

Comprehensive Plan Update, Zoning Regulations and Blight & Substandard Study - 2011

Ansley, Nebraska



Prepared By:



Miller & Associates
CONSULTING ENGINEERS, P.C.

1111 Central Avenue
Kearney, NE 68847
(308) 234-6456

Office Locations

*Kearney
Grand Island
Holdrege
McCook
Colby, KS*

COMPREHENSIVE PLAN

VILLAGE OF ANSLEY, NEBRASKA

Project No. 338-G1-001

Prepared By:



LOCAL ELECTED OFFICIALS

Village Board Chairperson:

Lisa Fecht

Board Members:

Kevin Rapp

Robin Whitney

Robert Dethlefs

Michelle Mills

Village Clerk/ Treasurer:

Lanette C. Doane

Planning Commission:

Lance Bristol (Chair)

Judy Moody (Vice Chair)

Jeanne Rapp (Secretary)

Gail Ferguson

Ervie Ferguson

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Section I

INTRODUCTION

COMPREHENSIVE PLANS AND THEIR PURPOSE

The origin of the Comprehensive Plan can be traced to the City Beautiful Movement, dating back to the Columbian Exposition in Chicago in 1892, as well as to the governmental reform movement of the early 20th century. The Comprehensive Plan has evolved over the past 100 years and is often described by scholars and practicing professionals as the publicly acknowledged and documented vision of a community's wishes, aspirations and expectations for its future. This plan serves as the guiding document which assists and steers all decisions that are made within the jurisdiction of a community that will culminate in:

1. bringing about positive change that the community seeks and aspires for;
2. guiding growth and development of the community in the best interest of the short and long term futures of the general public;
3. providing the stimulus for:
 - a. initiating and activating land development for growth and expansion;
 - b. justifying capital improvements needed to motivate and sustain growth and/or prevent, arrest and reverse the process of decline and deterioration;
 - c. protecting and ensuring public health, public safety and public welfare for all residents and stakeholders in the community.

The principle purpose of a comprehensive plan is best described by the language contained in the Standard City Planning Enabling Legislation Act which virtually serves as the model for most of the State Planning Laws in the nation. This language states:

"The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditures of public funds and the adequate provision of public utilities and other public requirements.¹"

The Plan applies to all land area that falls under the jurisdiction of the local government, which is responsible for plan preparation. The Plan is usually manifested in the form of a fully illustrated written document which contains a comprehensive vision of the future, together with the ways and means of how the community may influence and bring about desired change culminating in the eventual realization of that vision over a specified time period. Whereas the Comprehensive Plan communicates and conveys the vision for the growth and development of the community, the inspiration for decision making, implementation tools, namely the Zoning Ordinance for the Village, together with Subdivision Regulations, and the Capital Improvements

Plan provide the legal instruments for enforcing all decisions which influence, impact and bring about the process of desired dynamic change envisioned in the Comprehensive Plan.

The Plan contains subject matter relating to the physical development of land use, transportation, public utilities and infrastructure, parks and open spaces, schools, other public and institutional activities, flood plains and wetlands and spells out strategies to bring about desirable change within the community. Comprehensive Plans include specific sections relating to initiating and influencing change in the future of economic development, delivery of public health and human services, housing and community development, movement of goods and people and traffic flow and safety, law enforcement and human safety, water supply, electricity, natural gas, sewage, stormwater drainage, garbage disposal, preservation, conservation and redevelopment of the historic and cultural heritage of the community and the preservation, conservation and judicious development of sensitive natural land and water resources within the jurisdiction of the local government.

Nebraska State Statutes and State Enabling Legislation

The following is an extract from the Nebraska Revised Statute which constitutes the State Enabling legislation authorizing communities like the Village of Ansley to prepare a Comprehensive Plan.

19-901. Zoning regulations; power to adopt; when; comprehensive development plan; planning commission; reports and hearings; purpose; validity of plan; not applicable; when.

(1) For the purpose of promoting health, safety, morals, or the general welfare of the community, the legislative bodies in cities of the first and second class and in villages may adopt zoning regulations which 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.

(2) Such powers shall be exercised only after the municipal legislative body has established a planning commission, received from its planning commission a recommended comprehensive development plan as defined in section [19-903](#), adopted such comprehensive development plan, and received the specific recommendation of the planning commission on the adoption or amendment of zoning regulations. The planning commission shall make a preliminary report and hold public hearings on its recommendations regarding the adoption or repeal of the comprehensive development plan and zoning regulations and shall hold public hearings thereon before submitting its final report to the legislative body. Amendments to the comprehensive plan or zoning regulations shall be considered at public hearings before submitting recommendations to the legislative body.

(3) A comprehensive development plan as defined in section [19-903](#) which has been adopted and not rescinded by such legislative body prior to May 17, 1967, shall be deemed to have been recommended and adopted in compliance with the procedural requirements of this section when, prior to the adoption of the plan by the legislative body, a recommendation thereon had been made to the legislative body by a zoning commission in compliance with the provisions of section [19-906](#), or by a planning commission appointed under the provisions of Chapter 19, article 9, regardless of whether the planning commission had been appointed as a zoning commission.

(4) The requirement that a planning commission be appointed and a comprehensive development plan be adopted shall not apply to cities of the first and second class and villages which have legally adopted a zoning ordinance prior to May 17, 1967, and which have not amended the zoning ordinance or zoning map since May 17, 1967. Such city or village shall appoint a planning commission and adopt the comprehensive plan prior to amending the zoning ordinance or zoning map.

COMPREHENSIVE PLANNING IN THE VILLAGE OF ANSLEY

The Village of Ansley has not prepared comprehensive plans for the community in the past. As such, local decision makers do not yet have a document which contains the vision for the future of the community. Nor do they have guidelines and implementation instruments to make that vision become a reality.

Until 2010, the Village of Ansley did not have a Planning Commission either.

Both these needs are addressed in this document.

OBJECTIVE OF THIS DOCUMENT

The primary objective of this document is to deliver a Comprehensive Plan for the Village of Ansley which represents the publicly acknowledged, documented, and collective vision of Village stakeholders for their future. The plan contained in this document will serve as the guiding document which assists and steers all decisions that are made within the Village of Ansley that will culminate in:

1. bringing about positive change that the Village community seeks and aspires for;
2. guiding growth and development of the Village in the best interest of the short and long term future of the general public;
3. providing the stimulus for:
 - a. initiating and activating land development for growth and expansion;
 - b. justifying capital improvements needed to motivate and sustain growth and/or prevent, arrest and reverse the process of decline and deterioration;
 - c. protecting and ensuring public health, public safety and public welfare for all residents and stakeholders in the Village of Ansley.

Time Window for the Comprehensive Plan of Ansley

Every Comprehensive Plan has a time window during which the vision for the future is foreseeable and realistic and the envisioned process of change is viable, feasible and reasonable. In the past, Comprehensive Plans were prepared with time horizons of 15, 20 and 25 years. However, contemporary dynamics of change in the 21st Century make the visioning process for such long periods of time unrealistic and the emerging visions themselves virtually lacking credibility and viability.

As such, a time window of 10 years, in two time phases of 5 years each, will be used for formulating the Comprehensive Plan for Ansley 2020. The time horizon for the Short term is 2015 and the time horizon for the Long Term is 2020 for the Comprehensive Plan of Ansley.

¹ Standard City Planning Enabling Act, 6, Department of Commerce, 1928.

Section II

THE METHODOLOGY

The Village of Ansley contracted with Miller & Associates, who will serve as the Planning Consultants for this project, in order to:

1. Formulate the Comprehensive Plan for the community;
2. Update existing Zoning and Subdivision Regulations for the Village.

THE PLANNING PROCESS

The following outline symbolizes the process that has been adopted by the Planning Consultants to formulate the Comprehensive Plan for the Village of Ansley:

1. Trace the historic evolution of the Village of Ansley, NE;
2. Conduct research on past planning initiatives in Ansley, NE;
3. Plan for the Preparation of the Comprehensive Plan for Ansley by establishing a Planning Commission;
4. Conduct research and draft documentation on:
 - a. Demographic Profile of the Village of Ansley derived from the US Census;
 - b. Socioeconomic profile of the Village of Ansley;
5. Determine opportunities and challenges based on the findings of items ii and iii above in consultation with the Planning Commission;
6. Review community needs derived from the community survey conducted by Candy Kuntz, Miller & Associates in 2008 with Planning Commission (See **Appendix A**);
7. Secure community affirmation and validation of community needs, and opportunities for future growth and development of Ansley, in consultation with Planning Commission;
8. Formulate goals and community priorities in consultation with Planning Commission;
9. Formulate Vision in consultation with Planning Commission;
10. Articulate growth and development objectives for the community in consultation with Planning Commission;
11. Formulate innovative strategies to accomplish objectives in consultation with Planning Commission;
12. Select growth and development strategies in consultation with Planning Commission;
13. Develop programming and identification of priority projects for capital improvements in consultation with Planning Commission;
14. Present the plan to the Planning Commission and Village Board, and the community;
15. Review and update Zoning Regulations in conformity with the Comprehensive Plan in consultation with Planning Commission;

16. Presentation of Draft Zoning Regulations for approval by the Planning Commission and the Village Board.

The narrative that follows describes each item in the aforementioned outline.

Section III

HISTORIC EVOLUTION OF THE VILLAGE OF ANSLEY

The Town of Ansley, NE, located at the junction of Sand hills Highways 2, 92 and 183, was surveyed and established in Custer County Nebraska in 1886 on land that was platted by Lincoln Land Company along the Burlington Railroad. The draftsman who drew the plat mistakenly spelled the name for the town as Ansley. Eliza Ainsley, the long time supporter of the community after who the town was really named, was a second cousin of General George A. Custer and a friend of Col. Phillips, the president of the land company. The mistake was never corrected and the name of the community has remained as Ansley to this day.

Due to the influx of persons from neighboring communities, Ansley rapidly grew to a population of over 1000 residents. Several businesses including banks, grocery stores, dry goods stores, a variety store, a dress and millinery shop, two drug stores, a print shop that published a weekly local newspaper, two doctors, a dentist, a feed store, a hatchery, a cream station, pool hall, elevator, lumberyard and the post office moved into the community during its period of growth. The Ansley Light and Power Company was built by C.J. Stevens and electricity service was established in 1892. A public water system was built in 1893. The volunteer fire department has been active since 1895. More recently the fire department has been merged with the Rural Fire District, and the Fire Hall is scheduled to move to its new location on the western side of the railroad tracks in 2010. A building, which is currently used as a garage, is believed to have originally been a livery stable at Westerville, which was moved to Ansley by D.A. VanSant in 1886.

The three oldest businesses are the Security State Bank (1915), Shada's Grocery and Ansley Lumber and Supply, both of which still exist in their original locations. Milling and mercantile business were established by the Haw and Varney families who constructed a one-story brick commercial building in 1916. The Rebekahs Lodge, built in 1908, is the oldest building in town. The Masonic Temple was constructed in 1916. The Lodge has been replaced by the Veterans Wall. The Woman's Club, established in 1916, was very active during the 20th Century but it no longer exists. The former opera house, which was considered to be one of the first with electric lighting in the state of Nebraska was considered as one of the finest of its kind between Omaha, NE, and Denver, CO. This building, which used to function as the Community Hall, no longer exists, and the new Municipal Auditorium has assumed the role of the Ansley Community Hall. The depot, which was very active during the heyday of the railroad, fell out of use following the demise of passenger trains, and was eventually demolished and removed in 1971. Only a trailer remains at this location. 5 churches – the Baptist Church, United Methodist Church, Christian Church, Berean Church and the Catholic Church were established and were all operating in 1916. The Berean Church has been replaced by the Fundamental Baptist Church, and the Catholic Church no longer functions in Ansley.

Victorian style residences were constructed along Keene Street. In 1930, the population of Ansley stood at 817 residents. Population steadily declined in Ansley and was reported as 640 persons and 30 businesses in 1989. Ansley has survived dust storms, floods, destructive tornados, blizzards and hailstorms and is still considered to be a friendly place to live in. By 2000, the population of Ansley was down to 550 residents and by 2007, the population was 473 residents.

Downtown Ansley is located along Main Street between Railroad Street and Cameron Street. A number of successful businesses are currently located in downtown Ansley including Ansley

Lumber and Supply, Husker Homes, Absolute Plumbing, Source Gas, Bennett's Insurance Agency, Country Porch and Petals, the Medical Clinic, the Economic Development Group office, East Side Service Station, Merry Sunshine Coffee House, Ron's Barber Shop, Ansley Diner, Nebraska Central Telephone Company, Ansley Floral and Crafts, Ansley Market, Main Street Style, Ansley Agency Inc., Security State Bank and the Ansley Clinic which is located in the Varney Building. The community is served by a K-12 school, and has a township library, police station, and a post office, all of which are located in downtown Ansley.

The community traces its popular slogan "PUSH – That's Ansley" to a phrase coined by a merchant named William S. Mattley, and it is painted on the side of a shed located along the railroad right-of-way. Whereas the sign and the shed are no longer in existence, the slogan continues to be popular among local residents to this day.

CONCLUSION

The Founding Fathers believed that history was a precursor of the future of this country, and the history of Ansley represents the precursor of the future of the Village. The second decade in the new millennium symbolizes the time threshold for initiating desired and desirable change in the Village and the Comprehensive Plan initiative that has been launched by the Village represents the first proactive step taken by Village decision makers to set the process of change in motion.

References

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Mead & Hunt, Inc. Nebraska Historic Buildings Survey, Custer County, Nebraska State Historical Society, July 2006.

Section IV

PLANNING INITIATIVES IN ANSLEY

Whereas the Village of Ansley may not have been engaged in the formulation and preparation of a Comprehensive Plan for the community until 2009, the decision makers are credited with planning initiatives for the community, with the most recent attempt in community needs assessment taking place in 2008.

COMMUNITY NEEDS ASSESSMENT

The general public was invited in a notice that was posted at various locations around the community, to attend a public meeting on March 11th, 2008, at the Community Building in Ansley, NE. There were 50 citizens that responded and attended the meeting. Candy Kuntz of Miller & Associates from Kearney, NE, facilitated the conduct of the meeting.

The primary objective of that meeting was to engage citizens to determine current community needs, community resources/assets and priorities. The intent for securing this information was to enable the Village of Ansley to apply for a Community Development Block Grant.

Table IV-1 below lists the inventory of community assets that were identified by those present:

Table IV-1
Inventory of Community Assets

School	Ball Parks
People	Clean Air
Pool	Power Plant
Park	Welcoming Atmosphere
Low Crime	Bar/Restaurant
Bank	Lumber Yard
Churches	Community Foundation
Fire Department/EMTs	Library
Highways	Community Center
Railroad	Car Wash
Post Office	Grocery Store
Laundromat	Phone Company
Businesses	Medical Clinic (open once per week)
Gas Stations	Photographer
Retirement Housing	Clean Water
Greenhouse	Machine Shop
Drilling Company	

The community then set about identifying their needs for improvements to some of the assets that were identified and listed above. **Table IV-2** below lists the desired improvement needs as expressed by those present:

Table IV-2
List of Desired Improvements

More Visually Appealing Corridor	New Track at School
New Businesses	Eliminate Floodplain Designation
Golf Course	More Ball Fields
New Fire Hall	Airport
Youth Center	Hospital
Activities Building	Signage
More Job Opportunities	Economic Development Director
Industrial Tract	City Hall with Restroom
Updated Electric	Street Repair
Updated Sewer	Housing
Tourism Attraction	Building Renovation on Main Street
Storm Shelter	Starbucks
Restaurant	New Sidewalks
Wireless Internet	Reduce Train Whistle Noise
Day Care	Trash Service - Rural
Exercise Facility	Cemetery Improvements

As a sequel to data gathering to identify the improvements desired, the community stakeholders present were directed to select and prioritize the preferred priorities for community follow through. The priorities that emerged through this process were:

1. New Fire Hall
2. More visually appealing corridor
3. More Job Opportunities
4. New sidewalks
5. Storm Shelter
6. Activities Building

As the concluding step of this meeting, community stakeholders were urged to formulate implementation strategies for each of the above 6 priorities. The outcome of this strategy formulation process is presented below:

Strategies to Implement Priority 1: New Fire Hall

The following strategies were identified for implementing the New Fire Hall initiative:

1. Apply for Grants from:
 - a. CDBG
 - b. USDA-RD
 - c. Peter Kiewit Foundation
 - d. Homeland Security
2. Fundraisers
3. Community Foundation (Ansley Area Community Foundation)
4. Bonds
5. Community Support
6. Site - the Rural Fire Board has an option on a site
7. Land
8. Building Plans
9. Utilities

Strategies to Implement Priority 2: More Visually Appealing Corridor

The following strategies were identified for implementing the More Visually Appealing Corridor initiative:

1. Grants
2. Curb Appeal
3. Fenced Junk Yard in City Limits
4. Incentives for Economic Development
5. New Fire Hall on Highway 2
6. Clean-up assistance to those who can't do it themselves
7. Joint Effort between the Village and Economic Development Committee
8. Zoning Enforcement
9. Community Support - Financially and Time

Strategies to Implement Priority 3: More Job Opportunities

The following strategies were identified for implementing the More Job Opportunities initiative:

1. Economic Incentives for New Businesses
2. Stronger Community Support for Existing Businesses & Awareness of local businesses in Ansley
3. Grant for Economic Development Plan
4. Tax Increment Financing
5. Utilize the services of the Loup Basin RC&D

Strategies to Implement Priority 4: New Sidewalks

The following strategies were identified for implementing the new sidewalks initiative:

1. Safe Routes to School Grants through NDOR (Village, School, Economic Development)
2. Sidewalk Districts
3. Incentive to businesses if they fix sidewalks
4. Community Foundation

Strategies to Implement Priority 5: Storm Shelter

The following strategies were identified for implementing the storm shelter initiative:

1. Grants - CDBG, Homeland Security Funds, HUD
2. Donations
3. Community Foundation

Strategies to Implement Priority 6: Activities Building (Spare gym and weight room)

The following strategies were identified for implementing the Activities Building initiative:

1. Location - North of School
2. Fundraisers
3. Railroad Donations
4. Corporate Sponsor

Miller & Associates, represented by Candy Kuntz, spearheaded the grant writing project to follow through on Priority 1 – the New Fire Hall initiative and the Village of Ansley was successful in securing a CDBG grant of \$250,000. The Village of Ansley contracted with JEO Consulting, to assist with the design and Greenland Construction for construction of the new fire barn, which was due for completion on July 29th, 2010.

Section V

THE PLAN FOR PREPARATION OF THE COMPREHENSIVE PLAN FOR ANSLEY

The preparation of the Comprehensive Plan for Ansley requires a plan of its own. This step is required in order to develop an understanding and agreement among community leaders and decision makers about the scope and plan output for the comprehensive planning effort.

THE PLAN FOR PLANNING

Steven Grabow, Mark Hilliker and Joseph Moskal¹ from Cooperative Extension at the University of Wisconsin recommend that successful preparation of the Comprehensive Plan can be ensured by formulating and implementing a Planning Procedure. The following steps constitute the planning procedure adopted by the Consultants for Ansley:

1. Identifying “stakeholders” (decision-makers, persons, groups and organizations) that should be involved in planning;
2. Educating community stakeholders;
3. Establishing the Planning Commission, to serve as the liaison with the Planning Consultants;
4. Scheduling meetings between the Planning Team and the Consultants;
5. Conduct of meetings and reporting outcomes
6. Drafting the Comprehensive Plan document;
7. Drafting the Zoning Ordinance document;
8. Communication and delivery of the Comprehensive Plan and the Zoning Ordinance documents to the Planning Commission;
9. Review of the Comprehensive Plan by the Planning Commission;
10. Review of updates to the Zoning Ordinance and Subdivision Regulations by the Planning Commission;
11. Adoption of the Comprehensive Plan with or without modifications;
12. Adoption of the Zoning Ordinance and Subdivision Regulations update with or without modifications.

IMPLEMENTING THE FIRST FOUR STEPS IN THE PLAN FOR PLANNING

Identifying “Stakeholders”

The principal community “stakeholder” who represents the Village of Ansley and is responsible for initiating, managing and implementing change in the community is the Village Board. The members of the Village Board at the time of preparation of the Comprehensive Plan are Robin Whitney (Chairperson), Kevin Rapp, Lisa Fecht, Robert Dethlefs and Michelle Mills. The Village Board also represents the legislative body and the decision makers vested with the authority to adopt the Comprehensive Plan, the Zoning Ordinance and Subdivision Regulations for the Village of Ansley. Lanette Doane serves as the Village Clerk/Treasurer and as convener of Village Board Meetings.

The Village Board represents the clients of the Planning Consultants from Miller & Associates to whom they are responsible and accountable for the preparation of the Comprehensive Plan of Ansley and the drafting of the Zoning Ordinance for Ansley.

Establishing the Planning Commission

According to Nebraska Revised Statute 19-910 (2) the legislative body of Ansley is required to establish a planning commission, and obtain a recommended comprehensive development plan as defined in Section 19-903 from them for adoption. The legislative body of Ansley is also required to receive specific recommendations from the planning commission on the adoption or amendment of zoning regulations.

As mentioned earlier, this pioneering initiative by the Village Board necessitated the establishment of a planning commission in accordance with Nebraska Revised Statute 19-910 (2). The Village Board, working through the Village Clerk/Treasurer nominated and appointed the following members of the Ansley community to a newly formed Planning Commission at its meeting on April 5th, 2010. The members of the Planning Commission are:

1. Ervie Ferguson– appointed for a one year term expiring on April 4th 2011;
2. Jeanne Rapp – appointed for a two year term expiring on April 4th 2012;
3. Gail Ferguson– appointed for a two year term expiring on April 4th 2012;
4. Judy Moody – appointed for a three year term expiring on April 4th 2013;
5. Lance Bristol – appointed for a three year term expiring on April 4th 2013.

The members of the Planning Commission met for the first time later that day and elected Lance Bristol as its Chair with a one year term of office in that capacity.

Schedule of Meetings Between the Planning Commission and the Consultants

At its first meeting on April 5th 2010, the Planning Commission decided to conduct its regular monthly meetings at the Ansley Village Auditorium on the last Wednesdays of every month (except if otherwise scheduled). Meetings have since taken place on May 26th 2010, June 30th 2010, July 28th 2010, August 25th 2010, September 22nd 2010, October 27th 2010 and November 18th 2010.

Since this initiative is the first pioneering venture undertaken by the Village of Ansley, the Consultants from Miller & Associates undertook the responsibility of first educating the members of the Village Board about:

1. Terminology and vocabulary of planning:
 - a. The Comprehensive Plan;
 - b. Zoning and the Zoning Ordinance;
 - c. Subdivision Regulations;
 - d. Extra territorial jurisdiction;
 - e. Police Power;
 - f. Citizen Participation in planning;
 - g. Planning Commission.
2. the purpose of the Comprehensive Plan;
3. the purpose of Zoning Regulations;
4. the role and functions of the Planning Commission

This presentation was made to the Village Board by video conference transmitted from the Kearney office of Miller & Associates at its January 6th 2010 meeting in Ansley.

This presentation was later repeated for the benefit of the members of the Planning Commission of Ansley as well, at its April 5th 2010 meeting.

All subsequent meetings focused on items specific to the Comprehensive Plan.

Section VI

ASSESSMENT OF NEEDS FOR ANSLEY

Citizen participation is a critical element to seek out and document the compelling and prioritized needs of any community engaged in the preparation of a Comprehensive Plan. The responsiveness of the community that was evident by the citizen participation involved at the Public Meeting held in March 2008, together with the success that was derived with the New Fire Hall initiative – a direct outcome of that meeting - prompted Miller & Associates to consider the outputs of the aforementioned meeting as a preliminary gauge of current needs assessed and expressed by a significant group of interested citizens. This preliminary needs assessment, which is two years old, was presented using the following inventory of assessed needs contained in **Table VI-1** below, to the Planning Commission for review, update, validation and endorsement at its first meeting with the consultants in April 2010.

Table VI-1
Inventory of Assessed Needs

More Visually Appealing Corridor	New Track at School
New Businesses	Eliminate Floodplain Designation
Golf Course	More Ball Fields
Youth Center	Airport
Activities Building	Hospital
More Job Opportunities	Signage
Industrial Tract	Economic Development Director
Updated Electric	City Hall with Restroom
Updated Sewer	Street Repair
Tourism Attraction	Housing
Storm Shelter	Building Renovation on Main Street
Restaurant	Starbucks
Wireless Internet	New Sidewalks
Day Care	Reduce Train Whistle Noise
Exercise Facility	Trash Service - Rural
Cemetery Improvements	

In communicating this preliminary assessment of needs, the consultants from Miller & Associates explained that considerable time and effort may be saved by the Planning Commission reviewing, updating and validating the updated needs assessment and not conducting another round of town hall meetings to initiate the preparation of the Comprehensive Plan.

The preliminary list of priorities identified by the Planning Commission at the April 2010 meeting included the following:

1. More visually appealing corridor
2. More Job Opportunities
3. Housing
4. Building Renovation on Main Street
5. New sidewalks
6. Reduction of train noise.
7. Elimination or restructuring of the designated flood plain area.

Discussion by the committee led to the realization that the designated floodplain areas do have a sociological and economic impact on the future growth of Ansley.

Eliminating or restructuring of the designated flood plain involves a process of surveys, analysis, and delineating an updated boundary for the flood plain. This process could take several years and the three outcomes that are possible are:

1. Retention of flood plain boundary exactly as it currently exists;
2. Revision of the flood plain boundary affecting a smaller area of the Village;
3. Revision of the flood plain boundary affecting a larger area of the Village.

Only outcome 2 above would be favorable to the fulfillment of Need 7 above. In view of the uncertainty of outcomes, and the expensive and time consuming nature of the procedure involved, outcome 2 above is accepted and no change to the existing flood plain boundary is expected to occur between 2010 and 2020. The Planning Commission therefore decided to drop the Elimination or Restructuring of the designated floodplain area as one of the priorities for inclusion in the assessed needs.

1. The finalized list of assessed needs for the future of Ansley as approved by the Planning Commission is More visually appealing corridor;
2. More Job Opportunities;
3. Improved Housing;
4. Building Renovation on Main Street;
5. New sidewalks;
6. Reduction of train noise.

References

1. Steven H. Grabow, Mark Hilliker and Joseph Moskal: Comprehensive Planning and Citizen Participation, University of Wisconsin-Extension, Cooperative Extension, Wisconsin, 9.14.04.
2. <http://www.jeffersonwis.com/MISC/sept04draftcppub2.pdf>

Section VII

POPULATION GROWTH PROFILE OF THE VILLAGE OF ANSLEY DERIVED FROM THE US CENSUS

The population of the Village of Ansley has declined from 714 in 1960 to 520 in the year 2000 according to the U.S. Census¹ as shown in the following **Table VII-1**.

Table VII-1
Population Growth Trends from 1960-2000

<i>Year</i>	<i>Population</i>	<i>Rate of Growth / Decline</i>	<i>Rate of Growth / Decline</i>
1960	714		
1970	631	-83	-11.62%
1980	644	13	2.06%
1990	555	-89	-13.82%
2000	520	-35	-6.31%

During the four decades, population growth was experienced in Ansley only during the period 1970-1980. Substantial decreases of population occurred during the decades 1960-1970 (11.62%) and 1980-1990 (13.82%). The decline slowed down to 6.31% during the decade 1990-2000.

Table VII-2 below shows the population trends and projections in Ansley during the period 2000 – 2020 according to the Census Estimates for Nebraska's incorporated places. According to these trends and projections, Ansley is expected to have a population of 454 in 2010. The community is expected to lose 58 persons during the next decade leaving the community with a population of 396 in 2020.

Table VII-2
Ansley Population Trends and Projections, 2000-2020

	<i>Year</i>	<i>Population</i>	<i>Change</i>	<i>Percent</i>
Ansley	2000	518	-	-
	2001	506	(12)	-2.4%
	2002	501	(5)	-1.0%
	2003	492	(9)	-1.8%
	2004	488	(4)	-0.8%
	2005	481	(7)	-1.5%
	2006	474	(7)	-1.5%
	2007	472	(2)	-0.4%
	2008	472	0	0.0%
	2010	454	(18)	-3.9%
	2015	425	(29)	-6.9%
	2020	396	(29)	-7.4%
<i>Census estimates for Nebraska's incorporated places.</i>				
<i>Projections based on 2000 to 2008 Census estimates.</i>				

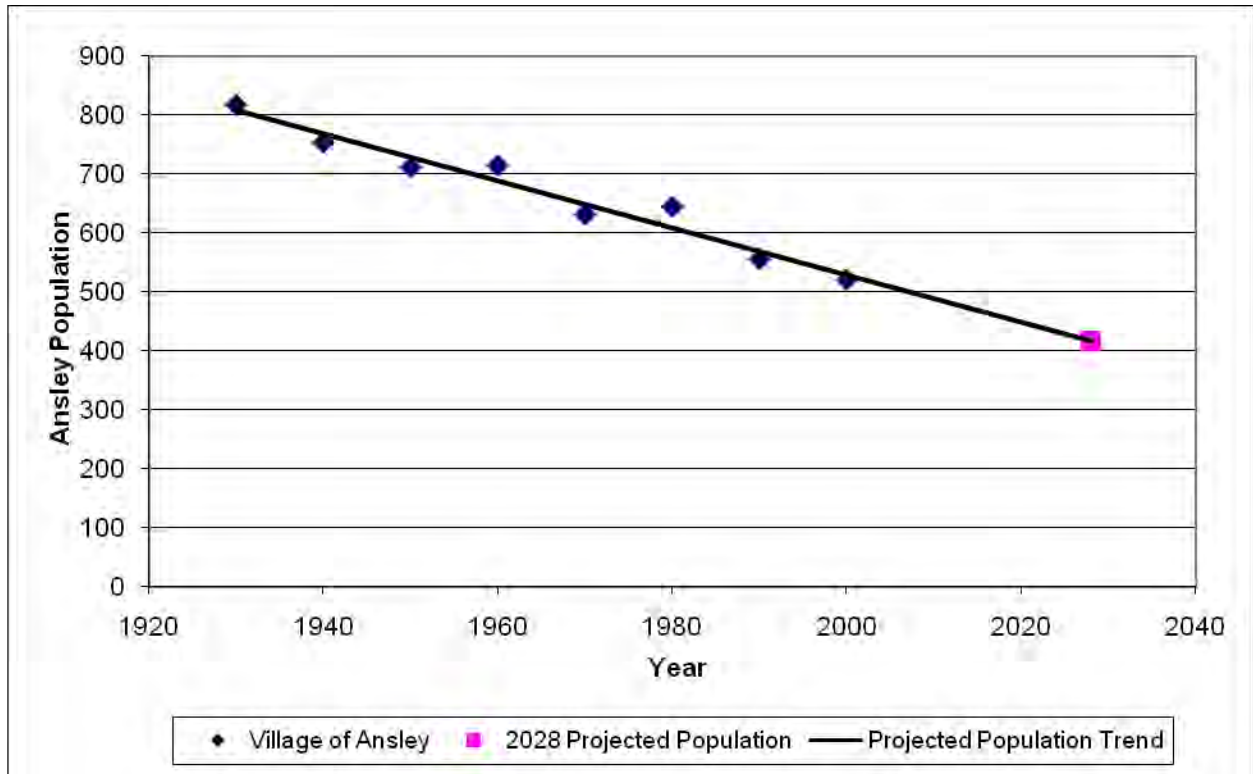
Projections, based on Census figures for the period 1990-2000, conducted by the Bureau of Business Research indicate that Ansley will not experience such a large decline and suggests that the population will decline from 480 in 2010 to 450 in 2020. See **Table VII-3** below.

Table VII-3
**Ansley & Custer County Population Trends and Estimates
by the Bureau of Business Research, 1990-2020**

	<i>Year</i>	<i>Population</i>	<i>Change</i>	<i>Percent</i>
Ansley	1990	555	-	-
	2000	520	(35)	-6.7%
	2010	485	(35)	-7.2%
	2020	450	(35)	-7.8%
Custer County	1990	450	-	-
	2000	11,793	11,343	96.2%
	2010	10,882	(911)	-8.4%
	2020	9,985	(897)	-9.0%
<i>U.S. Census Bureau, Population Division 1990 and 2000 census</i>				
<i>Projections based on Bureau of Business Research (BBR) figures.</i>				
<i>Projections based on 1990 and 2000 Census figures.</i>				

Miller & Associates conducted a population forecast of its own in 2008, to assess Waste Water Facilities requirements. The following population information was graphed and the following diagram included in the Preliminary Engineering Report for Waste Water Facilities Evaluation².

Figure VII-1
Projected Population Trend 1920-2028



In 2010, a subsequent population forecast was conducted by Miller & Associates using the annual exponential decline rate of 0.65% per year and **Table VII-4** shows the annual populations that may be expected at Ansley during the period 2010 to 2020. The anticipated population in Ansley in 2020 is expected to be 456 as per this projection.

Table VII-4
Independent Population Forecast Conducted by Miller & Associates

<i>Year</i>	<i>US Census Population</i>
1990	555
1991	551
1992	548
1993	544
1994	541
1995	537
1996	534
1997	530
1998	527
1999	523
2000	520
2001	517
2002	513
2003	510
2004	507
2005	503
2006	500
2007	497
2008	494
2009	490
2010	487
2011	484
2012	481
2013	478
2014	475
2015	472
2016	468
2017	465
2018	462
2019	459
2020	456

It was concluded that an estimated population of 450 – 460 could be considered as a safe and realistic value and 450 was adopted as the projected population for Ansley in 2020, for the preparation of the Comprehensive Plan.

References

1. http://factfinder.census.gov/servlet/SAFFPopulation?_event=&geo_id=16000US3101535&_geoContext=01000US%7C04000US31%7C16000US3101535&_street=&_county=ansley&_cityTown=ansley&_state=04000US31&_zip=&_lang=en&_sse=on&ActiveGeoDiv=geoSelect&_useEV=&pctxt=fph&pgsl=160&_submenuId=population_0&ds_name=nul&_ci_nbr=null&qtr_name=null&req=null%3Anull&_keyword=&_industry=
2. Miller & Associates, Preliminary Engineering Report for Wastewater Facilities Evaluation, Ansley, NE, 338-D1-001-08, Kearney, NE, October 2008.

