

ZONING REGULATIONS UPDATE

VILLAGE OF ANSLEY, NEBRASKA

Project No. 338-G1-001

Prepared By:



ORDINANCE NO. 217

ZONING ORDINANCE

AN ORDINANCE to regulate and restrict; the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence, or other purposes in Ansley, Nebraska and an area extending one-half mile from the corporate limits thereof; to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land in the aforementioned area; to divide the said area into zoning districts and providing for the boundaries of said districts and in the manner in which said districts shall be determined, established and enforced, and from time to time amended, supplemented or changed; by providing for zoning certificates and applications; by making certain exceptions; by creating the Office of Zoning Inspector and the Board of Adjustment; by providing for the enforcement of and the penalties for the violation of any of its provisions; for the purpose of promoting health, safety, morals, and general welfare of the community.

NOW THEREFORE, be it ordained by the Board of Trustees of the Village of Ansley, Nebraska:

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1 **ARTICLE 1**
2 **PRELIMINARY PROVISIONS**
3

4 **1-1. TITLE**

5 This Ordinance shall be known as the Zoning Ordinance of Ansley, Nebraska.
6

7 **1-2. CONTENT**

8 This Ordinance includes a map designated as the official Zoning Map of Ansley,
9 Nebraska. This Zoning Map and all notations, references and other information shown
10 on it are part of this Ordinance and have the same force and effect as if fully set forth in
11 this Ordinance.
12

13 **1-3. FILING**

14 This Ordinance, together with the Zoning Map which is part of it, is on file in the Office of
15 the County Recorder and a certified copy is on file with the Village Clerk.
16

17 **1-4. AUTHORITY**

18 In pursuance of the authority conferred upon the Board of Trustees of the Village of
19 Ansley by Chapter 19, Article 9, Section 19-901 of Nebraska Statutes as amended, this
20 Ordinance is enacted for the purpose of promoting public health, safety, comfort,
21 convenience, order, prosperity and general welfare of the present and future inhabitants
22 in the Village of Ansley by regulating and restricting the height, number of stories, and
23 size of buildings and other structures, the percentage of lot that may be occupied, the
24 size of yards, courts, and other open spaces, the density of population, and the location
25 and use of buildings, structures and land for trade, industry, residence, or other
26 purposes in accordance the Zoning Map adopted herewith.
27

28 **1-5. INTERPRETATION AND APPLICATION**

29 A. The provisions of this ordinance may be regarded as the minimum requirements
30 for the promotion of public health, safety, comfort, convenience, order, prosperity
31 and general welfare of the present and future inhabitants in the Village of Ansley.
32 This Ordinance is not intended to interfere with or abrogate or annul any
33 easements, covenants or agreements between parties provided; however, that
34 wherever this Ordinance proposes a greater restriction upon use of buildings or

land or upon the location or height of buildings or structures or requires larger open spaces about the structures than are imposed or required by other laws, regulations, ordinances, or easements, covenants or agreements between parties, the provisions of this Ordinance shall govern.

- B. Except as hereinafter provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, moved or structurally altered except in conformance with the regulations herein specified for the zoning district in which it is located; nor shall a yard, or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.

1-6. CONFORMITY WITH COMPREHENSIVE PLAN

The purpose of this ordinance is to implement the Comprehensive Plan for the Village of Ansley, Nebraska. All provisions contained in this ordinance are in conformity with the Comprehensive Plan as adopted by the Board of Trustees of the Village of Ansley.

ARTICLE 2
DEFINITIONS

2-1. USAGE

- A. For the purpose of this Ordinance, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section. Words or terms not herein defined shall have their ordinary meaning in relation to the context.
- B. Unless the context clearly indicates to the contrary:
1. Words used in the present tense include the future tense.
 2. Words used in the singular include the plural and words used in the plural include the singular.
 3. The word "shall" is always mandatory; the word "may" is always permissive.
 4. The word "herein" means in this Ordinance.
 5. The word "Ordinance" means this zoning document.
 6. The word "Board" means the Board of Trustees of the Village of Ansley, Nebraska.
 7. The "Commission" means the Planning Commission appointed by the Board of Trustees of the Village of Ansley, Nebraska.
 8. The "Board of Adjustment" means the Board of Adjustment appointed by the Board of Trustees of the Village of Ansley, Nebraska.
 9. The "Zoning Administrator" means the Zoning Inspector appointed by the Board of Trustees of the Village of Ansley, Nebraska.
 10. The "Flood Plain Administrator" means the Zoning Inspector appointed by the Board of Trustees of the Village of Ansley, Nebraska.
 11. A "person" includes a corporation, partnership, and any incorporated association of persons.
 12. A "building" includes a "structure" and a building or structure includes any part thereof.
 13. "Used" or "occupied" as applied to any land or building shall be constructed to include the words "intended, changed or designed to be used or occupied."
 14. The word "county" means all unincorporated areas throughout Custer County, Nebraska.
 15. The word "village" means the Village of Ansley, Nebraska.
 16. The word "jurisdiction" means the jurisdiction of the village within which the village is authorized by Nebraska Revised Statute 17-001 to enforce this Ordinance.

89 **2-2. DEFINITIONS**

90 For the purpose of this Ordinance, the following words and phrases shall have the
91 following meaning:

92
93 **2-2.1 ACCESSORY BUILDING.** A subordinate building or portion of the main
94 building, the use of which is customarily incidental to that of the main building.

95 **2-2.2 ALLEY.** A minor right-of-way dedicated to public use, which gives a second
96 means of vehicular access to the back or side of properties otherwise abutting a
97 street and which may be used for public utility purposes.

98 **2-2.3 APARTMENT.** A part of a building consisting of a room or suite of rooms
99 intended, designed or used as a residence by an individual or a single family
100 and located in a multiple-family dwelling.

101 **2-2.4 BLOCK FRONT.** All of the property on one side of a street between two
102 intersecting streets.

103 **2-2.5 BUILDING.** Any structure designed or intended for this support, enclosure,
104 shelter or protection of persons, animals, chattels or property and forming a
105 construction that is safe and stable; the word building shall include the word
106 structure.

107 **2-2.6 BUILDING, HEIGHT OF.** The vertical distance from the grade (elevation of the
108 curb, sidewalk or average elevation of the ground around the structure) to the
109 highest point of coping of a flat roof, or to the deck line of a mansard roof, or to
110 the mean height level between eaves and ridge for gable, hip or gambrel roofs.

111 **2-2.7 CAMPGROUND.** An area or premises on which space is provided temporary
112 parking of camping trailers campers, motor homes, recreational vehicles, or
113 mobile homes and for pitching tents.

114 **2-2.8 CELLAR.** A portion of a building located partly or wholly underground having
115 one-half or more of its floor-to-ceiling height below the average grade of the
116 adjoining ground.

117 **2-2.9 COMMISSION.** The Planning Commission of Ansley, Nebraska

118 **2-2.10 CONDITIONAL USES (EXCEPTIONS).** Uses that are permitted in a particular
119 district subject to specific controls with respect to number, area, location,
120 relation to adjoining property and other factors, as specified by the Board.

121 **2-2.11 DWELLING, ATTACHED.** A residential building which is joined to another
122 dwelling at one or more sides by a party wall or walls.

123 **2-2.12 DWELLING, DETACHED.** A residential building which is entirely surrounded by
124 open space on the same lot.

125 **2-2.13 DWELLING, MULTI-UNIT OR MULTI-FAMILY.** A building used by two or more
126 families living independently of each other in separate dwelling units but not
127 including hotels, motels or resorts.

- 128 **2-2.14 DWELLING, RANCH AND FARM.** Residential dwellings appurtenant to
129 agricultural operations including living quarters for persons employed on the
130 premises, guest houses not rented or otherwise conducted as a business, and
131 private garages, stables and barns.
- 132 **2-2.15 DWELLING, SINGLE FAMILY.** A detached principal building other than a
133 mobile home designed for or used as a dwelling exclusively by one family as an
134 independent living unit.
- 135 **2-2.16 DWELLING UNIT.** One room or rooms connected together constituting a
136 separate independent housekeeping establishment for owner occupancy or
137 rental or lease on a monthly or longer basis - physically separated from any
138 other rooms or dwelling units which may be in the same structure and served by
139 not more than one gas meter and one electric meter.
- 140 **2-2.17 EASEMENT.** Authorization by a property owner for the use by the public, a
141 corporation, or persons, of any designated part of his property for specific
142 purposes.
- 143 **2-2.18 FEED LOTS.** The confined feeding of food, fur or pleasure animals in buildings,
144 lots, pens, pools, or ponds which normally are not used for raising crops or for
145 grazing animals.
- 146 **2-2.19 FLOOR AREA.** The sum of the gross horizontal areas of all floors of a building
147 measured from the exterior faces of the exterior walls or from the centerline of
148 walls separating buildings but not including cellar or basement space not used
149 for retailing.
- 150 **2-2.20 FRONTAGE.** All the property abutting upon one side of a street between two
151 intersecting streets measured along the right-of-way line.
- 152 **2-2.21 GARAGE, PRIVATE.** A building used only for the housing of motor vehicles,
153 without their equipage for operation, repair, hire or sale.
- 154 **2-2.22 GARAGE, PUBLIC.** A garage other than a private garage.
- 155 **2-2.23 HOME OCCUPATION.** Any occupation or profession carried on by a member
156 of a family residing on the premises, provided no commodity is sold thereon, no
157 person is employed other than such member of the family; and no mechanical
158 equipment is used except for such as is ordinarily used for domestic purposes.
- 159 **2-2.24 HOSPITAL.** Any building or portion thereof used for diagnosis and treatment
160 and care of human ailments but not including medical clinics, rest homes,
161 convalescent homes, nursing homes and retirement homes.
- 162 **2-2.25 JUNK YARD.** An area of land with or without buildings, used for or occupied by
163 a deposit, collection or storage, outside a completely enclosed building, of used
164 or discarded materials such as wastepaper, rags or scrap material, used
165 building materials, house furnishings, machinery, vehicles or parts thereof, with
166 or without the dismantling, processing, salvage, sale or other use or disposition
167 of the same.

- 168 **2-2.26 LOT.** A parcel of land occupied or intended for occupancy by a use permitted in
169 this Ordinance and having its principal frontage upon a street.
- 170 **2-2.27 LOT OF RECORD.** A lot or parcel of land, the deed to which has been recorded
171 in the Office of the County Recorder.
- 172 **2-2.28 MANUFACTURED HOME.** A structure, transportable in one or more sections,
173 which is built on a permanent chassis and is designed for use with or without a
174 permanent foundation when attached to the required utilities. The term
175 "manufactured home" does not include a recreational vehicle.
- 176 **2-2.29 MOBILE HOME.** A structure either occupied or intended to be occupied for
177 human habitation on a year-round basis when provided with the required
178 plumbing, heating and electrical facilities, and designed to be transported. Such
179 a structure is built on a chassis and retains the chassis on which it was built,
180 whether or not such structure is placed on a permanent foundation. "Mobile
181 Home" shall not include any camping unit such as travel trailers, campers, or
182 self-contained "motor homes" or "camper business."
- 183 **2-2.30 MOBILE HOME PARK.** Any plot of ground upon which two or more mobile
184 homes are located for periods of longer than ninety (90) days, regardless of
185 whether or not a charge is made for such accommodation.
- 186 **2-2.31 MOBILE HOME SPACE.** A plot of ground within a mobile home park designed
187 for the accommodation of one mobile home.
- 188 **2-2.32 MODULAR HOME.** A structure designed to be transported after fabrication and
189 set on a permanent foundation, subject to all local building, zoning, and housing
190 regulations. Such a structure must meet minimum construction requirements of
191 the Uniform Building Code or similar requirements as accepted by the Federal
192 Housing Administration or the Veteran's Administration. Any such modular
193 home meeting the requirements herein defined is not considered a mobile
194 home.
- 195 **2-2.33 NONCONFORMING STRUCTURE.** An existing structure which does not
196 comply with the lot size requirements or bulk regulations applicable to new
197 structures in the zoning district in which it is located.
- 198 **2-2.34 NONCONFORMING USE.** An existing use of a structure or lot which does not
199 comply with the use regulations applicable to new uses in the zoning district in
200 which it is located.
- 201 **2-2.35 NONCONFORMING SIGN.** A sign that does not comply with sign regulations
202 applicable to new signs in a zoning district in which it is located.
- 203 **2-2.36 PARKING SPACE.** An enclosed or unenclosed surfaced area connected to a
204 public street or alley by a surfaced driveway, and which is permanently
205 reserved for parking or storage of at least one motor vehicle.
- 206 **2-2.37 PLACE OF ASSEMBLY.** Any room or space for the congregation or seating of
207 twenty five or more persons.

- 208 **2-2.38 PROPERTY LINE.** The boundary of any lot, parcel or tract as described in the
209 conveyance to the owner, and shall not include the streets or alleys upon which
210 the said lot, parcel or tract may abut.
- 211 **2-2.39 PUBLIC HEARING.** A meeting called by a public body to be held in a public
212 place for which public notice has been given and at which the general public
213 may attend to hear issues and express their opinions.
- 214 **2-2.40 PUBLIC OR CENTRAL SEWERAGE SYSTEM.** A public sewerage system that
215 is used or designed to be used for collection, treatment (primary and
216 secondary), and discharge of domestic sewage, industrial or commercial
217 wastes from two or more residential units, two or more mobile home spaces in
218 mobile home subdivisions or mobile home parks, two or more lots or properties
219 located in platted subdivisions, or two or more industrial or commercial
220 properties.
- 221 **2-2.41 PUBLIC OR CENTRAL WATER SUPPLY SYSTEM.** A public water supply
222 system which serves two or more residential units; two or more mobile home
223 spaces in mobile home subdivisions or mobile home parks; two or more lots or
224 properties located in platted subdivisions; or two or more residential or
225 commercial properties.
- 226 **2-2.42 RECREATIONAL VEHICLE AND EQUIPMENT:** Recreation vehicles and
227 equipment include boats and boat tractors, travel trailers, pick-up campers or
228 coaches designed to be mounted on automotive vehicles, motorized dwellings,
229 tent trailers, and wheeled containers intended for transporting materials or
230 equipment.
- 231 **2-2.43 RIGHT-OF-WAY, PUBLIC.** All streets, roadways, sidewalks, alleys, and all
232 other areas reserved for present or future use by the public, as a matter of right,
233 for the purpose of vehicular or pedestrian travel.
- 234 **2-2.44 SCREENING.** Decorative fencing, evergreen hedges or earth berms maintained
235 for the purpose of concealing from view the area behind such screening.
- 236 **2-2.45 SETBACKS.** The minimum distance between:
- 237 a. The front of a building or any projection such as steps, terraces, unenclosed
238 porches or entrances and the lot line along the principal frontage of a street;
239 or
- 240 b. The sides or rear of a building or any projection such as steps, terraces,
241 unenclosed porches or entrances and the lot line other than that along the
242 principal frontage of a street.
- 243 **2-2.46 STORY.** That portion of a building other than a basement included between the
244 surface of the floor next above it, or, if there is no floor above it, the space
245 between the floor and the ceiling next above it.
- 246 **2-2.47 STREET.** Any public or private way set aside as a permanent right-of-way for
247 street purposes.

ORDINANCE NO. 517

AN ORDINANCE TO REVISE THE DEFINITION OF STRUCTURES AS SHOWN IN ARTICLE 2, SECTION 2-2.48 IN THE ZONING REGULATIONS OF THE VILLAGE OF ANSLEY, NEBRASKA; TO REPEAL ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; TO PRESCRIBE THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF ANSLEY, NEBRASKA, that:

Section 1. The Village of Ansley wants to clarify the definition of "**STRUCTURES**" as currently defined in Article 2, Section 2-2.48 of the Ansley Zoning Regulations.

Section 2. The current definition in the Zoning Regulations of "**STRUCTURES**" as "Anything constructed or erected, the use of which requires permanent location on the ground" should be revised as follows:

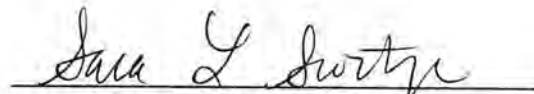
STRUCTURES. Anything constructed or erected with intended use of less than ninety (90) consecutive days is defined as a **TEMPORARY STRUCTURE**. Anything constructed or erected with intended use of longer than ninety (90) consecutive days whether permanently attached to the ground or not, is defined as a **PERMANENT STRUCTURE**.

Section 3. This ordinance shall be in full force and take effect after the passage, approval, and publication or posting as required by law.

Passed and approved this 10th day of April, 2017.

