval of the Chair or Vice Chair if the Chair is not available.

Rule V: FINAL ACTION

- A. As required by law, four affirmative votes are required for final action on any matter. "Final action" shall be defined to mean any vote on a main motion, which results in a favorable or unfavorable disposition of an appeal, including a finding of lack of jurisdiction. All subsidiary votes and procedural votes may be determined by the majority vote of the quorum present at any meeting.
- B. The Board shall develop factual findings in support of the final action on an appeal and shall indicate the basis upon which such action was made.
- C. All decisions shall be considered as filed upon submittal to the Village Clerk. Once a decision is filed with the Village Clerk, the period for appeal shall begin.
- D. The Board's decision, together with the supportive facts developed by the board, shall be filed in the office of the Village Clerk within seven days of such final action.
- E. A vote on final action on a matter not receiving four or more votes either for or against said matter shall be deemed to have received neither approval or disapproval and shall, without further order of the Board, be continued from regular meeting to regular meeting and shall be heard and voted upon once at each meeting until such time as it shall receive three votes either for or against.
- F. Once a decision is filed with the Village Clerk, the period for appeal shall begin.

Rule VI: COMMUNICATIONS

601 Ex Parte Communications Prohibited

The Board shall give to every person who has an interest in a proceeding, or that person's representative, the right to be heard according to law. No Board member shall initiate, permit, or consider ex parte communications, or consider other communications made to the Board member outside the hearing on the matter.

For purposes of this provision, ex parte communications prohibited under this rule shall include all communications related to a matter or proceeding before the Board that occur outside a meeting of a quorum of the Board except for the following:

- A. Communications with Village staff as to administrative, factual and procedural matters excluding substantive matters regarding the merits of the case,
- B. Communications expressly authorized by law.

602 Procedure Regarding Oral Communications

Whenever any person initiates communications with a Board member regarding a filed application, the member shall refer that person to staff without discussing the matter. Whenever a person offers information directly to a Board member, the Board member shall report the information, identity of the source, and date of contact to the Board for inclusion in its formal record.

603 Written Material Sent to a Board Member

Pursuant to Rule 403, written material shall be submitted by interested parties to Village staff and not directly to Board members. If written material regarding a filed application is transmitted to a Board member by the applicant or a member of the public it shall be forwarded to the staff for review and incorporation into the staff report.

Rule VII: RULES AND AMENDMENTS

701 Amendment Procedure

Amendments to these rules may be made by the Board upon the affirmative vote of four members, provided any such amendment is proposed at a preceding meeting, or is submitted in writing at the prior regular meeting of the Board, and is included in the minutes of such meeting or meetings.

702 Effective Date

These rules, and any amendments thereto, shall be effective 30 days after their adoption by the Board by a vote of four or more members; provided applications which have been initiated prior to the effective date shall be treated according to rules of procedure existing prior to the effective date if the applicant so desires.

703 Availability of Rules

A certified copy of these rules and any amendments thereto shall be made available by placing them on record in the Office of the Village Clerk within 10 days following the date of adoption.

Adopted by the Board of Adjustment on this _____ day of _____, 20____.

Board Chair

Approved as to form and legality:

Village Attorney