Section VIII

OTHER POPULATION CHARACTERISTICS OF THE VILLAGE OF ANSLEY

AGE DISTRIBUTION

Table VIII-1 below shows the age distribution of population in Ansley during the periods 1990 and 2000 according to the US Census Bureau.

Table VIII-1
Ansley & Custer County
Age Distribution of Population, 1990-2020

<i>Age Group</i>	<i>1990</i>	<i>2000</i>	<i>Change</i>
Under 18	146	133	(-13)
18-24	31	42	11
25-44	124	120	(-4)
45-59	56	86	30
60-74	93	85	(-8)
75-84	57	45	(-12)
85+	19	9	(-10)
Total	555	520	(-35)
Median	35-39	39.5	
<i>U.S. Bureau of the Census, Population Division 1990 and 2000 census</i>			

It may be observed that the population of Ansley has experienced an overall decline of population to the tune of 35 persons during the decade 1990 – 2000. This declining trend is very evident in all but two age cohorts - 18-24 and 45-59 – both of which show increases of 11 persons and 30 persons respectively.

It is very likely that both these age cohorts have chosen Ansley as their home in favor of the place where they earn a living (Broken Bow). One potential reason for making this choice may be that Broken Bow is within commuting range (24.2 minutes is the average travel time for workers 16 years of age and over, according to the US Census). Another reason may be that the quality of life in Ansley is preferred over that of Broken Bow. Housing is also far more affordable in Ansley (Median value in 2000 is \$22,800) than in Broken Bow (Median value in 2000 is \$54,200). Median gross rental value of homes in Ansley in 2000 is \$288 and the corresponding gross rental value in Broken Bow is \$330.

The above table also indicates that there appears to be a significant loss of population aged 60 and over (to the tune of 30 persons). It is learned from local inquiry that the loss of population, particularly with respect to a significant number within the aforementioned age cohort, may be attributable to death. The loss of a very small number of senior citizens from this age cohort

may be attributable to outmigration, stemming from their need to locate in places where they have ready access to appropriate health care that they need in their sunset years. Both these trends need to be taken seriously by the Ansley community as challenging opportunities which need to be responded to in a meaningful and effective manner. If the right responses and entrepreneurial actions are taken at the appropriate time, the impact of these responses could contribute to the reversal of the overall population decline and eventually transform the community into a vibrant growing community with a sustainable future.

GENDER CHARACTERISTICS

According to the 2000 US Census, 50.2% of the Village population is male and 49.8% are female. In comparison, 49.1% of the US Population in 2000 is male and 50.9% is female.

RACE CHARACTERISTICS

According to the 2000 US Census, 99.0% of the population is White, 0.4% is American Indian and Alaska Native, 0.2% belongs to some other race and 0.4% belongs to two or more races. It may be concluded that the population in the Village of Ansley is predominantly homogeneous in racial composition.

HOUSEHOLD AND FAMILY SIZE

The average household size in the Village of Ansley is 2.32 as per the 2000 US Census, in comparison with a corresponding figure of 2.59 for the US population in 2000. The average family size in the Village of Ansley is 2.88 with a corresponding figure of 3.14 for the US Population, as per the US Census for 2000.

EDUCATIONAL ATTAINMENT

According to the US Census for 2000, 77.0% of the population of the Village of Ansley is High School graduates or higher, which is lower than the corresponding percentage of 80.4% for the US population. Only 10.4% of the Village population have Bachelor's degrees or higher, as compared to 24.4% of the US population, according to the US Census for 2000.

References

1. US Census for 2000.

Section IX

ECONOMIC BASE OF ANSLEY

LABOR FORCE

According to the US Census 2000, 407 persons are 16 years or over in the Village of Ansley, equivalent to 78.27% of the Village population. 229 persons or 44.14% of the Village population, equivalent to 56.3% of the eligible population of the Village of Ansley constitute the labor force of the Village. This percentage is lower than the corresponding labor force percentage for the US in 2000 (63.9%). 221 persons from the eligible labor force, equivalent to 42.51% of the Village population or 96.5% of the labor force, are employed. 217 workers commute to work, indicating that Ansley is a bedroom community.

Some additional details about the labor force are provided in **Table IX-1** below.

Table IX-1
Ansley Labor Force, 2000

<i>Age Group</i>	<i>Number</i>	<i>% of Population</i>	<i>% of Labor Force</i>	<i>% of Employed</i>
16 years and over	407	78.27%		
in labor force	229	44.04%	100.00%	
not in labor force	178	34.23%		
employed	221	42.50%	96.51%	
unemployed	8	1.54%	3.49%	
Commute to work	217		94.76%	98.19%
Wage or salaried workers	162	31.15%	70.74%	73.30%
Government workers	19	3.65%	8.30%	8.60%
Self employed	39	7.50%	17.03%	17.65%
Unpaid family worker	1	0.19%	0.44%	0.45%

Source: US Bureau of the Census, Census 2000

As population in the Village of Ansley declines from 520 in 2000 to 450 in 2020, it is not unrealistic to visualize that the labor force will experience a corresponding decline from 229 in 2000 to 198 in 2020. Assuming that the same level of unemployment (1.54%) can be sustained, the projected employment in the Village of Ansley is estimated at 192 in 2020.

UNEMPLOYMENT

8 persons equivalent to 3.5% of the eligible labor force are unemployed. The low level of unemployment in Ansley is considered one of the most positive attributes observed about the community.

INCOME

There are 235 households in the Village of Ansley and the median income of households according to the US Census 2000 is \$27,760. The median family income in the community is \$30,000 (compared to \$ 30,677 in Custer County) and the per capita income is \$14,144 (compared to \$ 16,171 in Custer County).

POVERTY

According to the US Census, 12 out of 160 families lived in Poverty in 1999 which equates to 7.5% of the total number of families in the Village. This is equivalent to 54 individuals or 10.4% of the total Village population of 1999. The poverty level of families in the Village of Ansley is less than that of Custer County (9.096 %).

ECONOMIC BASE

Table IX-2 below shows the employment in the State of Nebraska, Custer County and the Village of Ansley in various standard industrial classifications as per the US Census of 2000. These figures are used to determine the economic base of the Village of Ansley in comparison to the State and Custer County. It may be observed from the figures in the table that the 4 industrial classes which are considered Basic or export oriented are Manufacturing, Transportation and warehousing and utilities, and information, with Transportation and warehousing and utilities being the most predominant industrial class.

Table IX-2
Ansley Economic Base Analysis as per the Us Census 2000

INDUSTRY	Nebraska		Custer County		Ansley		Comparison NE - Ansley		Comparison Custer - Ansley	
	Number	% age	Number	% age	Number	% age	Basic	Non Basic	Basic	Non Basic
Agriculture, forestry, fishing and hunting, and mining	48,942	5.6	1,336	23.3	18	8.1	2.5	5.6		8.1
Construction	56,794	6.5	319	5.6	12	5.4		5.4		5.4
Manufacturing	107,439	12.2	617	10.8	28	12.7	0.5	12.2	1.9	10.8
Wholesale trade	31,265	3.6	165	2.9	8	3.6		3.6	0.7	2.9
Retail trade	106,303	12.1	547	9.6	26	11.8		11.8	2.2	9.6
Transportation and warehousing, and utilities	53,922	6.1	344	6	33	14.9	8.8	6.1	8.9	6
Information	21,732	2.5	51	0.9	7	3.2	0.7	2.5	2.3	0.9
Finance, insurance, real estate, and rental and leasing	67,370	7.7	207	3.6	10	4.5		4.5	0.9	3.6
Professional, scientific, management, administrative, and waste management services	63,663	7.3	199	3.5	5	2.3		2.3		2.3
Educational, health and social services	181,833	20.7	1,178	20.6	42	19		19		19
Arts, entertainment, recreation, accommodation and food services	63,635	7.3	303	5.3	12	5.4		5.4	0.1	5.3
Other services (except public administration)	40,406	4.6	292	5.1	17	7.7	3.1	4.6	2.6	5.1
Public administration	33,933	3.9	166	2.9	3	1.4		1.4		1.4
	877,237	100	5,724	100	221	100	16	84	20	80
Basic to Non Basic Ratio							1	5.41	1	4.10
Multiplier							1	6.41	1	5.10

Source: US Census

The Basic to Non Basic ratio for the Village of Ansley as computed and displayed in the above table, ranges between 1:4.10 and 1:5.41 and the economic base multiplier in the community ranges between 5.1 and 6.4. What this means is that if a new employment opportunity is created in the Village of Ansley in any of the 4 export based industrial classes (Manufacturing, Transportation and warehousing and utilities and information), that opportunity could sustain 5 to 6 non basic employment opportunities.

The estimated change in employment in the Village of Ansley reflected by 29 job losses will be reflected by a corresponding change in the future economic base of the Village in 2020.

If the 2000 distribution of employment in the various sectors of employment continues into 2020, the estimated job losses in the Village during the period 2000-2020 may be expected to occur as shown below in **Table IX-3**. In order to minimize the adverse effects of job losses in the Village, it is recommended that the community needs to make every effort to retain at least 5 of the 11 export industries as shown in Table 8. The impact of retaining 5 of the 11 jobs lost in the

export industries will be that the community could prevent the 25 job losses in the non-basic industries.

Table IX-3
Estimated Job Losses for 2020 and Recommendations

INDUSTRY	Ansley	
	Job Losses	Recommended Retention Need
Agriculture, forestry, fishing and hunting, and mining	2	
Construction	2	
Manufacturing	4	2
Wholesale trade	1	
Retail trade	3	
Transportation and warehousing, and utilities	4	1
Information	1	1
Finance, insurance, real estate, and rental and leasing	1	
Professional, scientific, management, administrative, and waste management services	1	
Educational, health and social services	6	
Arts, entertainment, recreation, accommodation and food services	2	
Other services (except public administration)	2	1
Public administration	0	
Total		5

ECONOMIC DEVELOPMENT STRATEGY FOR ANSLEY

In Section IV, The list of assessed needs for the future of Ansley as approved by the Planning Commission at its April 2010 meeting is:

1. More visually appealing corridor;
2. More Job Opportunities;
3. Improved Housing;
4. Building Renovation on Main Street;
5. New sidewalks;
6. Reduction of train noise.

Train noise was reduced by half when the Nile Street crossing was closed. After discussions with the Planning Commission, it was determined that no immediate action needs to be taken during the plan period 2010-2020.

As such, the economic development strategy is developed by addressing the following needs:

1. More visually appealing corridor;
2. More Job Opportunities;
3. Improved Housing;
4. Building Renovation on Main Street;
5. New sidewalks;

with the highest priority being given to the visually appealing corridor for Ansley. The proposed goal for economic development is therefore centered on the creation of a visually appealing corridor to Ansley and the strategy recommended was “Place making” to transform a “place” within the Village of Ansley as:

1. A destination that attracts visitors into the community;
2. The distinguishing brand identity of the community which local residents can be proud of;
3. A catalyst to enlarge the immediate trade area of local businesses, artisans and craftsmen.

The “place” selected by the Planning Commission was the downtown district (that will be delineated later in this report) which would serve the community as the corridor of economic development which would be aesthetically appealing to community residents and visitors, while serving as a place of assembly and a venue of various community events, activities, and celebrations to draw people into this development district.

A survey of Planning Commission members was conducted by the Consultants to determine their preferences of alternative development options that if applied at Ansley could lead to the creation of a „sense of place” in the community and the gradual emergence of a visually appealing development corridor over time. These alternative development options were visually communicated to the Commission at a special Planning Commission meeting held in Executive Session on August 11th 2010. The development options that emerged as the preferred choices of the Planning Commission are:

1. Way finding to the downtown development district;
2. Façade treatment to enhance the visual appeal of the streetscape and downtown buildings;
3. Event based activities in the downtown development district, such as Farmers Markets, local festivals and community celebrations, holiday events such as local parades, concerts, sporting events, etc.;
4. Sidewalk improvements in the downtown district;
5. Installation and maintenance of street furniture;
6. Improvement of street lighting on Main Street;
7. Creation and maintenance of an informal gathering place to be located at a vacant site in the downtown development district;

Based on the outcome of the preference survey, the goal for creating the visual corridor was to create a sense of place in Ansley centered in the downtown development district.

The objectives for accomplishing this goal were:

- Create a welcome sign that reflects community pride and personality
- Unify building facades with paint treatment, awnings and creeping vines

- Develop vacant lots on Main Street
 - for community events and activities
 - as a gathering place with park benches
- Place a way-finding map at Park showing locations of local destinations
- Landscape sidewalks along Main Street with suitable plantings
- Repair, paint and maintain street furniture on Main Street
- Clean up and paint street lighting fixtures

Land use planning for commercial development in the development district would adopt these objectives with the intended outcome being a sense of place in the district, and progressive enhancement of local economic development during the plan period 2010 to 2020.

References

1. US Census for 2000.

Section X

THE CIRCULATION SYSTEM AND TRANSPORTATION NETWORK IN ANSLEY

The circulatory system of a community, characterized as a network of streets and sidewalks, represent the dynamic pathways that enable and facilitate the streamlined movement of people and goods into and out of the community, as well as within the community itself. The circulation system influences location and land use and is a vital ingredient for sustaining, maintaining and energizing economic development within the community while also enhancing the overall physical mobility and quality of life within the community. The circulation system also enables connectivity and spatial interaction between a community and other surrounding communities which are linked by streets and other pathways.

The circulation system has played a major role in shaping the physical layout of land parcels in the Village of Ansley, and will continue to serve as a catalyst for determining the development potential of properties distributed within its jurisdiction. It also has the potential for impacting the future growth and development of the community during the forthcoming plan period 2010-2020.

The circulation system in the Village of Ansley is made up of highways, streets and sidewalks, and railroads.

HIGHWAYS, STREETS AND SIDEWALKS

The street system in the Village of Ansley is characterized by a grid layout that is intersected by the railroad right-of-way and Highway 2/92, and bounded on the eastern side by Highway 183. The Nebraska Department of Roads has classified the streets in the Village of Ansley into four functional categories as follows:

1. Highway 2/92 proceeding northbound is classified as a rural principal arterial;
2. Highway 92 proceeding eastbound is classified as rural minor arterial;
3. The stretch of Main Street between Highway 2 and Highway 183 is classified as a rural minor collector;
4. All other streets within the Village jurisdiction are classified as local roads.

The principal arterial provides the circulation links between the Village of Ansley and neighboring communities to the north (Broken Bow, and Berwyn) and to the south (Kearney, Litchfield, Mason City and Hazard), and serve as the primary commuting routes between the Village of Ansley and the communities listed above. The minor arterial provides the connectivity between the Village of Ansley and the communities of Westerville in the north and Loup City in the east.

Main Street is a critical street in the circulation system of Ansley by virtue of its role as the main rural collector street as well as the primary connector between Highways 2/92 and Highway 183.

All the local streets within the community serve as neighborhood streets which provide access to properties throughout the community while also functioning as a grid of feeder streets linking these neighborhoods to the main rural collector street (Main Street).

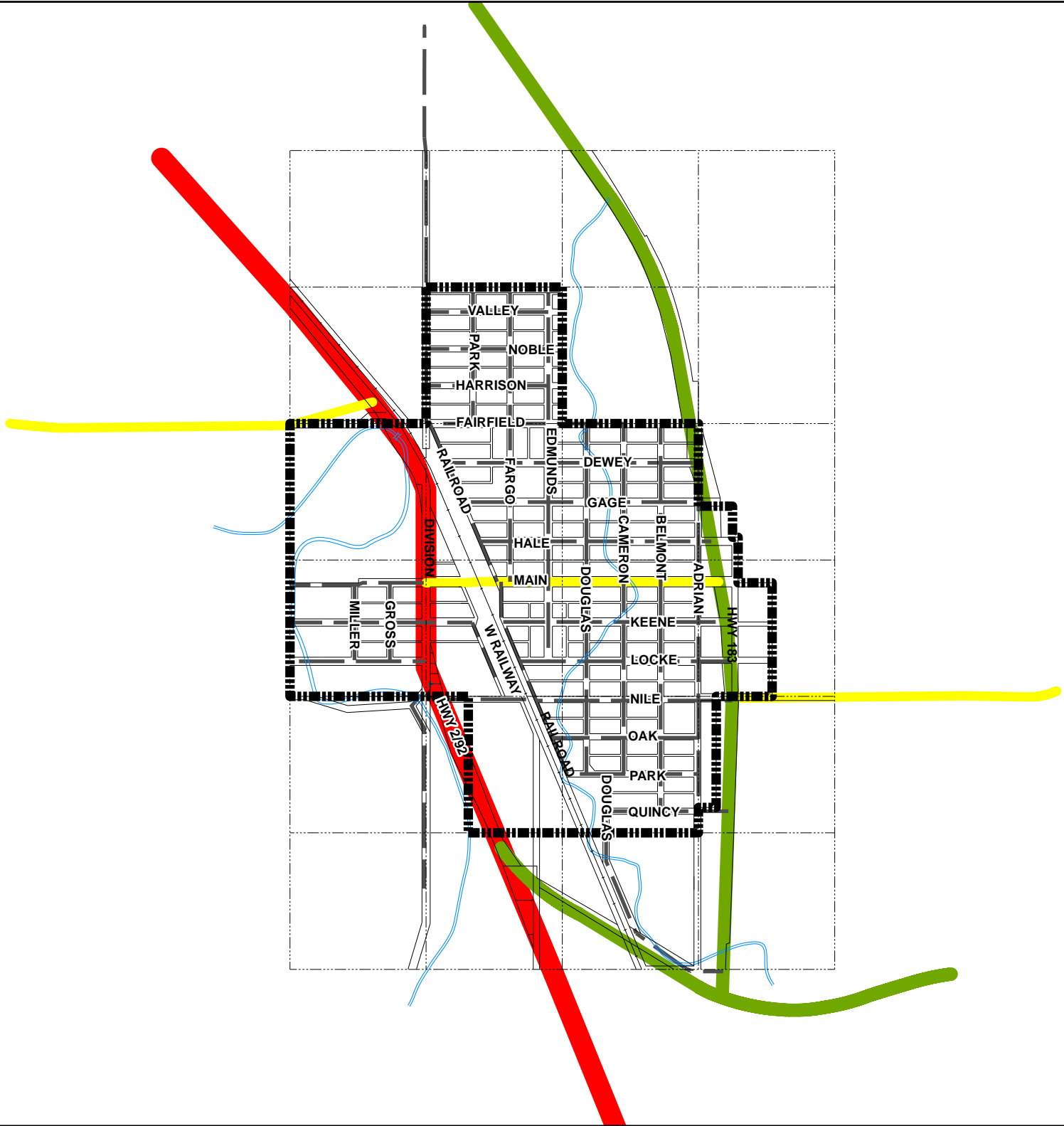
Figure X-1 shows the classification of streets within the Village of Ansley.

Village of Ansley

Classification of Streets In The Village of Ansley

Source:
[http://www.nebraskatransportation.org/maps/func-class/nat-cty-cnty/nfc Custer County Cities.pdf](http://www.nebraskatransportation.org/maps/func-class/nat-cty-cnty/nfc%20Custer%20County%20Cities.pdf)

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Legend

- Rural Principal Arterials
- Rural Minor Arterial
- Rural Minor Collector
- Local Roads



According to the Lane Mile Report for Ansley dated August 31st 2009, multiple stretches of the streets in the Village of Ansley are paved with concrete, bituminous surface/armor coat, asphalt or gravel surfaces. Parts of Adrian Street, Gross Street, western Main Street and Railroad Street are the only streets with gravel surfaces.

TRAFFIC VOLUMES 2000-2008

The Nebraska Department of Roads is the source of information regarding traffic volumes along the principal arterials and the main collector streets that serve the Village of Ansley, which are graphically communicated in the following five maps:

Figure X-2

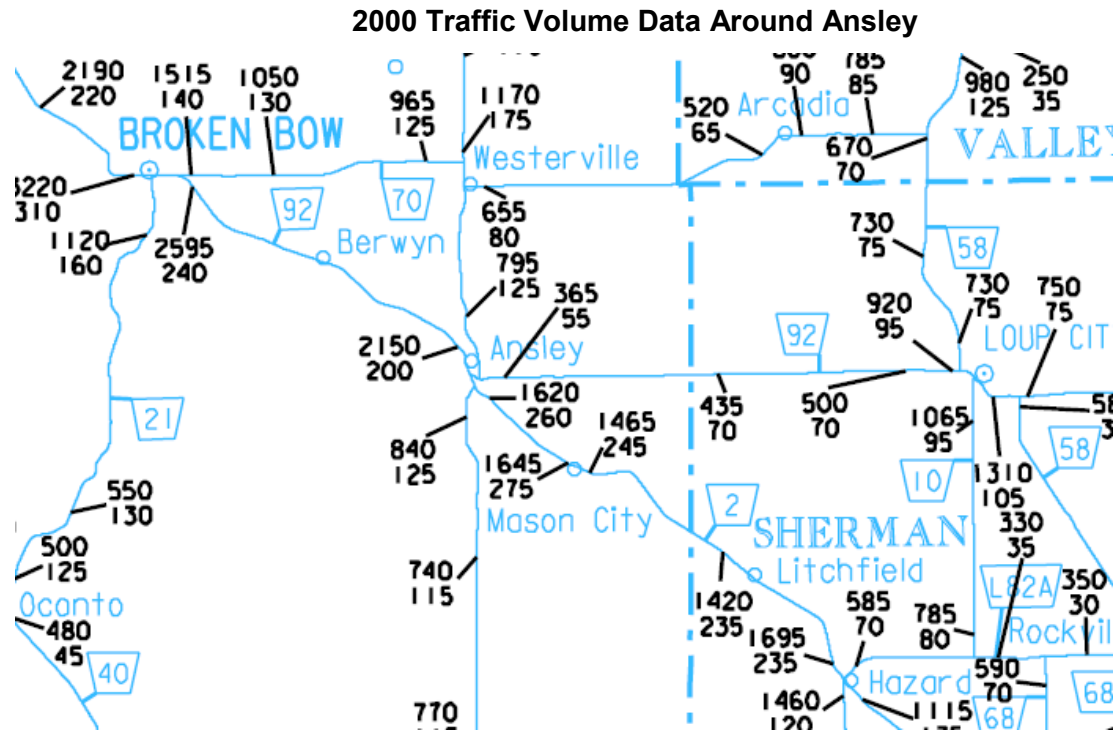


Figure X-3

2002 Traffic Volume Data Around Ansley

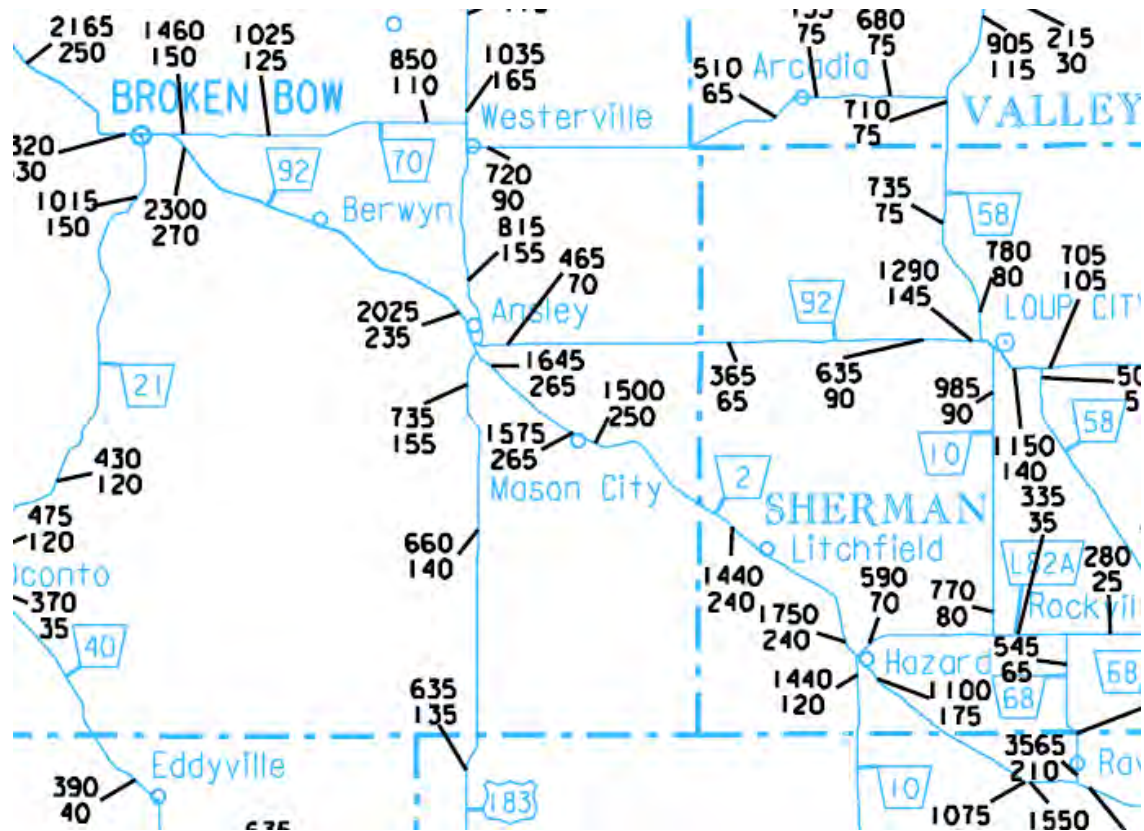


Figure X-4

2004 Traffic Volume Data Around Ansley

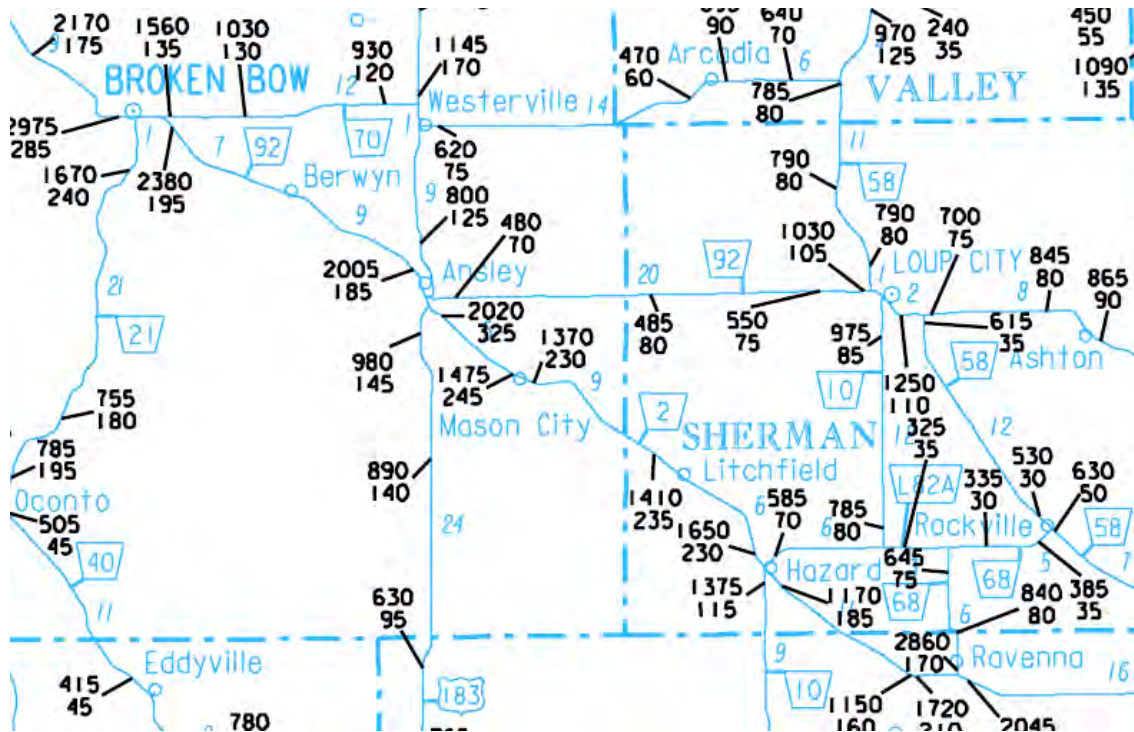


Figure X-5

2006 Traffic Volume Data Around Ansley

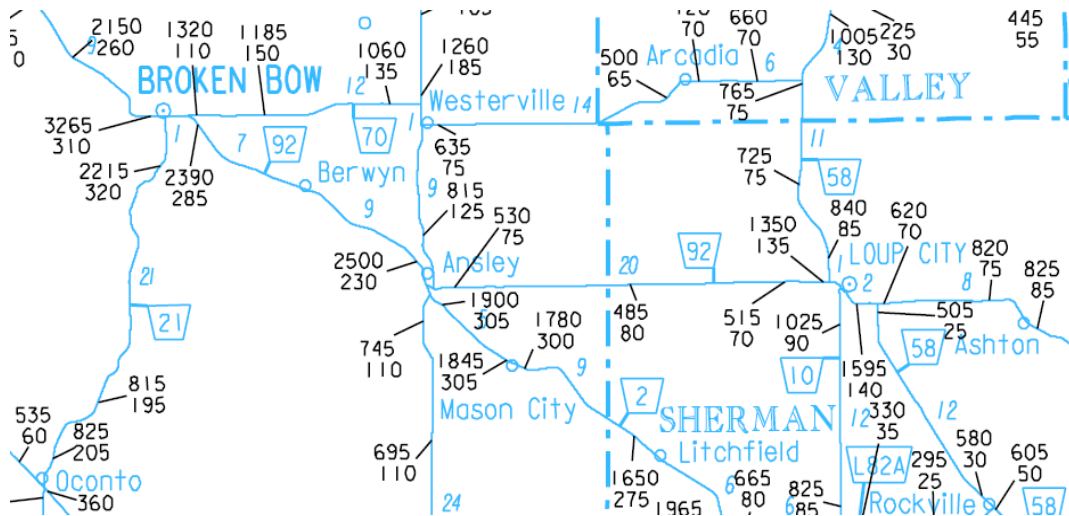
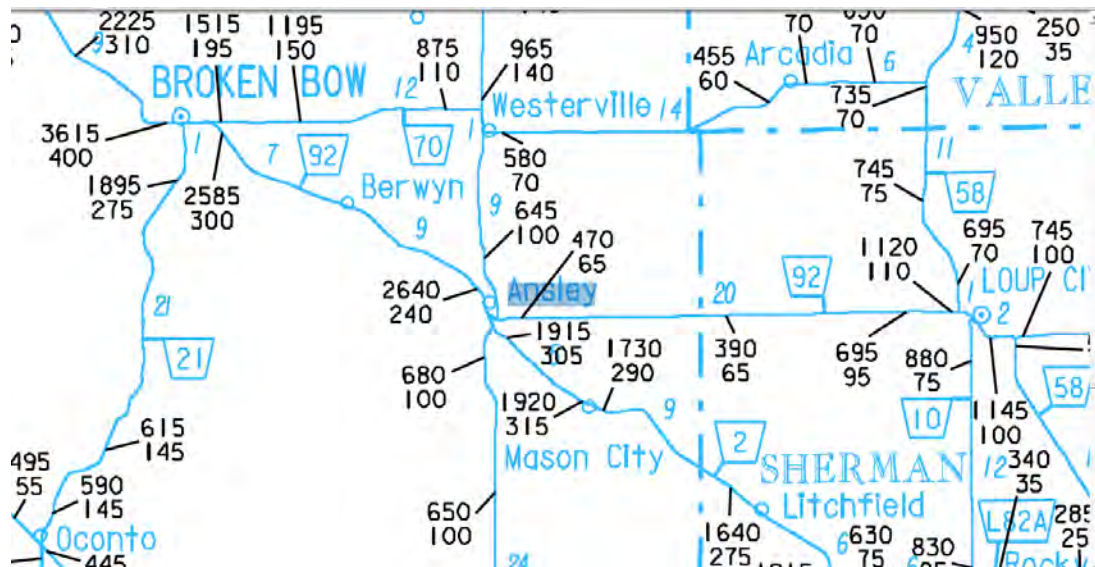


Figure X-6

2008 Traffic Volume Data Around Ansley



The data visualized and communicated in the above 5 maps is summarized and presented in **Table X-1** as follows:

Table X-1
Summary of Traffic Count Data for the Period 2000-2008

<i>Street Name or Number</i>	<i>Year</i>	<i>Total Vehicle Count</i>	<i>2-Year Trend</i>	<i>Heavy Vehicle Count</i>	<i>2-Year Trend</i>
NE 92 Northwest of Ansley	2008	2640	5.60%	240	4.35%
Also NE 2	2006	2500	24.69%	230	24.32%
	2004	2005	-6.74%	185	-7.50%
	2002	2150	6.17%	200	-14.89%
	2000	2025		235	
NE 92 East of Ansley	2008	470	-11.32%	65	-13.33%
	2006	530	10.42%	75	7.14%
	2004	480	31.51%	70	27.27%
	2002	365	-21.51%	55	-21.43%
	2000	465		70	
NE 2 Southbound	2008	1915	0.79%	305	0.00%
	2006	1900	-5.94%	305	-6.15%
	2004	2020	24.69%	325	25.00%
	2002	1620	-1.52%	260	-1.89%
	2000	1645		265	
NE 183 North of Ansley	2008	645	-20.86%	100	-20.00%
	2006	815	1.88%	125	0.00%
	2004	800	0.63%	125	0.00%
	2002	795	-2.45%	125	-19.35%
	2000	815		155	
NE 183 South of Ansley	2008	680	-8.72%	100	-9.09%
	2006	745	-23.98%	110	-24.14%
	2004	980	16.67%	145	16.00%
	2002	840	14.29%	125	-19.35%
	2000	735		155	

Source: <http://www.nebraskatransportation.org/maps/#traffvol>

The data in the table above indicates that the volume of traffic along all streets has increased during the period 2000-2008, except along Highway 183 which shows an overall decline in traffic volume during the period 2000-2008. Truck traffic along all the highways shows slow but steady growth except along Highway 183. The increase of traffic volumes along the aforementioned streets implies that the need for regular maintenance and upkeep of these major streets is critical to ensure streamlined traffic flow and greater safety.