ATTEST:


Lanette C. Doane, Clerk

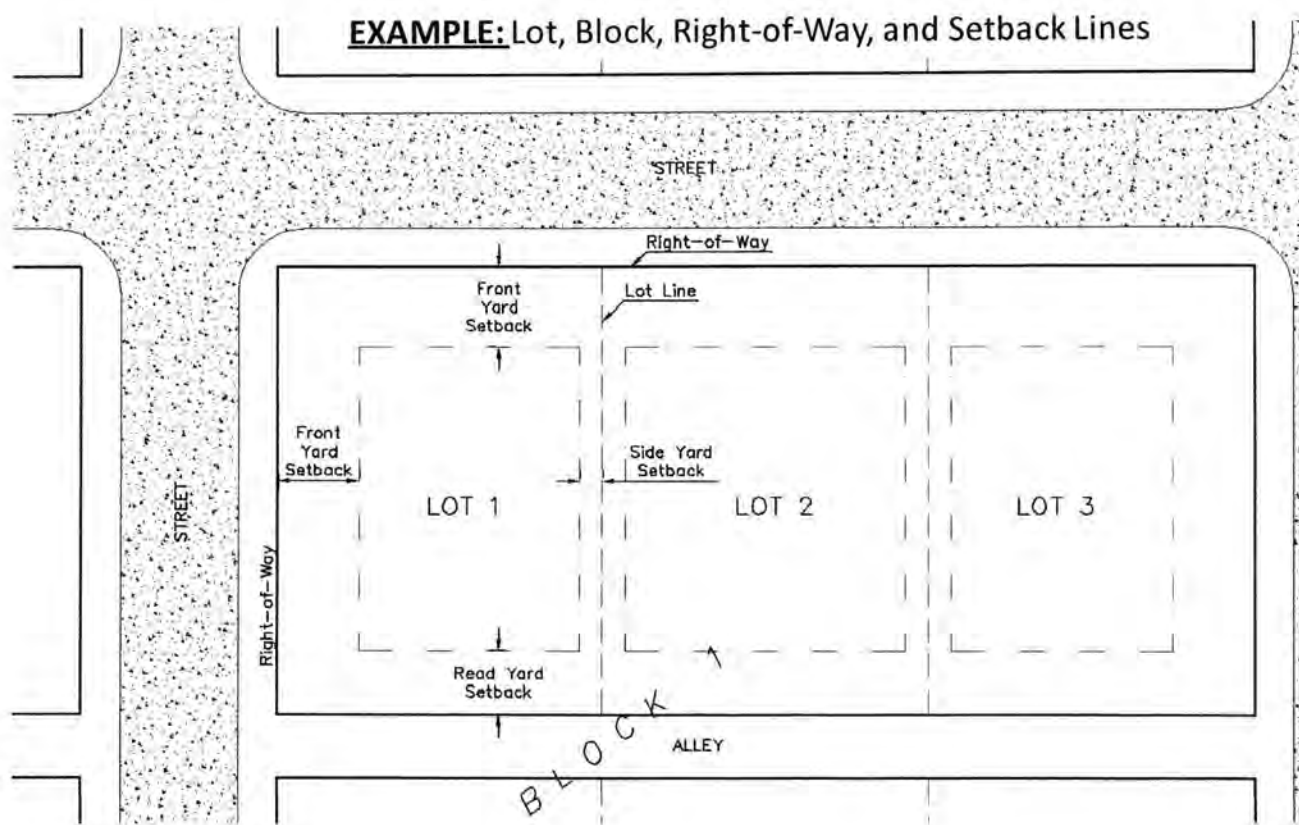

Sara L. Switzer, Chairperson

(Seal)

*Amended 4-10-17
with Ordinance #517*

- 248 **2-2.48 STRUCTURES.** Anything constructed or erected, the use of which requires
249 permanent location on the ground.
- 250 **2-2.49 STRUCTURAL ALTERATION.** Any change in structural members of a building,
251 such as walls, columns, beams or girders.
- 252 **2-2.50 VARIANCE.** A variance is a relaxation of the terms of the Zoning Ordinance
253 where such variance will not be contrary to the public interest and where, owing
254 to conditions peculiar to the property and not the result of the actions of the
255 applicant, a literal enforcement of the Ordinance would result in unnecessary
256 and undue hardship. As used in this Ordinance a variance is authorized only for
257 height, area, and size of structure or size of yards and open spaces;
258 establishment or expansion of a use otherwise prohibited shall not be allowed
259 by variance, nor shall a variance be granted because of the presence of non-
260 conformities in the zoning district or uses in an adjoining zoning district or
261 because of conditions created by the landowner.

262



ARTICLE 3
GENERAL PROVISIONS

3-1. CLASSIFICATION OF DISTRICTS

In order to carry out the provisions of this Ordinance, the jurisdiction of the Village of Ansley is divided into the following districts:

A	Agricultural District
R	Residential District
CR	Retail Commercial District
CH	Heavy Commercial District
O	Open Space & Park District

The boundaries of these districts are shown on the official Zoning Map which accompanies and is part of this Ordinance. The original of this map is properly attested and on file with the Village Clerk and all the information shown thereon shall have the same force and effect as is fully set forth or described herein.

3-2. GENERAL REQUIREMENTS

No building shall be erected, converted, enlarged, moved or structurally altered, nor shall any building or premises be used for any purpose other than permitted in the district in which such building or premises is located. No building shall be erected, enlarged, moved or structurally altered except in conformity with the height, yard, area per family, parking and other regulations prescribed herein for the district in which such lot is located; every part of a required yard shall be open to the sky unobstructed, except as hereinafter provided, and no yard or lot area shall be reduced so as to be smaller than the applicable district requirements.

3-3. ZONING MAP

A. The Village is hereby divided into zones or districts as designated in Section 3.1 and shown on the official Zoning Map, which is part of this Ordinance with all future amendments, as and when needed. The official Zoning Map shall bear the

289 seal of the Village, shall be dated with the date of adoption of this Ordinance and
290 signed by the Chairman of the Village Board and attested by the Village Clerk.

- 291 B. The signed copy of the official Zoning Map containing the zoning districts
292 designated at the time of adoption of this Ordinance shall be maintained in the
293 office of the Village Clerk for the use and benefit of the public.

294 C. Zoning Map Change/Amendments

295 If, in accordance with the provisions of this Ordinance, changes are made in the
296 district boundaries or other matter portrayed on the official Zoning Map, such
297 changes shall be entered on the official Zoning Map promptly after the
298 amendment has been approved by the Village Board with an entry on the official
299 Zoning Map as follows:

300 "On ____ day of ____, 20__, by official action of the Village Board the
301 following change (changes) were made to the official Zoning Map: (brief
302 description of change), which entry shall be signed by the Chairman of the
303 Village Board, and attested by the Village Clerk. No amendment to this
304 Ordinance which involves matter portrayed on the official Zoning Map
305 shall become effective until after such change and entry has been made
306 on the maps. However, the village shall not be required to publish the
307 Zoning Map after each amendment thereto.

- 308 D. No changes of any notices shall be made to the official Zoning Map or matter
309 shown therein except in conformity with the procedures set forth in this
310 Ordinance.

311
312 **3-4. DISTRICT BOUNDARIES**

313 Unless otherwise defined on the Zoning Map, district boundary lines are lot lines,
314 centerlines of streets or water courses, centerlines of streets, alleys and railroad rights-
315 of-way, section lines, half section lines, Corporate Limit lines, or other lines drawn to
316 scale on the Zoning Map.

317
318 **3-5. ANNEXATION RULE**

319 All territory which may hereafter be annexed to the corporate limits of the Village shall
320 be in the Agricultural District until otherwise changed, or where the area annexed was
321 zoned some other district prior to annexation, the same district shall apply within the
322 zoning area until otherwise changed.

ARTICLE 4
AGRICULTURAL DISTRICT USE REGULATIONS

4-1. AGRICULTURAL DISTRICT (A)

This district is comprised of areas which are primarily in a natural state or areas utilized for raising of livestock and poultry, farming, ranching and resource conservation activities.

It is intended that this district satisfies the basic needs of the Ansley and Custer County agricultural operations it is vital that agricultural operations be allowed and protected from encroachments by non-agricultural uses. Rezoning of land in agricultural districts to non-agricultural use shall be permitted only if such use complies with the Comprehensive Plan.

A. PERMITTED USES

1. Areas which are primarily in a natural state or are used for raising of livestock and poultry, farming, ranching and resource conservation activities.
2. Accessory uses and structures for storage, farm implement repair sheds, stables and sheds for animal shelter, sheds for storing farm equipment and/or parking farm vehicles, commonly associated with the principal permitted uses mentioned in Section 4-1 A. 1. 3.....
3. Aviaries and Apiaries.
4. Arenas.
5. Botanical gardens.
6. Church and church facilities.
7. Dry land and irrigated farming, truck farming, sod farms, nursery stock and greenhouses.
8. Fish hatcheries.
9. Flood control and irrigating facilities.
10. Historic preservation areas (public) and related user services.
11. Home occupations (refer to Article 2-2.23).
12. Oil and gas drilling and transmission.
13. Recreation and park facilities (public).
14. Residences as follows:
 - a) Residences of families owning or employed on the farm or ranch.
 - b) Modular homes and manufactured homes may be considered as the permitted residence in "a" above.

- 362 c) All residences also must fully meet the requirements listed in Items
363 C, D and E of this Section.
364 15. Roadside stands selling products produced on site.
365 16. Schools - public and private (non-profit).
366 17. Guest houses and quarters, bed and breakfast.

- 367
368 B. CONDITIONAL USES REQUIRING SPECIAL REVIEW AND PERMIT
369 The following uses shall be subject to special review and permitted subject to
370 specific conditions to be determined and specified by the Board in accordance
371 with Section 11:
372 1. Airports and landing strips.
373 2. Amusement parks.
374 3. Asphalt plants.
375 4. New cemeteries, mausoleums and crematoria.
376 5. Concrete batch plants.
377 6. Sand, gravel and other open pit mining operation (refer to Article 11-5)
378 7. Public utilities and facilities needed to provide efficient services in rural
379 areas.
380 8. Junk and salvage yards.
381 9. Kennels.
382 10. Clubs for indoor and outdoor recreation.
383 11. Mobile homes on a ranch or farm.
384 12. Oil and gas storage.
385 13. Power generating facilities and related uses.
386 14. Campgrounds.
387 15. Sand, gravel and other mining operations.
388 16. Sanitary landfill operations.
389 17. Water, sewage and wastewater treatment facilities.
390 18. Veterinary hospital and related facilities.
391 19. Signs (refer to Article 16).....
392 20. Communication towers (refer to Article 18).
393 21. Wind energy systems (refer to Article 19).
394 22. Utility substations, transmission lines and transmission relay stations
395 (including radio towers but excluding office, repair, or storage facilities).
396 23. Concentrated animal feeding operations (refer to Article 11-6)
397
398

399 C. MINIMUM AREA, YARD SETBACK AND HEIGHT REQUIREMENTS

Lot Area (minimum)	10 acres
Lot Width (minimum)	125 feet
Lot Depth (minimum)	150 feet
Front Yard setback	30 feet
Rear Yard setback	
- Principal building	- 25 feet
- Accessory building	- 5 feet
Side yard setback	
- Interior lot	Equal to height of proposed structure or 30 feet, whichever is greater
- Corner lot	
Maximum Building Height	No limit

400
 401 D. UTILITY REQUIREMENTS
 402 Notwithstanding other provisions of this Ordinance, all dwellings hereafter
 403 erected, enlarged or reconstructed in an Agricultural District shall conform to the
 404 regulations of *Title 124 – Rules and Regulations for the Design, Operation and*
 405 *Maintenance of Onsite Wastewater Treatment Systems*, as adopted by the
 406 Nebraska Department of Environmental Quality.

407
 408 E. SPECIAL PROVISIONS
 409 1. The use of land in this district shall also conform to the parking, signage,
 410 and other provisions of this Ordinance.
 411 2. Power lines, natural gas lines and telephone lines must follow section
 412 lines in non-platted Agricultural Districts.
 413 3. Permits shall be required for all structures (exceeding 120 square feet of
 414 enclosed built up area) with fees charged as adopted by the Village Board.
 415

ARTICLE 5
RESIDENTIAL DISTRICT USE REGULATIONS

5-1. RESIDENTIAL DISTRICT (R)

This district is intended to accommodate existing single family and multi-family residential uses, the expansion of those areas within and adjacent to the Village of Ansley, and to provide a variety of housing types.

A. PERMITTED USES

1. Boarding houses.
2. Dwellings, multi-family.
3. Dwellings, single family.
4. Guest housing and quarters.
5. Home occupations.
6. Day care and Preschool nurseries.
7. Parks and Recreational open spaces
8. Religious facilities, associated places of assembly, and residential quarters .
9. Rest homes, retirement homes, assisted living and nursing homes.
10. Accessory uses on an individual lot of two (2) acres or more without a primary use.
11. Bed and breakfast facilities.
12. Condominiums and townhouses.

B. CONDITIONAL USES REQUIRING SPECIAL REVIEW AND PERMIT

The following uses shall be subject to special review and permitted subject to specific conditions to be determined and specified by the Board in accordance with Section 11.

1. Emergency services.
2. Group housing use, including but not limited to motels and lodges.
3. Health care facilities.
4. Medical and dental clinics.
5. Mobile home parks.
6. Modular and manufactured homes either built prior to 1975 or bearing an appropriate seal that indicates it was constructed in accordance with the standards of the *Uniform Standard Code for Manufactured Homes and Recreational Vehicles* as promulgated by the U.S. Department of Housing

ORDINANCE NO. 490

An ordinance to amend Section 5-1. B. in the Residential District Use Regulations of the Zoning Regulations of the Village of Ansley, Nebraska by adding a new definition for Conditional Uses Requiring Special Review and Permit; to repeal all ordinances or parts thereof in conflict with this ordinance; to prescribe the time when this ordinance shall be in full force and effect.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF ANSLEY, NEBRASKA, that:

Section 1. After complying with all procedures required by law, Section 5-1. B. of the Residential District Use Regulations of the Zoning Regulations of the Village of Ansley, Nebraska, will be amended to add a 10th Conditional Use definition as follows:

10. Detached private storage structure that is non-accessory, meaning a stand- alone building designed or used primarily for the shelter or storage of vehicles or boats, but not airplanes; used for storage of belongings; not designed for human habitation; and not used for business purposes.

Section 2. That any ordinances or parts thereof in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Section 4. This ordinance shall be published in pamphlet form within 15 days from this date and also by posting a written copy in each of three places in the Village, to wit: Security State Bank, the Village Clerk's Office and the United States Post Office.

Passed and approved this 10th day of December, 2012.

ATTEST:



Lisa Fecht, Chairperson



Lanette C. Doane, Clerk

(Seal)

and Urban Development, or constructed in accordance with the *Nebraska Uniform Standards for Modular Housing*.

7. Single wide mobile home units meeting the following requirements prior to placement or installation:

- a) Roof shall be peaked and shingled.
- b) Unit shall be sided with wood or other typical permanent type siding.
- c) Unit shall be set on a permanent foundation as required for mobile home units.
- d) Unit shall bear an appropriate seal that indicates it was constructed in accordance with the standards of the *Uniform Standard Code for Manufactured Homes and Recreational Vehicles* as promulgated by the U.S. Department of Housing and Urban Development, or constructed in accordance with the *Nebraska Uniform Standards for Modular Housing*.

8. Orphanages.

9. Elementary schools, junior high schools and high schools

10. → See INSERT - ORDINANCE #490

C. MINIMUM AREA, YARD SETBACKS AND HEIGHT REQUIREMENTS

1. For single-family residences located in the village corporate limits and for areas outside the corporate limits (within a half-mile radius) that are served by public water and sewer facilities.

Lot Area (minimum)	6,250 square feet
Lot Width (minimum)	50 feet
Lot Depth (minimum)	125 feet
Front Yard setback	25 feet
Rear Yard setback	
- Principal building	- 20 feet
- Accessory building	- 10 feet
Side yard setback	
- Interior lot	- 10 feet, where the total of both side yards shall not be less than 25 feet.
- Corner lot	- 25 feet adjacent to a street, 10 feet on the opposite side.

Maximum Building height	30 feet
Accessory Building requirements	
- Area (maximum)	- 1,250 square feet
- Width (maximum)	- 50 feet
- Depth (maximum)	- 80 feet

2. For multi-family housing units that are located within the Village Corporate Limits and for areas outside the Corporate Limits (within a half-mile radius) that are served by public water and sewer facilities.

Lot Area (minimum)	15,625 square feet
Lot Area Per Unit	2,500 square feet
Lot Width (minimum)	125 feet
Lot Depth (minimum)	125 feet
Front Yard setback	25 feet
Rear Yard setback	
- Principal building	- 20 feet
- Accessory building	- 10 feet
Side yard setback	
- Interior lot	- 10 feet, where the total of both side yards shall not be less than 25 feet.
- Corner lot	- 15 feet adjacent to a street, 5 feet on the opposite side.
Maximum Building Height	30 feet

3. For single-family residences and multi-family housing units that are located outside the Village Corporate Limits (within a half-mile radius) which are provided with either public water or sewer facilities (must include one of the systems).

Single family lot area (minimum)	15,625 square feet
Multi-family lot area (minimum)	15,625 square feet

Lot Area Per Unit	2,500 square feet
Lot Width (minimum)	125 feet
Lot Depth (minimum)	125 feet
Front Yard setback	35 feet
Rear Yard setback - Principal building - Accessory building	- 20 feet - 10 feet
Side Yard setback	10 feet, where the total of both side yards shall not be less than 25 feet.
Maximum Building Height	30 feet

4. For single-family residences and multi-family housing units that are located outside the Village Corporate Limits (within a half mile radius) which are not provided with public water or sewer facilities.

Single family lot area (minimum)	40,000 square feet
Multi-family lot area (minimum)	40,000 square feet
Lot area per unit	2,500 square feet
Lot Width - Interior lot - Corner lot	- 150 feet - 200 feet
Lot Depth (minimum)	150 feet
Front Yard setback	30 feet
Rear Yard setback - Principal building - Accessory building	- 25 feet - 10 feet

Side Yard setback - Interior lot - Corner lot	- 10 feet, where the total of both side yards shall not be less than 25 feet. - 25 feet adjacent to a street, 10 feet on the opposite side.
Maximum Building Height	30 feet

D. OPEN SPACE

Notwithstanding the requirements specified in Article 5-1, Section C, Provisions 2, 3 and 4 applicable to multifamily housing units, a minimum of forty percent (40%) of any residential site shall be developed and maintained as private open space and recreational use for occupants of the dwelling units.

E. UTILITY REQUIREMENTS

All residential dwelling units including single-family units, multi-family units and mobile homes located within the village corporate limits shall utilize municipal water and sewer facilities and shall do so at the owner's expense.

Notwithstanding other provisions of this Ordinance, all dwellings hereafter erected, enlarged or reconstructed in a residential district shall conform to the regulations of *Title 124 – Rules And Regulations for the Design, Operation and Maintenance of Onsite Wastewater Treatment Systems*, as adopted by the Nebraska Department of Environmental Quality and shall be contingent upon the NDEQ approval process.

F. SPECIAL PROVISIONS

The use of land in this district shall also conform to the parking, signage and other provisions of this Ordinance.

ARTICLE 6
RETAIL COMMERCIAL DISTRICT REGULATIONS

6-1. RETAIL COMMERCIAL DISTRICT (CR)

This district is composed of certain land and structures used primarily to provide retail commercial services, including opportunities for job creation and local economic development.

The following uses and their accessory uses are permitted in the Retail Commercial District, provided that:

1. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are customarily sold at retail on premises, and
2. Such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

A. PERMITTED USES

1. Amphitheaters and auditoriums, or other public assembly rooms.
2. Banking and financial facilities.
3. Business school.
4. Bus depots.
5. Club, lodge.
6. Custom dressmaking, tailor shop.
7. Dry cleaning and laundry, using non-explosive and non-flammable cleaning fluid.
8. Eating or drinking establishments.
9. Financial institutions.
10. Health care facilities.
11. Indoor amusement and entertainment establishments.
12. Libraries.
13. Liquor sales (on site and carry out).
14. Locksmith.
15. Membership clubs.
16. Mortuaries.
17. News syndicate services.
18. Government offices.
19. Parking lot or parking garage.

- 545 20. Pet shop.
546 21. Professional and business offices.
547 22. Public utility uses, facilities, services and buildings.
548 23. Recreation and park facilities.
549 24. Religious facilities and quarters.
550 25. Restaurant or cafe.
551 26. Retail sales.
552 27. Shoe repair shop.
553 28. Studio: art, music, dance, health, photographic, radio, or television
554 broadcasting.
555 29. Second-hand store.
556 30. Theater.
557 31. Train depot.
558 32. Pawnshop.
559 33. Watch and clock repair shop.
560 34. Wholesale office and showroom with merchandise on the premises limited
561 to samples only.
562 35. Accessory buildings and uses.

563

564 B. CONDITIONAL USES REQUIRING SPECIAL REVIEW AND PERMIT

565 The following uses shall be subject to special review and permitted subject to
566 specific conditions to be determined and specified by the Board in accordance
567 with Section 11.

- 568 1. Buildings intended for residential use.
569 2. Automotive vehicles sales and services, including auto body shops.
570 3. Bakery.
571 4. Car washes.
572 5. Building materials sales.
573 6. Drive-in establishment offering goods or services to customers waiting in
574 parked motor vehicles.
575 7. Hotels and motels.
576 8. Printing and newspaper offices.
577 9. Bowling alleys.
578 10. Uses permitted in Heavy Commercial districts.
579 11. Gas station with convenience store.

580

581

C. MINIMUM AREA, YARD SETBACKS AND HEIGHT REQUIREMENTS

Lot Area (minimum)	2,250 square feet
Lot Width (minimum)	25 feet
Lot Depth (minimum)	90 feet

In a Retail Commercial District, all buildings except residential buildings may occupy one hundred percent (100%) of the lot area.

Lots used for residential buildings shall be governed by the requirements specified for the Residential District.

No minimum setbacks shall be required unless a retail commercial structure is located adjacent to a lot used for residential buildings. In such instances the following setback requirements apply.

Front yard setback	25 feet
Side yard setback	10 feet
Rear yard setback	5 feet
Maximum building height	
- Principal building	- 40 feet
- Accessory building	- 20 feet

D. USE LIMITATIONS AND UTILITY REQUIREMENTS

1. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot within a Residential District shall be conducted wholly within an enclosed building unless screened from the Residential District by a sight-obscuring barrier permanently maintained at least six (6) feet in height.
2. All businesses located within the Retail Commercial District shall utilize municipal water and sewer facilities at the owner's expense.

E. SPECIAL PROVISIONS

1. Use of land in this district shall conform to parking, signage and other provisions of this Ordinance.

ARTICLE 7
COMMERCIAL HEAVY DISTRICT USE REGULATIONS

7-1. COMMERCIAL HEAVY DISTRICT (CH)

This district provides for industry, warehousing, processing, and light manufacturing activities. The regulations pertaining to this district are intended to provide standards to affect compatibility with surrounding or abutting districts and establish an area where light manufacturing, processing or distribution of products can be grouped together and set apart from residential and business districts.

A. PERMITTED USES

1. Facilities for light manufacturing, fabrication, processing, or assembly of products, provided that such facilities are not detrimental to public health, safety or general welfare and provided that the following standards are met:
 - a) Smoke: No operation shall be conducted unless it conforms to the State and Federal standards established pertaining to smoke emission;
 - b) Particulate matter: No operation shall be conducted unless it conforms to the State and Federal standards established pertaining to emission of particulate matter;
 - c) Dust, odor, gas, fumes, glare or vibration: No emission of these matters shall result in a concentration at or beyond the property line which is detrimental to public health, safety, or general welfare or which causes injury or damage to property;
 - d) Radiation hazards and no electrical disturbances: No operation shall be conducted unless it conforms to State and Federal standards established pertaining to radiation controls;
 - e) Noise: No operation shall be conducted in a manner such that any noise produced is objectionable due to intermittence, beat, frequency or shrillness; and
 - f) Water pollution: No water pollutants shall be emitted by manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the State.
2. General research facilities.
3. Indoor eating and drinking establishments on the same lot as, and incidental to, any use allowed by right or special review.
4. Automobile parking lots, including tractor-trailer parking.

5. Sales, service and storage of mobile homes, campers, boats, bicycles, motor vehicles, motorized equipment, and accessories for such vehicles, but not including salvage junk yards.
6. Commercial uses (excluding retail stores) including, but not limited to, the following: lumber yards, nurseries, stock production and sales, yard equipment and supply dealerships, firewood operations, building contractors and equipment, transportation centers, service garages, wholesale operations, household equipment and appliance repair, rental establishments, car washes, bulk cleaning services; provided adequate safeguards are taken to protect adjoining properties from objectionable or harmful substances, conditions or operations.
7. Public utility uses, facilities, services and buildings.
8. Accessory buildings and uses.

B. CONDITIONAL USES REQUIRING SPECIAL REVIEW AND PERMIT

In the Heavy Commercial District; any use not in conflict with the enacted laws of the State of Nebraska or of the Village of Ansley may be permitted, provided, however, that no building or premises shall be used for any Heavy Commercial purpose unless approved after a review and report by the Board and subject to such requirements as it may deem necessary to protect adjacent property and prevent objectionable or offensive conditions.

In recommending approval or disapproval of specific industries, the Board shall take into consideration the degree or amount of smoke, dust, gas, noise, vibration and other operational characteristics of the industry, its location and distances from residential areas and its effects on surrounding property, and the Board may impose such reasonable conditions and requirements as to landscaping, screening and other features of the development as are deemed necessary for the protection of adjoining residential property.

The following uses shall be subject to special review and permitted subject to specific conditions to be determined and specified by the Board in accordance with Section 11.

1. Retail Commercial establishments.
2. Professional services.
3. Administrative and executive offices.
4. General business and professional offices.
5. Vocational schools.
6. Gas storage and distribution.
7. Outdoor amusement and entertainment establishments.
8. Extraction of natural resources.
9. Drive-in theaters.
10. Salvage and junk yards.
11. Alfalfa dehydration plants.

12. Chemical plants.
13. Fertilizer manufacturing and storage.
14. Slaughterhouses.
15. Stockyards.
16. Airports and landing strips.
17. Other uses which by their nature could be objectionable to adjacent properties.
18. Storage, processing and manufacturing of agricultural products.
19. Those industrial uses which normally are associated with noise, odor or smoke, but due to site or method of design, can be compatible with the intent of this district.

C. MINIMUM AREA, YARD SETBACKS, AND HEIGHT REQUIREMENTS

Lot Area (minimum)	1 acre
Lot Width (minimum)	150 feet

No minimum setbacks shall be required unless:

1. The lot is adjacent or across the street from a residential district, in which case, minimum front yard setbacks shall be thirty-five (35) feet and minimum rear yard setbacks shall be five (5) feet.

A landscaped area of at least ten (10) feet in width shall be provided adjacent to any street or private road abutting the site. The total coverage of all buildings shall not occupy more than fifty percent (50%) of the lot area.

Maximum building height	
- Principal building	- 60 feet, except that within 100 feet of a Residential District no structure shall exceed 35 feet
- Accessory building	- 25 feet

D. USE LIMITATIONS AND UTILITY REQUIREMENTS

1. All operations, activities and storage shall be conducted entirely inside a building, or buildings, unless the nearest point of such operation or activity is more than two hundred (200) feet from the boundary of any other zoning district other than a Heavy Commercial District and except that storage may be maintained outside the building and side yards or rear yards of such storage areas are separated from public streets and other properties by screening of not less than six (6) feet in height.

- 713 2. If a lot in a Heavy Commercial District adjoins a Residential District,
714 screening shall be provided at the lot lines sufficient to protect the privacy
715 of adjoining residential uses on a year-round basis.
- 716 3. No building shall be used for residential purposes except when a
717 watchman or owner of the use resides on the premises.
- 718 4. All industries located within the Corporate Limits must utilize municipal
719 water and sewer facilities at the owner's expense.
- 720 5. Industries located outside the corporate limits (within one-mile radius)
721 which are not served by public water and/or sewer systems shall meet the
722 requirements of *Title 124 – Rules And Regulations for the Design,*
723 *Operation and Maintenance of Onsite Wastewater Treatment Systems,* as
724 adopted by the Nebraska Department of Environmental Quality.

725

726 E. SPECIAL PROVISIONS

727 Use of land in this district shall conform to the parking, loading, signage, and
728 other provisions of this Ordinance.

ARTICLE 8
OPEN SPACE & PARK DISTRICT REGULATIONS

8-1. OPEN SPACE AND PARK DISTRICT (O)

- A. This district is comprised of areas which are publicly owned and operated parks, playgrounds, recreation facilities including publicly owned open spaces.

PERMITTED USES

The following uses are permitted in the Open Space and Park District:

1. Restricted agriculture uses (tree and vine crops)
2. fish hatcheries;
3. public parks, play grounds and golf courses;
4. recreational uses related to residential development;
5. private recreational camps not operated for profit;
6. watersheds, wells, water reservoirs, water control structures;
7. public utility substations and power transmission lines;
8. signage for wayfinding within the park.
9. Club houses;
10. Green houses; arboretums; orchards and horticulture

B. CONDITIONAL USES REQUIRING REVIEW AND PERMIT

1. Camping;
2. Temporary and movable structures to accommodate local events and activities;
3. Concession stands
4. Riding stables
5. wind mills and appurtenant buildings;
6. telecommunication and microwave towers;

756
757
758

ARTICLE 9
Deleted

ARTICLE 10
OFF-STREET PARKING REQUIREMENTS

10-1. APPLICABILITY

In all zoning districts, all structures built and all uses established hereafter shall provide accessory off-street parking as indicated in the requirements set forth in this Article. Where an existing structure or use is expanded, accessory off-street parking shall be provided in accordance with the requirements for the area, capacity or additional employees in such expanded area.

10-2. SIZE OF SPACES

Each required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of driving aisles, ramps, columns, or work areas, provided that the minimum length of parallel parking spaces shall be at least twenty-three (23) feet and further provided that parking space dimensions for handicapped drivers shall be as established in the standards set forth in the *Americans with Disabilities Act*. Such Parking spaces shall have adequate vertical clearance to allow each space to be used for parking.

For the purpose of computing the number of parking spaces in retail commercial, heavy commercial areas, the formula of two hundred (200) square feet of total built up area on all floors per parking space shall be required. Standing areas, aisles for maneuvering and entrance and exit roadways shall not be computed as parking space and shall be provided, when necessary, in addition to required parking spaces in order to provide for appropriate access.

10-3. LOCATION OF SPACES

All parking spaces required to serve buildings or uses shall be located on the same lot as such building or use; provided, that if no parking space can be reasonably provided on the same lot, such space shall be provided on any off-street lot, a substantial portion of which is within three hundred (300) feet of such use.

10-4. ACCESS

Except for single family and two family dwellings, each required off-street parking space shall open directly upon a driving aisle of sufficient width, as noted below, in order to provide an efficient means of vehicular access to and from such parking spaces and such driving aisles shall be unobstructed and allow for passage of emergency vehicles.

796

<i>Parking Angle*</i> <i>(in degrees)</i>	<i>Minimum Aisle Width</i> <i>(in feet)</i>
LESS THAN 45	12
45	14
60	18
90	24

*Angle shall be measured between the centerline of the parking space and the centerline of the driving aisle

797

798 **10-5. LIGHTING**

799 Any lighting used to illuminate off-street parking or loading areas shall be directed away
800 from residential properties in such a way as not to interfere with such residential use.

801

802 **10-6. MINIMUM OFF-STREET PARKING REQUIREMENTS**

803 Notwithstanding the provisions of Article 10-2 of this ordinance, the following minimum
804 parking requirements shall be met:

- 805 A. Vehicles Sales and Repair: One (1) space for each two (2) employees at a
806 maximum employment on a single shift, plus two (2) spaces for each three
807 hundred (300) square feet of repair or maintenance space.
- 808 B. Automobile Service Stations: Two (2) spaces for each gas pump plus three (3)
809 spaces for each grease rack or similar facility.
- 810 C. Elementary and Junior High Schools, both public and private: One (1) space for
811 each classroom and administrative office.
- 812 D. Churches: One (1) space for each five (5) seats.
- 813 E. Mortuary or Funeral Homes: A minimum of One (1) parking space plus One (1)
814 space for each four (4) seats in the assembly room or chapel.
- 815 F. Motels and Hotels: One (1) space for each room and two (2) additional spaces
816 for employees.
- 817 G. Places of Public Assembly and Entertainment: One (1) space for each four (4)
818 seats provided for patron use, plus one (1) space for each one hundred (100)
819 square feet of floor or ground area used for amusement or assembly, but not
820 containing fixed seats.
- 821 H. Residential Dwellings: One (1) space for each dwelling unit.
- 822 I. Elementary and Junior High Schools: 1 space per employee of largest shift + 10
823 stalls for visitors.
- 824 J. Senior High Schools and Colleges, both public and private: 1 space per
825 employee of max shift + 1 space for each 3 11th and 12th grade students.

826 K. Mobile home Parks: One (1) space for each mobile home.

327 L. Retail Commercial and Heavy Commercial Uses: One (1) space for every two (2)
828 employees at maximum employment on a single shift.

829 Parking requirements for buildings containing more than one use shall be established by
830 determining the required number of spaces for each use considered independently.

831

832 **10-7. PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT**

833 No major recreational equipment as defined in Section 2-2.42 shall be parked or stored
834 on any lot in a Residential, Retail Commercial or Heavy Commercial District except in a
835 carport or enclosed building or behind the nearest portion of a building to a street,
836 provided, however, that such equipment may be parked anywhere on residential
837 premises for loading or unloading for a period not to exceed 24 hours. No such
838 equipment shall be used for living, sleeping, or housekeeping purposes when parked or
839 stored on a residential lot, or in any location not approved for such use.

ARTICLE 11
EXCEPTIONS AND CONDITIONAL USES

11-1. CONDITIONAL USES

The Board of Trustees of the Village of Ansley shall conduct public hearings and review requests for conditional uses in any district which are not permitted in those districts and shall determine any specific conditions and protective restrictions as are deemed necessary for the issue of a special permit or shall deny the issue of a permit.

11-2. INTENT AND REVIEW CONSIDERATIONS

A. Conditional uses are generally those types of uses which, under specific conditions, shall be allowable in the district in which they are listed as conditional uses. The Planning Commission and the Village Board shall consider the following in approving or denying a request for a Conditional Use Permit:

1. Impact of the use on public health, public safety and public welfare of the community;
2. Compatibility with land uses in the surrounding area.
3. Conformity with the Comprehensive Plan.
4. Positive and negative short and long-range impacts of the proposed use.
5. The need for the use, especially at the requested location.
6. Compatibility of the proposed land uses designated in the Comprehensive Plan.
7. Compatibility with the intent of this Ordinance and specifically the district in which the use is proposed.
8. If conditional uses involving utility facilities shall become permanent upon approval, it shall be noted in the application.

B. It is understood that these conditional uses are not automatically approved after the required review. Conditions may arise which would find irresolvable conflicts between the proposed use and existing or long term use of the area and its impact on the neighborhood or Village. To the extent practical, conditions may be attached to the approval of a proposed use to assure compliance with objectives of this Ordinance and conformity to the Comprehensive Plan.

11-3. APPLICATION REQUIREMENTS

A. All applications for a conditional use shall be submitted to the Planning Commission at least 20 days prior to a regular meeting of the Commission.

- 877 B. The application, when submitted, shall be accepted only when it includes the
878 following information:
- 879 1. The name of the Conditional Use Permit;
880 2. The name, address and phone number of the developer;
881 3. Record owner of the property and authorization from the property owner
882 agreeing to submittal of the application if the owner is not the applicant;
883 4. The name, address and phone number of the person or company
884 responsible for the preparation of the Conditional Use Permit;
885 5. Complete legal description of the property for which the application is
886 made certified by a surveyor or engineer including the number of acres in
887 the development in order to adequately define the location of the site;
888 6. Statement of present existing land use, current zoning district and
889 proposed land use or uses of the property;
890 7. Date prepared, north arrow, scale, and location of section lines and
891 section corners.
892 8. Profiles and grades of the proposed streets and private roadways.
893 9. A site and grading plan showing existing and proposed contours. Contour
894 lines shall be shown at intervals not exceeding five feet based on USGS
895 data. Spot elevations on a 100-foot grid shall be required to indicate
896 topography of flat land.
897 10. Locations, names, tangent lengths, center line radius of each curve and its
898 interior angle and width of all proposed and existing streets, highways,
899 private roadways, and other public ways within and adjacent to the
900 Conditional Use Permit.
901 11. Location, width, and direction of flow of all watercourses in and adjacent to
902 the conditional use permit, including the limits of any floodplain.
903 12. Location and size of all existing septic lines, storm sewer lines, water
904 mains, culverts, fire hydrants and existing power lines and other
905 underground structures or cables within the proposed development and
906 adjacent streets and roads.
907 a) If a public or community septic system is proposed, the size and
908 location of all proposed septic lines including observation holes and
909 any pump stations, and the location and type of any proposed
910 community treatment facility;
911 b) If individual septic systems are proposed, percolation tests and data
912 based on one test hole per proposed lot or certified information from
913 a soil engineer indicating the estimated percolation rate and
914 suitability of the soil;
915 c) If a public or community water system is proposed, the location and
916 size of all proposed water mains, fire hydrants, storage facilities, the
917 proposed well locations, along with data from test wells based on a
918 10 acres grid of the entire development showing system quality and
919 quantity of the water obtained from the test wells, the type of water

in drawing

treatment to be used must be shown and documented. The results of these preliminary tests shall in no way guarantee the quality or quantity of the water to the individual lots and the data obtained shall not be used to imply that an adequate quantity or acceptable quality of water is available for the proposed planned unit development;

13. A complete drainage study including a map of the drainage area and resulting run-off from all land lying outside the limits of the development which discharge storm water into or through the planned unit development, a map showing all internal drainage areas and resulting run-off, proposals as to how the computed quantities of run-off will be handled, and the drainage calculations and computations;
14. Location, size, and uses of all proposed and existing buildings.
15. A statement regarding the applicants approach to providing and improving, if applicable, public roads, parks, and other related public improvements.
16. All deviations from the provisions contained in these regulations and the zoning district where the property to be developed is located together with justifications for said deviations.