RAIL TRANSPORTATION

Rail service that utilizes the railroad right-of-way is provided by Burlington Northern Santa Fe Railroad. Train traffic occurs fairly regularly over the stretch of railroad right-of-way since it represents one of the busier rail line corridors that traverses Custer County, with the bulk of rail traffic constituted by trains hauling coal from Powder River, WY to multiple destinations in the east, or trains hauling containerized cargo east and west.

AIR TRANSPORTATION

The Village of Ansley does not have its own local airport. The closest airports that would fulfill the commercial aviation needs of residents in the Village are the Kearney airport in the east and Broken Bow municipal airport in the north.

PUBLIC TRANSPORTATION

The Village of Ansley does not own or operate any public transportation within the Village.

TRANSPORTATION ISSUES

The rural principal and rural minor arterials that serve the Village of Ansley are conveniently located and serve the Ansley bedroom community by enabling economical and convenient commuting to the work centers in the north (Broken Bow) and in the south (Kearney). These highways also provide convenient and direct access for trucks that serve the needs of the heavy commercial cluster on the western side of Highway 2/92, and provide a cost effective link to markets and/or transshipment points located at Broken Bow and Kearney.

Perhaps the major transportation issues that have been identified are:

1. The railroad right-of-way and Highway 2/92 intersects the Village and divides and segregates the community into two sectors on either side.
2. These two sectors are connected by the vital link provided by Main Street, the main rural collector street. However, traffic flow along this vital link is impeded by the existence of a railroad level crossing which is frequently closed when trains pass through the Village of Ansley and which is unanimously acknowledged as a bottleneck to streamlined and unimpeded flow of commuter traffic between the eastern and western sectors of the Village.
3. The local park is located in the western sector of the Village and vehicular access to the park from the eastern sector is possible only by negotiating the level crossing mentioned above in Item 2. Pedestrian traffic from the eastern sector of the Village is possible if pedestrian users of the park cross the railroad line and Highway 2/92. The safety hazard that pedestrian users of the park have to encounter and overcome in order to gain access to the park impedes regular use of the park by residents who live in the eastern sector of the Village.
4. Sounding of the train whistle each time that a train approaches and crosses the railroad crossing is unanimously considered by the residents of the Village as a nuisance which adversely affects the tranquility of the surrounding residential neighborhoods.

PROPOSED STREET IMPROVEMENTS

As per the One and Six Year Street Improvement Program 2010 for Ansley, NE, the following streets were recommended for improvements for one year and six years respectively:

One year improvements

1. Park Street north of Fairfield street up to Valley Street;
2. Harrison Street between Park Street and Edmunds Street;
3. Fairfield Street between Fargo Street and Douglas Street.

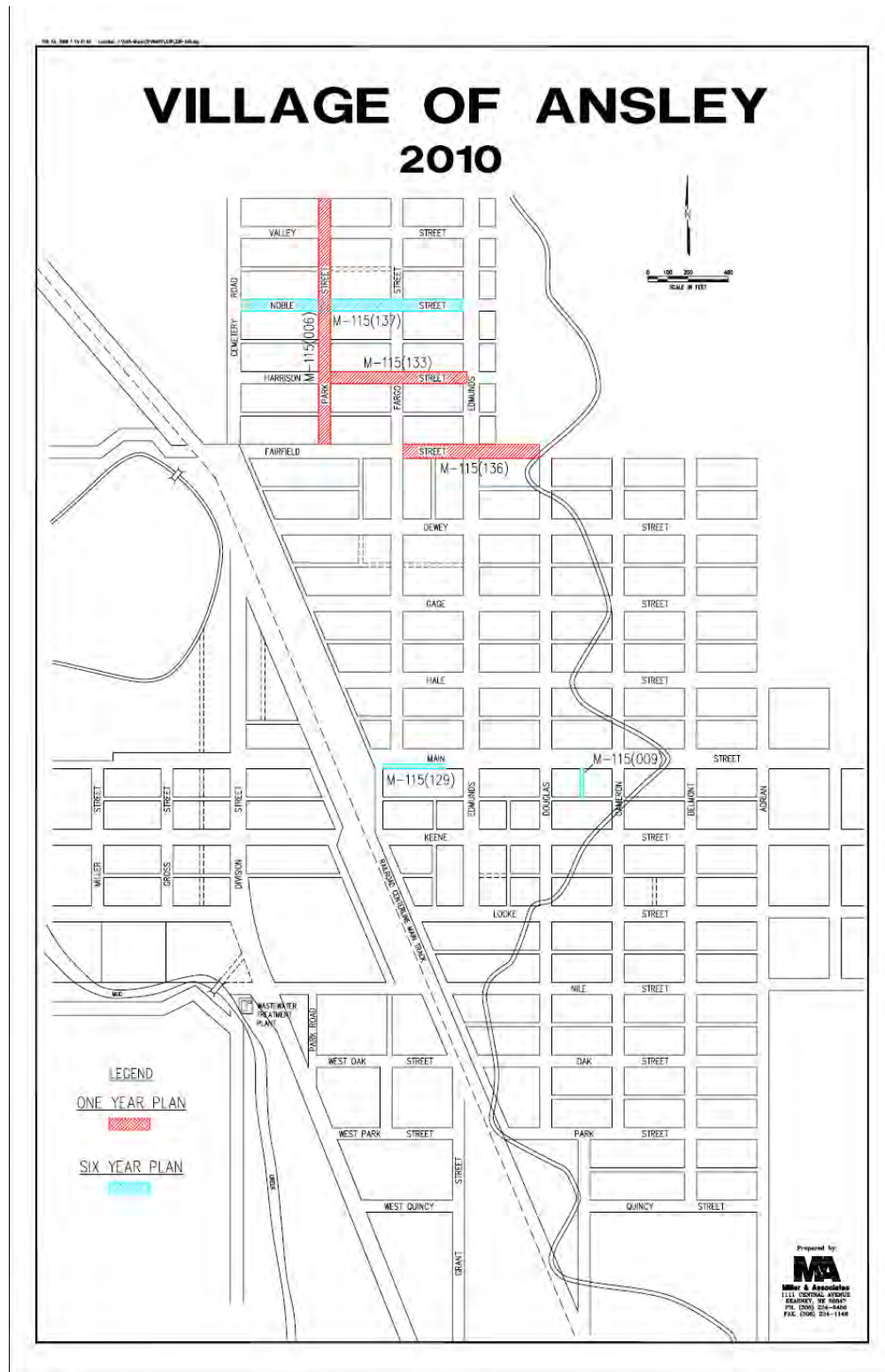
Six year improvements

1. Noble Street between Cemetery Road and Edmunds Street;
2. South side of Main Street from 75" west of Edmunds Street to 120" west of said 75";
3. North third of parking lot at Municipal Building.

The map in **Figure X-7** below shows the proposed street improvements plan as described above:

Figure X-7

Proposed Street Improvements in the Village of Ansley Up to 2016



All the other streets will need scheduled and timely maintenance and upkeep during the plan period. No new streets are required during the plan period 2010-2020.

References

1. http://www.nebraskatransportation.org/maps/func-class/nat-cty-cnty/nfc_Custer_County_Cities.pdf
2. Lane Mile Report for Ansley dated August 31st 2009.
3. One and Six Year Street Improvement Program 2010 for Ansley, NE, Miller & Associates, Kearney, NE, 2010.

Section XI

HOUSING

According to the US Census 2000, the total number of housing units in the Village is 265.
According to Headwaters Economics

1. 84.2% of the houses in the Village are occupied, implying that 15.8% of the houses are vacant.
2. The Average household size in the Village of Ansley in 2000 is 2.3 persons.
3. 70.3% of the housing units in the Village are either owner occupied or for sale.
4. 19.5% of the housing units in the Village are renter occupied or for rent.
5. 1.5% of the housing units in the Village are vacant units that are available for seasonal, recreational or occasional use.

HOUSING TYPES

Table XI-1 provides an inventory of housing units by type of house.

Table XI-1
Housing Units by Type

<i>House Type</i>	<i>Number</i>	<i>% Age</i>
Total number of houses	265	100.00%
Units in Structure		
1 unit detached	232	87.50%
1 unit attached	1	0.40%
2 units	2	0.80%
3 or 4 units	15	5.70%
5 to 9 units	0	0.00%
10-19 units	2	0.80%
20 or more units	2	0.80%
Mobile homes	11	4.20%

Source: US Census 2000

The above table indicates that the majority of homes in the Village are detached houses.

AGE OF HOUSING STRUCTURES

Table XI-2 provides an inventory of housing structures based upon the year when the structure was built.

Table XI-2
Age of Housing Structures

<i>Year Structure was Built</i>	<i>Number</i>	<i>% Age</i>
1999 to March 2000	0	0.00%
1995-1998	0	0.00%
1990-1994	0	0.00%
1980 to 1989	17	6.40%
1970 to 1979	24	9.10%
1960 to 1969	26	9.80%
1940 to 1959	33	12.50%
1939 or earlier	165	62.30%

Source: US Census 2000

The table indicates that 74.8% of the houses were built before 1960, with the majority of these houses having been built prior to 1939. No houses have been built in the community after 1989.

The implication of this information is that most of the homes in the Village are over 50 years old. With a few exceptions, most of these homes need maintenance, repair or renovation. The level of deterioration in many homes that are 50 years or older may justify their demolition.

The most serious concern relative to housing in the Village stems from the fact that housing starts have virtually been at a standstill since 1989. The absence of new houses in the Village and the high incidence of aging housing units requiring varying levels of maintenance, repair or renovation may be viewed as disincentives for potential in-migrants/homeowners who may be considering relocation in the Village of Ansley.

Table XI-3 below shows the number of rooms per house in the Village of Ansley.

Table XI-3
Number of Rooms per House

<i>Number of Rooms / House</i>	<i>Number</i>	<i>% Age</i>
1 room	0	0.00%
2 rooms	8	3.00%
3 rooms	24	9.10%
4 rooms	65	24.50%
5 rooms	41	15.50%
6 rooms	46	17.40%
7 rooms	37	14.00%
8 rooms	26	9.80%
9 or more rooms	18	6.80%
Median number of rooms/house	5.4	

Source: US Census 2000

It is evident from the above table that there are no single room dwellings in the Village, and the median number of rooms per house is 5.4. It may be concluded that houses in the Village tend to be more spacious and this marketing this attribute of the type of housing available in the community could be viewed as an incentive to potential in-migrants/homeowners who may be considering relocation in the Village of Ansley.

Table XI-4 below shows the housing occupancy of housing units in the Village of Ansley. An overwhelming majority of housing units have one person or less per habitable room, implying that overcrowding in houses in the Village is virtually non-existent.

Table XI-4
Housing Occupancy

<i>Occupants per Room</i>	<i>Number</i>	<i>% Age</i>
Occupied housing units	226	100.00%
1.00 or less	222	98.20%
1.01 to 1.50	2	0.90%
1.50 or more	2	0.90%

Source: US Census 2000

58.11% of the houses in the Village of Ansley are owner occupied. As per **Table XI-5** below, an overwhelming majority (in excess of 85%) of owner occupied houses are valued under \$50,000, with the median value of owner occupied houses being \$22,800.

Table XI-5
Value of Owner Occupied Houses

<i>Value of Owner Occupied Houses</i>	<i>Number</i>	<i>% Age</i>
Number of owner occupied houses	154	58.11%
Units less than \$ 50,000.00	131	85.10%
Units between \$ 50,000 and \$ 99,999.00	21	13.60%
Units between \$ 100,000 and \$ 299,999.00	0	0.00%
Units between \$ 300,000 and above	2	1.30%
Median value of owner occupied houses	\$22,800.00	

Source: US Census 2000

In comparison with the median value of owner occupied houses at Broken Bow, which is \$54,200 according to the US Census 2000, housing in the Village of Ansley is inexpensive, and this attribute could be an attraction to potential in-migrants/homeowners who may be considering relocation in the Village of Ansley and commuting to Broken Bow.

The median Gross Monthly rent in the Village of Ansley is only \$288 and this value represents 21% of the household income of residents, as shown in **Table XI-6** below. In comparison, the US Census 2000 shows the median gross monthly rent in Broken Bow to be \$338.

Table XI-6
Median Gross Monthly Rent

<i>Median Gross Monthly Rent</i>	
Median Gross Monthly Rent	\$288.00
Median gross monthly rent as % of household income	21.00%

Source: US Census 2000

Table XI-7 shows the calculations used by Headwaters Economics to calculate the Housing Affordability Index. It is very evident from the table below that the family with median income in the Village of Ansley can afford to purchase a house in the community.

Table XI-7
Affordability of Housing

<i>Affordability of Housing</i>	
Median value of owner occupied houses	\$22,800.00
% of median income necessary to buy median house	5%
Income required to qualify for the median house	\$6,443.00
Housing affordability Index*	466
* 100 or above means that the median family can afford the median house. The housing affordability index is 466, which suggests that the median family can afford the median house.	

Source: Headwaters Economics: A Socioeconomic profile of Ansley Village, Nebraska, produced by the Economic Profile System Community (EPSC) dated September 2, 2009.

It is very evident from **Table XI-6** and **Table XI-7** that the Village of Ansley offers very affordable rental housing to potential commuters and this may be considered to be another favorable attribute to attract potential in-migrants/homeowners who may be considering relocation in the Village of Ansley and commuting to Broken Bow.

HOUSING QUALITY IN THE VILLAGE OF ANSLEY

The following series of maps illustrates various attributes of housing within the jurisdictional limits of the Village of Ansley based upon data acquired from two sources:

1. Property information obtained from Custer County Assessor's Office; and
2. A visual survey conducted by the consultants between January 2010 and June 2010.

The data contained in the maps presented below was also verified and validated by the Planning Commission at its June 2010 meeting.

Figure XI-1
Building Conditions Map

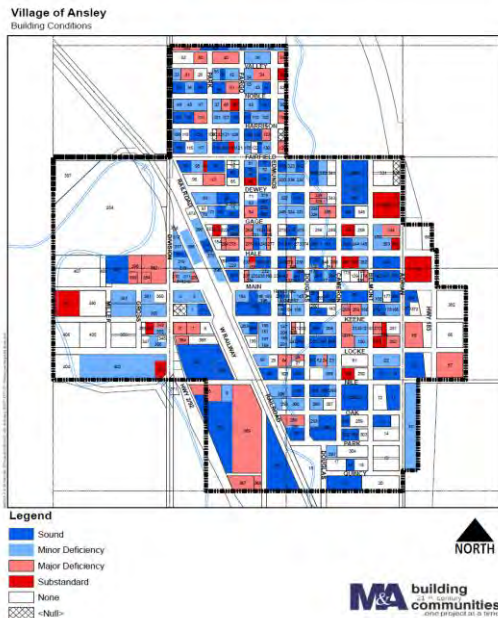


Figure XI-2
Building ADA Conditions

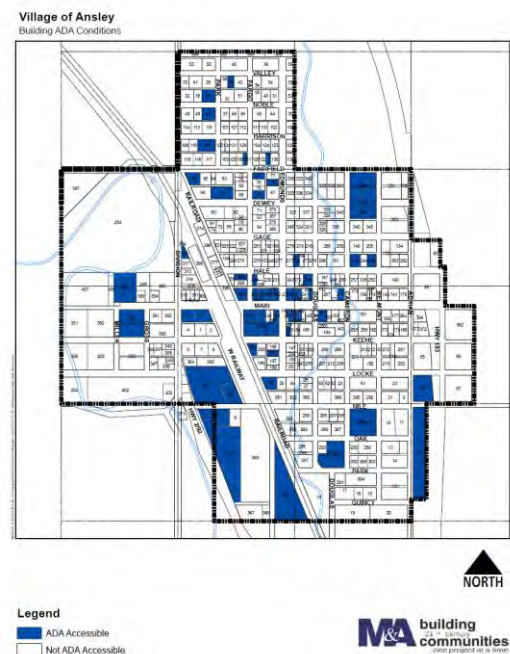


Figure XI-3
Roof Conditions Map

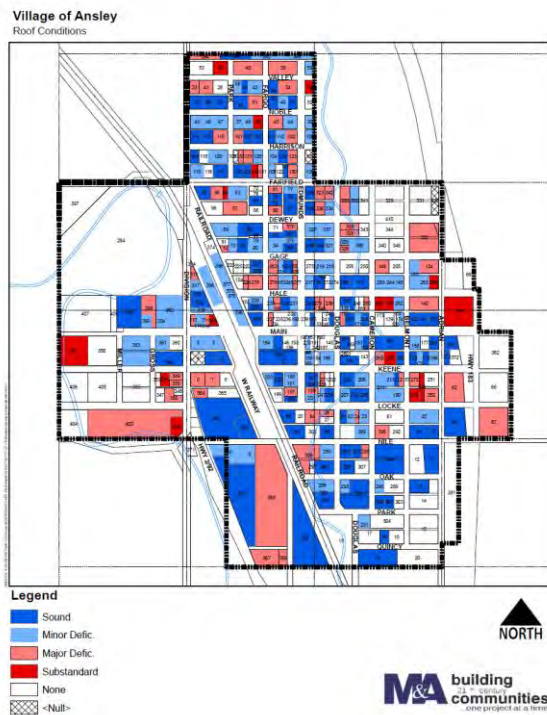


Figure XI-4
Wall Conditions Map

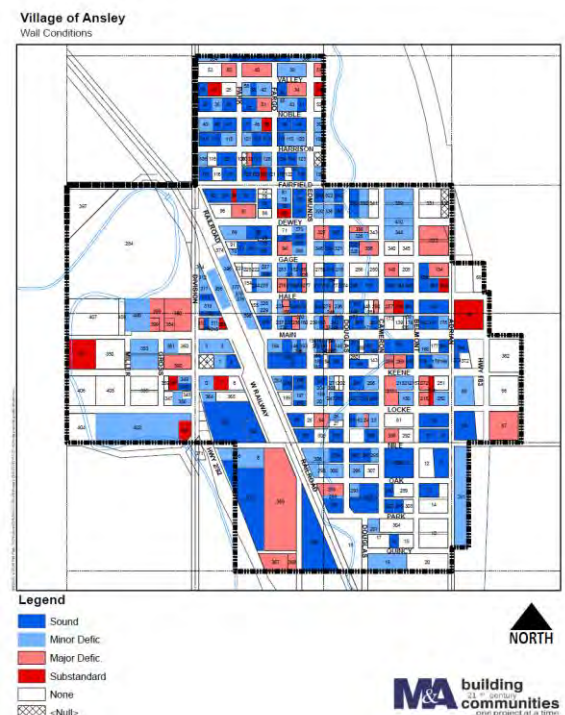


Figure XI-5
Door Conditions Map

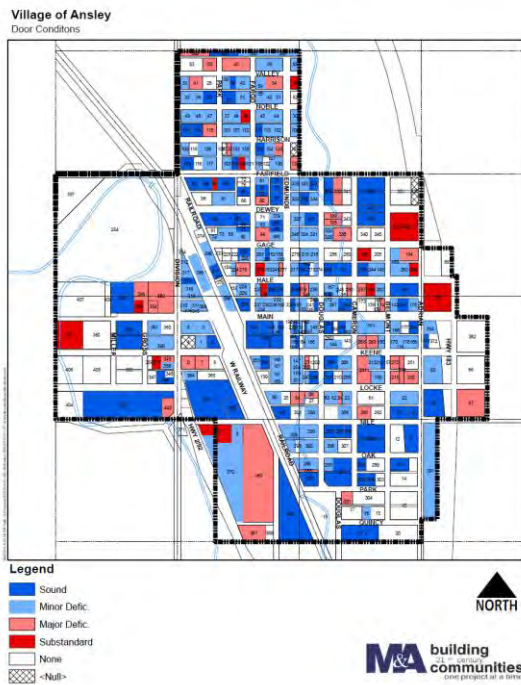


Figure XI-6
Window Conditions Map

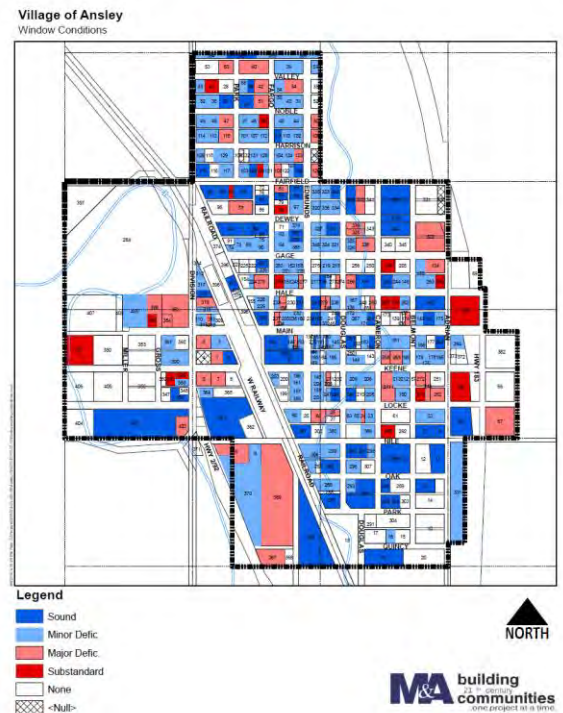


Figure XI-7
Yard Conditions Map

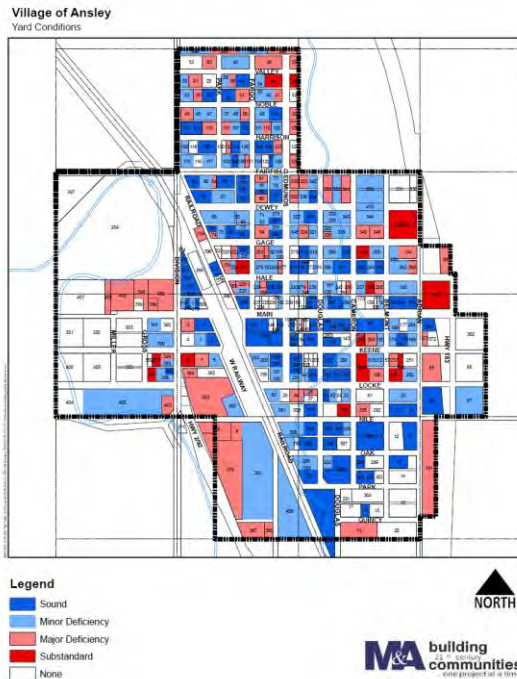
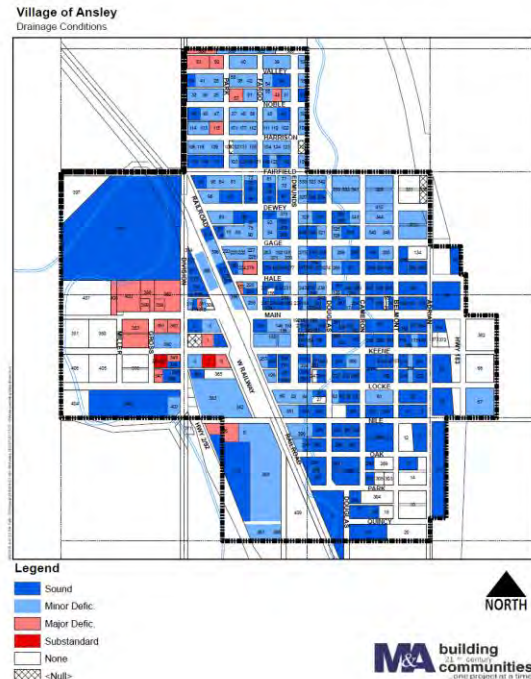


Figure XI-8
Drainage Conditions Map



According to Section 18-2103 (10) of the Nebraska Revised Statutes, a **substandard area** means an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of:

- ▶ dilapidation/deterioration,
- ▶ age or obsolescence,
- ▶ inadequate provision for ventilation, light, air, sanitation, or open spaces,
- ▶ high density of population and overcrowding,
- ▶ or the existence of conditions which endanger life or property by fire and other causes,
- ▶ or any combination of such factors,

is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals or welfare.

The rating of a structure's condition is a critical step in determining the eligibility of an area for redevelopment. The system used to classify buildings must be based on established evaluation standards and criteria. Results must include an accurate and consistent description of the existing conditions of the area. The following summarizes the method used for assessing site conditions and the criteria used for evaluation.

The analysis was based on exterior inspections, noting structural deficiencies in each building and identifying related infrastructure deficiencies. An inspection and analysis of the substandard factors listed in the state statutes were made to determine which factors, if any, were present.

The survey included a structural component rating for lots with buildings. Structures were rated as follows:

- ▶ SOUND: A sound building is one that has been and can be kept in good condition with normal maintenance. Building components contain no defects and require no treatment other than normal maintenance.
- ▶ MINOR DEFICIENT (MINOR REPAIR): A structure ranked as minor deficient has building components containing defects that can be corrected through the course of normal maintenance or minor repair. Minor defects have no real effects on either structural or architectural components. The rectification of such defects may be accomplished by the owner or tenant and are not considered in rating a building as structurally substandard.
- ▶ MAJOR DEFICIENT (MAJOR REPAIR/DETERIORATING): A structure ranked as major deficient has building components with major defects over an extensive area. Correction of such major defects would require reconstruction of components by practiced and experienced people in that trade.
- ▶ SUBSTANDARD (DILAPIDATED/DETERIORATED): A structurally substandard building contains major defects that are so serious and extensive that the building cannot feasibly be repaired. A dilapidated building contains such serious defects that the building is considered uninhabitable and should be demolished. All major components of a dilapidated building have defects that are major or critical in nature or a combination of less serious major component defects together with several minor component defects that are ranked as critical in nature.

This analysis was conducted because it is believed that additional public intervention, over and above the exercise of police power, is needed to overcome the problems that exist in an area qualifying as substandard.

Assessments of all the related factors listed in the Nebraska Community Development Law indicate whether an area is to be designated as substandard. Although the presence of one or more of the stated factors may be sufficient to make a finding of substandard under the State Statute, this evaluation was made in order to lead rational persons to conclude that public intervention is appropriate and/or necessary to assist with redevelopment activities.

DILAPIDATION/DETERIORATION

Dilapidated or deteriorated structures are those that have fallen into a state of disrepair and lack the quality, character and vitality they once had. This usually occurs through neglect or misuse of the structure. The condition of buildings was determined based on the findings of the field survey completed for the redevelopment area. There are a number of primary and accessory buildings throughout the Village that are in a dilapidated/ deteriorated state. Examples of dilapidated structures are shown in Figure XI-9 and Figure XI-10.

FIGURE XI-9
Dilapidated Structure



FIGURE XI-10
Dilapidated Structure



Dilapidated/deteriorated buildings pose a threat to the safety of the community because of their structurally substandard condition. They pose a serious risk of structural failure and collapse. Further, dilapidated/deteriorated structures may also become the target of vandals who immediately put themselves and others in danger when entering a building with major structural defects.

AGE OR OBSOLESCENCE

Aging structures generally show wear from decades of use and/or misuse. These buildings are out-of-date in terms of structural, electrical, plumbing, and mechanical systems and this leads to obsolescence or the process of becoming outdated or no longer economically feasible. This is usually caused by advances in technology that have not been integrated into such structures.

INADEQUATE PROVISIONS FOR VENTILATION, LIGHT, AIR, SANITATION, OR OPEN SPACES

Factors that present on-going negative conditions or impacts may contribute to the physical decline of developed areas. Improper ventilation and sanitation facilities and a lack of sunlight, clean air and open spaces can contribute to this decline. The presence of the aforementioned factors is considered, by the Nebraska Community Development Law, to contribute to the substandard character of an area.

Provisions for ventilation, light, and air in the redevelopment area are found to be adequate, but field survey data revealed that a reasonable amount of debris is present on various lots throughout the redevelopment area (see **Figure XI-11** and **Figure XI-12**) and debris are unwanted nuisances that encourage pests and vermin to build their habitat in close proximity to human occupancy and act as carriers of communicable diseases. This, therefore, creates insanitary conditions within the redevelopment area, detrimental to the public health of the community.

FIGURE XI-11
Litter and Debris



FIGURE XI-12
Litter and Debris



There is a large amount of vacant and/or open lots throughout the Village of Ansley; however, most areas of open space are overgrown or contain litter and debris as discussed above. Therefore, the redevelopment area's provisions for open spaces have been deemed inadequate.

HIGH DENSITY OF POPULATION AND OVERCROWDING

The redevelopment area does not experience high population density or overcrowding.

EXISTENCE OF CONDITIONS WHICH ENDANGER LIFE OR PROPERTY BY FIRE AND OTHER CAUSES

Wood was used as a major building and construction material due to the availability of such resources and the building tradition. The majority of structures within the redevelopment area were built with wood-frame construction, and most do not have fire detection and suppression systems because of the age of the structures. Further, the age of these structures implies outdated wiring where, in many cases, it is likely to have been overloaded by present-day electrical needs. The combination of wood-framed buildings and outdated wiring systems presents a substantial risk for the endangerment of life, human safety or property damage and loss by fire.

Further, unkempt lots where combustible materials, debris, and litter are present, especially during dry, hot conditions, pose significant fire hazards which endanger both life and property. A significant number of properties within the redevelopment area are strewn with combustible items and other debris.

ANY COMBINATION OF FACTORS

The presence of any combination of factors that are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and are detrimental to the public health, safety, morals or welfare shall indicate that substandard conditions exist. When two or more of these factors exist in the same area in which citizens reside, there is an increased potential for detrimental public impact. The evaluation of substandard factors, contained in this report, finds that there is more than one substandard factor present in the redevelopment area.

SUBSTANDARD DESIGNATION

In summarizing the findings from the analysis above, it is determined that:

1. There are a significant number of buildings which qualify as dilapidated and/or deteriorated, which are spatially distributed throughout the Village.
2. Over 84% of housing structures are at least 40 years old and need replacement of obsolete structural, electrical, plumbing and mechanical systems.
3. The presence of debris and litter and the inherent threat to sanitary conditions on various lots/properties in the Village pose a significant public health risk to community residents.
4. The predominant use of wood as a building material and inadequacy of maintenance, update or repair to obsolete wiring systems poses a threat to public safety and loss or damage to private property.

The predominance of a combination of these factors distributed throughout the Village qualifies most of the jurisdictional area of the Village as substandard in conformity to Section 18-2103 (10) of the Nebraska Revised Statutes.

Table XI-8
Presence of Substandard Factors

<i>Substandard Factor</i>	<i>Presence</i>
Dilapidation/deterioration	✓
Age or obsolescence	✓
Inadequate provisions for ventilation, light, air, sanitization, or open spaces	✓
High density of population and overcrowding	
Existence of conditions which endanger life or property by fire and other causes	✓
Combination of factors	✓

References

1. Headwaters Economics: A Socioeconomic profile of Ansley Village, Nebraska, produced by the Economic Profile System Community (EPSC) dated September 2, 2009.
2. US Census 2000
3. <http://custerne.taxesifter.com/taxesifter/t-parcelsearch.asp>

Section XII

PUBLIC UTILITIES AND SERVICES

There are a wide range of public utilities and services that exist within the Village of Ansley. A classification of utilities and services that serve the community are as shown below:

PUBLIC UTILITIES

The public utilities that exist within the Village of Ansley include:

1. Electricity;
2. Natural Gas;
3. Water Supply;
4. Sanitary Sewer and Waste Water disposal;
5. Solid Waste disposal;
6. Stormwater drainage.

Electricity

Electrical power is supplied to the Village by the Village owned generation, Western Area Power Administration and Nebraska Member Power Pool (NMPP). The electrical distribution system is owned and operated by the Village.

Natural Gas

The Natural Gas system is operated by Source Gas Company which supplies natural gas to residential, commercial and public account holders within the community.

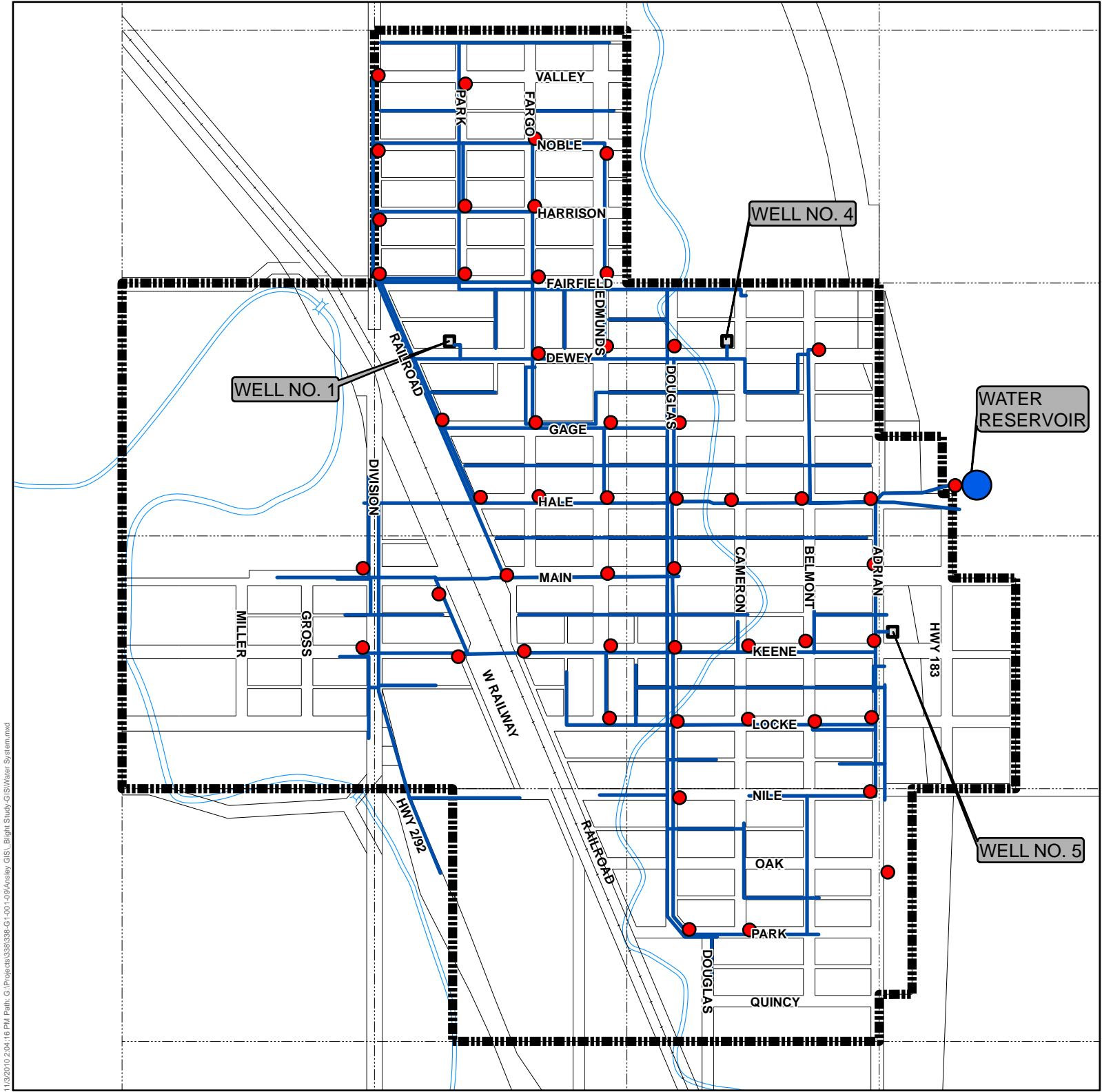
Water Supply

The Ogallala aquifer is the source of the Village Water Supply. The Village derives its water from three municipal wells with a combined pumping capacity of 1100 gallons per minute. The reservoir, which has a storage capacity of 100,000 gallons, serves the water supply needs of the Village and is located on the eastern side of the Village at the top of the hill.