C. Due to the unusual circumstances related to a particular request, or where an unusual hardship may occur, the Planning Commission may waive any of the above application requirements. Waivers authorized by the Planning Commission must be communicated to the Village Board. Waivers do not preclude the Village Board from requiring said information at a later date.

D. An application fee as may be adopted by resolution of the Village Board shall be submitted to cover processing and hearing costs.

11-4. PROCEDURES

A. Upon receipt of a complete application and application fee, the Zoning Administrator shall set the request for public hearing by publishing a description of the request and the time, date and place for hearing at least ten days prior to the scheduled hearing time, date and place.

B. An applicant may request a delay of hearing not than twice (2) after due notice to affected landowners and publication in the official county newspaper. Thereafter the applicant shall file a new application and pay a full fee for renewal of the Conditional Use Permit or Zoning Map Amendment application.

C. The Zoning Administrator shall, prior to the hearing, accomplish the following:

1. Determine ownership using current tax records.
2. Refer the request to other interested agencies and Village departments for comment.

open ended
ability to refer request to other
adjacent landowners
school
open spaces
parks, etc.
"What else would this affect?"

- 960 3. Prepare a staff report outlining findings and recommendations that will
961 assist the Planning Commission in making a decision in the matter.
- 962 4. Refer the report to the Planning Commission and the applicant at least
963 three days prior to the scheduled hearing date.
- 964 D. The Planning Commission shall hear and review the matter and within thirty-five
965 (35) days of the first hearing, do one of the following:
- 966 1. Recommend approval with or without conditions to the Village Board and
967 reasons for approval.
- 968 2. Recommend denial to the Village Board and reasons for denial.
- 969 3. Table the matter for a specified period of time with the consent of the
970 applicant for further study and review.
- 971 E. The Planning Commission recommendations shall be forwarded to the Village
972 Board along with the application file. Recommendations shall be recorded in the
973 Planning Commission meeting minutes or in some other written form for review
974 by the Village Board.
- 975 F. The Zoning Administrator shall set a hearing date before the Village Board and
976 provide notification in the manner prescribed in Section 11-4, A & B above.
- 977 G. The Village Board shall hear and review the matter and shall, within thirty-five
978 (35) days of said hearing, do one of the following:
- 979 1. Approve the request.
- 980 2. Approve the request with conditions necessary to protect the public health,
981 safety and welfare.
- 982 3. Deny the request.
- 983 4. Table the matter for a specified period of time with the consent of the
984 applicant for further study and review.
- 985 The reasons for the Village Board's action on the request shall be defined in the
986 official minutes of the Village Board's meetings.
- 987 H. Within one (1) year of the approval, construction on the proposed project shall
988 have commenced or the approval is void. However, the applicant may file a
989 letter requesting an extension prior to the expiration of initial approval. The
990 Planning Commission shall review the extension request and recommend to the
991 Village Board approval for a specified period up to twelve (12) months or denial,
992 indicating their reasons for such action.
- 993 I. The Planning Commission's recommendation shall be forwarded to the Village
994 Board for final disposition. The Village Board shall then approve the extension up
995 to a maximum of twelve (12) months or deny the request, defining their reasons
996 for such action.
- 997 J. No further extension shall be granted. After expiration, a new application is
998 required if construction has not started and processed in the manner described
999 herein and approved before the use could be developed.

- 1000 K. Starting of construction after approval and prior to expiration and diligently
1001 pursuing same, permanently establishes the applicant's rights to the approved
1002 use unless conditions of approval state otherwise.

1003

1004 **11-5. SAND, GRAVEL AND OTHER OPEN PIT MINING OPERATION STANDARDS**

1005 The following minimum standards shall apply to all approved open-pit mining
1006 operations:

- 1007 A. The operator shall maintain haulage roads in a reasonable dust free condition if
1008 within one-fourth (1/4) mile of an established residential subdivision.
- 1009 B. The hours of operation shall be limited to a period between 6:00 a.m. and 10:00
1010 p.m. if the operation is located within one-fourth (1/4) mile of an established
1011 residential subdivision.
- 1012 C. Excavations shall occur no nearer than ten (10) feet from any property line, not
1013 nearer than one hundred fifty (150) feet from any residence, unless written
1014 consent of the owner of the residence or property is provided to the Planning
1015 Commission. Excavation shall occur not nearer than twenty-five (25) feet from
1016 any public road.
- 1017 D. The slope of any excavation shall not exceed four feet horizontal to one foot
1018 vertical (4:1) slope.
- 1019 E. The reclamation plan shall be submitted with the application for a Conditional
1020 Use Permit. This plan shall include the following:
- 1021 1. Use of the area after excavation.
 - 1022 2. Methods and type of renovation proposed.
 - 1023 3. Description of final grading concept that will remove rough contours,
1024 smoothing ridges, mounts, etc. into a more natural condition.
 - 1025 4. Any other plans of description that will further define the operator's intent
1026 to reclaim the site.
 - 1027 5. A reclamation staging program.
 - 1028 6. A financial surety shall be required by the Village as a condition of
1029 approval to ensure full compliance with condition of reclamation.

1030 **11-6. CONCENTRATED ANIMAL FEEDING OPERATIONS**

1031 The following minimum standards shall apply to all approved confined animal feeding
1032 operations:

- 1033 A. The applicant must verify that the proposed concentrated animal feeding
1034 operation meets the license requirements and waste disposal requirements of
1035 the State of Nebraska;
- 1036 B. All runoff or waste generated from any concentrated animal feeding operation
1037 shall be contained within the associated farming operation or on the premises

1038 upon which the concentrated animal feeding operation is located. The applicant
1039 must verify that all runoff control ponds, lagoons, methods of manure disposal
1040 and use control measures are designed to minimize odor and air pollution and
1041 avoid surface or groundwater contamination as regulated by the State of
1042 Nebraska and Custer County.

1043 Wet Manure Operations shall not be located or allowed in areas as denoted in NRCS
1044 *Soil Survey of Custer County, Nebraska* that are rated as having severe limitations.

1045

ARTICLE 12
NONCONFORMING USES

12-1 NONCONFORMING USES

- A. The lawful use of a building existing at the time of adoption of this Ordinance may be continued even though use does not conform with the provisions of a change in the district classification. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification, but it shall not be changed to a less restricted use.
- B. No building which has been damaged more than 60 percent shall be restored except in conformity with the district regulations.
- C. In the event that the nonconforming use of a building or premises is discontinued for a period of two years or more, such building or premises shall thereafter be used only in conformity with the regulations of the district in which it is located.

ARTICLE 13
SIGN REGULATIONS

13-1. INTENT AND APPLICABILITY

- A. The following regulations shall govern the locations, areas, heights and types of signs permitted within the zoning jurisdiction of this Ordinance.
- B. All signs hereafter constructed, erected, printed or otherwise established, moved, altered or changed shall comply with these regulations.
- C. After the effective date of this Ordinance, no sign shall be erected, enlarged, constructed or otherwise installed without first obtaining a Sign Permit. A Sign Permit shall be legally issued only when in compliance with this Article.
- D. No accessory sign, advertising display or structure, poster or device shall be erected, moved, enlarged, maintained or reconstructed except as expressly permitted by this Article; provided, however, that such state, county and municipal signs and traffic signs as are installed for public purposes are exempt from these requirements.
- E. Nonconforming signs existing at the time of enactment of this Ordinance may be repaired or maintained, but may not be moved, or altered, except in compliance with the provisions of this Ordinance.

13-2. SIGNS ON FEDERAL-AID PRIMARY HIGHWAYS

The erection or maintenance of any advertising sign, display, or device which is visible along the system of Federal-Aid Primary Roads of the State of Nebraska as defined by the Nebraska Department of Roads, is hereby prohibited unless in compliance with the standards and criteria established by regulations of the Nebraska Department of Roads as promulgated from time to time.

13-3. PROHIBITED SIGNS

Signs shall not be erected or maintained in such a manner as to obscure, or otherwise physically interfere with an official traffic sign, signal or device, or in such a manner as to obstruct or interfere with a driver's view of approaching, merging or intersecting traffic. This shall also mean pedestrian traffic on sidewalks. All road signs shall be maintained in a neat and presentable condition.

The erection or maintenance of the following signs shall not be permitted:

- A. Signs advertising activities that are illegal under Federal, State, or local laws or regulations.
- B. Obsolete signs.
- C. Signs that are broken or needing substantial repair.

- 1102 D. Signs that are not securely affixed to a structure.
- 1103 E. Signs which prevent the driver of a vehicle from having a clear and unobstructed
1104 view of official signs and approaches to intersections.
- 1105 F. Signs erected or maintained upon trees or utility poles.
- 1106 G. Movable signs which are painted, printed, or mounted and which are visible from
1107 the traveled way of any Federal-Aid Primary Highway.
- 1108 H. Signs in officially designated scenic areas or in parkland which are visible from
1109 the traveled way of any Federal-Aid Primary Highway.

1110

1111 **13-4. DISTRICT REGULATIONS**

1112 A. AGRICULTURE DISTRICT (A)

- 1113 1. No regulations apply other than those outlined herein.

1114 B. RESIDENTIAL DISTRICT (R)

- 1115 1. Signs permitted in the Residential District shall be erected and maintained
1116 at least fifteen (15) feet from the street or road line.
- 1117 2. One non-illuminated sign, less than six (6) square feet in area for each
1118 dwelling.
- 1119 3. Any temporary non-illuminated sign, less than six (6) square feet in area,
1120 advertising the sale, lease or rental of the property.

1121 C. RETAIL COMMERCIAL DISTRICT (CR)

- 1122 1. Illuminated, or non-illuminated signs identifying the character of the
1123 establishment. No sign shall exceed fifty (50) square feet in area.

1124 D. HEAVY COMMERCIAL DISTRICT (CH)

- 1125 1. In a Heavy Commercial District, identification and advertising signs
1126 accessory to the allowed use are permitted except that each sign shall be
1127 limited to one hundred (100) square feet.

1128 **13-5. ELECTION SIGNS**

- 1129 A. Election signs are not authorized in any zoning district except for a period of thirty
1130 (30) days before a National, State, Village or local governmental subdivision
1131 election to which they apply, and such signs must be removed within a period of
1132 five (5) days after such election.

- 1133 B. No election signs shall be permitted on the public streets, parks, alleys, or other
1134 public areas.

1135

1136

1137 **13-6. DISCONTINUANCE OF USE**

1138 In the event the use or need of a sign shall cease, the sign shall be removed promptly
1139 and the area restored to a condition free from refuse and rubbish. After thirty (30) days
1140 notice and failure to do so, the village shall remove the sign and assess the charges to
1141 the owner.

1142
1143 **13-7. SIGN PERMITS**

1144 No sign shall be constructed, erected, remodeled, relocated, or expanded until a sign
1145 permit for such sign has been obtained, authorized, and signed by the Zoning
1146 Administrator. Such requirement shall pertain to both permanent and temporary signs.
1147 An application fee as may be adopted by resolution shall be submitted to the Village to
1148 cover processing. In addition, information pertinent to sign characteristics and
1149 dimensions must be presented to the Zoning Administrator sufficient to determine
1150 compliance with this Ordinance.

1151
1152 **13-8. EXEMPTIONS**

1153 The following signs shall be exempt from the requirements of this Article:

- 1154 A. Official signs such as legal notices and other instructional or regulatory signs
1155 having to do with health, hazards, parking, swimming, dumping, etc. that are
1156 erected, required, or authorized by the state or local governmental agency.
- 1157 B. Flags or emblems of a governmental or of a political, civic, philanthropic,
1158 educational, or religious organization displayed on private property.
- 1159 C. Memorial signs and tablets displayed on private property.
- 1160 D. Small signs, not to exceed three (3) square feet in area, displayed on private
1161 property for the convenience of the public, including signs to identify entrance
1162 and exit drives, parking areas, one-way drives, garage sales, and other similar
1163 signs.
- 1164 E. Score boards in athletic stadiums.
- 1165 F. Wayfinding signs and information kiosks.

ARTICLE 14
FLOODPLAINS

14-1. STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSES

A. STATUTORY AUTHORIZATION

The Legislature of the State of Nebraska has, in Section 31-1019 of the Revised State Statutes, assigned the responsibility to local governmental units to adopt, administer, and enforce flood plain management regulations which meet or exceed the minimum standards adopted by the State department. The authority of a local government to adopt flood plain management regulations in accordance with this section shall not be conditional upon a prior appointment of a Planning Commission or the adoption of a Comprehensive Plan. Therefore, the Village Board of the Village of Ansley, Nebraska, ordains as follows:

B. FINDINGS OF FACT

1. Flood Losses Resulting from Periodic Inundation. The flood hazard areas of Ansley, Nebraska, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base all of which adversely affect the public health, safety and general welfare.
2. General Causes of the Flood Losses. These flood losses are caused by:
 - a) The cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.
 - b) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

C. STATEMENT OF PURPOSE

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

1. Restrict or prohibit uses that are dangerous to health, safety or property in time of flooding or cause undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction.
3. Protect individuals from buying lands that are unsuited for intended purposes because of flood hazard.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

1207

1208 **14-2. LOCAL ADMINISTRATOR RESPONSIBILITIES**

1209 A. The Floodplain Administrator hereby has these additional responsibilities and is
1210 authorized and directed to enforce all of the provisions of this Article and all other
1211 articles of Ansley, Nebraska, now in force or hereafter adopted related to zoning,
1212 subdivision or building codes.

1213 B. The Floodplain Administrator shall be appointed to these additional
1214 responsibilities by resolution of the Village Board and the appointment shall
1215 continue during good behavior and satisfactory service. During temporary
1216 absence or disability of the Floodplain Administrator, the Village Board shall
1217 designate an acting administrator.

1218

1219 **14-3. DESIGNATION OF CURRENT FIRM**

1220 The Village of Ansley, Nebraska hereby designates the current Flood Insurance Rate
1221 Map and any revisions thereto, as the official map to be used in determining those areas
1222 of special flood hazard.

1223

1224 **14-4. FLOODPLAIN DEVELOPMENT PERMIT**

1225 No person, firm or corporation shall initiate any floodplain development or substantial
1226 improvement or cause the same to be done without first obtaining a separate permit for
1227 development as defined in this Article.

1228 A. Within special flood hazard areas on the official map, separate Floodplain
1229 Development Permits are required for all new construction, substantial
1230 improvements and other developments, including the placement of manufactured
1231 homes.

1232

1233 **14-5. APPLICATION**

1234 A. To obtain a floodplain development permit, the applicant shall first file an
1235 application therefore in writing on a form furnished for that purpose. Every
1236 application shall:

- 1237 1. Identify and describe the development to be covered by the floodplain
1238 development permit for which application is made.
- 1239 2. Describe the location of the development by lot, block, tract and street
1240 address, or similar description that will readily identify and definitely locate
1241 the proposed building or development.
- 1242 3. Indicate the use or occupancy for which the proposed development is
1243 intended.

4. Be accompanied by plans and specifications for proposed construction.
5. Be signed by the applicant or their authorized agent who may be required to submit evidence to indicate such authority.
6. Within designated floodplain areas, be accompanied by elevations of the lowest floor, including basement, or in the case of floodproofed non-residential structures, the elevation to which it shall be floodproofed. The Floodplain Administrator shall maintain documentation or certification of such elevations.
7. Provide other information as may be required by the Floodplain Administrator.

14-6. APPLICATION REVIEW

The Floodplain Administrator shall review all Development Permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State Law.

The Floodplain Administrator, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s) (as defined in Section 14-821) shall:

- A. Obtain, review and reasonably utilize, if available, any regulatory flood elevation data and floodway data available from Federal, State or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within special flood hazard areas on the official map that the following performance standards be met:
 1. Until a floodway has been designated, no development or substantial improvement may be permitted within the identified floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the 100-year flood more than one foot at any location.
 2. Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation.
 3. Non-residential Construction. New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated at least one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the

standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator.

4. Required for all new construction and substantial improvements. That fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
- b) The bottom of all opening shall be no higher than one (1) foot above grade.
- c) Openings may be equipped with screen, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Require the use of construction materials that are resistant to flood damage.

C. Require the use of construction methods and practices that will minimize flood damage.

D. Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

E. New structures shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

F. Assure that all manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Manufactured homes shall be anchored in accordance with State Laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirement (or their equivalent) shall be met:

- 1. Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at the intermediate locations and manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side.
- 2. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side.
- 3. All components of the anchoring system are capable of carrying a force of four thousand eight hundred (4,800) pounds.

- 1328 4. Any additions to manufactured homes are similarly anchored.
- 1329 G. Require that all manufactured homes proposed to be placed or substantially
1330 improved within special flood hazard areas shall be elevated on a permanent
1331 foundation such that:
- 1332 1. The lowest floor of the manufactured home is elevated at least one (1) foot
1333 above the base flood elevation;
- 1334 2. The manufactured home chassis is supported by reinforced piers or other
1335 foundation elements of at least equivalent strength that are no less than
1336 thirty-six (36) inches in height above the grade; and
- 1337 3. The manufactured home chassis is securely fixed to an adequately
1338 anchored foundation system in accordance with the provisions of Section
1339 14-806, Item F.
- 1340 H. Require that recreational vehicles placed on sites within the identified special
1341 flood hazard areas on the community's official map either:
- 1342 1. Be on the site for fewer than one hundred eighty (180) consecutive days,
1343 2. Be fully licensed and ready for highway use, or
1344 3. Meet the permit requirements and the elevation and anchoring
1345 requirements for manufactured homes of this Article.
- 1346 A recreational vehicle is ready for highway use if it is on its wheels, or its jacking system
1347 is attached to the site only by quick disconnect type utilities and security devices, and
1348 has no permanently attached additions.

1349

1350 **14-7. SUBDIVISION APPLICATIONS**

1351 The Village of Ansley Planning Commission, Floodplain Administrator, and Village
1352 Board shall review all subdivision applications in accordance with this Ordinance and
1353 this Article. Proposed developments shall:

- 1354 A. Include regulatory flood elevation data in special flood hazard areas within
1355 subdivision proposals and other proposed new developments (including
1356 proposals for manufactured home parks and subdivisions), greater than five (5)
1357 acres, or fifty (50) lots, whichever is less.
- 1358 B. Provide adequate drainage to minimize flood hazards.

1359 All public utilities and facilities in proposed developments shall be located where flood
1360 damage will be minimal or nonexistent.

1363 **14-8. WATER AND SEWAGE SYSTEMS**

1364 New and replacement water and sewage systems shall be constructed to eliminate or
1365 minimize infiltration by, or discharge into floodwaters. Moreover, on-site waste disposal
1366 systems will be designed to avoid impairment or contamination during flooding.

1367

1368 **14-9. STORAGE OF MATERIAL AND EQUIPMENT**

1369 The storage or processing of materials that are flammable, explosive or could be
1370 injurious to human, animal or plant life is prohibited. Storage of bouyant material or
1371 equipment may be allowed if they are firmly anchored to prevent flotation or if readily
1372 removable from the area.

1373

1374 **14-10. FLOOD-CARRYING CAPACITY WITHIN ANY WATERCOURSE**

1375 The Village Board will ensure that the flood-carrying capacity within the altered or
1376 relocated portion of any watercourse is maintained. The Village of Ansley will notify, in
1377 riverine situations, adjacent communities and the State Coordinating Office (Nebraska
1378 Department of Natural Resources) prior to any alteration or relocation of a watercourse,
1379 and submit copies of such notification to the Federal Emergency Management Agency.

1380

1381 **14-11. VARIANCE PROCEDURES**

- 1382 A. The Board of Adjustment as established by the Village Board shall hear and
1383 decide appeals and requests for variances from the requirements of this Article.
- 1384 B. The Board of Adjustment shall hear and decide appeals when it is alleged that
1385 there is an error in any requirement, decision, or determination made by the
1386 Village Board, in the enforcement or administration of this Article.
- 1387 C. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer
1388 may appeal such decision to the District Court for Custer County as provided in
1389 Section 23-168.04 of the Revised State Statutes.
- 1390 D. The Board of Adjustment shall consider all technical evaluations, relevant factors,
1391 standards specified in other sections of this Article, and:
- 1392 1. The danger that materials may be swept onto other lands to the injury of
1393 others;
- 1394 2. The danger to life and property due to flooding or erosion damage;
- 1395 3. The susceptibility of the proposed facility and its contents to flood damage
1396 and the effect of such damage on the individual owner;
- 1397 4. The importance of the services provided by the proposed facility to the
1398 community;
- 1399 5. The necessity to the facility of a waterfront location, where applicable;

- 1400 6. The availability of alternative locations, not subject to flooding or erosion
1401 damage, for the proposed use;
- 1402 7. The compatibility of the proposed use with existing and anticipated
1403 development;
- 1404 8. The relationship of the proposed use to the Comprehensive Plan and
1405 floodplain management programs for that area;
- 1406 9. The safety of access to the property in times of flood for ordinary and
1407 emergency vehicles;
- 1408 10. The expected heights, velocity, duration, rate of rise and sediment
1409 transport of the flood waters and the effects of wave action, if applicable,
1410 expected at the site; and
- 1411 11. The costs of providing governmental services during and after flood
1412 conditions including maintenance and repair of public utilities and facilities
1413 such as sewer, gas, electrical, and water systems, streets, and bridges.

1414

1415 **14-12. CONDITIONS FOR VARIANCE**

- 1416 A. Generally, variances may be issued for new construction and substantial
1417 improvements to be erected on a lot of one-half (1/2) acre or less in size
1418 contiguous to and surrounded by lots with existing structures constructed below
1419 the base flood level, providing Item B through Item D below have been fully
1420 considered. As the lot size increases beyond one-half (1/2) acre, the technical
1421 justification required for issuing the variance increases.
- 1422 B. Variances may be issued for the repair or rehabilitation of historic structures upon
1423 a determination that the proposed repair or rehabilitation will not preclude the
1424 structures necessary to preserve the historic character and design of the
1425 structure.
- 1426 C. Variances shall only be issued upon:
- 1427 1. A showing of good and sufficient cause,
- 1428 2. A determination that failure to grant the variance would result in
1429 exceptional hardship to the applicant, and
- 1430 3. A determination that the granting of a variance will not result in increased
1431 flood heights, additional threats to public safety, extraordinary public
1432 expense, create nuisances, cause fraud on or victimization of the public,
1433 or conflict with existing local laws or articles.
- 1434 D. The Floodplain Administrator shall issue a written notice informing the applicant
1435 that:
- 1436 1. Any construction below the base flood level increases the risk to life and
1437 property,
- 1438 2. Any construction below base flood level will result in increased premium
1439 rates for flood insurance, and

3. Such notification shall be maintained with the record of all variance actions.

14-13. NONCONFORMING USE

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of the Article, but which is not in conformity with the provisions of this Article may be continued subject to the following conditions:
1. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this Article.
 2. Uses or adjuncts thereof that are or become a nuisance shall not be entitled to continue as nonconforming uses.
- B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provision of this Article. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes and regulations, or the cost of any alteration of a structure listed on the *National Register of Historic Places* or a State inventory of historic places.

14-14. PENALTY FOR VIOLATION

Violation of the provision of this Article or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this Article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00), and in addition, shall pay all costs and expenses involved in the case. Each day of such violation shall be considered a separate offense.

Nothing herein contained shall prevent the Floodplain Administrator, the Village Board and the Village Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

14-15. ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Article to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this Article imposes greater restrictions, the provision of this Article shall prevail. All other articles inconsistent with this Article are hereby repealed to the extent of the inconsistency only.

1478 **14-16. INTERPRETATION**

479 No provision of this Article shall be interpreted as a limitation or repeal, of any other
1480 powers granted by Nebraska State Statutes to the Village of Ansley.

1482 **14-17. WARNING AND DISCLAIMER OF LIABILITY**

1483 The degree of flood protection required by this Article is considered reasonable for
1484 regulatory purposes and is based on engineering and scientific methods of study.
1485 Larger floods may occur on rare occasions or the flood height may be increased by
1486 man-made or natural causes, such as ice jams and bridge opening restricted by debris.
1487 This Article does not imply that areas outside floodplain district boundaries or land uses
1488 permitted within such districts will be free from flooding or flood damage. This Article
1489 shall not create liability on the part of the Village of Ansley, Nebraska, or any officer or
1490 employee thereof for any flood damages that may result from reliance on this Article or
1491 any administrative decision lawfully made thereunder.

1493 **14-18. SEVERABILITY**

1494 If any section, clause, provision or portion of this Article is adjudged unconstitutional or
1495 invalid by a court of competent jurisdiction, the remainder of this Article shall not be
1496 affected thereby.

1498 **14-19. APPEAL**

1499 The applicant may appeal directly to the Board of Adjustment if the Village Board denies
1500 a request for a Development Permit or a variance.

1502 **14-20. CONFLICTING ARTICLES**

1503 This Article shall take precedence over conflicting articles or parts of articles. The
1504 Village Board may, from time to time, amend this Article to reflect any and all changes in
1505 the *National Flood Disaster Protection Act of 1973*. The regulations of this Article are in
1506 compliance with the *National Flood Insurance Program Regulations* as published in Title
1507 44 of the *Code of Federal Regulations* and the *1983 Nebraska Floodplain Management*
1508 *Act*.

1510 **14-21. DEFINITIONS**

1511 Unless specifically defined below, words or phrases used in this Article shall be
1512 interpreted so as to give them the same meaning as they have in common usage and

so as to give this Article its most reasonable application. These definitions apply only to this Article.

1. BASE FLOOD. The flood having one percent (1%) chance of being equaled or exceeded in any given year.
2. BASEMENT. Any area of the building having a subgrade (below ground level) floor on all sides.
3. DEVELOPMENT. Any man-made 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 or storage of equipment or materials.
4. EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.
5. EXPANSION OF EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
6. FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a) The overflow of inland or tidal waters, or
 - b) The unusual and rapid accumulation or runoff of surface waters from any source.
7. FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium applicable to the community.
8. FLOODPLAIN. Any land area susceptible to being inundated by water from a source (see Flood).
9. FLOOD PROOFING. Any combination of structural and non-structural additions, changes or adjustments to structure that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
10. FLOODWAY. The channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
11. HISTORIC STRUCTURE. Any structure that is:
 - a) Listed individually in the *National Register of Historic Places* (a listing maintained by the Department of Interior) or preliminary

- 1556 determined by the Secretary of the Interior as meeting the
1557 requirements for individual listing on the *National Register*;
- 1558 b) Certified or preliminarily determined by the Secretary of the Interior
1559 as contributing to the historical significance of a registered historic
1560 district or a district preliminarily determined by the Secretary to
1561 qualify as a registered historic district;
- 1562 c) Individually listed on a state inventory of historic places in states
1563 with historic preservation programs which have been approved by
1564 the Secretary of the Interior;
- 1565 d) Individually listed on a local inventory of historic places in
1566 communities with historic preservation programs that have been
1567 certified either:
- 1568 i. By an approved state program as determined by the
1569 Secretary of the Interior, or
- 1570 ii. Directly by the Secretary of the Interior in States without
1571 approved programs.
- 1572 12. LOWEST FLOOR. The lowest floor of the lowest enclosed area (including
1573 basement). An unfinished or flood-resistant enclosure, usable solely for
1574 parking of vehicles, building access or storage, in an area other than a
1575 basement area, is not considered a building's lowest floor, provided that
1576 such enclosure is not built so as to render the structure in violation of the
1577 applicable non-elevation design requirements of this Article.
- 1578 13. MANUFACTURED HOME. A structure, transportable in one or more
1579 sections, which is built on a permanent chassis and is designed for use
1580 with or without a permanent foundation when attached to the required
1581 utilities. The term Manufactured Home does not include a recreational
1582 vehicle.
- 1583 14. MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or
1584 contiguous parcels) of land divided into two or more manufactured home
1585 lots for rent or sale.
- 1586 15. NEW CONSTRUCTION. For floodplain management purposes, structures
1587 for which the start of construction commenced on or after the effective
1588 date of the floodplain management regulations adopted by a community
1589 and includes any subsequent improvements to such structures.
- 1590 16. NEW MANUFACTURED HOME PARK OR SUBDIVISION. A
1591 manufactured home park or subdivision for which the construction of
1592 facilities for servicing the lots on which the manufactured homes are to be
1593 affixed (including at a minimum the installation of utilities, the construction
1594 of streets, and either the final site grading or the pouring of concrete pads)
1595 is completed on or after the effective date of floodplain management
1596 regulations adopted by a community.
- 1597 17. 100 YEAR FLOOD. The condition of flooding having a one percent (1%)
1598 chance of annual occurrence.

- 1599 18. PRINCIPALLY ABOVE GROUND. A structure where at least fifty-one
1600 percent (51%) of the actual cash value of the structure is above ground.
- 1601 19. RECREATIONAL VEHICLE. A vehicle which is:
- 1602 a) Built on a single chassis;
- 1603 b) Four hundred (400) square feet or less when measured at the
1604 largest horizontal projection;
- 1605 c) Designed to be self-propelled or permanently towable by a light
1606 duty truck; and
- 1607 d) Designed primarily for use not as a permanent dwelling but as
1608 temporary living quarters for recreational, camping, travel, or
1609 seasonal use.
- 1610 20. REGULATORY FLOOD ELEVATION. The water surface elevation of the
1611 100-year flood.
- 1612 21. SPECIAL FLOOD HAZARD AREA. The land in the floodplain within a
1613 community subject to one percent (1%) or greater chance of flooding in
1614 any given year.
- 1615 22. START OF CONSTRUCTION. (For other than new construction or
1616 substantial improvements under the coastal *Barrier Resources Act*)
1617 includes substantial improvement, and means the date the building permit
1618 was issued, provided the actual start of construction, repair,
1619 reconstruction, rehabilitation, addition, placement, or other improvement
1620 was within one hundred eighty (180) days of the permit date. The actual
1621 start means the first placement of permanent construction of a structure
1622 on a site, such as the pouring of slab or footings, the installation of piles,
1623 the construction of columns, or any work beyond the stage of excavation;
1624 or the placement of a manufactured home on a foundation. Permanent
1625 construction does not include land preparation, walkways; nor does it
1626 include excavation for a basement, footing, piers, or foundations or the
1627 erection of temporary forms; nor does it include the installation on the
1628 property of accessory buildings, such as garages or sheds not occupied
1629 as dwelling units or not part of the main structure. For a substantial
1630 improvement, the actual start of construction means the first alteration of
1631 any wall, ceiling, floor, or other structural part of a building, whether or not
1632 the alteration affects the external dimensions of the building.
- 1633 23. STRUCTURE. A walled and roofed building that is principally above
1634 ground, as well as a manufactured home, and a gas or liquid storage tank
1635 that is principally above ground.
- 1636 24. SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure
1637 whereby the cost of restoring the structure to its before-damaged condition
1638 would equal or exceed fifty percent (50%) of the market value of the
1639 structure before the damage occurred.
- 1640 25. SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation,
1641 addition, or other improvement of a structure, the cost of which equals or
1642 exceeds fifty percent (50%) of the market value of the structure before the

1643 Start of Construction of the improvement. This includes structures that
1644 have incurred Substantial Damage regardless of the actual repair work
1645 performed. This term does not, however, include either:
1646 a) Any project for improvement of a structure to correct existing
1647 violations of state or local health, sanitary or safety code
1648 specifications which have been identified by the local code
1649 enforcement official and which are the minimum necessary to
1650 assure safe living conditions, or
1651 b) Any alteration of a Historic Structure provided that the alteration will
1652 not preclude the structure's continued designation as a Historic
1653 Structure.
1654 26. VARIANCE. A grant of relief to a person from the terms of a floodplain
1655 management article.
1656 27. VIOLATION. The failure of a structure or other development to be fully
1657 compliant with the community's floodplain management regulations.
1658

ARTICLE 15

MOBILE HOMES AND MOBILE HOME PARKS

15-1. MOBILE HOMES

Mobile homes shall not be kept or maintained within the Corporate Limits of the Village of Ansley, except as otherwise permitted herein.

No mobile home shall be placed or parked on any single subdivided lot of record in a zoned Residential District, whether used as a residence, used or placed for storage, or otherwise.

Any presently existing mobile home placed or parked on any single subdivided lot of record in a zoned Residential District shall be permitted; provided, that any such existing mobile home that is removed or substantially damaged shall not be permitted to be replaced, repaired, or returned to or on any single subdivided lot of record unless the same is accomplished within thirty (30) days of the initial removal or damage. Failure to replace, repair, or return the mobile home within thirty (30) days shall be a forfeiture of the right to place or park a mobile home on the property.

This Ordinance is not intended to prohibit the storing of recreational or similar vehicles temporarily or seasonally.

15-2. MOBILE HOME PARKS

A. In the Residential District where mobile home parks are listed as conditional uses, the following standards shall apply, in addition to any other conditions that are attached as a result of the review process.

1. A certification of compliance with all resolutions, ordinances and regulations regarding mobile home park licensing, zoning, health, plumbing, electrical, building, fire prevention and all other applicable ordinances and regulations shall be a prior requirement for granting said conditional use. Such certification is to be approved and issued by the Planning Commission.
2. A mobile home park shall have an area of not less than two (2) acres.
3. Mobile home density shall not exceed six (6) units per acre.
4. The minimum lot size shall be five thousand (5,000) square feet for a single wide mobile home and six thousand (6,000) square feet for a double wide. The minimum lot width shall not be less than forty (40) feet.
5. The minimum separation between homes shall be twenty-five (25) feet measured from any entrance, lean-to or other extension.
6. There shall be two (2) off-street parking spaces per unit.
7. Minimum Street Width: When there is no parking on street, twenty-five (25) feet is the minimum improved width. When there is parking on one

- 1699 side of the street only, thirty (30) feet is the minimum improved width.
1700 When there is parking on both sides of the street, thirty-six (36) feet is the
1701 minimum improved width.
- 1702 8. All mobile home drives will be maintained by the owner in a satisfactory
1703 and safe condition with access to dedicated streets provided. Parks of
1704 over fifty (50) units may be required to provide additional access points for
1705 emergency access safety.
- 1706 9. Walkways shall be provided adjacent to streets on an interior system.
- 1707 10. Lights shall be provided with a minimum of 0.3 foot candles on all
1708 driveways and walks.
- 1709 11. All mobile homes in a mobile home park which are located in the
1710 Corporate Limits shall meet the requirements stipulated in Article 5-1, ,
1711 Item F. All mobile homes in a mobile home park which are located outside
1712 the Village Corporate Limits (within a one-half mile radius of the Village)
1713 shall meet the following utility requirements:
- 1714 a. Mobile home units shall not be served by individual water and
1715 sewer systems (individual is defined herein as one (1) well or
1716 cesspool, etc. per mobile home unit).
- 1717 b. A mobile home park shall be served by a municipal water and
1718 sewer system.
- 1719 12. Prohibited Uses and Structures: All uses prohibited in a Residential
1720 District on which a mobile home is located shall also be prohibited in a
1721 mobile home park.
- 1722 13. Fences, Hedges and Walls: The provision of Article 17-8 shall apply to
1723 mobile homes.
- 1724 14. Anchors and tie-downs shall be placed at least to each corner of the
1725 mobile home or trailer unit and at intervals not to exceed ten (10) feet and
1726 shall be able to resist the design wind pressures and in any event shall be
1727 able to sustain a minimum tensile strength of two thousand eight hundred
1728 (2,800) pounds. Wheels shall not be used for bearing pressures.
- 1729 15. Trash collection receptacles shall be provided and properly screened from
1730 view.
- 1731 16. Camper and boat storage shall be provided either adjacent to the mobile
1732 homes or in a central location. One hundred (100) square feet for each
1733 mobile home shall be provided.
- 1734 17. Fire protection services shall be specified at the time of the conditional
1735 permit review and shall be provided by either the Ansley Fire Department
1736 or Ansley Rural Fire District.
- 1737 18. No mobile home or office shall be located closer than ten (10) feet to a
1738 street right-of-way or other property line or at building setback line,
1739 whichever is greater. No service accessory building shall be located closer
1740 than three (3) feet to a street, right-of-way or other property or at building
1741 setback line, whichever is greater.