Future water system improvement needs include replacement of water meters and software to support automatic reads. The main line along Douglas Street between Locke Street and Oak Street also needs to be replaced.

The map in **Figure XII-1** shows the water supply installation in the community.

Village of Ansley
Water System



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Legend

- WATER LINE
- FIRE HYDRANT



Sanitary Sewer and Waste Water Disposal

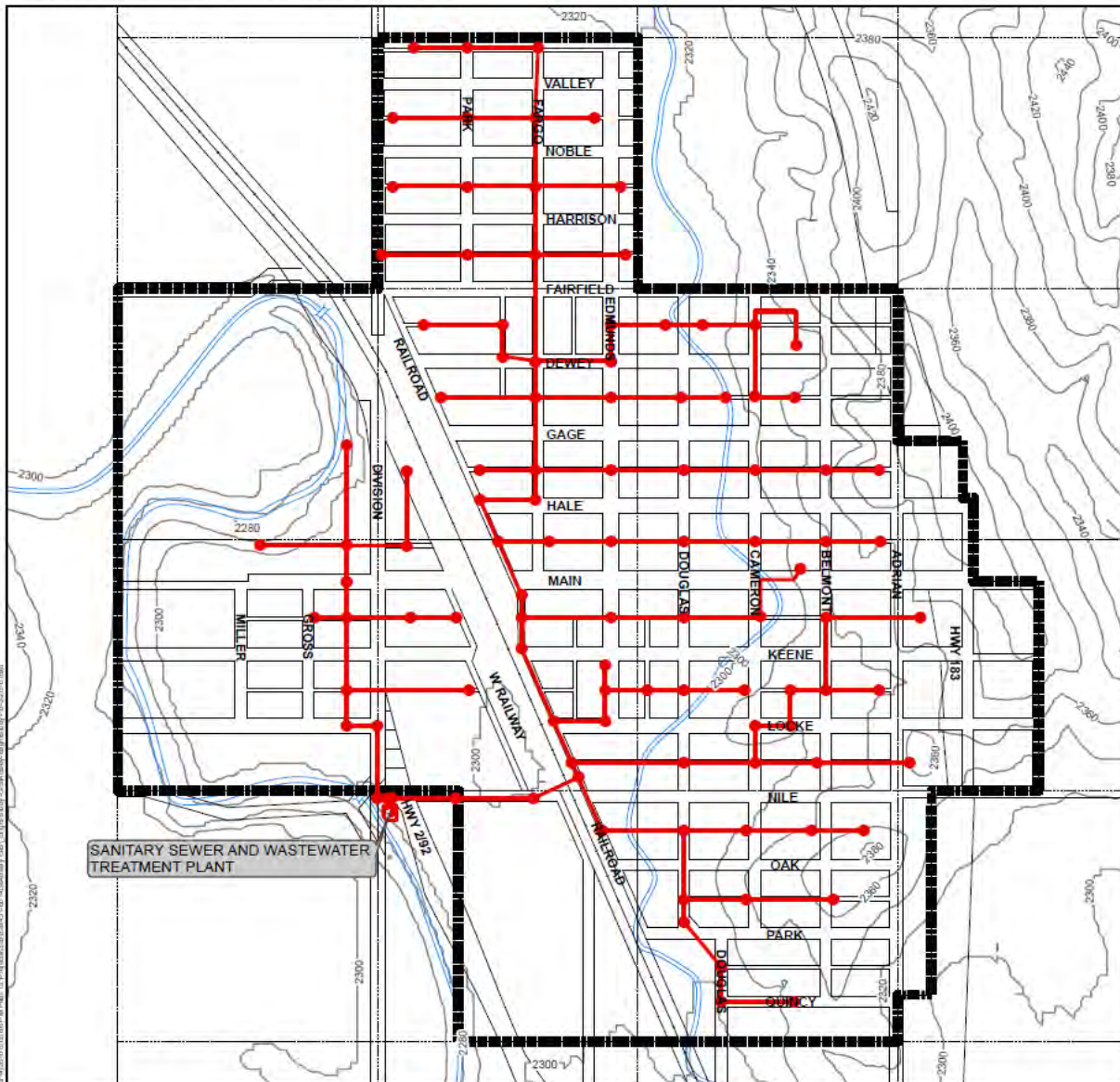
The Village wastewater and sanitary sewer system is composed of a network of collector lines connecting to a mechanical waste water treatment plant / extended aeration plant. See map shown in **Figure XII-2** as follows:.

Figure XII-2

Sanitary Sewer and Wastewater Installations in the Village of Ansley

Village of Ansley

Wastewater, Sanitary Sewer and Topography



Legend

- Sanitary Sewer
- Sanitary Sewer Manhole
- Contours



The treatment plant has capacity of 60,000 gallons per day and currently operates at an average capacity of 30,000 gallons per day.

It has been determined that the treatment of sanitary sewer and waste water effluent in the Village needs to be upgraded by the installation and commissioning of a waste water sanitary sewer effluent treatment lagoon.

Solid Waste Disposal

Solid waste is managed by the Village. Solid waste is collected and subject to recycling. A recycling trailer is located near the Municipal Auditorium in Ansley for collection and pickup of cardboard. A trailer with bins for paper, plastic and glass is also located at this location. The Village contracts with a service to remove solid waste from the Village and transport it to a landfill at Lexington, NE.

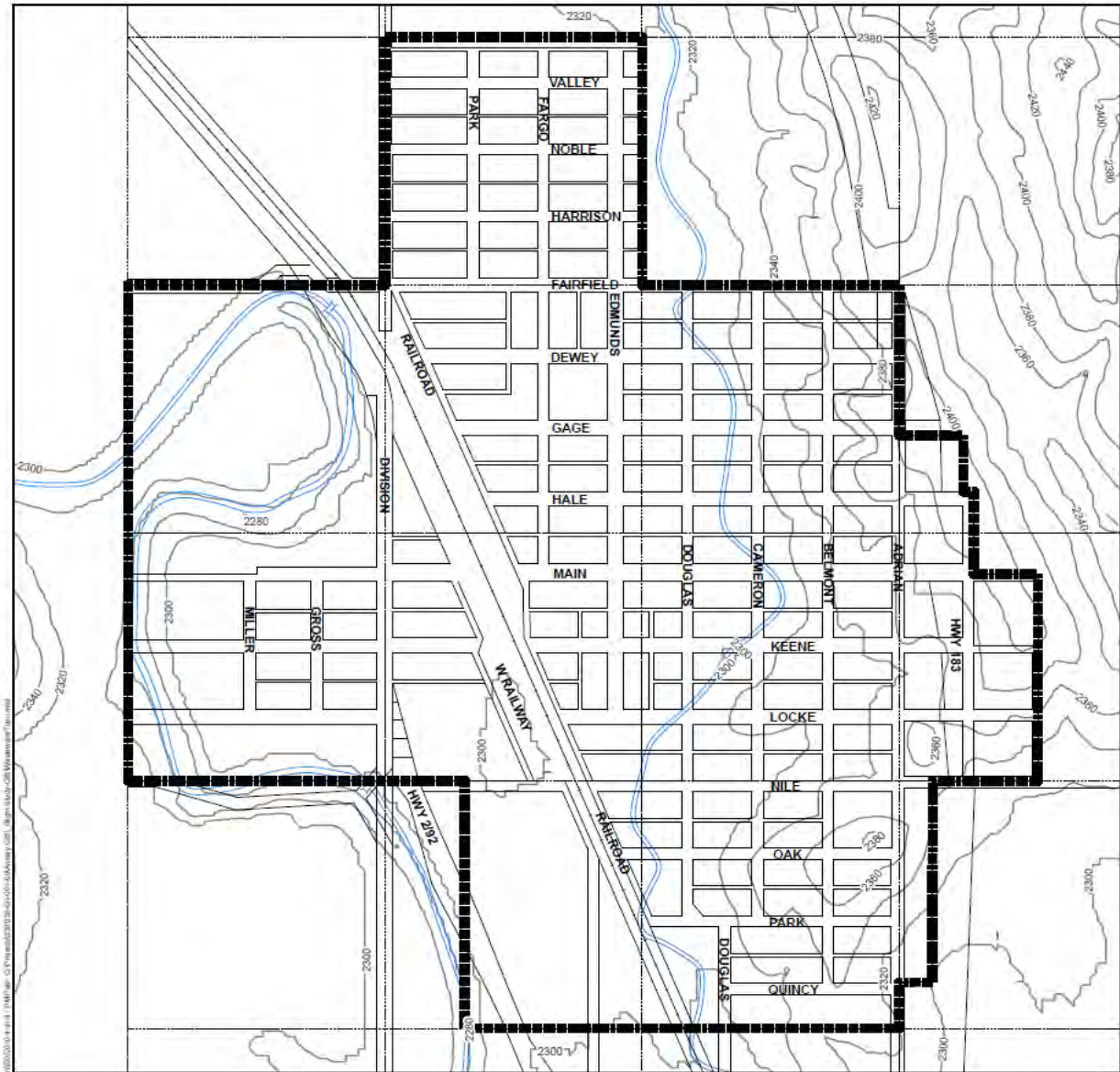
Stormwater Drainage

Stormwater drainage throughout the Village occurs through gravity flow. Stormwater flows into the natural drainage channels that traverse through the Village at two locations as shown in **Figure XII-3** below.

Figure XII-3
Stormwater Drainage within the Village of Ansley

Village of Ansley

Stormwater Drainage Channels



Legend

- Village Boundary
- Stormwater Drainage Channels
- Contours



PUBLIC SERVICES

The Village of Ansley is served by the Ansley High School (with 115 students covering Grades 7-12) and the Ansley Elementary School (with 93 students covering Pre-kindergarten to Grade 6). Both schools are located at 1124 Cameron Street. Ansley Public Schools spend \$6,942 per student. The average school expenditure in the U.S. is \$5,678. There are about 9.7 students per teacher in Ansley.

Jennie M. Melham Memorial Medical Center owns and operates a clinic in the Village, once a week. Members of the Village community also avail of public health services from the following five locations, depending upon the nature of health emergency service that is needed:

1. Jennie M. Melham Memorial Medical Center located 16 miles to the north, at Broken Bow;
2. Good Samaritan Hospital located 49 miles to the south east at Kearney;
3. St. Francis Hospital located 67.2 miles to the south east at Grand Island;
4. Callaway District Hospital located 29 miles away at Callaway; and
5. Valley County Hospital located 32 miles away at Ord.

The Ansley Township Library is located at 619 Main Street and possesses 10,651 books, 57 audio materials, 520 video materials and 4 serial subscriptions. The Ansley School also has its own library.

The Ansley Municipal Auditorium is located at 720 Douglas Street and serves as the main event and conference facility for the community.

The Village Office at Ansley is located at 217 Nile Street. The Village employs 4 full time employees, 3 part time employees and 7 to 8 seasonal employees. The Village administration is vested with an elected Village Board made up of 5 members and an appointed Planning Commission made up of 5 members. The Village Office is responsible for streets, water utilities, solid waste management, sewerage, electrical utilities, parks and recreation, police protection, central staff services, and financial administration.

The Village of Ansley falls within the jurisdiction of a fire district which is illustrated in the map in ***Figure XII-4.***

Figure XII-4
The Fire District within Which the Village of Ansley is Located



The Ansley Fire and Rescue Department currently provides emergency services to 1,220 people residing in an approximately 229-square mile area. A newly constructed fire hall is located at 522 Division Street. It will provide enough space to house all emergency equipment as well as separate office space for firefighters and EMTs, increasing security and privacy required by law for medical records.

The Ansley Rescue Squad was started in February of 1967 to serve the residents of Ansley and the outlying areas comprising the Ansley Rural Fire District. The membership includes volunteers that are certified EMT-Basic and volunteers that are certified First Responders.

Initially the Ansley service started out as free and was supported by a \$1/month donation made by each household in the service area. In order to cover continuously rising costs, the squad now bills out its service for each run. The members are still volunteers and donate many hours of their own time each year to ensure adequate emergency medical services in the Ansley community.

The Squad currently has 2 ambulances in service. A 2002 Lifeline E-450 is the primary unit used on most runs. A 1990 Wheeled Coach E-350 is the backup unit and used for fire scene

standby. When the need arises for additional ambulances and manpower the squad at Mason City or Broken Bow is called for mutual aid.

Patients needing emergency health care are transported by ambulance to the nearest hospital which in most cases is Jennie M. Melham Memorial Medical Center (JMMMMC) located 16 miles from Ansley at Broken Bow. In some instances, patients may also be transported to Good Samaritan Hospital in Kearney.

The public cemetery that serves the community is located at a site north of the Village, along Highway 183.

Cable Television is provided to users by Nebraska Central Telephone Company.

Internet services include 56 K Dial-up services, ISDN service at 64K to 128K, IDSL service up to 256 K, and SDSL service up to 512K. Wireless services are available to both residential and business users within the community. These services are also provided by Nebraska Central Telephone Company.

Telecommunication service is provided by Verizon, Vaiero and US Cellular.

The Security State Bank is located on Main Street.

There are three churches located within the Village which offer religious services to their respective parishes.

EMERGING NEEDS FOR COMMUNITY UTILITIES AND SERVICES

In general, public utilities and services available to Village residents in the community appear to be adequate to meet the needs of the Village during the plan period 2010 – 2020 with respect to:

1. Electricity;
2. Natural Gas;
3. Solid waste disposal;
4. Stormwater drainage;
5. School system;
6. Public health services;
7. Public library;
8. Public administration;
9. Village administration;
10. Fire and rescue and other emergency services;

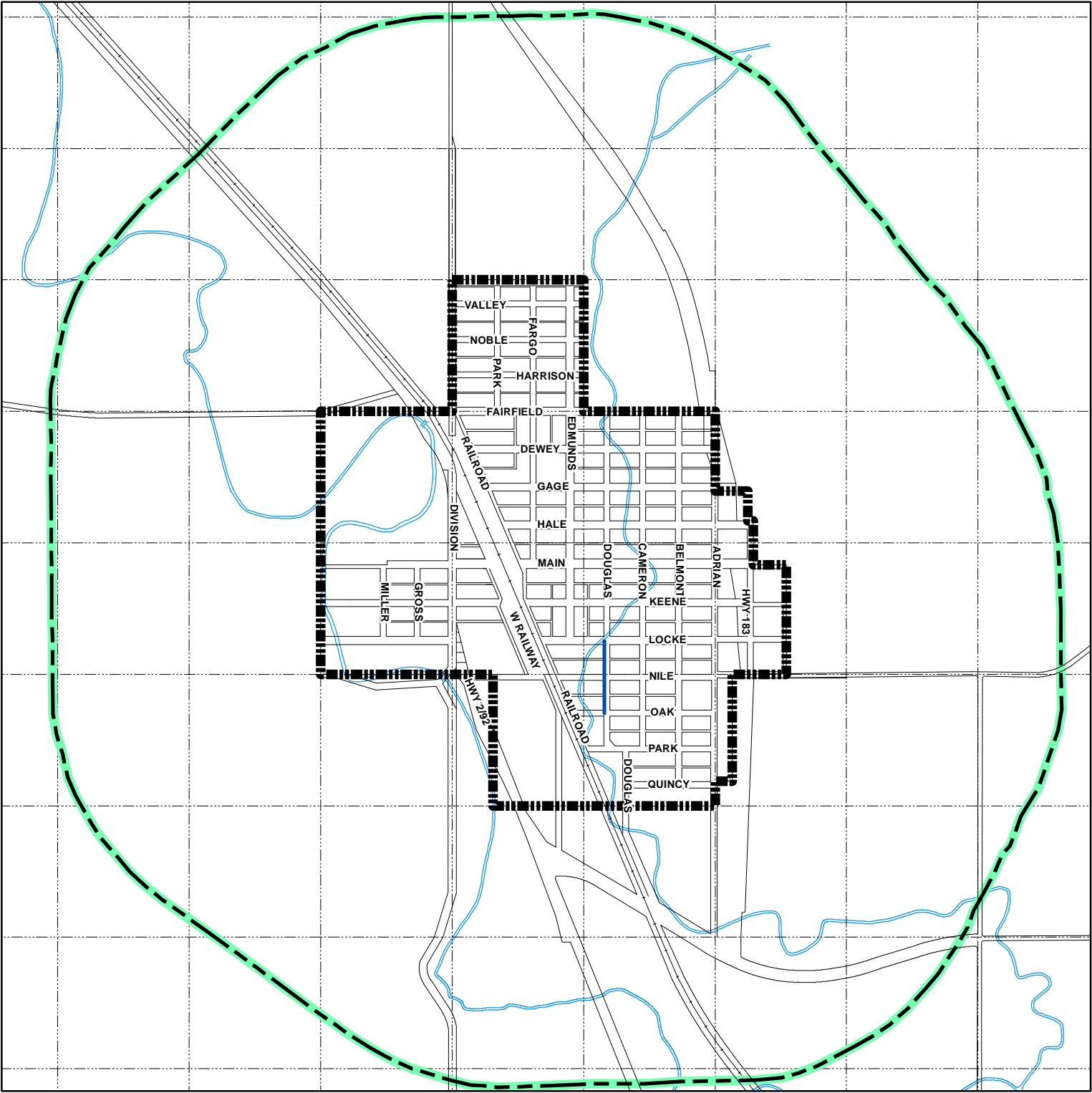
11. Public cemetery;
12. Cable television services;
13. Internet services;
14. Telecommunications;
15. Religious services.

The following improvements are required to be completed during the plan period 2010 - 2020 with respect to:

1. Water Supply
 - a. The replacement of water meters and software to support automatic reads is recommended;
 - b. The replacement of the main line along Douglas street between Locke Street and Oak Street is recommended.
2. Sanitary Sewer and Wastewater Disposal
 - a. Land needs to be acquired outside the flood plain for the installation and commissioning of a waste water sanitary sewer effluent treatment lagoon within the period 2010 - 2012. A minimum area of approximately 20 acres of surface water is recommended for the proposed lagoon at a location southwest of the Village, and just outside the Village jurisdiction;
 - b. Once the lagoon is installed and commissioned, it is further recommended that the Village make arrangements to annex the property and bring it within Village jurisdiction.

A map showing the following improvements is furnished below in **Figure XII-5**.

Village of Ansley
Proposed Improvements to Community Utilities and Services 2010-2020



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Legend

- EXISTING ETJ (1/2 MILE RADIUS)
- PROPOSED WATER SUPPLY MAIN LINE REPLACEMENT AND SANITARY SEWER EFFLUENT TREATMENT LAGOON



References

1. <http://www.electrical.state.ne.us/alllinks.html>
2. <http://www.ansleyfireandrescue.com/fitwlg.JPG>
3. <http://www.ansleyfireandrescue.com/>
4. <http://www.neded.org/content/view/1077/2364/>
5. <http://www.epodunk.com/cgi-bin/genInfo.php?locIndex=133496>

Section XIII

LAND USE

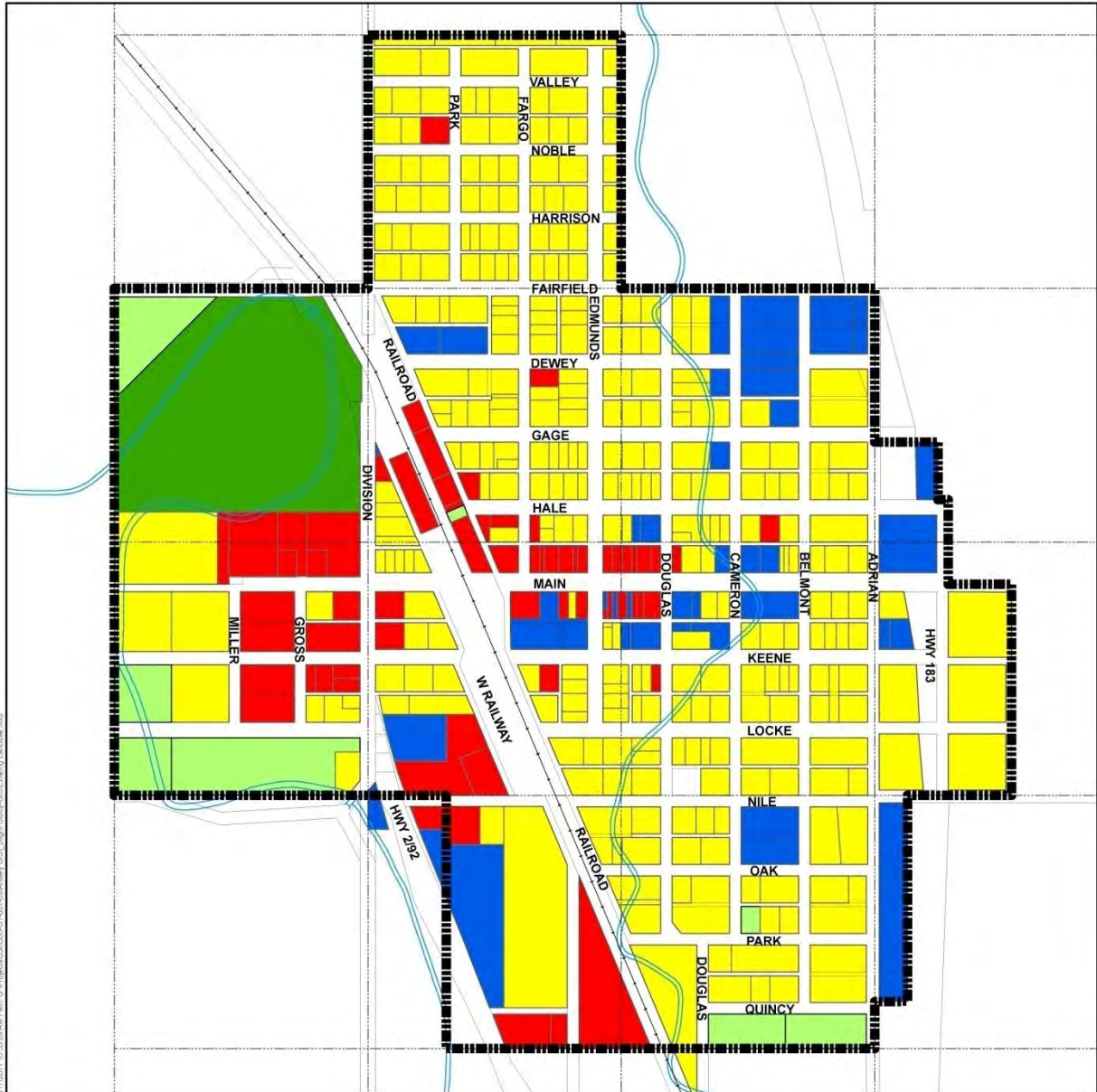
Land use refers to the type of human activities that are performed on any given parcel of land at any given time. The land use pattern of any community is a physical reflection of the character of a community, its chosen life style and the selected quality of life adopted by the members of the community. The existing land use pattern of the community also serves as the platform on which the future growth, development and change will take place based on such growth; development and change are regulated by decision makers and local stakeholders in the community. The Land Use component of a Comprehensive Plan provides decision makers and local stakeholders with informed and judicious guidance to initiate, motivate and sustain growth, development and change that are consistent and compatible with the needs and desires of the community over the duration of the plan.

LAND USE CLASSIFICATION

A detailed land use inventory of the Village of Ansley is required as a prerequisite for analysis and determination of existing land use patterns and land development trends in the community. This inventory was generated from information derived from the data available on land parcel data available with the Custer County Assessor in 2010. The data that became available from this inventory was mapped to show property boundaries and land use, and the output of this mapping initiative is displayed in ***Figure XIII-1 – Existing Land Use Map 2010***.

Figure XIII-1
Existing Land Use Map of Ansley 2010

Village of Ansley
 Land Use



Legend

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



The existing land use categories that were identified are:

1. Residential
2. Commercial
3. Public
4. Parks and Open Spaces
5. Farm

RESIDENTIAL LAND USE

Residential lands refer to all properties on which the primary structure is intended for use as a dwelling unit. Residential categories that may be further delineated based upon the density of development include single family residential, multi-family residential, mobile homes and agricultural or rural dwellings.

COMMERCIAL LAND USE

Commercial lands refer to all properties on which the primary activities involve the sale or exchange of goods, products and/or services and allied storage. Commercial categories that may be further delineated based upon the specific type of commercial activities involved, include:

1. Retail establishments which include such establishments as grocery stores, hardware stores, auto parts stores, drug stores, clothing stores and similar establishments;
2. Commercial businesses and offices such as restaurants, motels, gas and service stations, automobile dealerships and repair services, insurance offices, sales offices and similar establishments;
3. Wholesale establishments which include commercial storage and warehousing;
4. Heavy commercial uses which involve sales and storage of items that require limited assembly or fabrication on site, and include plumbing and heating establishments, agricultural product storage, implement services and dealerships and similar establishments.

PUBLIC USE

Public lands refer to all properties that are developed and used to serve the general public and include schools, community centers, public offices, libraries, museums, public utility sites, fairgrounds, treatment facilities and similar uses.

PARKS AND OPEN SPACES

Parks and open spaces refer to all public or semi-public properties that are used for public gardens, playfields and playgrounds and other recreational purposes.

FARMS

Farms refer to all properties that are principally undeveloped for any of the aforementioned urban uses and are developed for agricultural purposes.

LAND USE PATTERN IN ANSLEY

The following table shows the distribution of land within the Village of Ansley which is used for different categories of uses as described above.

Table XIII-1

Land Use Distribution in the Village of Ansley 2010

<i>Existing Land Use</i>	<i>Area in Acres</i>	<i>% Total Area of Village</i>
Residential	142.46	38.13%
Commercial	32.67	8.74%
Public	31.03	8.31%
Parks and Recreation	28.93	7.74%
Farms	17.28	4.63%
Railroad right of way	17.07	4.57%
Streets	104.16	27.88%
Total	373.60	100.00%

RESIDENTIAL AREAS

142.46 acres of land, equivalent to 38.13% of the total area within the municipal jurisdiction, constitutes the residential area in Ansley in 2000. The residential area is principally located east of the railroad right of way with a uniform distribution north and south of Main Street. There are three clusters of residential areas on the west of the railroad right of way:

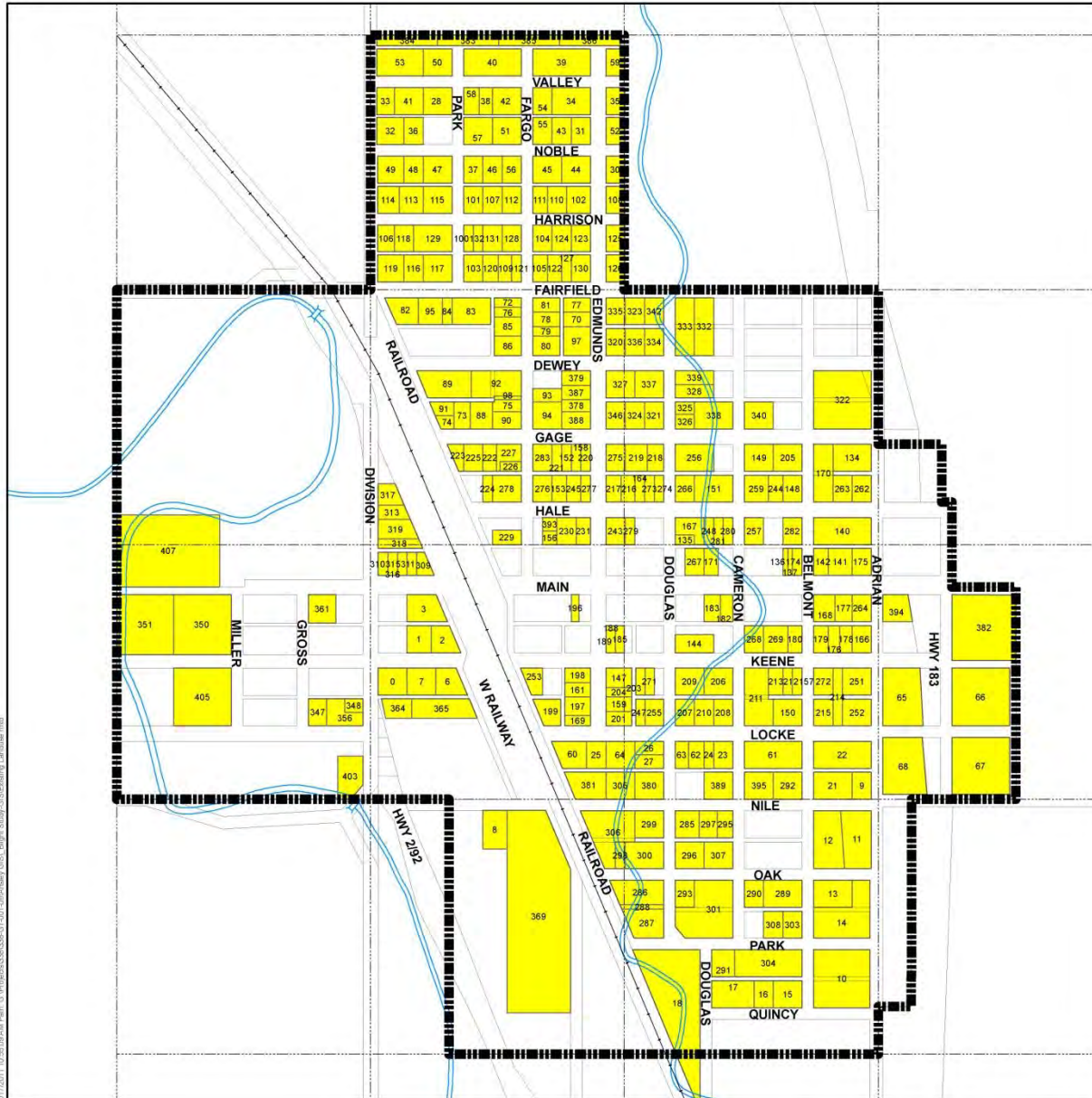
1. Western cluster west of Miller Street;
2. Central cluster between the railroad right of way, east of Division Road and north of Nile Street;
3. Southern cluster between Highway 2/92, west of the railroad right of way, and south of Nile Street up to the village boundary.

Figure XIII-2 illustrates the locations of residential areas in the village.

Figure XIII-2

Residential Areas in the Village of Ansley

Village of Ansley
Residential Use



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Legend

RESIDENTIAL



M&A building
21st century
communities
...one project at a time

The aforementioned database does not provide any evidence of residential apartments or duplexes within the community.

The average population density in the residential areas of Ansley is persons per acre in 2010.

COMMERCIAL AREAS

32.67 acres of land, equivalent to 8.74% of the total area within the municipal jurisdiction, constitutes the commercial area in Ansley in 2000. The commercial area is principally located in five commercial clusters as follows:

1. A linear strip on either side of Main Street east of the railroad right of way and west of Douglas Street;
2. A commercial cluster bounded on the north by the municipal park, Division Street on the east, Locke Street on the south and Miller Street on the west;
3. A linear strip on either side of Railroad Street north of Main Street;
4. A commercial cluster north of Nile Street, west of the Burlington Northern Santa Fe railroad and east of Highway 2/92;
5. A triangular strip used as commercial in the south of the Village and on the western side of Railroad Street.