- 1742 19. A landscaping concept plan shall be submitted for review and approval.
1743
1744 20. There shall be bonding or guarantee, in a form and sum acceptable to the
1745 Village Attorney, assuring completion of plans according to the
1746 specifications approved by the Planning Commission.
1747
1748 21. All mobile home parks shall reserve and develop fifteen percent (15%) of
the total site for community park purposes if total site is in excess of five
(5) acres.
- 1749 B. Notwithstanding the provisions of the district regulations of this Ordinance, no
1750 mobile home shall be parked and occupied in any district outside an approved
1751 mobile home park more than forty-eight (48) hours except upon a special permit
1752 issued by the Village Board. Such permit shall be issued for a period not to
1753 exceed thirty (30) days and shall not be renewable within the same calendar
1754 year. Provided, however, a permit may be issued for parking and occupying a
1755 mobile home on land owned by the occupant or occupants during the
1756 construction of a house therein or for a period not exceeding one hundred eighty
1757 (180) days and which shall be renewable for an additional period not exceeding
1758 one hundred eighty (180) days. However, if material progress with home
1759 construction is not made within forty-five (45) days from the issuance of a permit,
1760 or if construction work closes for a consecutive period of forty-five (45) days, said
1761 permit shall become void. If the mobile home is being parked on the site waiting
1762 to be placed on and connected to a permanent foundation, the mobile home
1763 owner does not originally need a permit after thirty (30) days. If the mobile home
1764 has not been placed on and connected to a permanent foundation, a permit must
1765 be acquired in accordance with this provision. This provision shall not apply to
1766 single family mobile homes used as dwelling units for agriculture related
1767 purposes, or on a permanent foundation or recreational vehicles as defined in
1768 this Ordinance.
- 1769 C. No mobile home shall be moved on to or away from any mobile home park lot
1770 within the Village without first receiving a permit for that purpose.
1771

ARTICLE 16
DELETED

1772
773
1774

ARTICLE 17
SUPPLEMENTAL PROVISIONS

17-1. CONDITIONS REQUIRED PRIOR TO THE ISSUANCE OF PERMITS

- A. The proposed use shall be placed on a legally existing lot, said lot shall either have been in existence prior to the adoption of this Ordinance or if created after the adoption of this Ordinance, shall meet the provisions of this Ordinance and those of the Subdivision Ordinance if any lot is ten (10) acres or less in size.

17-2. ACCESS REQUIREMENTS

- A. Every building hereafter erected or moved, with the exception of non-residential agricultural related structures in the Agricultural District, shall be on a lot adjacent to a public street and all structures shall be so located on lots to provide safe and convenient access for servicing and fire protection.

17-3. MAINTENANCE OF MINIMUM LOT AREA, WIDTH AND SIZE REGULATIONS

- A. Where an individual lot was held in separate ownership from adjoining properties, or was platted prior to the effective date of this Ordinance in a recorded subdivision and has less area or less width than required in other sections of this Ordinance, such lot may be occupied according to the permitted uses provided for the district in which the lot is located, provided no lot area or lot width is reduced more than one-third (1/3) the zoning requirements otherwise specified by this Ordinance.
- B. For the purpose of complying with the provisions of this Ordinance, no part of an area or width of a lot shall be included as an area or width required for another lot.
- C. No lot shall have a front lot line or street frontage of less than twenty-five (25) feet, unless approved by the Planning Commission and Village Board.
- D. The minimum lot size requirements of the Agricultural, Commercial, and Residential Districts shall not apply to utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility offices, repair, storage or production facilities).

17-3.1 Lot Split Ordinance #518 passed 4-10-17

Flag Poles -

Policy ① 5' off property line

② plotting/Geodetic drawing

③ if near DOK L-O-W-copy of
sign off approval from
them

1811 **17-4. BUILDINGS ON THE SAME LOT**

1812 Only one principal building shall be permitted on any lot in the Residential, Commercial
1813 and Industrial district.

1814

1815 **17-5. EXCEPTIONS TO HEIGHT REGULATIONS**

1816 The height limitations contained herein shall not apply to spires, belfries, cupolas,
1817 antennas water tanks, ventilators, domes, chimneys, grain elevators and accessory
1818 agricultural structures, or other appurtenances usually required to be placed above the
1819 roof level and not intended for human occupancy.

1820

1821 **17-6. OUTSIDE STORAGE OF AUTOMOBILES, VEHICLES, & MOBILE HOMES**

1822 A. Automobiles and other vehicles which cannot meet state licensing standards for
1823 travel on public highways shall not be permitted as an accessory use in any
1824 zoning district unless otherwise provided herein or unless they are screened from
1825 public view from adjacent properties, streets, roads or highways.

1826 B. A mobile home shall not be stored in any required front or side yard.

1827

1828 **17-7. ACCESSORY USES**

1829 A. **GENERAL PROVISIONS**

1830 1. Accessory buildings shall not be used for dwelling purposes unless
1831 specifically permitted.

1832 2. Accessory uses shall comply with all requirements for the principal use
1833 except where specifically modified by these regulations.

1834 B. **YARD REGULATIONS**

1835 Side yard - same as district in which accessory use is located except an
1836 accessory building may be located in the side yard as close as five (5) feet to the
1837 property line providing it is located between the rear building line of the principal
1838 building and the rear property line.

1839 Front yard - no accessory building shall be located between the front building line
1840 of the principal building and the front property line.

1841 Rear yard - unless specifically permitted, no accessory building shall be located
1842 closer than five (5) feet from the rear property line or within ten (10) feet of any
1843 other building on adjacent properties, and no accessory building shall be located
1844 with any easement or right-of-way along the rear property line.

1845

ORDINANCE NO. 518

AN ORDINANCE TO ADOPT A PROCEDURE AND GUIDELINES GOVERNING REQUESTS FOR LOT SPLITS; TO REPEAL ORDINANCES OR PARTS OF ORDINANCE IN CONFLICT WITH THIS ORDINANCE; TO PRESCRIBE THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF ANSLEY, NEBRASKA, that:

Section 1. The Village of Ansley Board of Trustees deems it necessary to adopt a procedure and guidelines to govern requests for lot splits.

Section 2. The procedure and guidelines to govern requests for lot splits shall be incorporated into the Zoning Regulations of the Village of Ansley as an addition to **ARTICLE 17 SUPPLEMENTAL PROVISIONS** as **Section 17-3.1** and shall read as follows:

17-3.1 LOT SPLITS

- A. The intent of this section is to outline guidelines to consider requests for lot splits and to provide for the issuance of building permits on lots divided into not more than two tracts without having to replat said lot, provided that the resulting lots shall not again be divided without replatting. The Planning Commission may recommend approval or disapproval of lot splits in accordance with the following regulations.
- B. **Application Procedure**
 - 1. Requests for lot split approval shall be made by the owner of the land to the Secretary of the Planning Commission by submitting an application along with the following documents:
 - a. Four (4) copies of a certified survey of the lot(s) and the location of structure(s) shown with dimensions thereon together with the precise nature, location and dimensions of the proposed lot split, along with appropriate building setbacks per Ansley's Zoning Regulations.
 - b. The application shall be accompanied by a list of the names and addresses of all persons who own property within two hundred feet (200') of the property proposed to be split.
 - c. Written notices of the proposed lot split shall be given to all such owners by the applicant. Such owners shall have ten (10) days from the date of notification to notify the Planning Commission of any protests they may have concerning the lot split. The ten (10) day waiting period may be waived upon submission in writing of statements from those to be notified that they have no objection to the proposed lot split.
- C. **Approval Guidelines**

A recommendation for approval or disapproval of lot splits shall be made based on the following guidelines:

1. No lot split shall be allowed if:
 - a. A new street or alley right-of-way is needed or proposed.
 - b. A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
 - c. If 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.
 - d. There is less street right-of-way than required by these Regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
 - e. All easement requirements have not been satisfied.
 - f. If such split will result in a tract without a direct access to a street.
 - g. A substandard-sized lot or parcel will be created.
 - h. If the lot has been previously split in accordance with these Regulations.
 - i. If lot split will result in a building encroaching upon the setbacks required, based on Ansley's Zoning Regulations.
2. The Planning Commission may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policy. Requirements may include, but not be limited to, installation of public facilities, dedication of right-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.
3. The Planning Commission shall, in writing, either recommend approval with or without conditions or disapproval of the lot split within thirty (30) days of application to the Governing Body for final action. If approved, and after all conditions have been met, the Chairperson of the Board shall sign and furnish a certificate of approval to be affixed to the lot split survey and a certified copy thereof shall be filed with the Register of Deeds.

D. Fees

1. Cost of recording documents, publications, writs, and engineering costs are payable in addition to filing fees and said costs will be paid by the applicant.

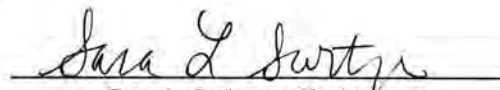
Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 10th day of April, 2017.

ATTEST:


Lanette C. Doane, Clerk

(Seal)


Sara L. Switzer, Chairperson

1846 C. VEHICLE ACCESS

347 In cases where the accessory structure entrance faces an alleyway, unless
1848 otherwise specifically permitted, any accessory building requiring vehicle access
1849 from an alleyway, shall be located a minimum of fifteen (15) feet from the rear
1850 property line.

1851 D. ATTACHED ACCESSORY USE

1852 Any accessory structure attached to the principal building shall be considered as
1853 a part of the principal building and shall meet the same requirements as specified
1854 for the principal building in said district.

1855 E. FIRE HAZARDOUS ACCESSORY USES

1856 No accessory use shall be located within ten (10) feet of a residential dwelling
1857 that creates a fire hazard or would subject the residential structure to a potential
1858 fire, such as a detached fireplace, barbeque oven, flammable liquid storage, etc.

1859 *Updated to #531*
5-6-19 *New Section adopted by Ordinance*
1860 **17-8. FENCES, HEDGES AND WALLS** *12-10-2012 → #489 (see attached 17-12)*

1861 A. Fences, hedges and walls may be permitted in the various districts as accessory
1862 uses in accordance with the following limitations:

- 1863 1. No fence, hedge, wall, or shrubbery in any district other than the
1864 Agricultural District, shall exceed six (6) feet in height, except as
1865 necessary to comply with Item 4 below concerning the enclosure of
1866 outdoor swimming pools.
- 1867 2. No fence, hedge, wall, or shrubbery shall interfere with the vision of
1868 motorists or adjacent property holders. On a corner lot in the Residential
1869 District, a sight triangle shall be provided such that nothing shall be
1870 erected, placed, planted, or allowed to grow in such a manner as
1871 materially to impede vision between a height of two and one-half (2-1/2)
1872 and ten (10) feet above the centerline grades of the intersecting streets in
1873 the area bounded by the street lines of such corner lots and a line joining
1874 points along said street lines fifty (50) feet from the point of the
1875 intersection.
- 1876 3. Fences separating residential land uses shall not exceed six (6) feet in
1877 height. Fences separating residential and non-residential land uses or
1878 between two non-residential land uses shall not exceed eight (8) feet in
1879 height unless otherwise specifically permitted.
- 1880 4. All outdoor swimming pools shall be enclosed by a fence or wall at least
1881 eight (8) feet but not more than ten (10) feet in height with a gate or gates
1882 which can be securely locked.

1883
1884

STATE OF NEBRASKA,)

COUNTY OF CUSTER, : ss. CERTIFICATE OF PASSAGE

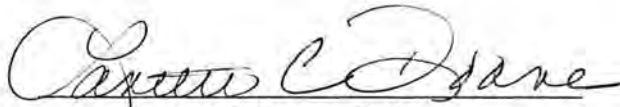
VILLAGE OF ANSLEY,)

*Possible
no wage/cargo
certification
ordinance*

I, Lanette C. Doane, Village Clerk of the Village of Ansley, Custer County, Nebraska, hereby certify that the annexed ordinance, purporting to be Ordinance No. 503 of said Village, was passed as such by the Chairperson and Board of Trustees of the Village of Ansley, Nebraska pursuant to the rules and regulations prescribed by general law and by said Village for the passage of ordinances and was duly approved by the Chairperson of the Board of Trustees of said Village, said passage and approval having been made on the 8th day of December 2014, with respect to said ordinance aforesaid.

I further certify that Ordinance No. 503 was published in pamphlet form within 15 days from December 8, 2014, and was posted in each of three public places in the Village of Ansley, Nebraska, to wit: the Security State Bank, the Village Clerk's Office and the United States Post Office.

In witness whereof, I have hereunto affixed my hand and seal of the Village of Ansley, Nebraska, this 8th day of December, 2014.


Lanette C. Doane, Clerk

(Seal)

ORDINANCE NO. 503

An ordinance to amend **Article 17, Supplemental Provisions**, of the Village of Ansley Zoning Regulations to establish requirements and restrictions on the use of portable storage/cargo containers in the Village of Ansley, Nebraska; to repeal all ordinances or parts thereof in conflict with this ordinance; to prescribe the time when this ordinance shall be in full force and effect.

The Planning Commission of the Village of Ansley, following a hearing as required by law, has recommended that the Zoning Ordinance of the Village of Ansley be amended to include Article 17-12. The Village Board of Ansley finds that it is in the best interest of the residents of the Village that Article 17, Supplemental Provisions, of the Zoning Ordinance of the Village of Ansley be amended to include Article 17-12.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF ANSLEY, NEBRASKA, that:

Section 1. After complying with all procedures required by law, Article 17 of the Zoning Regulations of the Village of Ansley, Nebraska, will be amended to read as follows:

17-12. PORTABLE STORAGE/CARGO CONTAINERS

A. Definitions –

Portable storage/cargo containers are defined in one of the following categories:

1. A large container designed, used, rented or leased for the storage or moving of commercial, industrial, or household goods that does not contain a foundation or wheels for movement. Examples of this use include piggyback containers that can be transported by mounting on a chassis, and “PODS”, MODS, etc., type boxes that can be transported on a flatbed or other truck; but do not include prefabricated sheds that are not designed for transport after erection, or commercial trailers used by construction or other uses in the regular performance of their business.
2. Containers designed for the collection and hauling of waste or debris, including but not limited to roll-off containers or boxes and bin containers (dumpsters).
3. Non-propelled, fully enclosed trailers that are designed or used to transport goods, material and equipment (semi-trailers).
4. For the purposes of this 17-12 section, temporary shall be considered a time not to exceed fourteen (14) days in a twelve (12) month consecutive period.

B. Portable Storage/cargo containers – Residential District

1. The use of a dumpster for a temporary period, as defined in this ordinance, will be allowed in the Residential District without a permit; however placement of the dumpster will be in accordance with the guidelines of this ordinance and other health and safety standards.
2. The owner or occupant of the residential lot or parcel on which the portable storage container will be used must first obtain an application from the Village Office and be granted a permit prior to the

placement of the container. The temporary placement of one (1) portable storage container not to exceed the size dimensions of eight feet (8') wide by eight feet six inches (8'6") high by sixteen feet (16') long on a residential lot for the purpose of loading and unloading household contents shall be permitted for a time not to exceed fourteen (14) days in a twelve (12) month consecutive period. Additional time is subject to approval by the Village Board following a recommendation by the Zoning Administrator on a case by case basis. Additional containers on the same site require approval by the Village Board following a recommendation by the Zoning Administrator and prior to placement. Portable storage containers shall not be used to store or transport non-residential materials and substances, including but not limited to the following: (1) contractors' materials and equipment, (2) solid waste, (3) hazardous materials, (4) explosives, and (5) unlawful substances and materials.

3. Portable storage containers shall not be used for long term or permanent storage.

4. The property must be occupied by a principal residential building.

5. If a portable storage container is placed in the front yard, then the portable storage container shall be located only in the area used for vehicular ingress and egress and must have a ten foot (10') setback from the edge of the curb. If no curb exists, the portable storage container shall have a ten foot (10') setback from the edge of the pavement. The portable storage container shall not block the sidewalk area. The preferred location is in the driveway of the residence, but in no case shall the container be placed in the street or encroaching on public right-of-way. Containers not placed in the front building setback shall be placed a minimum distance of five feet (5') from any side or rear yard property line.

6. Signs on any portable storage container shall be limited to not more than twelve (12) square feet each, not to exceed one (1) per side. Signage on the container shall not be used for advertising off-premise businesses other than the company that owns and operates the container business.

7. No sales shall be conducted from a portable storage container without prior Village Board approval.

8. All storage containers shall be clean and well maintained.

9. Storage containers shall not be stacked vertically.

10. All storage containers shall be located totally on the owner's lot, and no part shall be located on any public property.

11. Semi-trailers used for storage shall not be permitted in the Residential District.

C. Portable Storage/cargo containers – Commercial Retail and Commercial Heavy Districts

1. The owner or occupant of the commercial retail or commercial heavy lot or parcel on which the portable storage container will be used must first obtain an application from the Village Office and be granted a permit prior to the placement of the container. The use of dumpsters as defined in this ordinance will be allowed in the Commercial Retail and Commercial Heavy Districts without a permit; however placement of the dumpster will be in accordance with the guidelines of this ordinance and other health and safety standards.

2. Only portable storage/cargo containers not more than eight feet (8') in width, eight feet six inches (8'6") in height and not more than forty feet (40') in length are allowed in commercial retail and commercial heavy zoning districts. There will be no permanent placement of portable storage/cargo containers in commercial retail or commercial heavy districts. The time that portable storage containers can be allowed on a particular site shall be established by the Village Board following a recommendation from the Zoning Administrator.

3. Location of containers on the site shall be restricted to the location approved on the site plan by the Zoning Administration.

4. Containers approved for placement for a duration of twelve (12) months or more must be screened from view of any adjacent property and public streets in a manner approved by Village Board, following a recommendation from the Zoning Administrator, including, but not limited to fencing, berming, landscaping, or a combination thereof.

5. All storage containers shall be clean and well maintained.

6. Storage containers shall not be stacked vertically.

7. All storage containers shall be located totally on the owner's lot, and no part shall be located on any public property nor shall any part block a sidewalk.

8. Signs on any portable storage container shall be limited to not more than twelve (12) square feet each, not to exceed one (1) per side. Signage on the container shall not be used for advertising off-premise businesses other than the company that owns and operates the container business.

9. No sales shall be conducted from a portable storage container without prior Village Board approval.

Section 2. That Article 17, Supplemental Provisions, of the Zoning Regulations of the Village of Ansley, Nebraska shall be amended to include this ordinance, and all other ordinances of said Village or parts thereof in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Section 4. This ordinance shall be published in pamphlet form within 15 days from this date and also by posting a written copy in each of three places in the Village, to-wit: Security State Bank, the Village Clerk's Office and the United States Post Office.

Passed and approved this 8th day of December, 2014.

ATTEST:


Lanette C. Doane, Clerk


Travis Harrop, Chairperson pro-tem

ORDINANCE NO. 531

An ordinance to revise and establish requirements and restrictions for the construction and maintenance of **FENCES, HEDGES AND WALLS** in the Village of Ansley, Nebraska; to repeal Ordinance No. 489, and all ordinances or parts thereof in conflict with this ordinance; to prescribe the time when this ordinance shall be in full force and effect.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF ANSLEY, NEBRASKA, that:

Section 1. After complying with all procedures required by law, Section 17-8 of the Zoning Regulations of the Village of Ansley, Nebraska, will be amended to read as follows:

17-8. FENCES, HEDGES AND WALLS

Basic Requirements & Restrictions -

- 1) It is recommended to have your property surveyed by a licensed surveyor to positively identify and mark your property lines to avoid dispute. Property owners are responsible to locate property pins prior to any permit being issued. The Village of Ansley does not mediate disagreements between owners of private property.
- 2) All setbacks must be adhered to as per the Zoning regulations.
- 3) Permit Holder is responsible for calling Diggers Hotline of Nebraska prior to start of construction. The Permit Holder is responsible for scheduling all required inspections.
- 4) All fences must remain on the property and not extend beyond your property lines.
- 5) Installation of a fence may not obstruct any manhole or inlet cover nor disturb or impede existing drainage pattern/swale or natural water flow.
- 6) The finished side of the fence must face to the outside of the property. Visible supports and other structural components shall face in toward the subject property.
- 7) A fence height shall be measured from the top of the fence to the lowest grade at the base of the fence.
- 8) Every fence shall be maintained in a condition of reasonable repair and not be allowed to become or remain in a condition of disrepair including noticeable leaning or missing sections, broken supports, non-uniform height, and growing or noxious vegetation. The building and zoning administrator may order any dilapidated, dangerous, or non-conforming fence removed at the owner's expense.
- 9) Any fence, hedge or wall shall provide access to utility workers for meter reading and maintenance of the utility.
- 10) Electric and barbed wire fences are prohibited.
- 11) No fencing shall conflict with the requirements of the clear vision area for streets and driveways. Fencing within a vision clearance shall not create a visual obstruction.
- 12) Fences in a front yard shall contain openings constituting no less than 50% of the surface area and shall be situated or constructed in such a way as not to obstruct the vehicular traffic or otherwise create a traffic hazard.
- 13) Fences shall not be closer than six inches (6") to any property line. Perennial plantings shall not be planted closer than two and one-half (2-1/2') to any property line.

DEFINITIONS:

- A. **Fence:** Any vertical structure, other than a building or plant material which is for the purpose of obstructing visual observation, or for the purpose of obstructing pedestrian, automotive or animal movement, or for the purpose of beautification, and which is attached to the ground or to a building, but excluding retaining walls.
- B. **Open Fence:** A fence where the design contains openings that constitute not less than fifty percent (50%) of the surface area of the fence. The surface area is the product of a length of fence measured from the inside edge of one support post or column to the inside edge of the next adjacent support post or column; times the height of the same section of fence.
- C. **Closed Fence:** A fence where the design of the fence has more than fifty (50%) percent of the surface area closed.
- D. **Front Yard:** That portion of the property that is adjacent to a street.
- E. **Back Yard:** That portion of the property that is on the opposite end of the front yard.
- F. **Side Yard:** The portion of the property that is between the front and back yards.

- A. Fences, hedges and walls may be permitted in all districts as accessory uses in accordance with the following limitations:

- 1. The **maximum** height for fences, hedges, and walls in any district other than the Agricultural District on the perimeter shall be as follows:

CORNER LOTS:

Front Yard - Forty-eight inches (48") or four feet (4') in height.

Street Side Yard - Forty-eight inches (48") or four feet (4') in height.

Non-Street Side Yard - Six feet (6') from the rear property line to the front corner of the house, then forty-eight inches (48") or four (4) feet in height.

Rear Yard - Six feet (6') in height from corner of house to non-street side and four feet (4') in height on street side

OTHER LOTS:

Front Yard - Forty-eight inches (48") or four feet (4') in height.

Side Yard - Six feet (6') from rear property line to the front corner of the house, then forty-eight inches (48") or four feet (4') in height.

Rear Yard - Six feet (6') in height.

- 2. No fence, hedge, wall, or shrubbery shall interfere with the vision of motorists or adjacent property holders. On a corner lot in the Residential District, a sight triangle shall be provided such that nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of

such corner lots and a line joining points along said street lines forty (40) feet from the point of the intersection.

3. Fences separating residential and non-residential land uses are not to exceed forty-eight inches (48") or four feet (4') at the front corners of the house. Fences between two non-residential land uses shall not exceed eight (8) feet in height unless otherwise specifically permitted.
4. All outdoor swimming pools shall be enclosed by a fence or wall at least eight (8) feet but not more than ten (10) feet in height with a gate or gates, which can be securely locked.
5. All fencing and fencing material must be submitted on an application for a fence permit and approved by the building inspector before construction. Fences shall be constructed of commonly accepted fence building materials for residential fences such as, but not limited to: split rail, treated lumber for cross boards and verticals, concrete, stone, masonry, vinyl, wrought iron, and chain link fence with a stabilizing top rail. Fences shall not be constructed of material not commonly used for residential fences such as non-treated or natural wood products, metal, fiberglass, barbed wire, wooden pallets, chicken wire, or corrugated metals. All structures must have a neat, professional and finished appearance. Examples of posts that can be used are pressure treated, vinyl, galvanized pipe, and wrought iron. Examples of post materials that cannot be used are creosote farm posts, t-posts, electric fence rods, and fiberglass rods. All other materials must be submitted on an application for a fence permit for approval. The Planning and Zoning Commission may approve other materials.
6. No shrubs, trees, bushes, or other plant material shall be planted, maintained, allowed to grow and no structure shall be erected so as to hinder vision in the vicinity of an intersection of two streets, within a sight distance triangle bounded by the edges of the roadway or the curb on the two sides and a line diagonally across the corner lot meeting the edges of the roadway or the curb forty (40) feet from their intersection at the corner. To hinder vision shall be taken to mean that said plant material has leaves, needles, branches or other foliage during any period of the year, and structures of any type as defined in the zoning ordinance exist, between levels two and one-half (2-1/2) feet and ten (10) feet above the crown of the street adjacent.

These regulations apply only to new construction; any non-conforming fences, unless dilapidated and/or dangerous shall not be affected. Fences must follow the same setbacks as outlined for accessory buildings. No fence shall be erected, constructed, or moved until a fence permit shall have been procured from the Building Inspector. Application for a fence building permit shall include a sketch of

the lot, the location of any buildings on the lot, the proposed fence and sufficient dimensions to accurately locate these features.


Section 2. That Section 17-8 of the Zoning Regulations of the Village of Ansley, Nebraska and all other ordinances of said Village or parts thereof in conflict with this ordinance are hereby repealed.


Section 3. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Section 4. This ordinance shall be published in pamphlet form within 15 days from this date and also by posting a written copy in each of three places in the Village, to-wit: Security State Bank, the Village Clerk's Office and the United States Post Office.

Passed and approved this 6thth day of May, 2019.

ATTEST:


Sara L. Switzer, Chairperson


Lanette C. Doane, CMC

(Seal)

1885 **17-9. HOME OCCUPATIONS**

- 1886 A. A home occupation may be allowed as a permitted accessory use provided all of
1887 the following conditions are met;
- 1888 1. Home occupations shall not occupy more than thirty percent (30%) of the
1889 total floor area of the main building, or if located in an accessory building,
1890 shall not occupy more than fifteen percent (15%) of the total lot area.
- 1891 2. The operation shall not substantially increase traffic in the area.
- 1892 3. There shall be no offensive noise, vibration, smoke, dust, odors, heat, or
1893 glare noticeable at or beyond the property line.
- 1894 4. Such use shall be conducted entirely within a dwelling and carried on by
1895 the inhabitants living and no others.
- 1896 5. Such use shall be clearly incidental and secondary to the use of the
1897 dwelling for the dwelling purposes and shall not change the character
1898 thereof.
- 1899 6. Signs and other advertising shall comply with the provisions of Article 7.
- 1900 7. There shall be no exterior storage on the premises of material or
1901 equipment used as a part of the home occupation.
- 1902 8. A home occupation shall provide additional parking area adequate to
1903 accommodate all needs created by the home occupation and shall be
1904 subject to review by the Planning Commission.

1905

1906 **17-10 ANIMAL FEEDING OPERATIONS AND CONFINED ANIMALS**

- 1907 A. Animal feeding operations shall be defined as the confined feeding of food, fur, or
1908 pleasure animals in buildings, lots, pens, pools or ponds, which normally are not
1909 used for the raising of crops or for grazing animals. For the purpose of this
1910 Ordinance, the term animal feeding operations shall include the confined feeding
1911 of one hundred (100) or more beef cows, one hundred (100) or more dairy cattle,
1912 five hundred (500) or more swine, two thousand (2,000) or more sheep, three
1913 thousand (3,000) or more turkeys, or ten thousand (10,000) or more chickens,
1914 ducks, or geese.
- 1915 B. No animal feeding operation shall be located within one thousand (1,000) feet of
1916 an existing agricultural residential structure other than that of the owner, operator
1917 or employee of the animal feeding operation nor shall a residential structure other
1918 than that of the owner, operator or employee be located within one thousand
1919 (1,000) feet of an existing animal feeding operation.
- 1920 1. Animal feeding operations and dairies shall be set back from any State or
1921 Federal highway right-of-way not less than fifty (50) feet and from any
1922 county road not less than twenty-five (25) feet.
- 1923 2. A hedge, windbreak or other planting of trees shall be planted and
1924 maintained in the fifty (50) foot setback area along the State and Federal

1925 highways. This landscaping shall be used to visually screen animal
1926 feeding operations from public view.

1927 3. Prior to issuance of a building permit, the applicant shall show that the
1928 proposed operation will satisfy the current standards applied to animal
1929 feeding operations or dairies by the Nebraska Department of
1930 Environmental Quality.

1931

1932 **17-11. WELL HEAD PROTECTION AREAS**

1933 Within those Well Head Protection Areas approved and regulated by the Nebraska
1934 Department of Environmental Quality, any proposed septic systems, sanitary waste
1935 water systems, animal feeding operations (both confined and open), sanitary landfills,
1936 slaughter houses, livestock auction houses, or similar use that may contaminate the
1937 ground water, shall only be allowed under Article 4.

ARTICLE 18

COMMUNICATION TOWER REGULATIONS

18-1. CONDITIONAL USE PERMIT REQUIREMENT

Notwithstanding anything to the contrary contained herein, in all instances a Conditional Use Permit which fulfill the minimum and special requirements mentioned herein, must be obtained with the affirmative vote of Village Board before any radio, television, personal wireless services or facilities may be constructed or operated within the jurisdiction of the Village.

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal government with the authority to regulate towers and antennas.

18-2. MINIMUM REQUIREMENTS

A. The placement of wireless communication antennas or towers must comply with the following requirements:

1. The antennas or tower will not interfere with the purpose for which the property is intended;
2. The antennas or tower will have no significant adverse impact on surrounding private property.
3. The user must obtain all necessary land use approvals and permits.

18-3. SPECIAL REQUIREMENTS

A. The placement of wireless telecommunication antennas or towers on water tower sites will be allowed only when the following additional requirements are met:

1. The applicant's access to the facility will not increase the risks of contamination to the Village's water supply;
2. There is sufficient room on the structure and/or on the grounds to accommodate the applicant's facility;
3. The presence of the facility will not increase the water tower or reservoir maintenance cost to the Village; and
4. The presence of the facility will not be harmful to the health of workers maintaining the water tower or reservoir.

B. In no case shall towers or antennas be allowed in designated prairie or other conservation or wildlife area unless they are to be installed in areas, which currently contain tower facilities or antennas, and in no case shall towers or

1975 antennas be allowed in areas without road access to the base of the tower,
1976 antenna support structure or facilities.

1977 C. Tower setbacks shall be measured from the property line of the parcel on which it
1978 is located to the base of the tower. The setback shall not be less than one
1979 hundred ten percent (110%) of the tower height as measured from the ground
1980 level.

1981 D. Towers shall have a color generally matching the surroundings or background
1982 that minimizes their visibility, unless a different color is required by the FCC or
1983 FAA.

1984 E. No signals, lights or signs shall be permitted on towers unless required by the
1985 FCC or the FAA. No banners or similar devices or materials may be attached to
1986 the towers, antenna support structure or antennas.

1987 F. Ground level equipment, buildings, and the tower base shall be screened from
1988 public streets and residentially zoned properties and shall not encroach in the
1989 building setback. Landscaping shall be required to screen as much of the support
1990 structure as possible. The Village may permit any combination of existing
1991 vegetation, topography, walls, decorative fences or other features instead of
1992 landscaping, if they achieve the same degree of screening as the required
1993 landscaping. If the antenna is mounted on an existing building, and other
1994 equipment is housed inside an existing structure, landscaping shall not be
1995 required.

1996 In the event the use of any tower or antenna has been discontinued for a period of sixty
1997 (60) consecutive days, the tower or antenna shall be deemed to be abandoned. Upon
1998 such abandonment, the operator of the tower or antenna shall dismantle and remove
1999 the tower or antenna. If such tower or antenna is not removed within said sixty (60)
2000 days from the date of abandonment, the Village may remove such tower or antenna, in
2001 accordance with applicable law, at the facility owner's expense.

ARTICLE 19

WIND ENERGY SYSTEMS

19-1. GENERAL STANDARDS

All Wind Energy Systems (WES) located within the Extra Territorial Jurisdiction of the Village of Ansley shall conform to the following general standards:

- A. Clearance of rotor blades or airfoils for commercial / utility Wind Energy Systems must maintain a minimum of twenty (20) feet of clearance between their lowest point and the ground. Noncommercial WES shall have a minimum clearance of twelve (12) feet between their lowest point and the ground.
- B. On site signage shall be limited to identification signs not to exceed six (6) feet and high voltage warning signs.
- C. All wind turbines part of a commercial / utility WES shall be installed with a monopole tower.
- D. All commercial / utility WES shall obtain a FAA permit and comply with all aviation warning requirements established by the FAA regulations and permit.
- E. All commercial / utility WES shall be white, grey or other neutral non obtrusive, non reflective color. Blades may be black in order to facilitate deicing.
- F. All on site communication and transmission feeder lines installed as part of the commercial / utility WES shall be underground.
- G. Commercial / utility WES shall not exceed fifty (50) dba at the nearest occupied dwelling.
- H. Commercial / utility WES shall obtain FCC permits where necessary and provide evidence of permit approval.
- I. The commercial / utility WES, at the time of application for a conditional use, shall identify all county roads to be used for construction and maintenance of a WES. The conditional use applicant in coordination with the Ansley Street Commissioner shall conduct a road condition survey and written report prior to construction. The conditional use applicant shall be responsible for restoration of the road(s) and bridges to preconstruction standards as established in the report. The applicant shall be responsible for the cost of retaining outside engineering firm(s) to evaluate road condition and cost for restoration if so determined by the Planning Commission.
- J. The commercial / utility WES applicant shall be responsible for immediate repair of damage to drainage or irrigation systems stemming from construction, operation or maintenance of the WES.
- K. Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as oils, lubricants and solvents shall

- 2041 be removed from the site promptly and disposed of in accordance with all
2042 applicable local, State and Federal regulations.
- 2043 L. A commercial / utility WES shall provide a decommissioning plan to the Village
2044 Board at the time application is made. The plan shall include the method or
2045 means of removing the WES and accessory facilities, parties responsible for
2046 removal and site cleanup, evidence of a damage insurance liability policy,
2047 schedule for removal not to exceed ninety (90) days from approval of the plan.
2048 The applicant shall set aside three-fourths (3/4) of one percent (1%) of each
2049 towers' cost for future decommissioning upon approval of the application by the
2050 Village Board. The funds are to be placed in a cash escrow account with a local
2051 bank.
- 2052 M. A Conditional Use Permit for a commercial / utility WES shall be reviewed each
2053 year on the anniversary of issuance. A Conditional Use Permit for a commercial
2054 / utility WES shall be considered null and void if the WES has not begun within
2055 one (1) year following issuance of the WES Conditional Use Permit or produced
2056 energy for one (1) year, unless a plan is submitted to the Planning Commission
2057 outlining the steps and schedule for returning the WES to service.
- 2058 N. A contractual agreement referred to as a Developers Agreement between the
2059 Village Board and the commercial WES developer shall be created and made
2060 part of the Conditional Use Permit. The agreement shall detail road
2061 improvements, road reconstruction, additional right-of-way needs, location of
2062 transmission lines, easements, bond and payment requirements.