Most of the commercial establishments located along the first linear strip mentioned above constitute the retail commercial corridor in the Village and include:

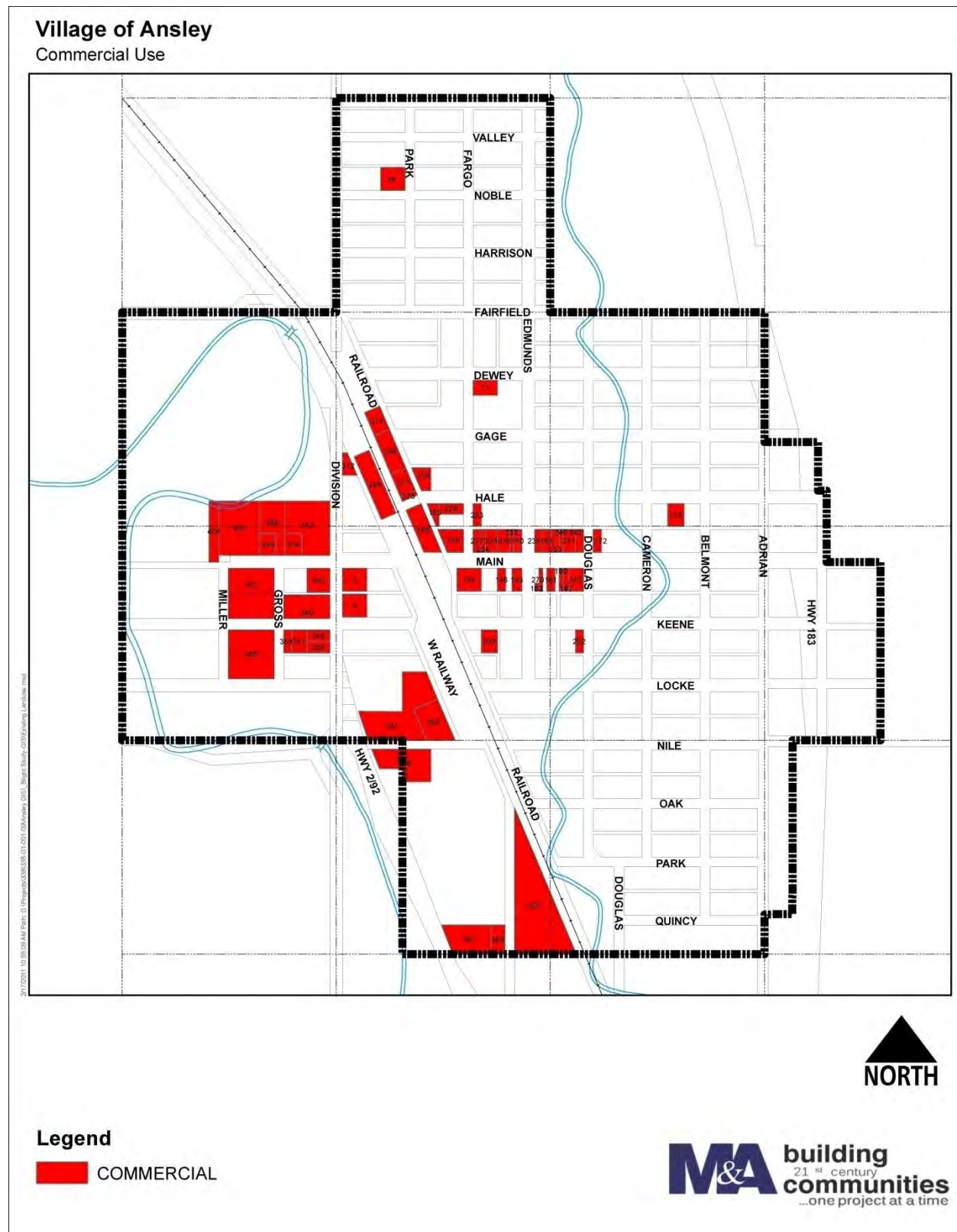
- a. Retail establishments which include such establishments as grocery stores, hardware stores, auto parts stores, drug stores, clothing stores and similar establishments;
- b. Commercial businesses and offices such as restaurants, motels, gas and service stations, automobile dealerships and repair services, insurance offices, sales offices and similar establishments.

The commercial cluster referred to as item 2 above, and the clusters referred to as items 3, 4 and 5 above, constitute the majority of wholesale commercial establishments and heavy commercial uses in the village and include:

- a. Wholesale establishments which include commercial storage and warehousing;
- b. Heavy commercial uses which involve sales and storage of items that require limited assembly or fabrication on site, and include plumbing and heating establishments,, agricultural product storage, implement services and dealerships and similar establishments.

Figure XIII-3 illustrates the locations of commercial areas in the Village.

Figure XIII-3
Commercial Areas in the Village of Ansley



PUBLIC AREAS

31.03 acres of land in the Village of Ansley, equivalent to 8.31% of the total area within the municipal jurisdiction constitutes the public area in Ansley in 2000. The public area in the Village is made up of properties held by the Village of Ansley, the State of Nebraska, the Ansley School District, the Ansley Housing Authority, The American Legion Memorial Hall, the Public Library, the Municipal Auditorium and a number of churches which include:

- a. Fundamental Baptist Church;
- b. First Baptist Church;
- c. United Methodist Church;
- d. Trustees M.E. Church;
- e. Trustees of Christian Church;
- f. Ansley Christian Church;
- g. Trustees of Baptist Church.

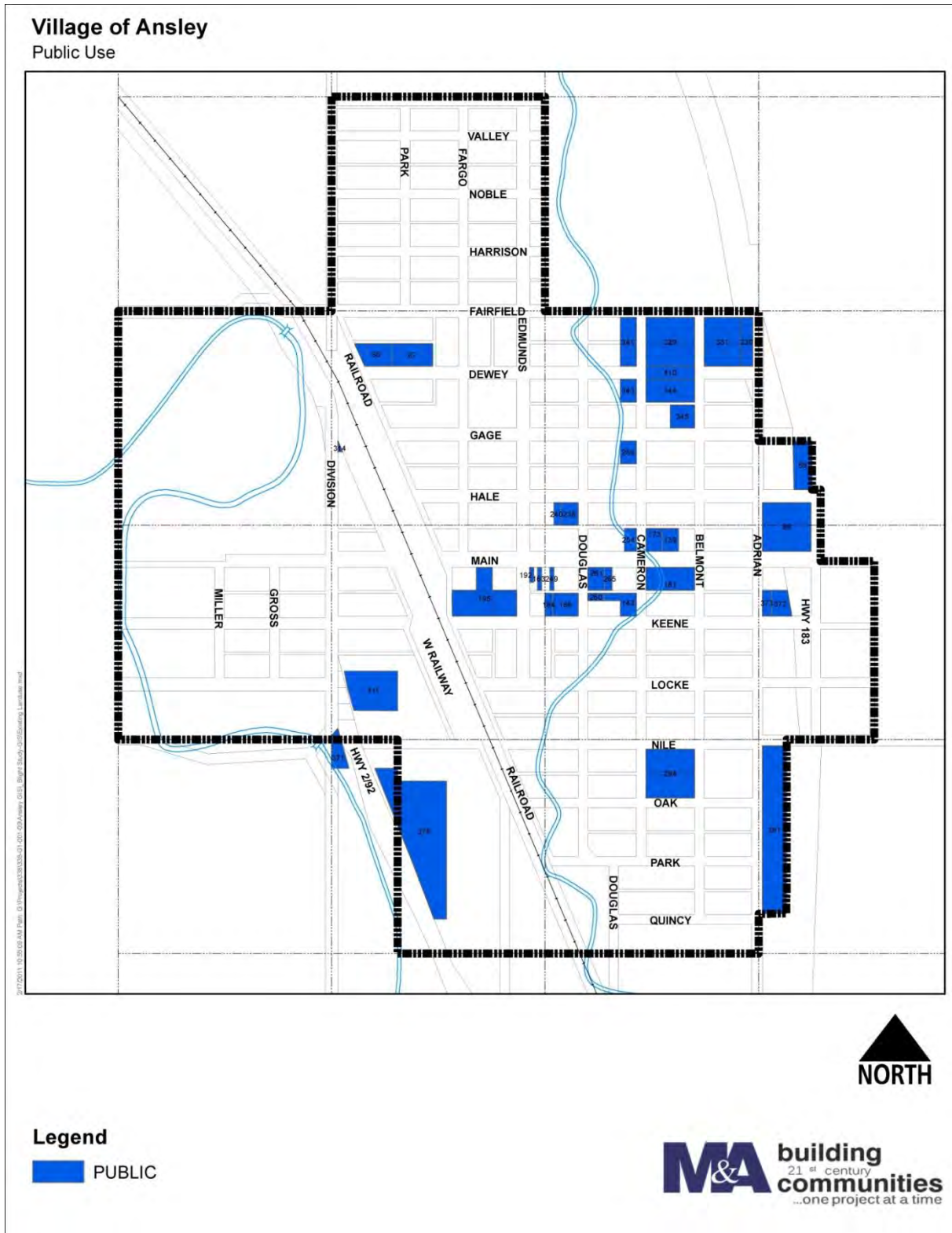
The Ansley Housing Authority, The American Legion Memorial Hall, the Public Library and the Municipal Auditorium are located along Main Street.

The water treatment plant is located to the south, outside the Village boundary along Division Road.

The New Fire Hall is located at the northeastern intersection of Highway 2/92 and Nile Street.

Figure XIII-4 illustrates the locations of public areas in the Village

Figure XIII-4
Public Areas in the Village of Ansley



Parks and Recreation Areas

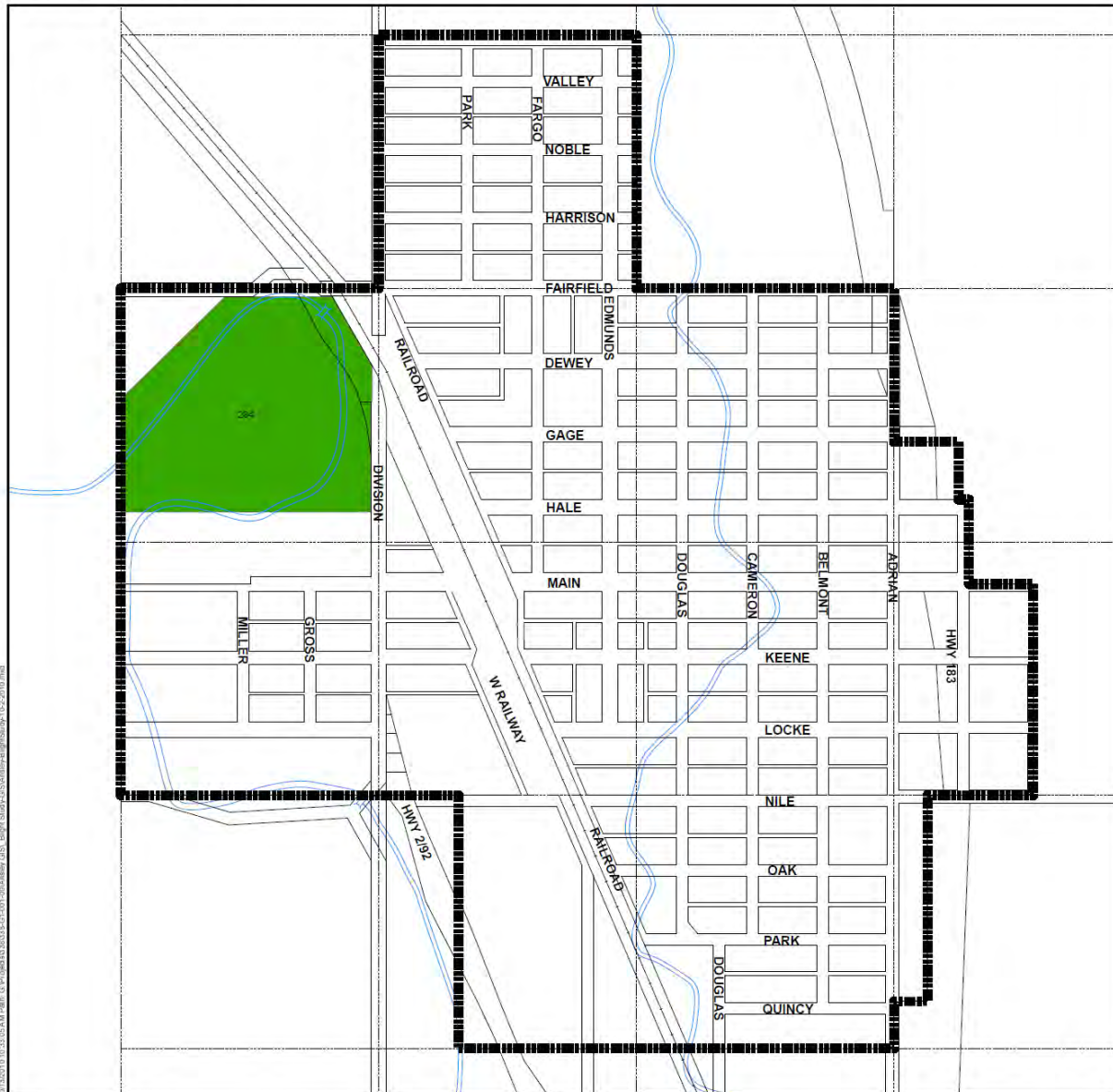
28.93 acres of land, equivalent to 7.74% of the total area within the municipal jurisdiction, constitutes the parks and recreation area in Ansley in 2000. The main public park in the community is located on the western side of Division Road and south of Fairfield Street and serves as the main recreational space for the community.

Figure XIII-5 illustrates the locations of residential areas in the Village.

Figure XIII-5

Village of Ansley

Parks & Open Spaces Use



Legend

 PARKS & OPEN SPACES

FARMS

17.28 acres of land, equivalent to 4.63% of the total area within the municipal jurisdiction, constitutes the area occupied by farms in Ansley in 2000. The area occupied by farms is principally made up of two clusters:

- a. West of Highway 2/92 along Locke Street;
- b. South of Quincy Street and east of Douglas Street.

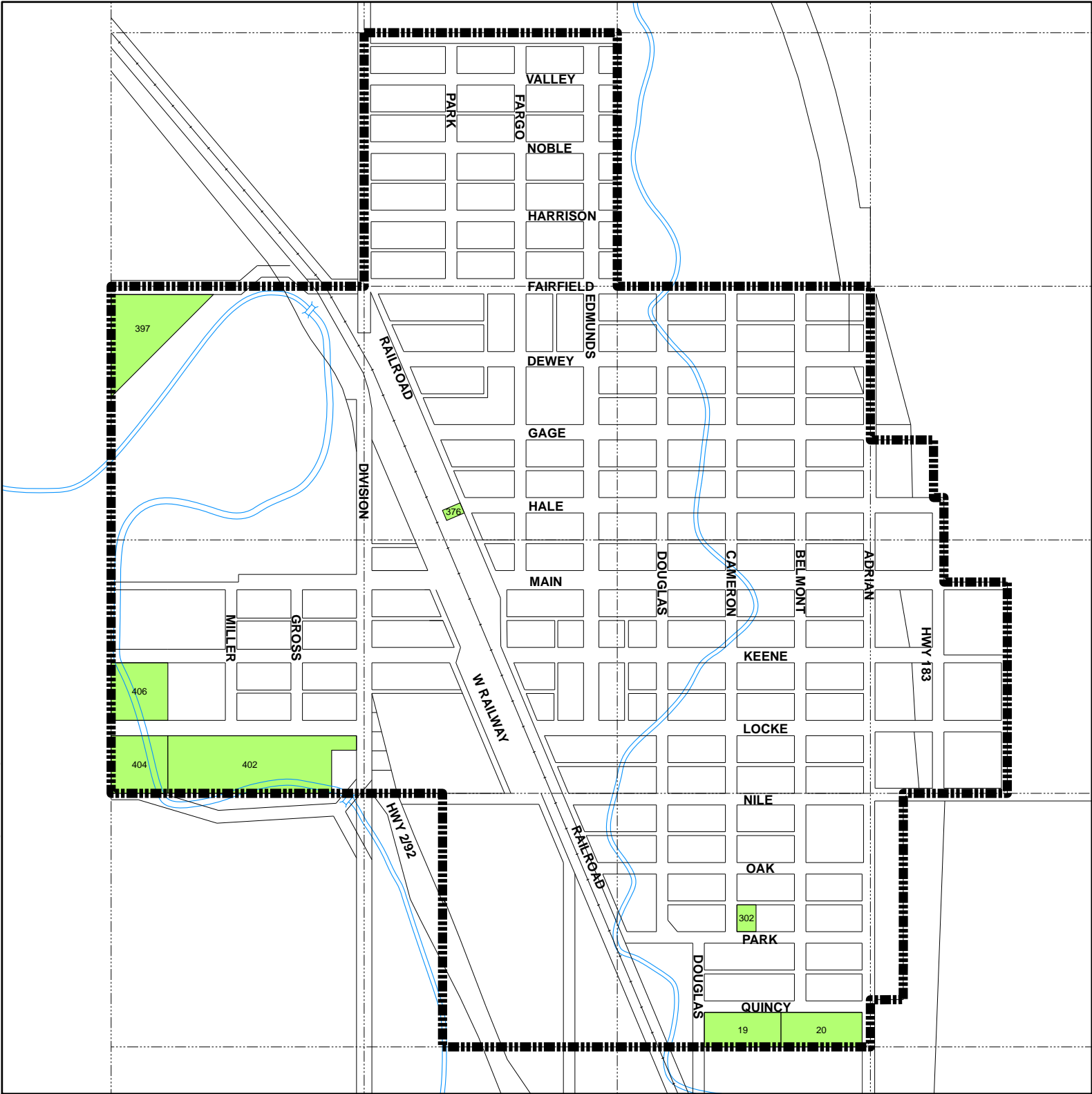
Both these clusters are located adjacent to the municipal boundary of the Village.

Figure XIII-6 illustrates the locations of farm areas in the Village.

Village of Ansley

Farm Use

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Legend

 FARM



RAILROAD RIGHT-OF-WAY

17.07 acres of land, equivalent to 4.57% of the total area within the municipal jurisdiction, constitutes the area occupied by the railroad right-of-way.

STREETS

104.25 acres of land, equivalent to 27.88% of the total area within the municipal jurisdiction, constitutes the area occupied by streets.

EXTRATERRITORIAL JURISDICTION

According to the preamble of the Village of Ansley Ordinance 217, an area extending one-half mile from the corporate limits of the Village constitutes the Extra-territorial Jurisdiction of the Village, within which the Village may regulate and/or restrict:

- a. 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;
- b. the erection construction, reconstruction, alteration, repair or use of buildings, structures or land in the aforementioned area.

The Village may also:

- a. divide the said area into zoning districts;
- b. provide for the boundaries of said districts and the manner in which said districts shall be determined, established and enforced, and from time to time amended, supplemented or changed.

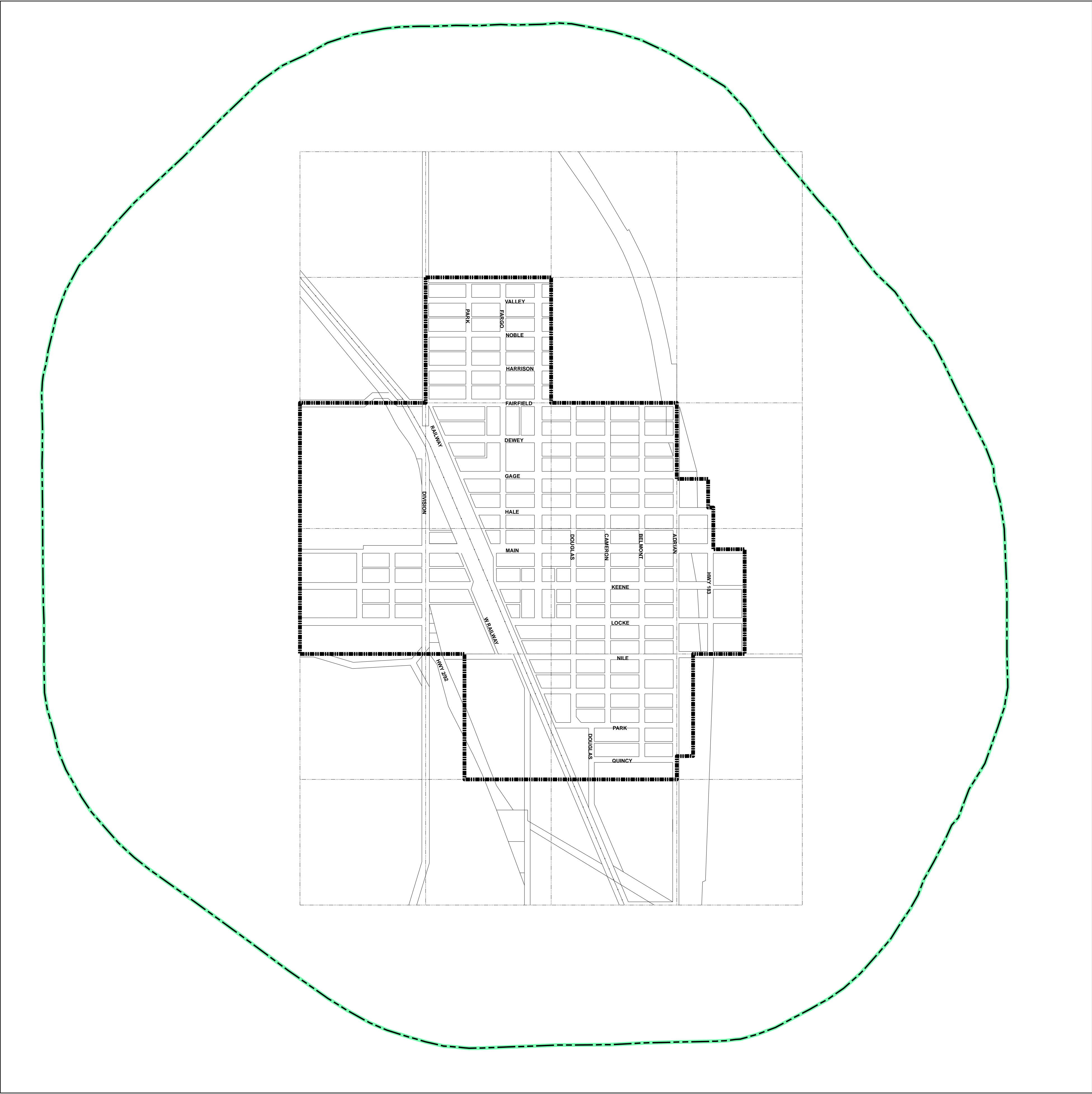
The Village is also authorized by this ordinance to:

- a. issue zoning certificates and applications;
- b. make certain exceptions;
- c. create the Office of Zoning Inspector and the Board of Adjustment;
- d. provide for the enforcement of and the penalties for the violation of any of its provisions for the purpose of promotion health, safety, morals, and general welfare of the community.



A map showing the Extra Territorial Jurisdiction of the Village of Ansley is shown in **Figure XIII-7** below:

Village of Ansley

Extra Territorial Jurisdiction



Legend

-  EXISTING ETJ (1/2 MILE RADIUS)
-  Corporate Limits



zoning area of a city of the second class or village shall be one-half mile from the corporate limits of such municipalities. The fact that the zoning area or part thereof is located in a different county or counties than some or all portions of the municipality shall not be construed as affecting the necessity of obtaining the approval of the city council or board of trustees of such municipality or its agent designated pursuant to section 19-916.

As per Nebraska State Statute 70-1001, in order to provide the citizens of the state with adequate electric service at as low overall cost as possible, consistent with sound business practices, it is the policy of this state to avoid and eliminate conflict and competition between public power districts, public power and irrigation districts, individual municipalities, registered groups of municipalities, electric membership associations, and cooperatives in furnishing electric energy to retail and wholesale customers, to avoid and eliminate the duplication of facilities and resources which result there from, and to facilitate the settlement of rate disputes between suppliers of electricity.

It is also the policy of the state to prepare for an evolving retail electricity market if certain conditions are met which indicate that retail competition is in the best interests of the citizens of the state. The determination on the timing and form of competitive markets is a matter properly left to the states as each state must evaluate the costs and benefits of a competitive retail market based on its own unique conditions. Consequently, there is a need for the state to monitor whether the conditions necessary for its citizens to benefit from retail competition exist.

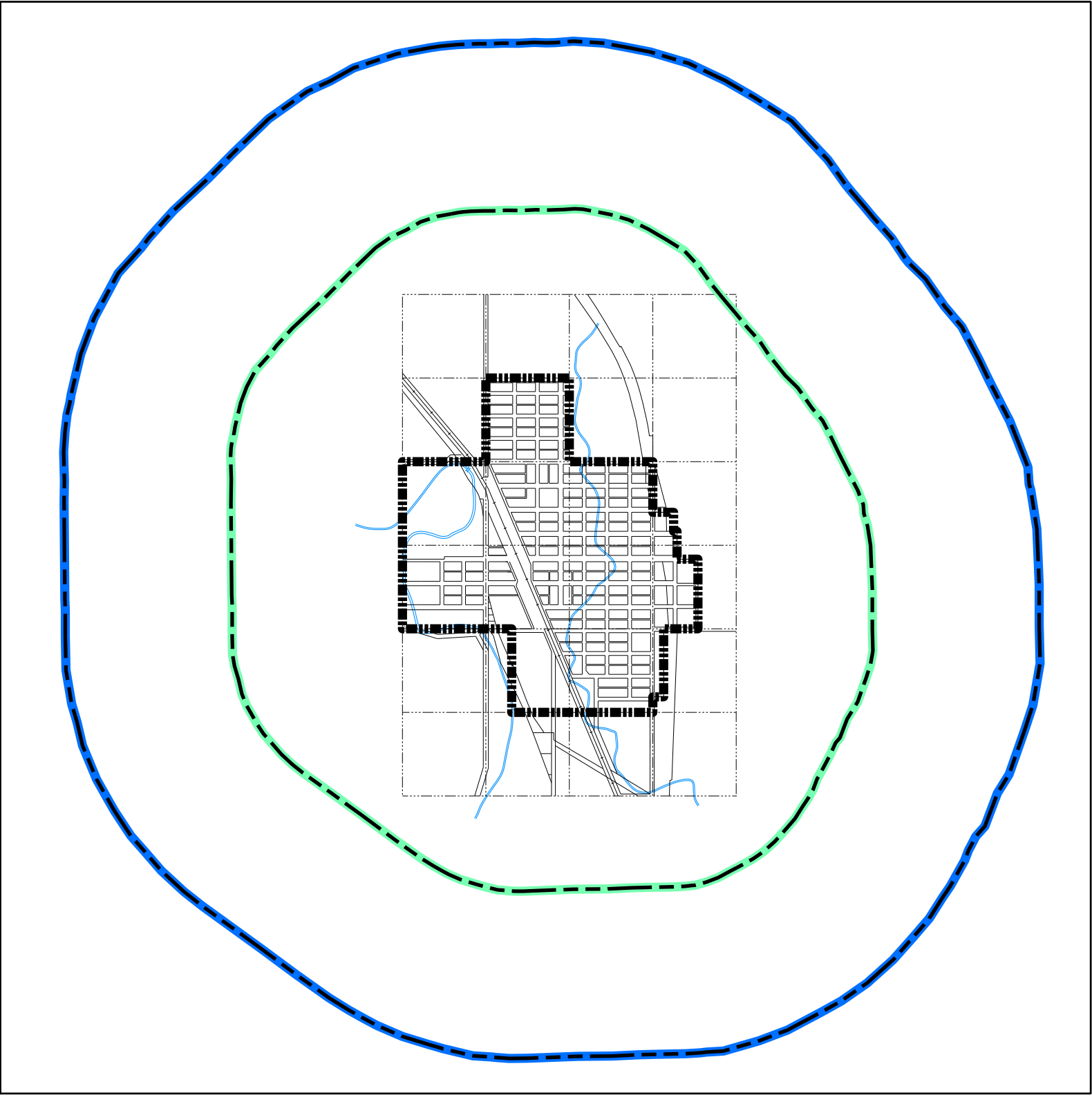
It is also the policy of the state to encourage and allow opportunities for private developers to develop, own, and operate renewable energy facilities intended primarily for export from the state under a statutory framework which protects the ratepayers of consumer-owned utility systems operating in the state from subsidizing the costs of such export facilities through their rates.

Figure XIII-8 illustrates the location of a hypothetical extra territorial jurisdictional boundary that the Village is entitled and empowered to establish. This boundary extends up to one mile from the existing corporate limits.

Village of Ansley

Extra Territorial Jurisdiction That The Village May Consider

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- Legend**
- EXISTING ETJ (1/2 MILE RADIUS)
 - HYPOTHETICAL ETJ (1 MILE RADIUS)
 - Corporate Limits

LAND USE ISSUES

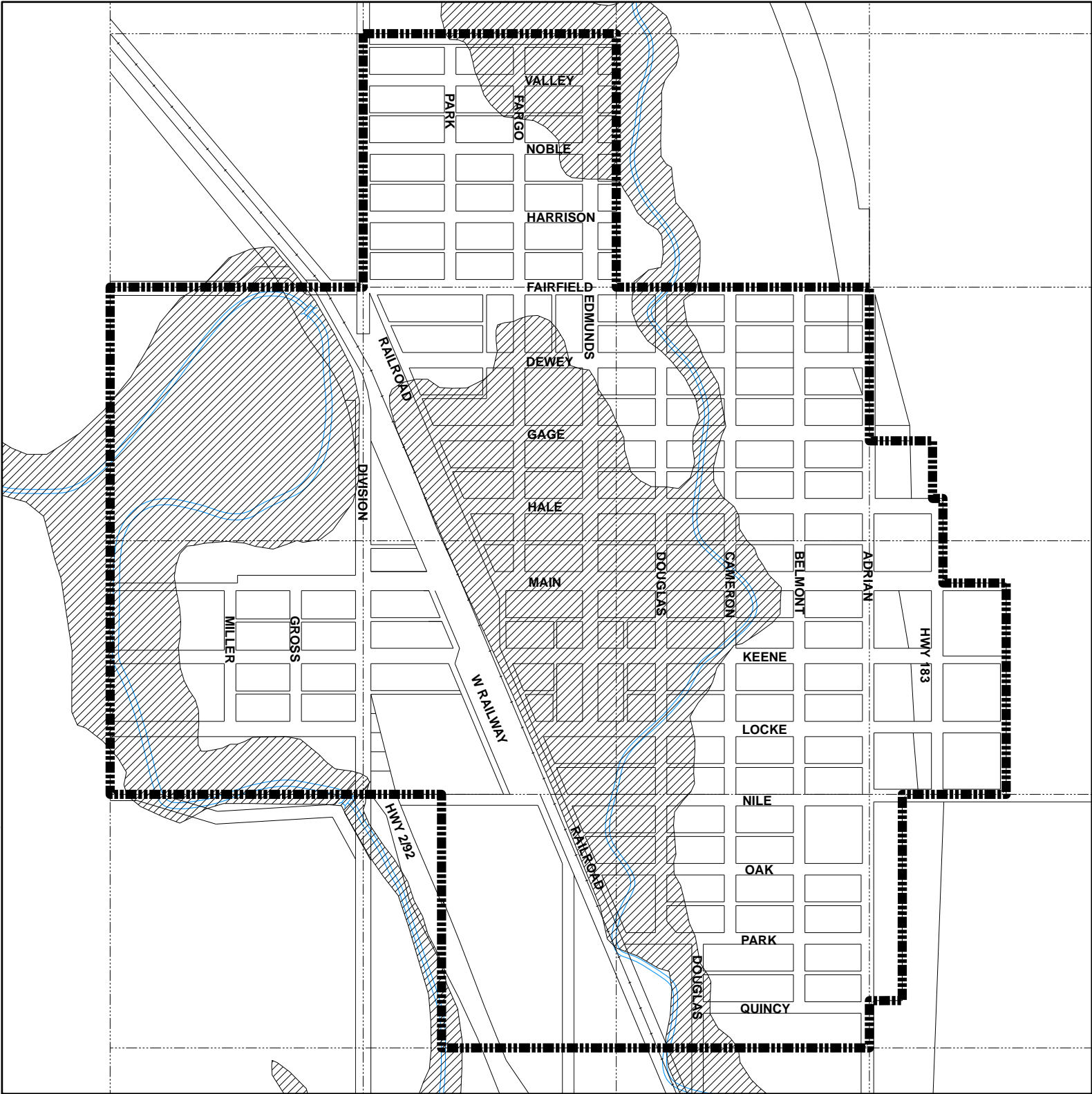
The Impact of the Flood Plain on Land Development

Perhaps the most significant issue that confronts the Village of Ansley is that a significant portion of developed land utilized for one or more land uses falls within the 100 year flood plain. The 100 year flood plain location is shown in **Figure XIII-9** below and the data for the map was derived from the Flood Insurance Rate map (FIRM) Community Panel Number 310340 0001A which has an effective date of August 19, 1987

Village of Ansley

100 Year Flood Plain

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 100 YEAR FLOOD PLAIN *

* 100 Year Flood Plain was digitized from Flood Insurance Rate Map (FIRM) Community Panel Number 310340 0001A, Effective Date August 19, 1987, Village of Ansley Nebraska (Custer County).