2063

2064 **19-2. NONCOMMERCIAL WIND ENERGY SYSTEMS**

- 2065 All noncommercial wind energy systems located within the Extra Territorial Jurisdiction
2066 of the Village of Ansley shall conform to the following standards:
- 2067 A. Shall be systems installed to provide for full or partial onsite consumption of utility
2068 supplied electricity.
- 2069 B. Setbacks: Noncommercial WES shall be located in the rear yard of all
2070 Residential Districts; further, all towers shall adhere to the setbacks found in
2071 Table 2 within this Chapter.
- 2072 C. Tower Height: In all districts except the Agricultural District tower heights shall
2073 not exceed thirty (30) feet. Any tower exceeding thirty (30) feet shall be required
2074 to submit an application for conditional use. In the Agricultural District there is no
2075 height limitation except that imposed by FAA regulations.
- 2076 D. Noncommercial WES shall not exceed fifty (50) dba, as measured at the closest
2077 neighboring inhabited dwelling unit. Temporary exceptions may include severe
2078 wind storms or power outages requiring higher demand.
- 2079 E. Compliance with this Ordinance:
- 2080 1. All noncommercial WES will require a permit.

- 2081 2. Permit application will include an engineered drawing showing compliance
2082 with nationally recognized building codes. The permit shall include
2083 standard drawings of the tower structure, turbine structure, footings, guy
2084 wire anchors and a professional engineers stamp.
- 2085 3. Evidence of notification to the servicing utility informing the utility that the
2086 noncommercial WES will be connected to the utilities grid.
- 2087 4. Evidence that noncommercial WES, when located within one thousand
2088 three hundred and twenty (1,320) feet of the South Platte River, has
2089 complied with the requirements found in Checklist 1 below.

2090

2091 **19-3. METEOROLOGICAL TOWERS**

2092 All meteorological towers located within the Extra Territorial Jurisdiction of the Village of
2093 Ansley shall conform to the following standards:

- 2094 A. Shall be towers which are erected primarily to measure wind speed, direction,
2095 and record other data relevant to the site of a commercial WES.
- 2096 B. Meteorological towers shall be sited according to Table 1 within this Chapter.
- 2097 C. Meteorological towers shall be a conditional use and follow the same process as
2098 outlined in Section 14-1204, Item B.
- 2099 D. Meteorological towers, permanent or temporary, in excess of two hundred (200)
100 feet in height, shall meet all FAA requirements and shall be required to apply for
2101 a permit prior to construction. Meteorological towers less than two hundred (200)
2102 feet in height shall have the guy wires clearly marked with devices common to
2103 overhead transmission lines and shall be required to apply for a permit prior to
2104 construction.
- 2105 E. Setbacks: All meteorological towers shall adhere to the setbacks established in
2106 Table 2 below.

2107

2108 **19-4. COMMERCIAL / UTILITY WIND ENERGY SYSTEMS**

2109 All commercial/utility wind energy systems located within the Extra Territorial
2110 Jurisdiction of the Village of Ansley shall conform to the following standards:

- 2111 A. Commercial/utility WES shall be permitted as conditional uses within the districts
2112 as seen in Table 1 below.
- 2113 B. The request for a Conditional Use Permit shall include the following:
- 2114 1. Name(s) of project applicant.
- 2115 2. Name(s) of project owner.
- 2116 3. Legal description of the project.
- 2117 4. Documentation of land ownership or lease of the property.

5. Site plan showing property lines, setbacks, proposed accessory buildings, wind turbine locations, transmission lines, adjacent subdivisions, homes or other structures, county and service roads, legend and scale, signature of surveyor or engineer.
6. Narrative description of the project including number, type, generating capacity, tower height, rotor diameter, total height of all wind turbines including meteorological towers, height of transmission lines and capacity, lastly proposed users of project.
7. Overview map of the area showing topography, location of WES owned or not owned by the applicant, public or private airfields within one mile of the proposed WES and other communication towers.
8. An acoustical report that certifies the WES will meet the noise requirements of this ordinance.
9. Evidence that other tower owners or lessees have been notified of the proposed WES and there will not be interference in communications.
10. An Environmental Assessment Worksheet shall be prepared by a qualified environmental engineering firm when a commercial WES is located within avian migratory routes. The Environmental Assessment Worksheet shall contain an avian assessment, map of the migratory routes and recommended mitigation practices.
11. A decommissioning plan as required by this Ordinance (refer to Section 14-1201, Item L).
12. Meteorological and commercial/utility towers located within one (1) mile of the South Platte River shall submit an Environmental Assessment Worksheet from the U.S. Environmental Protection Agency. Further a Conditional Use Permit shall not be issued until the applicant has completed Checklist 2 below.
13. There shall be a flicker/strobe effect study provided.

C. Aggregated Projects:

1. Aggregated projects may be jointly submitted as a single application and reviewed as a single application, including public notices, public hearing and subsequent approvals or denials.
2. Permits may be issued and recorded separately.
3. Aggregated projects proposed shall be considered conditional uses and follow the requirements of Section 14-1204, Item B.

D. Joint projects will be assessed as one project.

E. Setbacks: All commercial/utility towers shall adhere to the setbacks found in Table 2 below.

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CHECKLIST 1

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Small Wind Energy Systems

	U.S. Fish and Wildlife
	Nebraska Game and Parks
	Nebraska State Historical Society
	Custer Public Power District
	Village of Ansley Utilities

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CHECKLIST 2

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Commercial Wind Energy Systems

	U.S. Fish and Wildlife
	U.S. Army Corps of Engineers
	Federal Aviation Agency
	Nebraska Game and Parks
	Nebraska State Historical Society
	Nebraska Department of Natural Resources
	Nebraska Department of Roads
	Custer Public Power District
	Village of Ansley Utilities

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TABLE 1

Zoning District	Meteorologic al Tower	Non Commercial	Commercial
Agricultural District (A)	Conditional Use	Permitted	Conditional Use
Residential District (R)	Not Permitted	Conditional Use	Not Permitted

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TABLE 2

	Wind Turbine, Non Commercial	Commercial and Utility WES	Meteorological Towers <i>cell includes towers</i>
Property Lines	1.1 times the total height.	½ blade diameter or 150', whichever is greater	1.1 times the tower height
All Road Rights- of-Way**	1.1 times the total height.	½ blade diameter or 150', whichever is greater	1.1 times the tower height
Other Public or Private Utility Easements	1.1 times the total height.	½ blade diameter or 150', whichever is greater	1.1 times the tower height
Public and Private Airfields	Per FAA regulations	Per FAA regulations	Per FAA regulations
South Platte River	Within 1,320' of top of riverband. See Checklist 1.	Within 1 mile of top of riverbank. See Checklist 2.	Within 1 mile of top of riverbank. See Checklist 2.
Irrigation Canals	1.1 times the total height.	½ blade diameter or 150', whichever is greater	1.1 times the tower height

*The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a common Wind Energy System.

**The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-way is known.

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ARTICLE 20
BOARD OF ADJUSTMENT

20-1. BOARD OF ADJUSTMENT

- A. A Board of Adjustment is hereby created for the purpose of reviewing and action on all appeals by any person, group organization, public or private, affected by a decision of the Zoning Administrator. The Board of Adjustment shall consist of five members appointed by the Board of Trustees for terms of three years each, except that the first members shall be appointed for terms varying respectively from one to three years in order that the term of not more than one member shall expire each year. One member of the Board of Adjustment shall be designated by the Board of Trustees as Chair and shall hold office as Chair, until a successor is appointed.
- B. The Board of Adjustment shall meet at the call of the Chair and at such other times as it may determine. The Board of Adjustment shall keep minutes of its proceedings, including findings of fact, all its determinations and decisions, the reasons therefor, and the vote of each member upon every question. Minutes shall be filed in the office of the Village Clerk and shall be a public record.
- C. An appeal, to the Board of Adjustment, may be filed with the Zoning Inspector by for review and action by the Board of Adjustment within such time as prescribed by the Board by general rule. A fee to be determined by the Board shall be paid by the appellant when filing the appeal.
- D. The Board of Adjustment shall have the following powers:
1. To hear, review and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Ordinance.
 2. To hold public hearings on and recommend to the Board of Trustees the authorization of the following exceptions to or variations of this Ordinance.
 3. To interpret the provisions of this Ordinance in such a way as to carry out its intent and purpose as shown in the Zoning Map.

ARTICLE 21

ADMINISTRATION, AMENDMENT AND ENFORCEMENT

21-1. ADMINISTRATION AND ENFORCEMENT

A. It shall be the duty of the person designated by the Chair of the Board of Trustees as Zoning Inspector to administer and enforce the regulations contained herein, except that all land subdivisions shall be reviewed by the Planning Commission and approved by the Board of Trustees.

B. No building shall be undertaken without a building permit and without an occupancy permit as required by this section. Application for a building permit shall be accompanied by a plat in duplicate, drawn to scale, showing the name of the applicant, the actual dimensions of the lot to be built upon as shown by a survey, the size, shape and location of the building to be erected, and such other information as may be necessary for the enforcement of this Ordinance. A record of applications and plats shall be kept in the office of the Zoning Inspector.

Subsequent to the effective date of this Ordinance no change in the use or occupancy of land, or in the use or occupancy of an existing building other than for single-family dwelling purposes shall be made, nor shall any new building be occupied until a certificate of occupancy is issued, which shall state that the new occupancy complies with all provisions of this Ordinance.

No permit for excavation for, or the erection or alteration of, any building shall be issued before application has been made and approved for a certificate of occupancy and compliance, and no building or premises shall be occupied until such certificate and permit is issued. A record of all certificates of occupancy shall be kept on file in the office of the Zoning Inspector.

21-2. AMENDMENT

A. The Board of Trustees may from time to time amend this Ordinance in the manner prescribed by law and by the statutes of the State of Nebraska. No such amendment shall be made until after it has been referred to the Planning Commission and a report has been received from said Commission concerning the effect of said amendment upon the Village and the health, safety and welfare of the inhabitants thereof.

B. On every zoning amendment the Commission shall hold a public hearing as required by law and is hereby designated as the body to hold such hearings. If no report is received from the Commission in 60 days, it may be assumed that said Commission has approved the amendment.

Before any action shall be taken as provided in this section, the party or parties proposing a change in the zoning regulations or district boundaries shall make a cash deposit to be determined by the Board payable to the Village Clerk to cover the cost of this procedure, and under no condition shall said deposit or any part thereof be refunded for failure of said charge to be adopted by the Board of Trustees.

21-3. INTERPRETATION

- A. The minimum requirements and provisions of this Ordinance, as interpreted shall be applied for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare of the Village of Ansley. The provisions of this Ordinance shall not interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except when the provisions of this Ordinance impose a greater restriction, in which instance, the latter shall apply..
- B. Where uncertainty exists with respect to the boundaries of a district as shown on the Zoning Map, the following rules shall apply:
1. The district boundaries are either streets or alleys unless otherwise shown, and where the district designated on the map is bounded approximately by street or alley lines, the street or alley shall be construed to be such boundary.
 2. Where the district boundary is not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, such boundary shall be construed to be the lot lines, and where the district designated on the district map is bounded approximately by lot lines, such lot lines shall be construed to be the boundary of the district unless otherwise indicated on the map.
 3. In un-subdivided property the district boundary shall be determined by use of the scale appearing on the map.

21-4. VIOLATION AND PENALTY

- A. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of, any of the provisions of this Ordinance shall, upon conviction, be fined for each offense and payable to the Board by the offender. The amount of the fine shall be determined by the Board. The daily continuance of each violation shall constitute a separate offense.
- B. The Board shall institute appropriate action and other remedies by appropriate authorities of the Village to prevent unlawful erection, construction,

2279 reconstruction, alteration, conversion, maintenance, use and occupancy of any
30 building, structure or land which is in violation of this Ordinance.

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ARTICLE 22
VALIDITY

22-1. VALIDITY

If any part or parts of this Ordinance shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Ordinance. The Board of Trustees hereby declares that it would have passed the remaining parts or this Ordinance if it had known that such part or parts thereof would be declared unconstitutional.

22-2. CONFLICTING ORDINANCES REPEALED

Any ordinances or parts of ordinances in conflict herewith are hereby repealed.

ARTICLE 23

FORCE AND EFFECT

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2298 **23-1. FORCE AND EFFECT**

2299 This Ordinance shall be in full force and effect from and after its publication as provided
2300 by law.

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Village of Ansley

Zoning Map



2/24/2011 4:05:20 PM Path: G:\Projects\3381338-G1-001-004\Ansley GIS\Digit Study GIS\Zoning MAP-Large.mxd

Legend

- R** RESIDENTIAL DISTRICT
- CR** RETAIL COMMERCIAL DISTRICT
- CH** HEAVY COMMERCIAL DISTRICT
- O** PARKS & OPEN SPACES DISTRICT
- A** AGRICULTURAL DISTRICT



Village of Ansley

Land Use



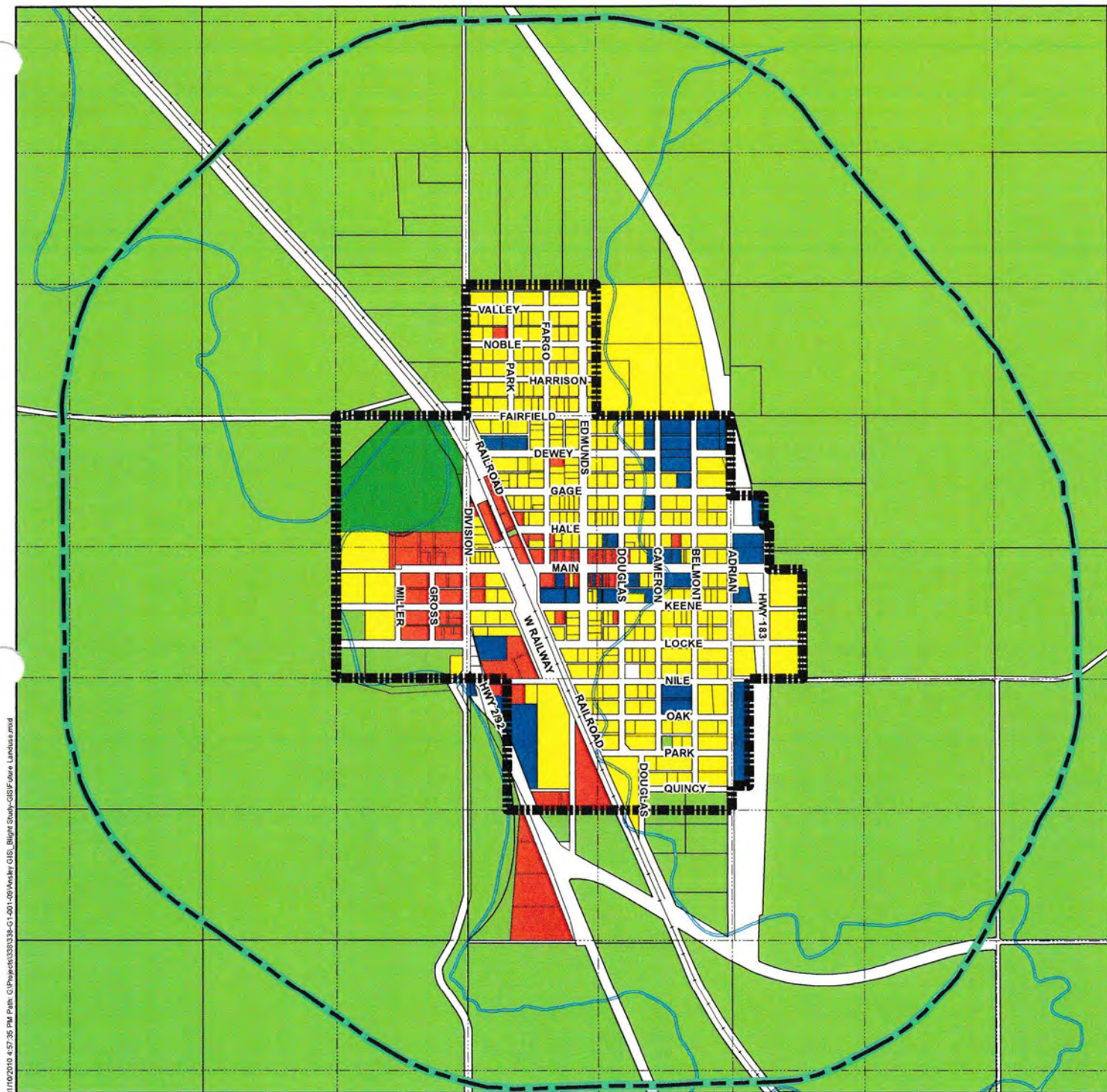
Legend

- RESIDENTIAL
- COMMERCIAL
- PUBLIC
- PARKS & OPEN SPACES
- FARM



Village of Ansley

Future Land Use Map 2020



Legend

- EXISTING ETJ (1/2 MILE RADIUS)
- PROPOSED RESIDENTIAL
- PROPOSED COMMERCIAL
- PROPOSED PUBLIC
- PROPOSED PARKS & OPEN SPACES
- PROPOSED FARM