NORTH

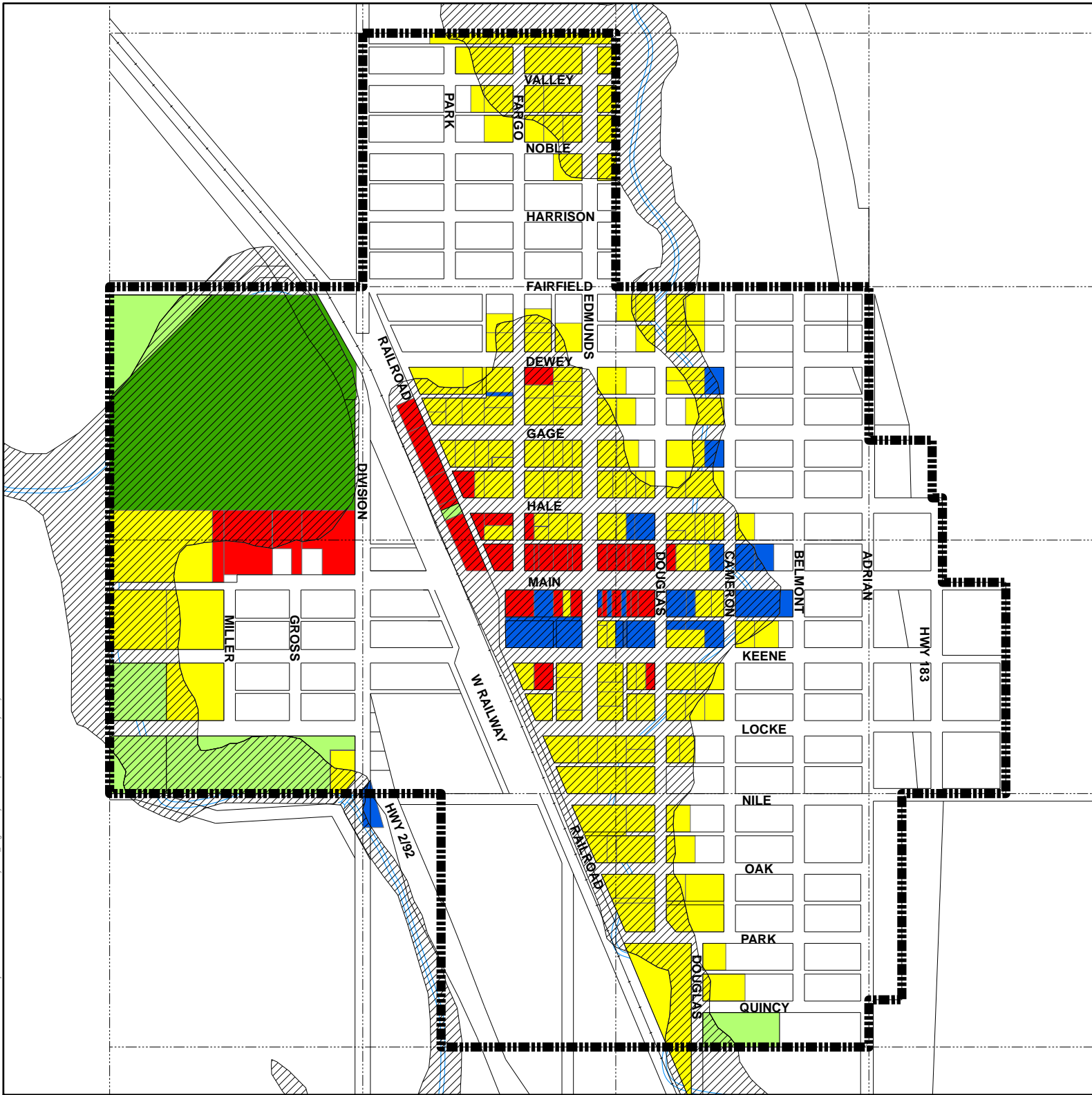


MA&A building
21st century
communities
...one project at a time








Village of Ansley

Properties Affected By 100 Year Flood Plain

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- | | |
|--|---|
|  100 YEAR FLOOD PLAIN |  PARKS & OPEN SPACES |
|  RESIDENTIAL |  FARM |
|  COMMERCIAL |  AREA NOT AFFECTED |
|  PUBLIC | |



The flood plain virtually encompasses 127.97 acres of Village land, equivalent to 34.25% of the total jurisdictional area of the Village. See **Table XIII-2** below. It may be further note that 22.4% of Village land that lies in the flood plain is used for residential, commercial or public purposes.

Table XIII-2
Areas Affected by the 100 Year Flood Plain Classified by Land Use

<i>Existing Land Use</i>	<i>Area in acres</i>	<i>% Total Area Of Village</i>
Residential	64.22	17.19%
Commercial	12.89	3.45%
Industrial		0.00%
Public	6.71	1.80%
Parks and Recreation	28.94	7.75%
Farms	15.21	4.07%
Total	127.97	34.25%

FEMA regulations on building activities in a flood plain and how they are enforced by the local flood plain administrator affect how land development may occur on all properties impacted by the location of the flood plain. According to these regulations:

1. The elevation of the lowest floor of any residential building cannot be built below the 100 year flood elevation (BFE);
2. The elevation of the lowest floor of any non-residential building can be built below the 100 year flood elevation (BFE) PROVIDED that it is “flood proofed”.

A basement is permitted if:

1. The site occupied by a residential building is raised sufficiently, such that the basement floor will be above the BFE;
2. The basement of a non-residential building is “flood proofed” and certified.

It may be concluded from the above that the aforementioned restrictions on building activities render all land development and building activities within the flood plain relatively more expensive, thereby functioning as a disincentive for such activities until the impact of the flood plain can be mitigated OR if the BFE boundary can be modified or changed. In the latter instance, detailed hydraulic and hydrological analyses will be required to re-evaluate and redefine the BFE based on “best available data” and the outcome of such analyses may culminate in alteration of the delineated boundary of the flood plain within the village. Whereas there is no guarantee that the area affected by the flood plain would shrink, based on the newly acquired “best available data”, this could be one of the possibilities that the community needs to consider as a prerequisite to revitalizing the areas affected by the flood plain.

The division of the Village by the Railroad Right-of-Way

A second issue that is very evident in the Village is the location of the railroad right-of-way which cuts through the Village resulting in the Village being separated into two segregated sectors on the east and west of the right-of-way with one link between the two segments, which is located at the level crossing along Main Street.

The impact of this segregated separation between the eastern and western sectors, however, is relatively insignificant, for the most part, due the nature of land uses in each sector. The bulk of heavy commercial land uses are located in the western sector and the railroad right-of-way serves as a physical separator of these land uses, and segregates truck traffic that it generates, from the residential areas and the retail commercial land uses in the downtown district located in the eastern sector. The bottleneck at the level crossing does have an impact on streamlined commuter traffic between the residential neighborhoods in the eastern sector and the work center in the heavy commercial land use cluster in the western sector. However, the number of commuters to this work center is observed to be small and the adverse impact on such commuter traffic is limited or insignificant.

Perhaps the most significant adverse impact of this sectorized division of the Village is felt in the context of accessibility to the public park and recreational space located in the north of the western sector from the residential areas of the community located in the eastern sector. Vehicular traffic between the park and the residential areas in the eastern sector has to negotiate the bottleneck at the level crossing on Main Street. It has been reliably learned that this adverse impact severely impedes optimal utilization of the park by community residents. The existence of an arterial highway (2/92) which runs alongside the railroad right-of-way adversely affects the safety of pedestrian traffic stemming from the residential neighborhoods in the eastern sector which has to cross a railroad right-of-way and a highway to get to the park.

FUTURE LAND USE AND ANNEXATION

The future land use pattern for the Village of Ansley has to reflect a positive response to the needs and aspirations of the community, while realistically addressing and responding to the growth potential of the community during the plan period 2010-2020.

FUTURE RESIDENTIAL LAND

The population projection for the Village of Ansley envisions 450-460 people in the community in 2020, which reflects a decline in population from 520 in 2000. The implication of this projection is that the Village needs to ensure that all land development measures undertaken during the plan period 2010-2020 should seek to either slow down or reverse the decline of population in order to minimize the corresponding increase of housing vacancies and the overall decline of the housing market in the Village.

One method of reversing the decline of population in the community may be to attract new residents to locate their homes in the Village by promoting and marketing its unique community assets. The Village prides itself with its unique quality of life as evidenced by its tranquil residential neighborhoods and relaxed lifestyle, the quality education available to the children of its residents, the scenic park located within easy reach of residential neighborhoods and its strategic location within a reasonable commuting distance of two work centers located at Kearney and Broken Bow. Marketing and promotion of community assets needs to be backed by real estate development and the creation and availability of quality housing to serve a potential market of new residents.

Since the flood plain imposes inhibitions upon residential real estate development within the developed residential areas of the Village, the development of a new residential neighborhood outside the flood plain and within the extra territorial jurisdiction of the Village appears to be a logically justifiable approach.

Development of residential neighborhoods in the eastern sector of the Village is an attractive proposition by virtue of the fact that the area is located on high ground outside the flood plain. However, the handicap of developing this area stems from two inhibiting factors:

1. Extending public utilities such as sewer lines towards the east (of Douglas Street) would be cost prohibitive since gravity flow can only be facilitated by the installation of multiple lift stations;
2. Highway 183 is a major thoroughfare that may emerge as a barrier to unified neighborhoods west of the highway.

Development beyond the existing western jurisdictional boundary is not recommended because of the existence of, or close proximity to the flood plain.

The two most suitable locations for siting and developing new residential neighborhoods appear to be either:

Option 1: beyond the existing southern jurisdictional boundary and on the western side of Highway 2/92; or

Option 2: north of Fairfield Street and west of Highway 183.

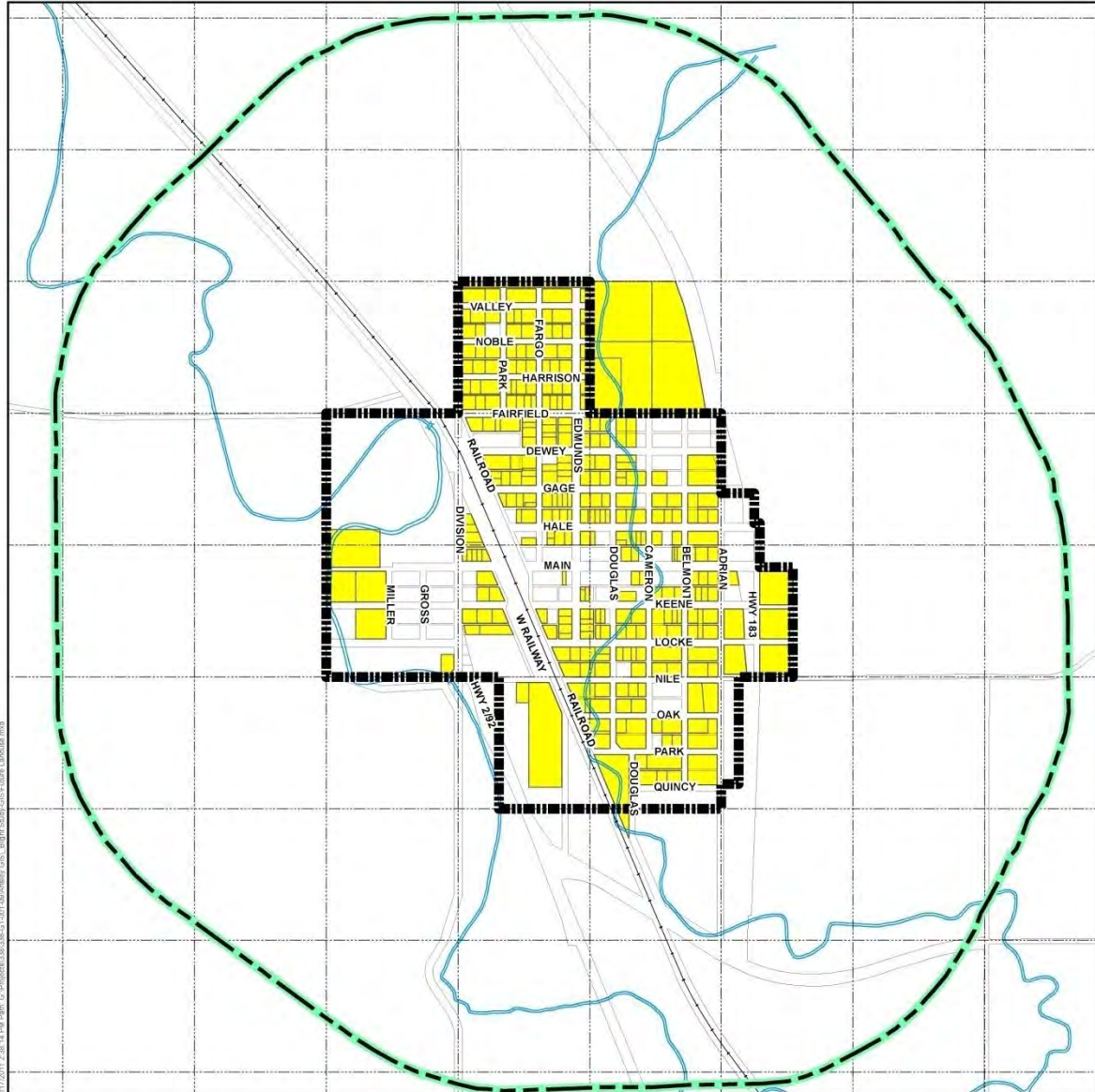
The topography, with respect to the properties that would be included in Option 1, is very congenial to gravity flow to enable the extension of sewer lines beyond the existing Village jurisdiction without the installation of lift stations. The properties on the proposed site are contiguous to the village boundary may not be expected to pose problems for future annexation. The existing land use of the area is farm land which is not built up and may be rezoned for residential use. However, the properties included in this option appear to have better development potential as a commercial area, primarily due to its direct proximity to Highway 2/92. Further, there are three contiguous commercial establishments located within these properties, and developing the properties north of Custer's Last Stop and the two other commercial properties may be a more justifiable option for land development.

The topography, with respect to the properties that would be included in Option 2, is also very congenial to gravity flow to enable the extension of sewer lines beyond the existing Village jurisdiction without the installation of lift stations. There is sufficient land in this area which is outside the flood plain. The properties on the proposed site are contiguous to the village boundary may not be expected to pose problems for future annexation. The existing land use of the area is farm land which is not built up and may be rezoned for residential use. Also, many of the properties south of Fairfield Street and east of Edmunds Street are residential properties. The close proximity to the Ansley Public School system to the south makes this property very attractive for new residents. In view of these attributes it is proposed that acres of land west of Highway 183 and north of Fairfield Street be allocated for future residential development in the Village of Ansley. An area of acres is proposed for new residential development outside the Village boundary, north of Fairfield Street and east of Highway 183 and illustrated in **Figure XIII-11** as follows.

Figure XIII-11

Proposed Site for New Residential Development to Serve the Village of Ansley



Village of Ansley
Proposed Residential



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-  EXISTING ETJ (1/2 MILE RADIUS)
-  PROPOSED RESIDENTIAL



FUTURE COMMERCIAL LAND

There are an estimated 29 job losses in the Village of Ansley during the period 2010-2020 as a consequence of the decline of population in the community. The Village needs to make every effort to minimize job losses in the export-based industries and all land development measures undertaken during the plan period 2010-2020 should seek to retain at least 5 jobs in the export industries, namely, manufacturing, transport and storage, information industry and other services. The impact of retaining 5 jobs in the export industry will be reflected by the retention of 25 jobs in the non-basic (non-export) industries in the community.

Several commercial development strategies need to be considered as alternative approaches to stimulating commercial land development within the Village of Ansley. Since the Village of Ansley is located within the trade areas of Broken Bow and Kearney, it may be quite difficult to compete with these two trade centers to attract new businesses to locate within the community during the plan period 2010-2020. As such, it is important to consider other innovative alternative strategies in land and business development within the Village that will influence job retention or business expansion. The following strategies are recommended:

Strategy 1- Local Business Expansion

The most strategic location where local business expansion can be visualized is within the Heavy Commercial Land use cluster west of Division Street. The larger land parcels which contain the heavy commercial establishments surround one residential property, and in turn are surrounded on the west and south by residential properties and farm land. It is recommended that these areas that are not located within the floodplain be consolidated and the composite area rezoned for heavy commercial business expansion.

There are three contiguous commercial establishments located adjacent to Custer's Last Stop and farm land to the north of Custer's Last Stop up to the Village boundary. The topography at this location is very congenial to gravity flow to enable the extension of sewer lines beyond the existing village jurisdiction without the installation of lift stations. The properties on the proposed site are contiguous to the village boundary may not be expected to pose problems for future annexation. The existing land use of the area is farm land which is not built up and may be rezoned for commercial use and possible business expansion of the commercial cluster that exists in the south. The properties also have better development potential for commercial use, primarily due to its direct proximity to Highway 2/92. As such, the second strategic location proposed for business expansion will cover an area of 10.11 acres and is located to the west of Highway 2/92 as shown in *Figure XIII-12*.

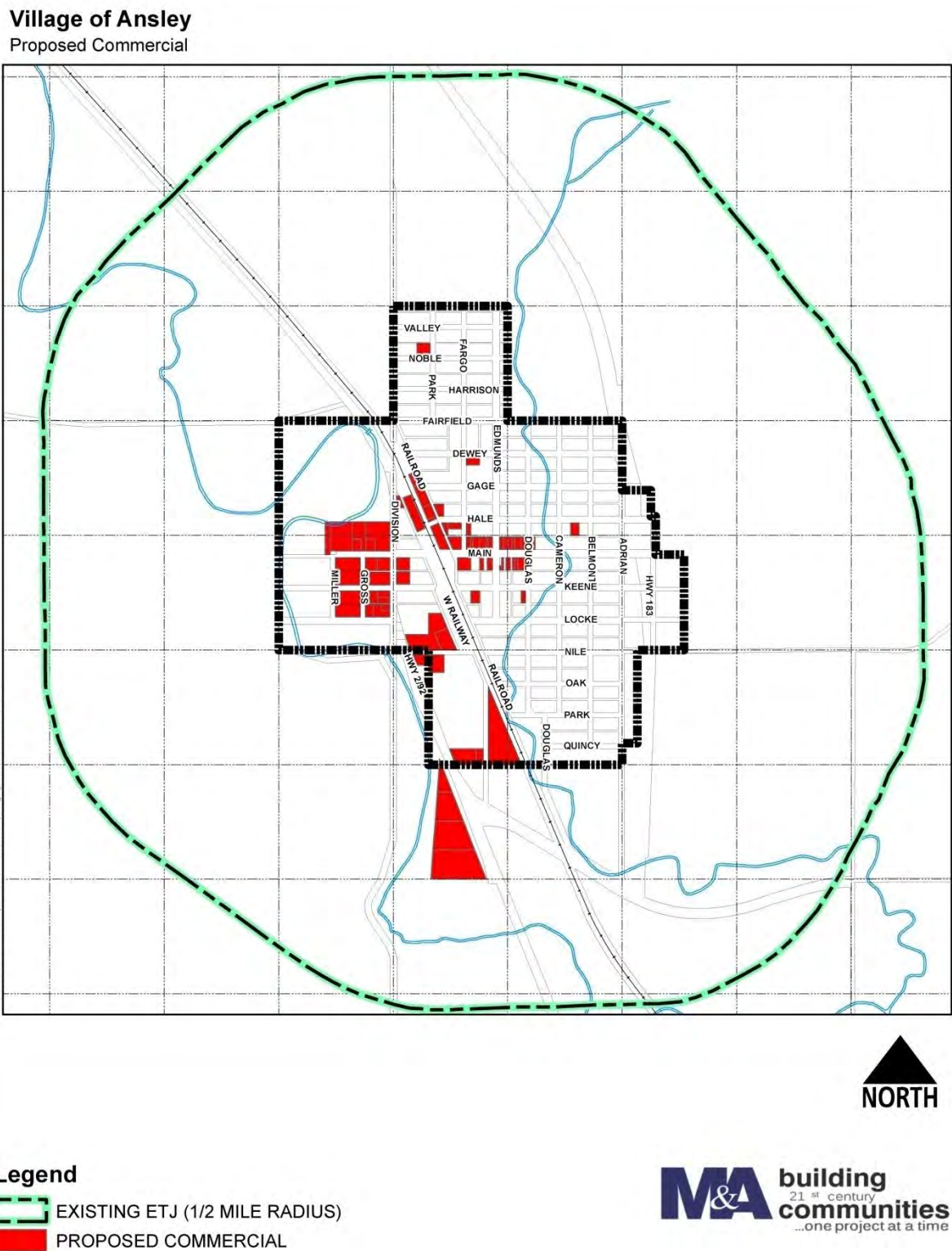
Strategy 2 – Seasonal and Event Based Business Development

There are unoccupied buildings and untenanted business properties along the commercial strip on either side of Main Street between the Railroad right-of-way and Douglas Street, all of which are suitable and compatible targets for seasonal and event based business development. It is recommended that this strip be consolidated and rezoned for retail commercial use. Existing

public buildings within the proposed commercial zone are compatible uses and may be considered as permissible uses within the consolidated commercial zone.

The proposed commercial land use is shown in **Figure XIII-12** as follows.

Figure XIII-12
Proposed Commercial Land Use for the Village of Ansley



FUTURE PUBLIC LAND

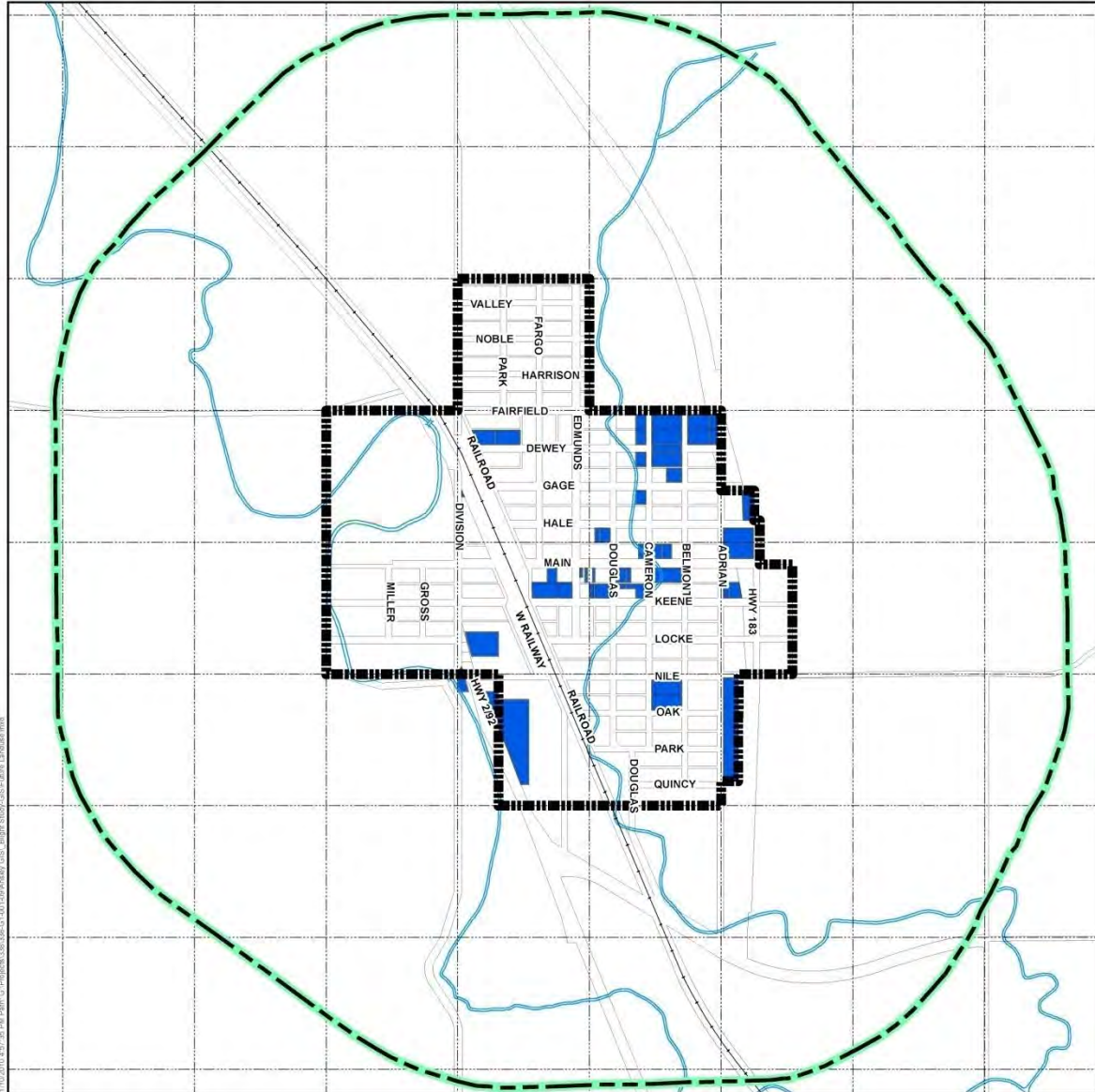
It is believed that existing public properties are adequate to serve the needs of the community during the plan period 2010-2020 and no additional land is proposed to be added and/or rezoned for public purposes.

The Village, however, will require a new waste water treatment lagoon and treatment plant during the period 2010-2020. The Village will need to find adequate farm land outside the Village boundary, outside the flood plain and within the extra territorial jurisdiction of the Village for this purpose. A location that may be suitable for locating the waste water treatment lagoon is located on the south of Nile Street and west of Highway 2/92.

The proposed public land use is shown in **Figure XIII-13** as follows.



Figure XIII-13
Proposed Public Land Use for the Village of Ansley

Village of Ansley
Proposed Public



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Legend

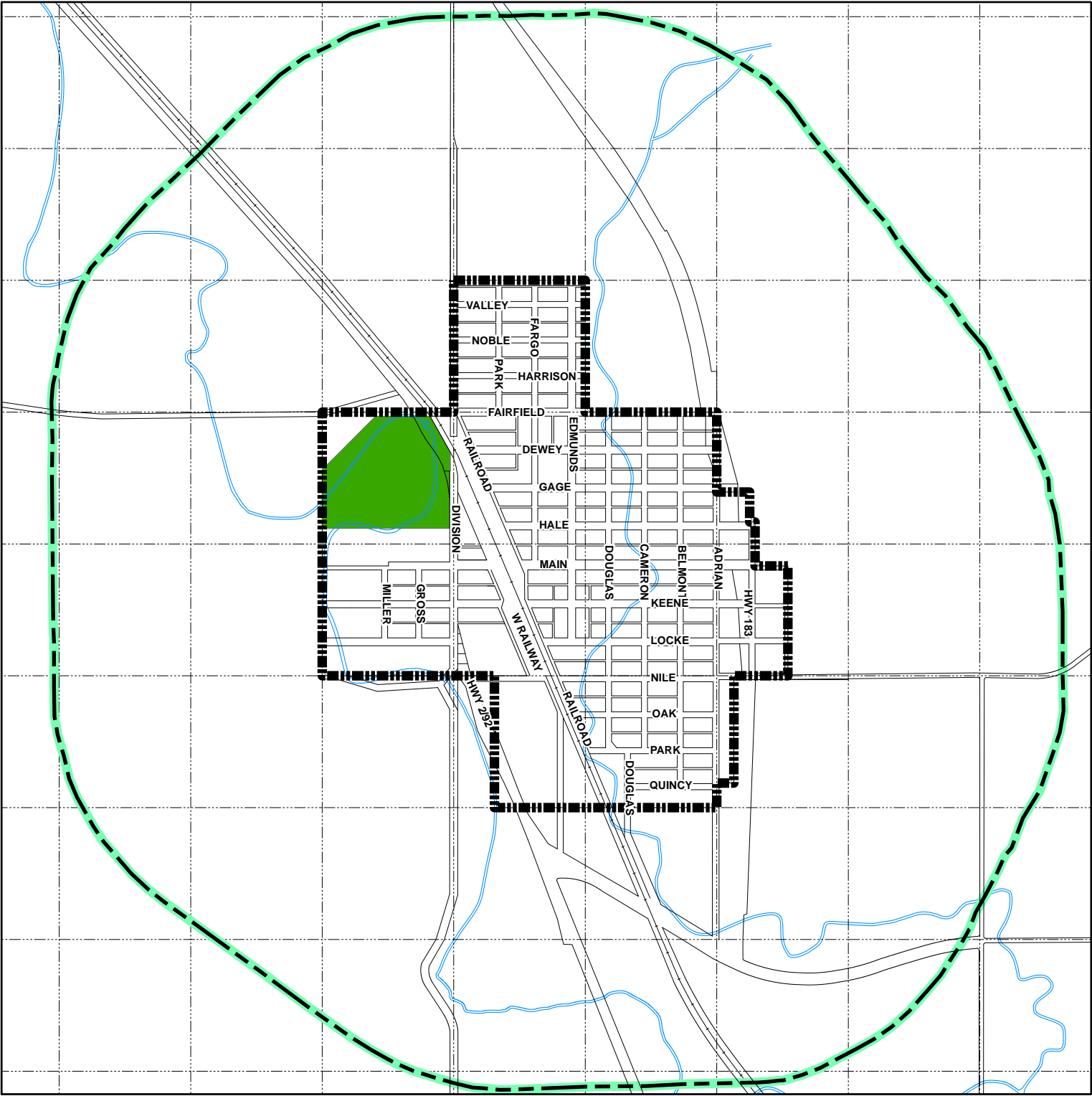
-  EXISTING ETJ (1/2 MILE RADIUS)
-  PROPOSED PUBLIC

FUTURE PARKS AND RECREATIONAL LAND

It is believed that existing parks and recreational spaces are adequate to serve the needs of the community during the plan period 2010-2020 and no additional land is proposed to be added and/or rezoned for this use.

The proposed Parks and Recreational Land use is shown in ***Figure XIII-14*** as follows.



Village of Ansley
Proposed Parks & Open Spaces



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Legend

-  EXISTING ETJ (1/2 MILE RADIUS)
-  PROPOSED PARKS & OPEN SPACES



FUTURE FARM LAND

Most of the existing farm land within the extra territorial jurisdiction of the Village is proposed to remain as farm land during the plan period 2010-2020 with the exception of the area that is proposed for public use to accommodate the waste water treatment lagoon.

The proposed Farmland use is shown in **Figure XIII-15** below.

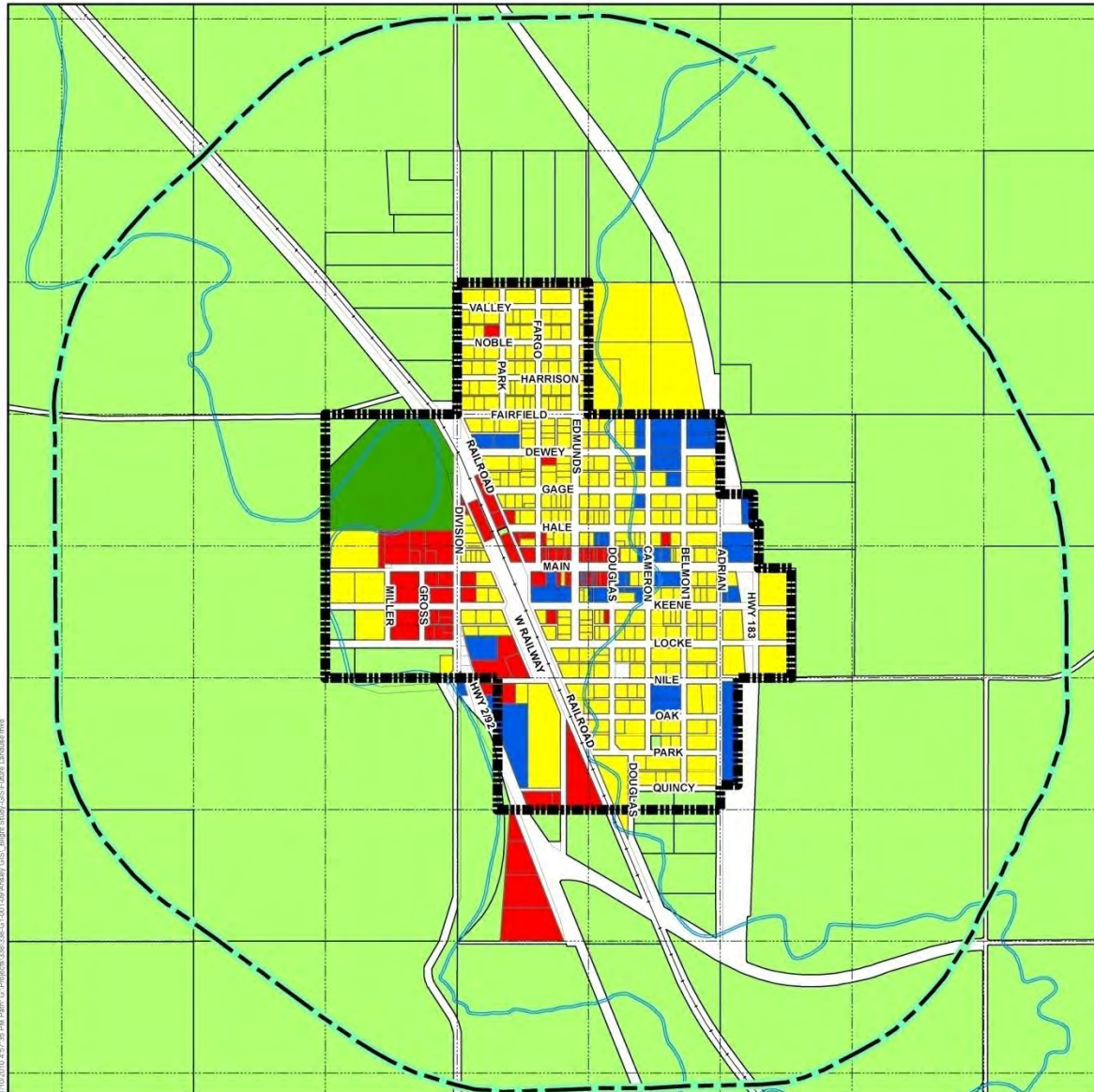
The Future Land Use for the Village of Ansley as envisioned in 2020 is shown in the following map in **Figure XIII-16**.

Proposed Farmland in the Village of Ansley

Figure XIII-16
Future Land Use Map for the Village of Ansley in 2020

Village of Ansley

Future Land Use Map 2020



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Legend

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



The distribution of future land uses as envisioned at Ansley in the year 2020 is shown below in **Table XIII-3** below:

Table XIII-3
Future Land Use in Ansley in 2020

<i>Future Land Use</i>	<i>Area in acres</i>	<i>% Total Area Of Village</i>
Residential	173.96	41.90
Commercial	42.78	10.30
Public	31.03	7.47
Parks and Recreation	28.93	6.97
Farms	17.28	4.16
Railroad right of way	17.07	4.11
Streets	104.16	25.09
Total	415.21	100.00%

It needs to be noted that the aforementioned land use distribution includes land outside the existing Village boundary as follows:

Additional residential land in the north east: 31.50 acres

Additional commercial land in the south: 10.11 acres

Annexation of Land during the period 2010-2020 and Impact on the future extra territorial jurisdiction of the Village

It is evident from the proposed land-use map that, during the plan period 2010-2020, land development is envisioned to occur outside the Village boundary for future residential and commercial uses with the potential for a waste water treatment lagoon on property that may be designated for future public use. Since these properties will require the extension of public utilities such as water and sewer lines for development to occur, it may be very justifiable to target these properties for annexation and eventually bring them under Village jurisdiction.

Annexation of properties outside the Village jurisdiction as suggested above will require the corresponding extension and realignment of the current ½ mile extra territorial jurisdiction of the Village. It is recommended that the realignment of the ½ mile extra territorial jurisdiction and the option of considering a realignment of the extra territorial jurisdiction to 1 mile be considered immediately or shortly after annexation of land, as suggested above, has actually occurred.

References

1. <http://custerne.taxesifter.com/taxesifter/T-Parcelsearch.asp>

Section XIV

VISION 2020- THE VISION FOR THE FUTURE OF ANSLEY

What is a Comprehensive Plan

The Comprehensive Plan for a community is best described as the publicly acknowledged and documented vision of a community's wishes, aspirations and expectations for its future. This plan serves as the guiding document which assists and steers all decisions that are made within the jurisdiction of a community that will culminate in:

1. bringing about positive change that the community seeks and aspires for;
2. guiding future growth and development of the community in the best interest of the short and long term future of the general public;
3. providing the stimulus for:
 - a. initiating and activating land development for growth and expansion;
 - b. justifying capital improvements needed to motivate and sustain growth and/or prevent, arrest and reverse the process of decline and deterioration;
 - c. protecting and ensuring public health, public safety and public welfare for all residents and stakeholders in the community.

Objective of the Comprehensive Plan for the Village of Ansley

The primary objective of this document has been to formulate and deliver such a Comprehensive Plan for the Village of Ansley that will assist the community in making judicious and justifiable decisions for growth and development during the plan period 2010-2020 and bring about desired change that the community aspires for.

The Planning Process

A planning team from Miller and Associates, Consulting Engineers, Kearney, NE, served the Village of Ansley as its consultant during the period 2009-2010 and prepared this plan in partnership with the Planning Commission of Ansley. There were 8 public meetings conducted by the consultants with the Planning Commission, during which:

1. the Consultants engaged the Planning Commission to design and adopt a planning process, communication protocols, and reporting schedules for the preparation of the Comprehensive Plan;
2. community needs, as expressed by members of the public, were reviewed by the Planning Commission and specific needs were prioritized for consideration by the Consultants during the preparation of the Plan. See Assessed Needs below;
3. the findings of research and analyses required for the preparation of the Comprehensive Plan were communicated to, reviewed by and discussed with the Planning Commission in order to enable them to secure a sound understanding of detailed considerations that would influence the evolution of the Plan and its components, and provide them with information to guide them in making choices and informed decisions. Research was conducted by the Consultants and focused on the following topics relating to the Village of Ansley:
 - a. Historic evolution of the Village of Ansley;

- b. Population growth/decline;
- c. Other demographic features of the community;
- d. Employment, poverty, economic base and local economic development;
- e. The circulation system and transportation network in Ansley;
- f. Housing;
- g. Public Utilities and Services;
- h. Land Use.

Data was gathered from a variety of sources including the US Census, Other documented library resources, land records information from the Custer County Land Assessor's Office, visual site inspections and property surveys, and consultations with the Village Clerk and other public officials.

A Summary of Research Outcomes is furnished below.

Assessed Needs

The finalized list of assessed needs for the future of Ansley as approved by the Planning Commission, and listed in Section VI of this report are:

- 1. More visually appealing corridor;
- 2. More Job Opportunities;
- 3. Improved Housing;
- 4. Building Renovation on Main Street;
- 5. New sidewalks;
- 6. Reduction of train noise.

Summary of Research Outcomes

The following list briefly summarizes the findings and outcomes of research:

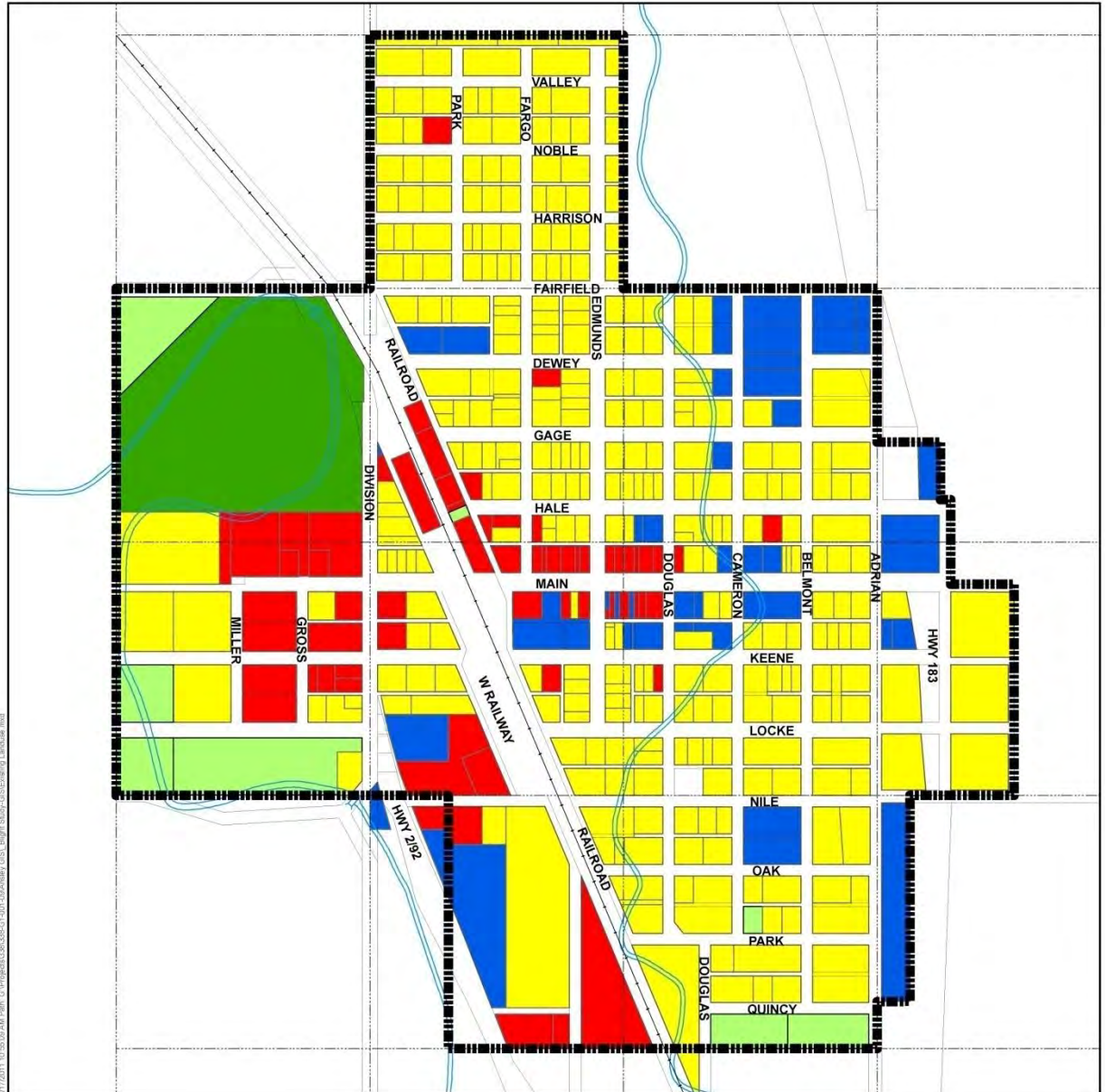
- 1. The population of the Village is expected to decline from 520 in 2000 to 450 in 2020;
- 2. The Village of Ansley has been identified as a bedroom community that serves two trade areas centered at Kearney and Broken Bow;
- 3. Manufacturing, Transportation, warehousing and utilities; Other Services and Information represent the export base of the community;
- 4. 29 job losses may be expected to occur during the period 2000-2020, and it was recommended that job retention, particularly export-based employment, be accorded the highest economic development priority;
- 5. The impact of retaining at least 5 export-based jobs could prevent a total job loss of 25 in export and non export-based employment during the plan period 2010-2020;
- 6. The economic development strategy for the Village needs to address the following:
 - a. More visually appealing corridor;
 - b. More Job Opportunities;
 - c. Improved Housing;
 - d. Building Renovation on Main Street;
 - e. New sidewalks;
- 7. Place making was adopted as the goal for economic development. The development of the Downtown District in Ansley was selected as the venue for place making. The resulting "place" would function as:
 - a. A destination that attracts visitors into the community;

- b. The distinguishing brand identity of the community which local residents can be proud of;
 - c. A catalyst to enlarge the immediate trade area of local businesses, artisans and craftsmen.
- 8. The development options that emerged as the preferred choices of the Planning Commission are:
 - a. Way finding to the downtown development district;
 - b. Façade treatment to enhance the visual appeal of the streetscape and downtown buildings;
 - c. Event based activities in the downtown development district, such as Farmers Markets, local festivals and community celebrations, holiday events such as local parades, concerts, sporting events, etc.;
 - d. Sidewalk improvements in the downtown district;
 - e. Installation and maintenance of street furniture;
 - f. Improvement of street lighting on Main Street;
 - g. Creation and maintenance of an informal gathering place to be located at a vacant site in the downtown development district.
- 9. The objectives for accomplishing the economic development goal that were responsive to the choices identified above are:
 - a. Create a welcome sign that reflects community pride and personality;
 - b. Unify building facades with paint treatment, awnings and creeping vines;
 - c. Develop vacant lots on Main Street;
 - i. for community events and activities;
 - ii. as a gathering place with park benches;
 - d. Place a way-finding map at Park showing locations of local destinations;
 - e. Landscape sidewalks along Main Street with suitable plantings;
 - f. Repair, paint and maintain street furniture on Main Street;
 - g. Clean up and paint street lighting fixtures.
- 9. The four major transportation issues that were identified and addressed in the preparation of the Comprehensive Plan are:
 - a. The physical division of the Village by the Railroad right of way;
 - b. The bottleneck that has to be negotiated across the railroad right-of-way for access between the eastern and western sectors of the Village;
 - c. The relative inaccessibility and unsafe pedestrian access to the Village park;
 - d. Noise from train whistles approaching the level crossing.
- 10. 74.8% of the houses in the Village are built before 1960, implying that most of them will need maintenance, repair or renovation.
- 11. A detailed study of houses in the Village has culminated in the finding that dilapidation and deterioration, age or obsolescence, inadequate provisions for ventilation, light, air, sanitation, or open spaces, existence of conditions which endanger life or property by fire and other causes qualify a substantial number of such dwelling units as substandard. The cost of renovating and repairing some of these homes is prohibitive, thereby qualifying them as targets for demolition.
- 12. Housing starts in the Village have been at a relative standstill since 1989.
- 13. Housing is very affordable for both ownership and renting, and this attribute could be used as an incentive to attract new residents to locate their homes in the Village.
- 14. Public utilities and services available to Village residents in the community appear to be adequate to meet the needs of the Village during the plan period 2010 – 2020 with respect to:
 - a. Electricity;

- b. Natural Gas;
 - c. Solid waste disposal;
 - d. Stormwater drainage;
 - e. School system;
 - f. Public health services;
 - g. Public library;
 - h. Public administration;
 - i. Village administration;
 - j. Fire and Rescue and other Emergency Services;
 - k. Public cemetery;
 - l. Cable Television services;
 - m. Internet services;
 - n. Telecommunications;
 - o. Religious services.
15. The existing land use in the Village is visually represented and presented in **Figure XIV-1** below:

Figure XIV-1
Existing Land Use Map of Ansley 2010

Village of Ansley
 Land Use



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Legend

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



The following table shows the distribution of land within the Village of Ansley:

Table XIV-1
Land Use Distribution in the Village of Ansley 2010

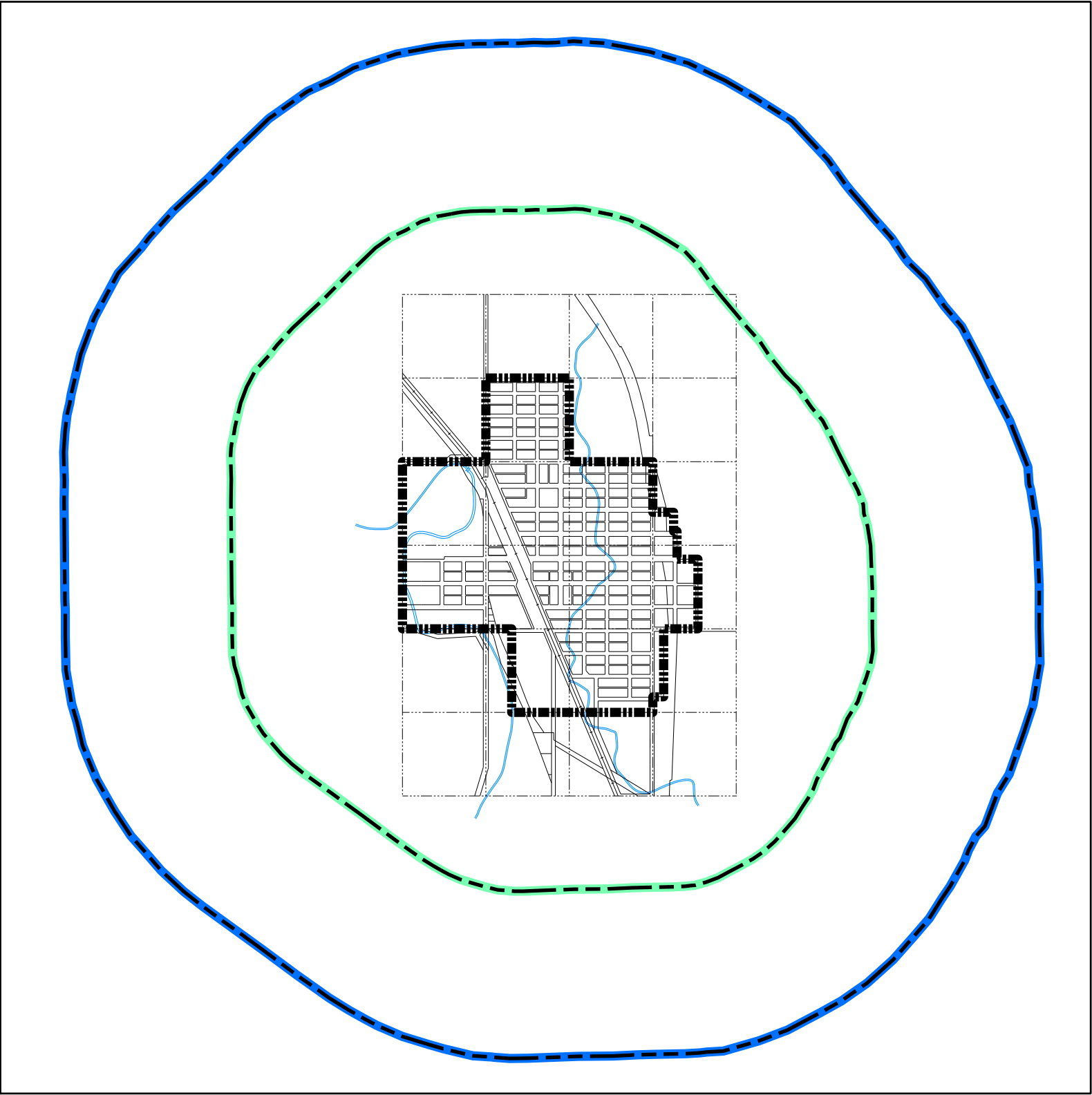
<i>Existing Land Use</i>	<i>Area in acres</i>	<i>% total area of village</i>
Residential	142.46	38.13%
Commercial	32.67	8.74%
Public	31.03	8.31%
Parks and Recreation	28.93	7.74%
Farms	17.28	4.63%
Railroad right of way	17.07	4.57%
Streets	104.16	27.88%
Total	373.60	100.00%

16. The extra territorial jurisdiction of the Village of Ansley extends ½ mile around the existing Village boundary. The Village is entitled to an extra territorial jurisdiction that extends up to 1 mile around the existing village boundary. Both these boundaries are shown in **Figure XIV-2** below:

Village of Ansley

Extra Territorial Jurisdiction That The Village May Consider

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- Legend**
- EXISTING ETJ (1/2 MILE RADIUS)
 - HYPOTHETICAL ETJ (1 MILE RADIUS)
 - Corporate Limits

17. The flood plain virtually encompasses 127.97 acres of Village land, equivalent to 34.25% of the total jurisdictional area of the Village. See **Table XIV-2** below. It may be further noted that 22.4% of Village land that lies in the flood plain is used for residential, commercial or public purposes. This is the most significant issue that needs to be taken into consideration in the preparation of the Comprehensive Plan.

Table XIV-2
Areas Affected by the 100 Year Flood Plain Classified by Land Use

<i>Existing Land Use</i>	<i>Area in Acres</i>	<i>% Total Area of Village</i>
Residential	64.22	17.19%
Commercial	12.89	3.45%
Industrial		0.00%
Public	6.71	1.80%
Parks and Recreation	28.94	7.75%
Farms	15.21	4.07%
Total	127.97	34.25%

18. The second land use issue in the Village is the physical division of the community into two sectors, by virtue of the alignment of the railroad right-of-way. The physical separation of the two sectors is compounded by the existence of only one connecting link at the level crossing along Main Street.
19. Land use development in the Village needs to focus on the objective of reversing the decline of population in the community and job retention.
20. The existence of the flood plain at its current location and its impact on almost 128 acres of land presents the Village with the challenge of finding new land outside the flood plain for development of residential, commercial and public uses during the plan period 2010-2020. It was concluded that the development of new lands outside the flood plain may present the community with the needed incentive for attracting new residents to locate their homes in the Village, while also serving as a potential stimulus for local business expansion and the retention of jobs.
21. The strategy for the development of Commercial land use needs to focus upon:
- Local business expansion;
 - Seasonal and event based business development.
22. Land for public use is adequate during the plan period 2010-2020. Land may be required to be acquired for public use when the Village is ready to install a waste water treatment lagoon during the plan period 2010-2020.
23. The Village is well served by the existing park and no new parks will be required during the plan period 2010-2020.
24. Most of the farm properties are located along the periphery of the Village and outside the village jurisdiction and within the extra territorial jurisdiction. Some of these farm properties that are located within the extra territorial jurisdiction and outside the flood plain may be required by the Village for locating:
- New residential development;
 - New commercial development;

- c. New public use such as the waste water treatment lagoon mentioned in item 22 above.
25. Public utilities such as water supply, waste water and sanitary sewer will be required to be extended to all areas targeted for new development as suggested in item 24 above. Under such circumstances, a decision to annex these properties and bring them within the corporate limits of the Village may be very justifiable.
26. The realignment of the current ½ mile extra territorial jurisdiction may be considered at the same time as, or shortly after, the decisions for annexation of properties outside current village corporate limits.

Goals for the Development of the Village of Ansley during the Period 2010-2020

The goals proposed for the proposed vision for the future of the Village of Ansley in 2020 are:

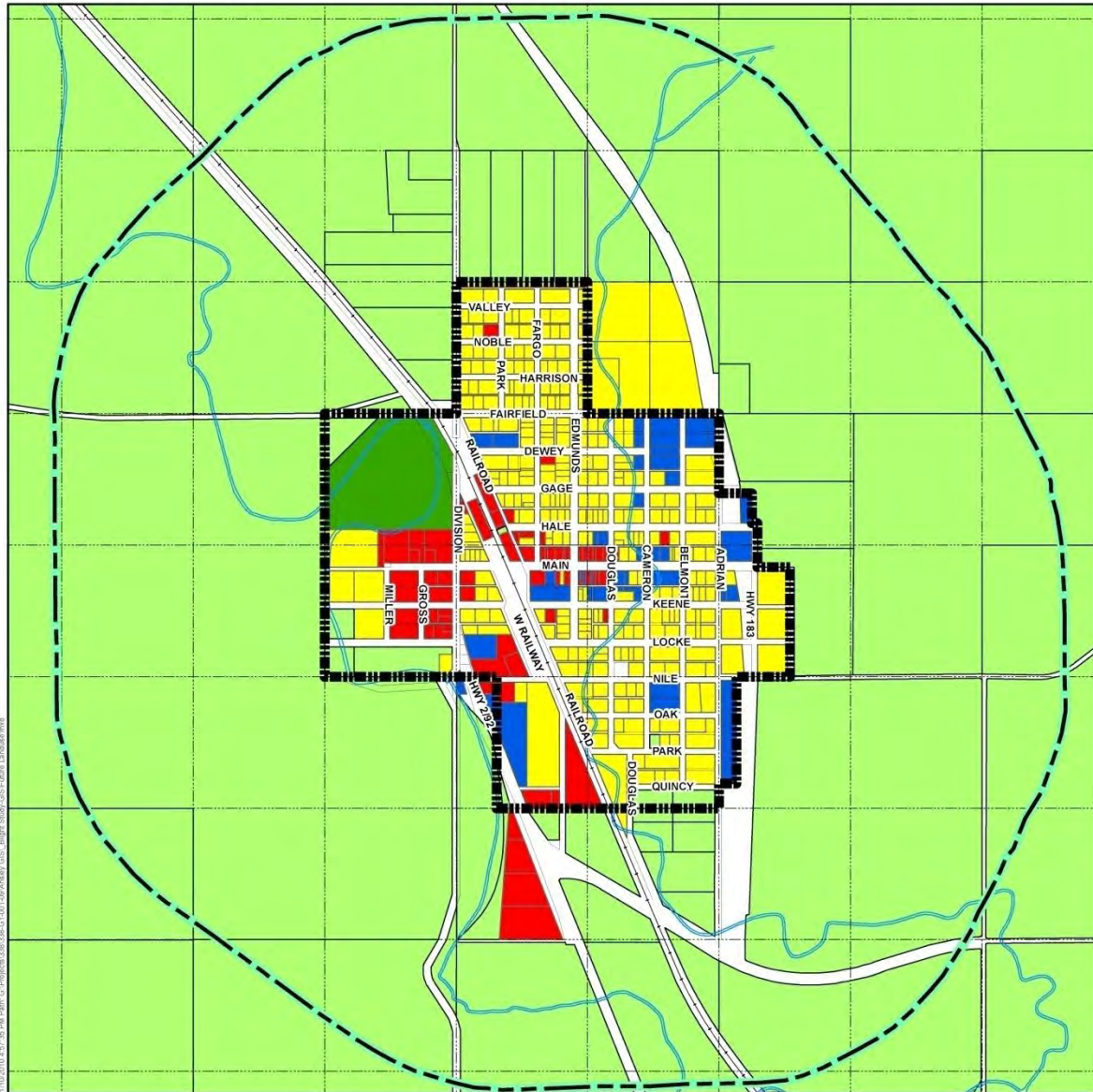
1. Creation of a sense of place centered in the Downtown District of the Village of Ansley;
2. Develop Main Street as a visually appealing entry portal and destination corridor in the Village of Ansley;
3. Facilitate local business expansion, job retention, and development of local human resource capacity and entrepreneurship within the Village;
4. Provide adequate land for commercial development, business expansion, and seasonal and event-based activities within the community;
5. Conserve, rehabilitate, improve, repair and maintain good quality homes in the Village of Ansley;
6. Develop new housing at suitable locations outside the flood plain to attract potential new home owners into the Village of Ansley;
7. Maintain the quality of all existing public lands within the Village;
8. Acquire land outside the flood plain for the development of any public uses demanded by the community;
9. Improve access, vehicular and pedestrian safety and way-finding to the Village park;
10. Conserve farm land within the extra territorial jurisdiction;
11. Acquire sufficient farm lands outside the flood plain adjacent to the Village boundary only when required and justified for future residential, commercial, or public use;
12. Streamline and improve traffic flow within the Village of Ansley;
13. Enhance and improve local streets and sidewalk improvements and ensure public safety;
14. Install new access streets to provide access to new land developments that occur during the plan period;
15. Maintain all public utilities available to community residents to ensure a good quality of life within the community;
16. Extend those public utilities such as water supply and waste water and sanitary sewer to all new land developments that occur during the plan period;
17. Maintain and enhance all public services and facilities within the Village to ensure the desired quality of life for all Village residents;
18. Annex properties contiguous to the Village boundary which are needed by the Village of land development for residential, commercial and/or public uses, if and when justifiable, and when public utilities are extended to such areas;
19. Continue to maintain effective planning jurisdictional control over extraterritorial jurisdiction of the village;
20. Realign the extra territorial jurisdiction at the same time or shortly after any annexation occurs in the village.

VISION 2020: THE VISION OF THE FUTURE OF ANSLEY

The simplest method of communicating the vision of Ansley in the year 2020 is through the presentation of the Future Land Use Plan for the Village. **Figure XIV-3** below contains the Future Land Use Plan for the Village of Ansley in 2020.

Figure XIV-3
Future Land Use Plan of Ansley 2020

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



Ansley in the year 2020 is envisioned to have new, affordable housing development north of Fairfield Street and west of Highway 183, general improvements and renovation to existing housing, reduction of housing stock which is in dilapidated condition. At least 5 jobs in export based industry and an overall total of up to 25 jobs are envisioned to be retained through the implementation of local economic development initiatives undertaken by the Village in partnership with local businesses.

These initiatives also are envisioned to complement revitalized businesses and potential business expansion in three business districts located in the Downtown District east of the railroad right-of-way, the Heavy Commercial District west of the railroad right-of-way, and a new retail commercial cluster located on 10.11 acres along Highway 2/92 in the south.

The Downtown District is envisioned as “THE PLACE” which may best be described as:

- a. A destination that attracts visitors into the community;
- b. The distinguishing brand identity of the community which local residents can be proud of;
- c. A catalyst to enlarge the immediate trade area of local businesses, artisans and craftsmen.

The Park is envisioned to experience increased usage consequent to the installation of way finding signage and improvements for safe vehicular and pedestrian access. Existing public uses of land are expected to continue to serve the needs of the community without the need for expansion. The only additional public use that may be expected to be functioning in 2020 will be the installation and functioning of a new waste water and sanitary sewer treatment facility towards the south east of the Village in currently existing farm land. Existing farms will continue to function without interruption to their existing usage. The only exceptions that may be envisioned will be the new developments for residential, commercial and public uses which will require the annexation of farm lands adjacent to the Village following the installation of needed infrastructure.

Two implementation instruments will be required in order for the vision for Ansley in 2020 to be translated into reality during the period 2010-2020. These are:

1. The update and implementation of the existing Zoning Ordinance and Subdivision Regulations which will accompany this plan; and
2. The implementation of a Capital Improvements Program which is described below.

In conclusion, the Village of Ansley is envisioned to have a meaningful future with improvements to public health, public safety and public welfare, as the Comprehensive Plan stimulates and motivates commitment and investment in development actions towards the fulfillment of desired goals and objectives that the community aspires for during the period 2010-2020.

CAPITAL IMPROVEMENTS PLAN FOR ANSLEY DURING THE PERIOD 2010-2020

Proposed Residential Development in the Village of Ansley during the Period 2010-2020

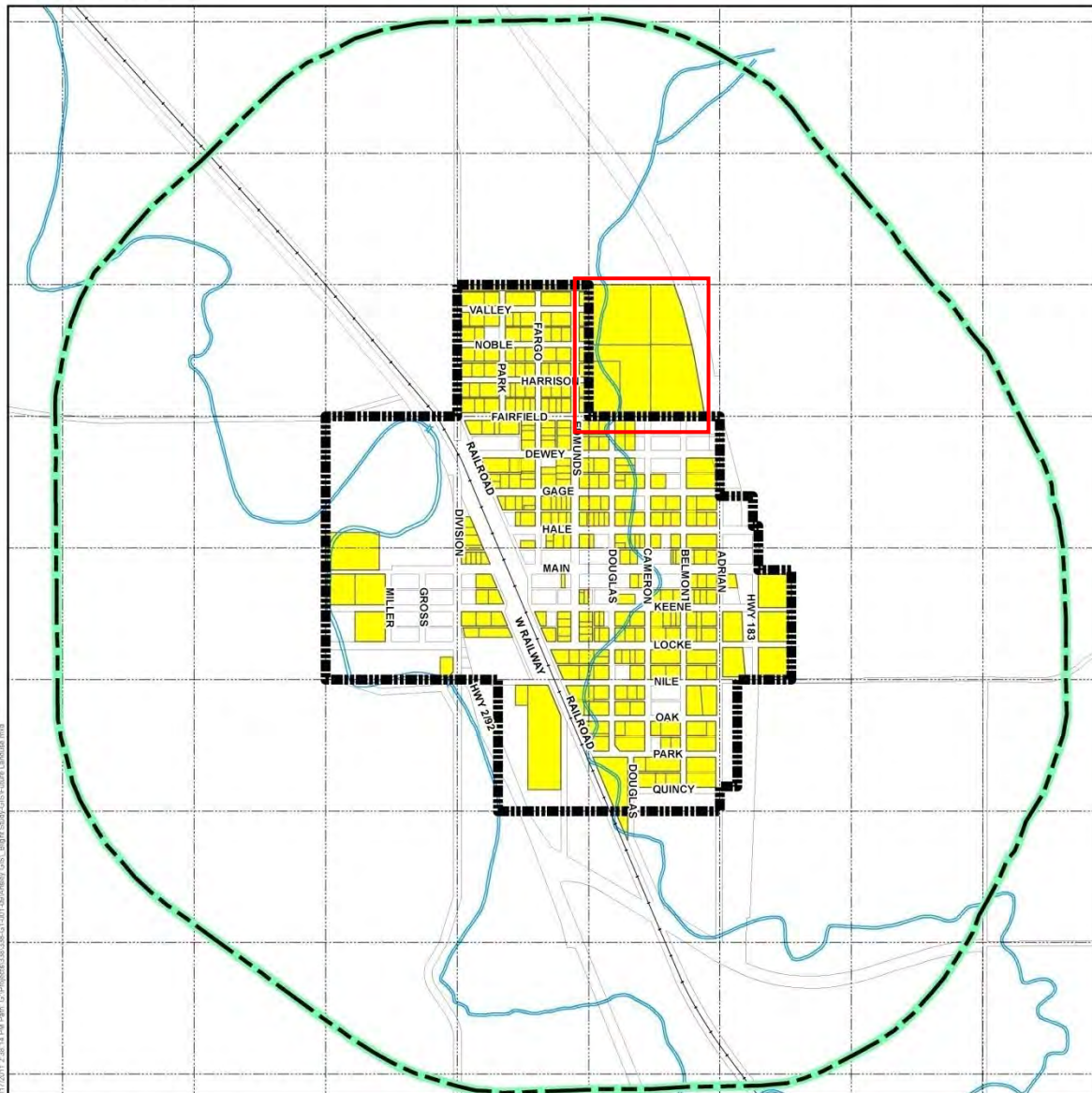
The most suitable location for siting and developing a new residential neighborhood is a site located north of Fairfield Street and west of Highway 183 and is shown within the red box in **Figure XIV-4** below.

Figure XIV-4

Proposed Site for New Residential Development to Serve the Village of Ansley

Village of Ansley

Proposed Residential



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Legend

- EXISTING ETJ (1/2 MILE RADIUS)
- PROPOSED RESIDENTIAL



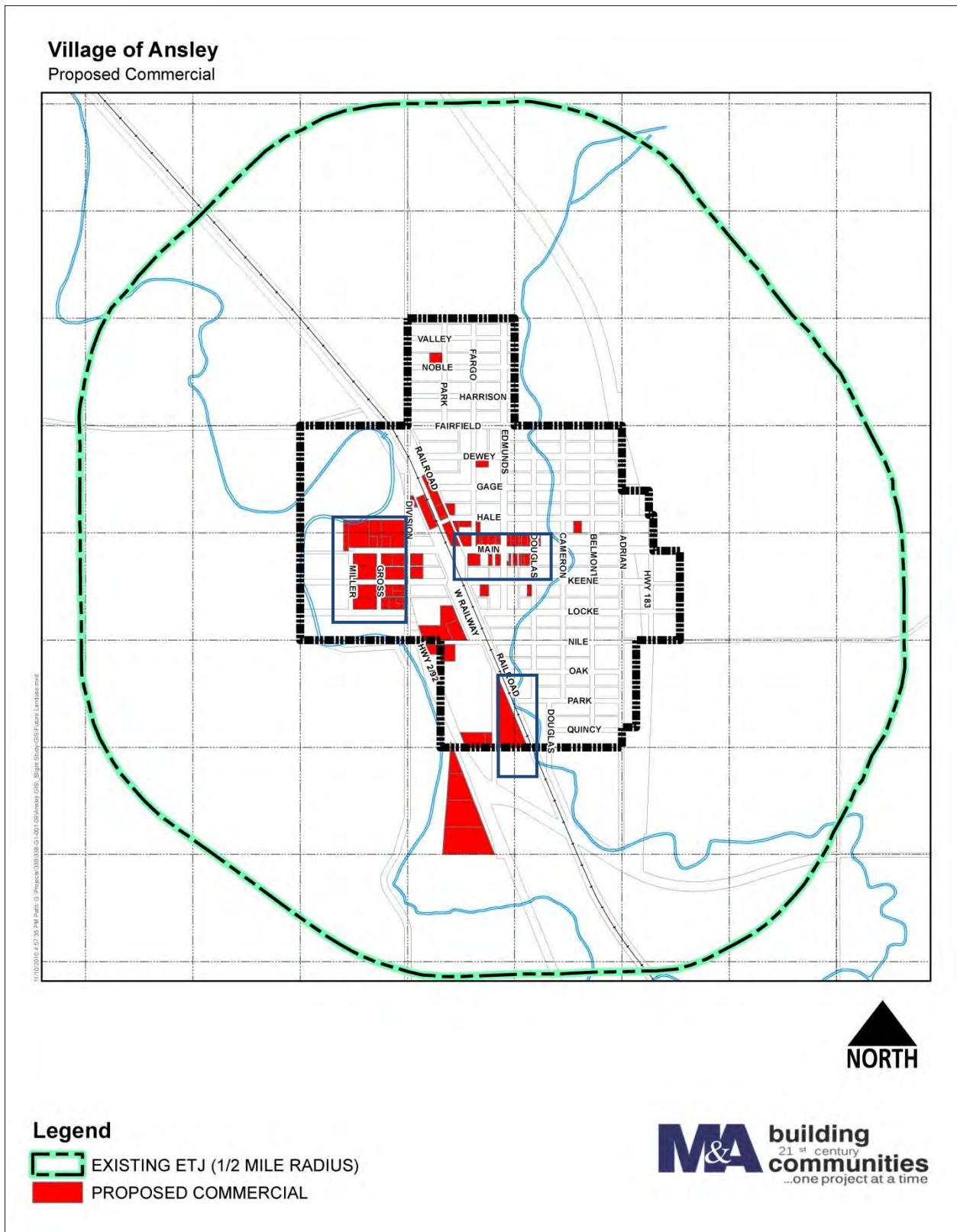
The area first needs to be zoned for residential use and the existing farm use zoning designation needs to be amended. The area then needs to be platted into lots for low density residential development with an appropriate local road access to each lot laid out. Water supply mains, sanitary sewer and storm water drainage lines will require be planning, budgeting and scheduling for implementation and laying out when the Village decides that the timing is right for this residential development.

Proposed Commercial Development in the Village of Ansley during the Period 2010-2020

Three locations are proposed for Commercial Development. These locations are enclosed by three blue boxes in **Figure XIV-5** below.

Figure XIV-5

Proposed Site for Commercial Development to Serve the Village of Ansley in 2010-2020



The boundaries of three areas as listed below first need to be defined and designated as Commercial districts as follows:

1. Heavy Commercial districts:
 - a. the commercial areas on the western side of the Railroad right-of-way on either side of Main Street; and
 - b. the commercial area towards the south of the Village on the western side of Highway 2/92.
2. Retail Commercial District
 - a. the commercial area on either side of Main Street on the eastern side of the Railroad right-of-way.

Zoning designation of each of these districts needs to be amended in the current Zoning Ordinance. Districts 1 a. and 2 a. above are both adequately served by public utilities. Water supply mains, sanitary sewer and storm water drainage lines, however, will require to be planned, budgeted and scheduled for implementation and laid out when the Village decides that the timing is right for developing the Heavy Commercial district 1 b.

The Retail Commercial District identified as 2 a. above is targeted for redevelopment as “THE PLACE” in the Village of Ansley, as described earlier in this report. The following action strategies were selected and prioritized as development initiatives that need to be implemented during the plan period 2010-2020.

1. Way-finding and ornamental Welcome signage will be required to be located at two strategic locations to the north and the south of the Village on Highway 2/92; and a third strategic location to the north of the Village along Highway 183. Typical illustrations of way finding and signage are shown in **Figures XIV-6 and 7** below.

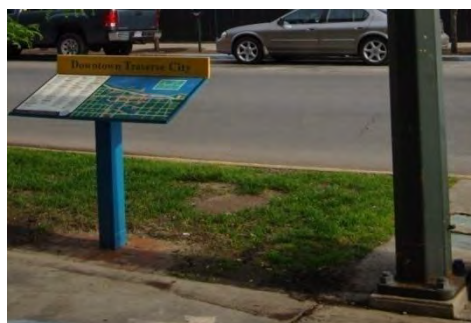


Figure XIV-6
Typical Example of Way-Finding Map



Figure XIV-7
**Typical Example of Ornamental
Welcome Sign**

2. Façade treatment of existing buildings in the Downtown District need to be improved. Several options that may be considered for improving the facades of buildings include maintenance of existing building facades, painting of fenestration, installation of color coordinated awnings, and landscaping with ornamental vines. Typical illustrations of façade treatment are shown in **Figure XIV-8 and 9** as follows.



Figure XIV-8
Typical Example of Façade Improvements



Figure XIV-9
Typical Example of Ornamental Vines

3. Existing vacant lots along Main Street need to be developed as venues for hosting local events such as farmers markets, gathering places, local celebrations, fairs and festivals and other seasonal and event based activities. Some illustrations of how such vacant lots may be developed are shown in ***Figures XIV-10, 11, 12 and 13*** below:



Figure XIV-10
Typical Example of Vacant Lot Development



Figure XIV-11
Typical Example of Vacant Lot Development



Figure XIV-12
Typical Example of Gathering Place



Figure XIV-13
Typical Example of Vacant Lot Development

4. The ambience of the Downtown district can be improved further by appropriate sidewalk treatment such as decorative paving, plantings and ornamental tree protectors as shown in **Figures XIV-14 and 15** below.



Figure XIV-14

Typical Example of Sidewalk Paving



Figure XIV-15

Typical Example of Landscaping and Plantings

5. Appropriate placement of street furniture and other fixtures and decorative treatment to street and sidewalk lighting can also add considerable curb appeal to the inviting personality of the downtown district for local residents and visitors. Examples of street furniture, fixtures and street and sidewalk lighting are shown in **Figures XIV-16 and 17**.



Figure XIV-16

Typical Example of Street Furniture



Figure XIV-17

Typical Example of Decorative Street Lighting

Proposed Public Land Development in the Village of Ansley During the Period 2010-2020

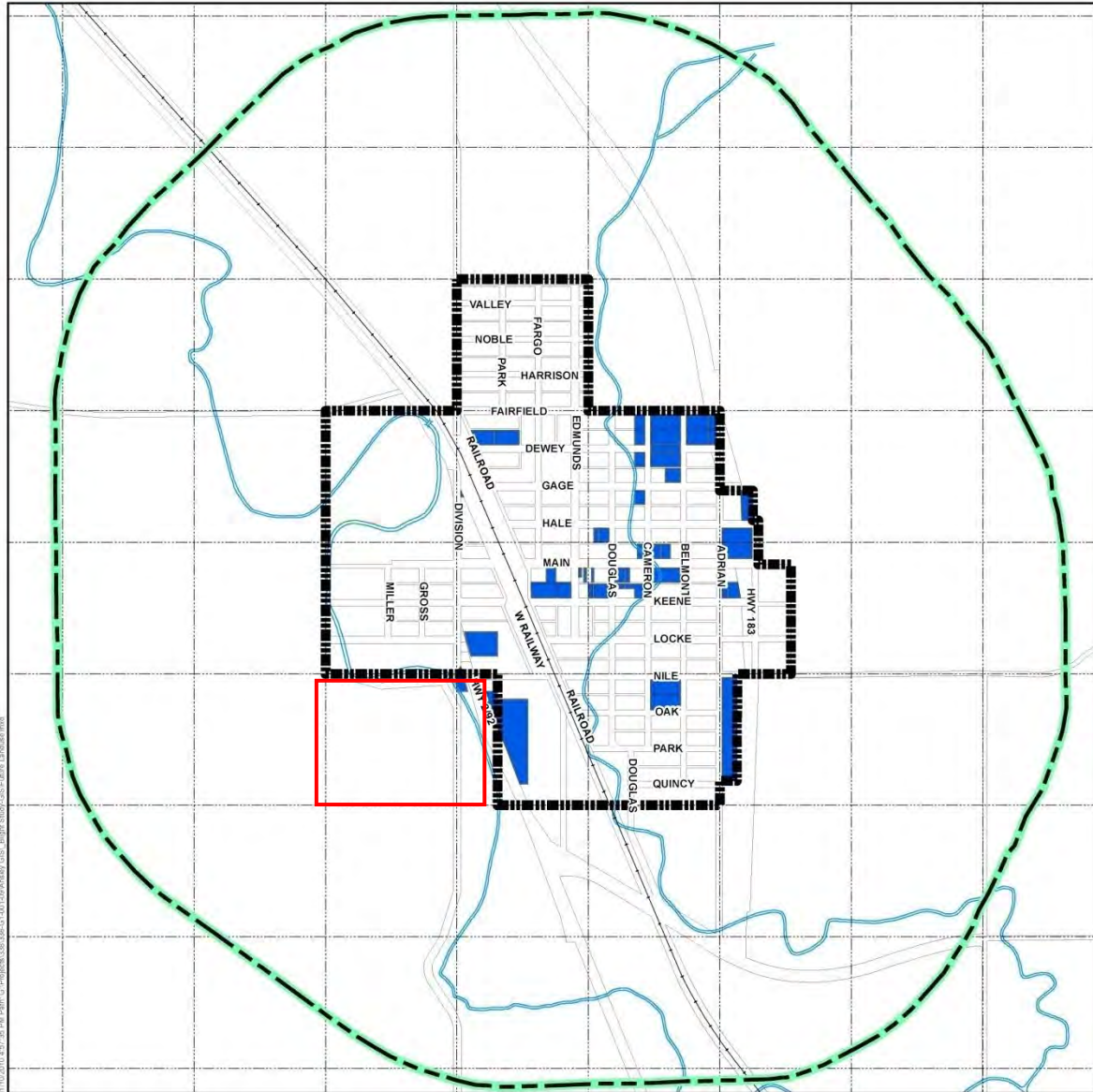
Land sufficient to meet the needs of the Village for public use is adequate during the plan period 2010-2020. The Village however will require a new waste water treatment lagoon and treatment plant during the period 2010-2020. The Village will need to find adequate farm land, outside the Village boundary, outside the flood plain and within the extra territorial jurisdiction of the Village for this purpose. Adequate land, suitable for locating the waste water treatment lagoon, needs to be found on the south of Nile Street and west of Highway 2/92 in the area shown within the red box in **Figure XIV-18**.

Figure XIV-18



Proposed Land Development for Public Use to Serve the Village of Ansley 2010-2020

Village of Ansley

Proposed Public



Legend

-  EXISTING ETJ (1/2 MILE RADIUS)
-  PROPOSED PUBLIC



Once the exact area is identified and acquired, the land will have to be zoned for public use and the existing farm use zoning designation needs to be amended. Water supply mains, sanitary sewer and storm water drainage lines will require be planning, budgeting and scheduling for implementation and laying out when the Village decides that the timing is right for installing the lagoon.

Land Development for Parks and Recreational Use in the Village of Ansley during the Period 2010-2020

Existing parks and recreational spaces are adequate to serve the needs of the community during the plan period 2010-2020 and no additional land is proposed to be developed for this use.

However, specific measures need to be taken to improve the accessibility to the park and safe passage for pedestrians who have to cross the Railroad right-of-way and Highway 2/92 to gain access to the park from the residential neighborhoods on the east. A flashing red light together with street crossing markings and appropriate traffic safety signs for pedestrian crossing should be installed at a designated location along Highway 2/92. Appropriate safety warning signs should be installed at those designated pedestrian crossing locations at Fairfield Street, Dewey Street, Gage Street, Hall Street, Keene Street, Locke Street, Nile Street, Oak Street, and Park Street where pedestrians are most likely to cross the railroad right-of-way to approach the park.

Farm Land in and around the Village of Ansley during the period 2010 to 2020

Most of the existing farm land within the extra territorial jurisdiction of the village is proposed to remain as farm land during the plan period 2010-2020 with the exception of the area that is proposed for residential, commercial or public use to accommodate the waste water treatment lagoon as described earlier.

Proposed Street Improvements

As per the One and Six Year Street Improvement Program 2010 for Ansley, NE, the following streets are recommended for improvements for one year and six years respectively:

One year improvements

1. Park Street north of Fairfield Street up to Valley Street;
2. Harrison Street between Park Street and Edmunds Street;
3. Fairfield Street between Fargo Street and Douglas Street.

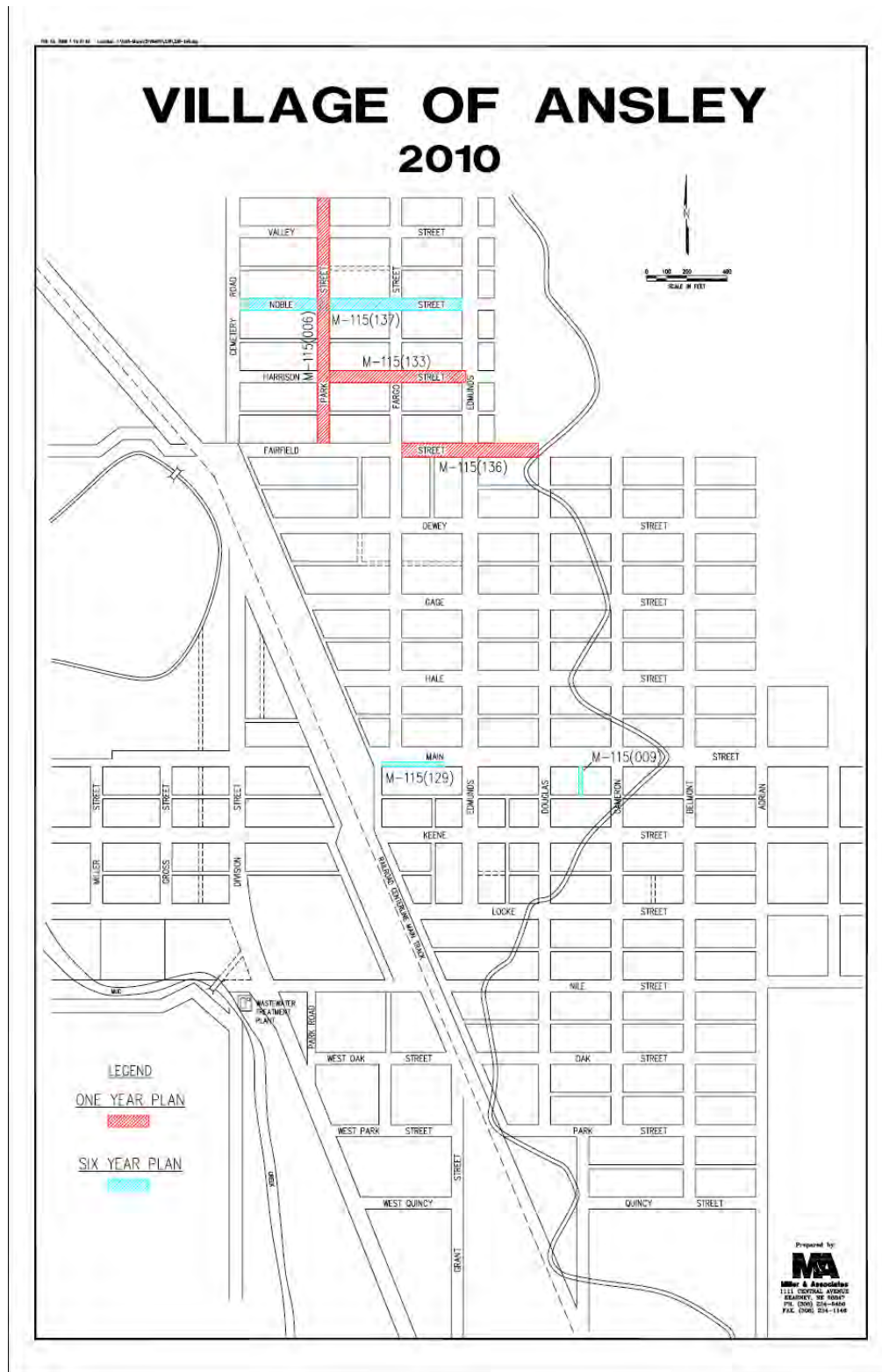
Six year improvements

1. Noble Street between Cemetery Road and Edmunds Street;
2. South side of Main Street from 75' west of Edmunds Street to 120' west of said 75';
3. North third of parking lot at Municipal Building.

The map in **Figure XIV-19** below shows the proposed street improvements plan as described above:

Figure XIV-19

Proposed Street Improvements in the Village of Ansley Up to 2016



Source: One and Six Year Street Improvement Program 2010 for Ansley, NE, Miller & Associates, Kearney, NE, 2010

All the other streets will need scheduled and timely maintenance and upkeep during the plan period. No new streets are required during the plan period 2010-2020.

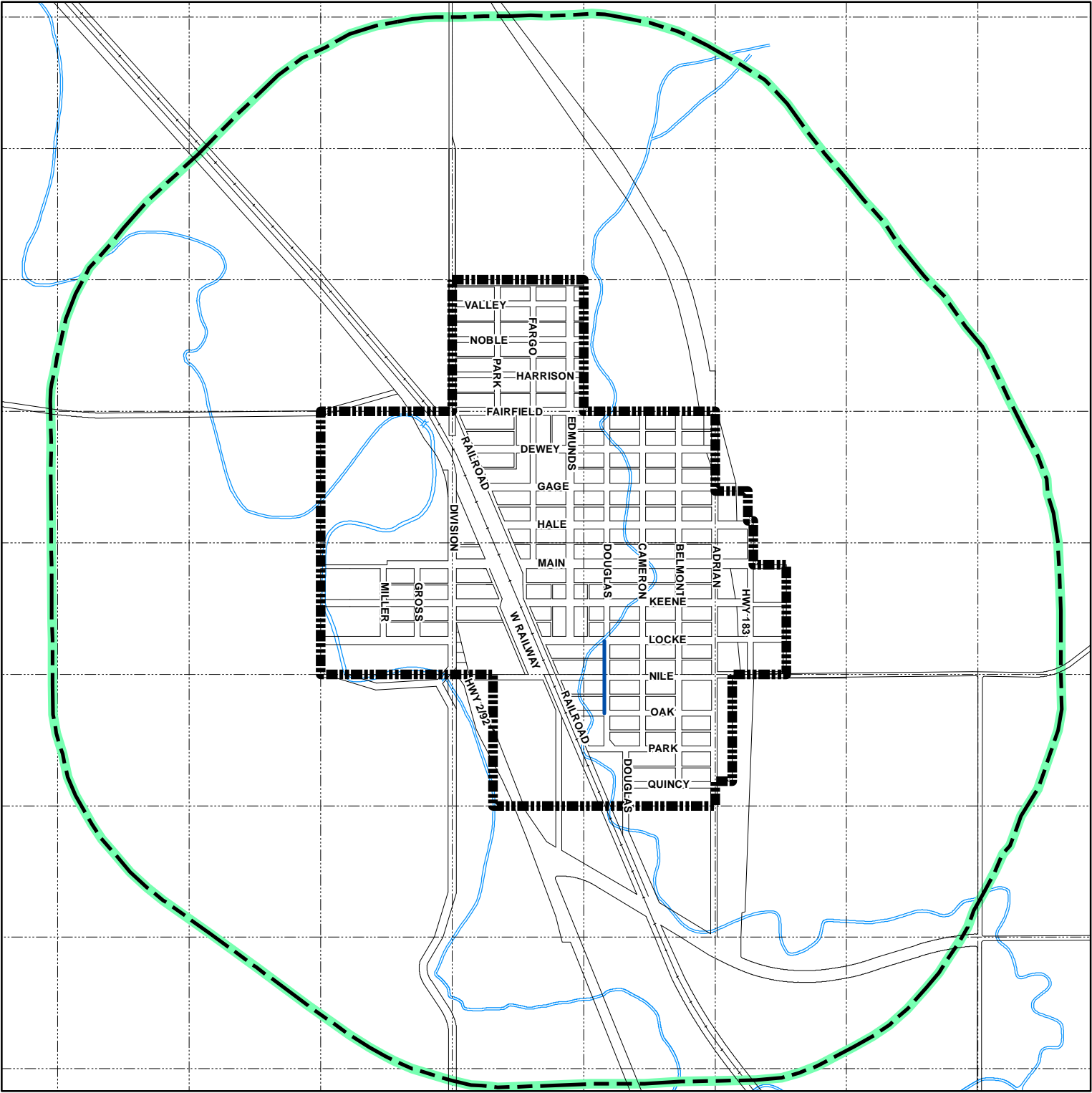
Public Utility Improvements during the Period 2010-2020

The following improvements are required to be completed during the plan period 2010 - 2020 with respect to:

1. Water supply
 - a. The replacement of water meters and software to support automatic reads is recommended;
 - b. The replacement of the main line along Douglas Street between Locke Street and Oak Street is recommended.
2. Sanitary Sewer and waste water disposal
 - a. Land needs to be acquired outside the flood plain for the installation and commissioning of a waste water sanitary sewer effluent treatment lagoon within the period 2010 - 2020. An area of acres is proposed at a location on the south east of the Village, and just outside the Village jurisdiction;
 - b. Once the lagoon is installed and commissioned, it is further recommended that the Village make arrangements to annex the property and bring it within village jurisdiction.

A map showing the following improvements is furnished below in **Figure XIV-20**.

Village of Ansley
Proposed Improvements to Community Utilities and Services 2010-2020



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Legend

- EXISTING ETJ (1/2 MILE RADIUS)
- PROPOSED WATER SUPPLY MAIN LINE REPLACEMENT AND SANITARY SEWER EFFLUENT TREATMENT LAGOON



Annexation of Farm Land

Land development is envisioned to occur outside the Village boundary for future residential and commercial uses with the potential for a waste water treatment lagoon on property that may be designated for future public use. Since these properties will require the extension of public utilities such as water and sewer lines for development to occur, it may be very justifiable to target these properties for annexation and eventually bring them under village jurisdiction. Annexation of properties outside the Village jurisdiction is recommended at that time. The realignment of the ½ mile extra territorial jurisdiction and the option of considering a realignment of the extra territorial jurisdiction to 1 mile may be considered immediately or shortly after annexation of land has actually occurred.

Section XV

CONCLUDING STATEMENTS

The Comprehensive Plan contained in the preceding sections of this document serves as the guiding document which assists and steers all decisions that are needed to be made within the jurisdiction of the Village of Ansley that will culminate in:

1. bringing about positive change that the community seeks and aspires for;
2. guiding future growth and development of the community in the best interest of the short and long term future of the general public;
3. providing the stimulus for:
 - a. initiating and activating land development for growth and expansion;
 - b. justifying capital improvements needed to motivate and sustain growth and/or prevent, arrest and reverse the process of decline and deterioration;
 - c. protecting and ensuring public health, public safety and public welfare for all residents and stakeholders in the community.

The Comprehensive Plan described in this document contains the vision for the future of the Village of Ansley during the decade 2010-2020. This vision was developed through the dedicated and committed efforts of the Planning Commission of the Village of Ansley working in partnership with their consultant – Miller & Associates, Consulting Engineers in Kearney, Nebraska. This vision projects and communicates an image that captures the realistic hopes of the Planning Commission for an improved quality of life, enhanced public health, public safety and public welfare and a better future for the Village of Ansley in the forthcoming decade. Hope for the future, however, is not sufficient to make such a desired and envisioned future to translate itself into reality. It will take dedication, commitment, informed judgment, social responsibility, politically compatible decision making, and legally defensible decisions of local decision makers, businesses, public interests and agencies, and all citizens of the Village to work towards the successful and effective fulfillment of goals and objectives and the realization of the desired vision. The Comprehensive Plan is intended to serve as the inspirational spark to ignite community interest, stimulate active participation of all community stakeholders and motivate informed decision making by both public and private agencies, organizations and individuals, to bring about the desired future for the Village of Ansley in 2020.

APPENDIX A
COMMUNITY SURVEY
MINUTES OF PUBLIC MEETING
VILLAGE OF ANSLEY

A public meeting at the Community Building in Ansley, Nebraska was convened in open and public session at 6:30 PM on Tuesday, March 11, 2008.

Notice of this meeting was given in advance thereof by posting at various places around the community, advertising in the Custer County Chief newspaper and inviting community organizations, to promote attendance.

All proceedings shown were taken while the convened meeting was open to the attendance of the public. Fifty (50) citizens were present.

Candy Kuntz of Miller & Associates in Kearney opened the informational meeting by indicating that the purpose of such meeting was to involve the citizens in the entire community of Ansley in helping to review the community needs and resources, with the results of such meeting to be used in conjunction with a proposed 2008 Community Development Block Grant Application, as well as an assessment of community attitudes and needs, and welcomed those in attendance.

Ms. Kuntz inquired if citizens attending could clearly hear and understand her language, or if any language barriers existed. The citizens responded that they could clearly understand. Ms. Kuntz inquired if the citizens knew of anyone in the community who was unable to attend the meeting due to a handicap or other disability and would desire assistance in attending. None were indicated. Ms. Kuntz requested input on services, facilities and resources that the citizenry feels Ansley offers. An entire list of the resources is:

School	Ball Parks
People	Clean Air
Pool	Power Plant
Park	Welcoming Atmosphere
Low Crime	Bar/Restaurant
Bank	Lumber Yard
Churches	Community Foundation
Fire Department/EMTs	Library
Highways	Community Center
Railroad	Car Wash
Post Office	Grocery Store
Laundromat	Phone Company
Businesses	Medical Clinic (open once per week)
Gas Stations	Photographer

Retirement Housing	Clean Water
Greenhouse	Machine Shop
Drilling Company	

Following the listing of services and/or facilities which Ansley currently offers, Ms. Kuntz requested comments on needs/improvements that the Village may desire. An entire list of the needs was:

More visually appealing corridor	New track at school
New businesses	Eliminate flood plain designation
Golf course	More ball fields attend to
New fire hall	Airport
Youth center	Hospital
Activities building	Signage
More job opportunities	Economic Development Director
Industrial tract	City Hall with restroom
Updated Electric	Street repair
Updated Sewer	Housing
Tourism attraction	Building renovation on Main Street
Storm shelter	Starbucks
Restaurant	New Sidewalks
Wireless Internet	Reduce train whistle noise
Day care	Train service – rural
Exercise facility	Cemetery improvements

Following a mock vote by persons present, on which projects they felt were most important regarding improvements for the community, the top five (5) choices were selected and listed in order of priority: (priority #5 was a tie between two items as they received the same number of votes)

1. New Fire Hall
2. More Visually Appealing Corridor
3. More Job Opportunities
4. New Sidewalks
5. (tie) Storm Shelter
5. (tie) Activities Building

After the listing of the above items, it was discussed in detail as to the efforts taken and requested to be taken to the Village Board and other local organizations to start implementing the ideas and priorities. The following was designated to be offered to those organizations for their input/consideration:

1. New Fire Hall

1. Apply for Grants - CDBG, USDA-RD, Peter Kiewit, Homeland Security
2. Fundraisers
3. Community Foundation (Ansley Area Community Foundation)
4. Bonds
5. Community Support
6. Site - the Rural Fire Board has an option on a site
7. Land
8. Building Plans
9. Utilities

2. More Visually Appealing Corridor

1. Grants
2. Curb Appeal
3. Fenced Junk Yard in City Limits
4. Incentives for Economic Development
5. New Fire Hall on Highway 2
6. Clean-up assistance to those who can't do it themselves
7. Joint Effort between the Village and Economic Development Committee
8. Zoning Enforcement
9. Community Support - Financially and Time

3. More Job Opportunities

1. Economic Incentives for New Businesses
2. Stronger Community Support for Existing Businesses & Awareness of Businesses that we have
3. Grant for Economic Development Plan
4. TIF
5. Utilize the services of the Loup Basin RC&D

4. New Sidewalks

1. Safe Routes to School Grants through NDOR (Village, School, Economic Development)
2. Sidewalk Districts
3. Incentive to businesses if they fix sidewalks
4. Community Foundation

5. (tie) Storm Shelter

1. Grants - CDBG, Homeland Security Funds, HUD
2. Donations
3. Community Foundation

5. (tie) Activities Building (spare gym and weight room)

1. Location - North of School
2. Fundraisers
3. Railroad Donations
4. Corporate Sponsor

Many questions were asked and answered regarding grant and loan programs available to assist municipalities with these types of needs. The results of the rural survey were also distributed to all in attendance.

The informational meeting was closed at 8:15 PM.

ZONING REGULATIONS UPDATE

VILLAGE OF ANSLEY, NEBRASKA

Project No. 338-G1-001

Prepared By:



Miller & Associates

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.

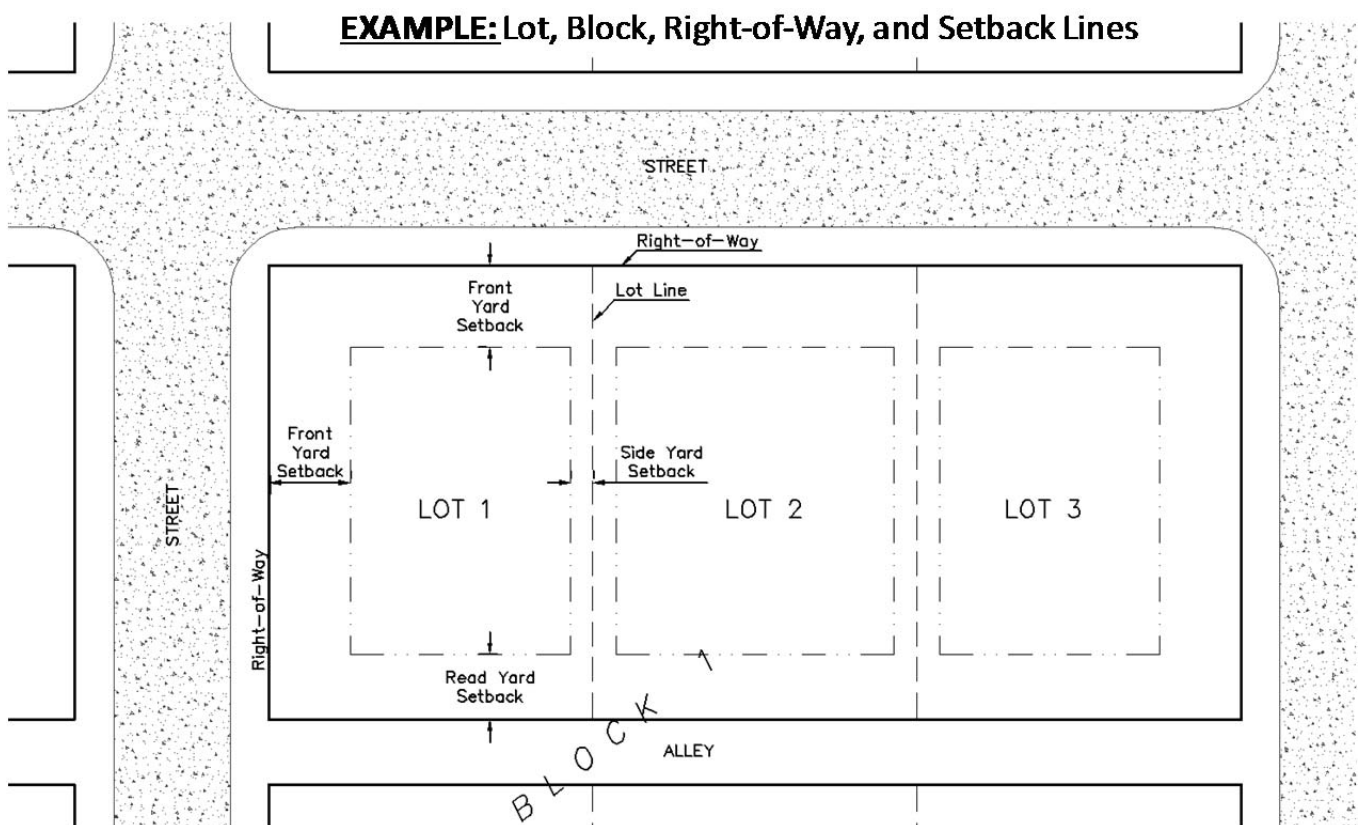
- 168 **2-2.26 LOT.** A parcel of land occupied or intended for occupancy by a use permitted in
169 this Ordinance and having its principal frontage upon a street.
- 170 **2-2.27 LOT OF RECORD.** A lot or parcel of land, the deed to which has been recorded
171 in the Office of the County Recorder.
- 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.

2-2.48 STRUCTURES. Anything constructed or erected, the use of which requires permanent location on the ground.

2-2.49 STRUCTURAL ALTERATION. Any change in structural members of a building, such as walls, columns, beams or girders.

2-2.50 VARIANCE. A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district or because of conditions created by the landowner.



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
319 **3-5. ANNEXATION RULE**

320 All territory which may hereafter be annexed to the corporate limits of the Village shall
321 be in the Agricultural District until otherwise changed, or where the area annexed was
322 zoned some other district prior to annexation, the same district shall apply within the
323 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.

363 c) All residences also must fully meet the requirements listed in Items
364 C, D and E of this Section.

365 15. Roadside stands selling products produced on site.

366 16. Schools - public and private (non-profit).

367 17. Guest houses and quarters, bed and breakfast.

368

369 B. CONDITIONAL USES REQUIRING SPECIAL REVIEW AND PERMIT

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

373 1. Airports and landing strips.

374 2. Amusement parks.

375 3. Asphalt plants.

376 4. New cemeteries, mausoleums and crematoria.

377 5. Concrete batch plants.

378 6. Sand, gravel and other open pit mining operation (refer to Article 11-5)

379 7. Public utilities and facilities needed to provide efficient services in rural
380 areas.

381 8. Junk and salvage yards.

382 9. Kennels.

383 10. Clubs for indoor and outdoor recreation.

384 11. Mobile homes on a ranch or farm.

385 12. Oil and gas storage.

386 13. Power generating facilities and related uses.

387 14. Campgrounds.

388 15. Sand, gravel and other mining operations.

389 16. Sanitary landfill operations.

390 17. Water, sewage and wastewater treatment facilities.

391 18. Veterinary hospital and related facilities.

392 19. Signs (refer to Article 16).....

393 20. Communication towers (refer to Article 18).

394 21. Wind energy systems (refer to Article 19).

395 22. Utility substations, transmission lines and transmission relay stations
396 (including radio towers but excluding office, repair, or storage facilities).

397 23. Concentrated animal feeding operations (refer to Article 11-6)

398

399

400 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 - Accessory building	- 25 feet - 5 feet
Side yard setback - Interior lot - Corner lot	Equal to height of proposed structure or 30 feet, whichever is greater
Maximum Building Height	No limit

401

402 D. UTILITY REQUIREMENTS

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

408

409 E. SPECIAL PROVISIONS

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

416

417 **ARTICLE 5**
418 **RESIDENTIAL DISTRICT USE REGULATIONS**
419

420 **5-1. RESIDENTIAL DISTRICT (R)**

421 This district is intended to accommodate existing single family and multi-family
422 residential uses, the expansion of those areas within and adjacent to the Village of
423 Ansley, and to provide a variety of housing types.
424

425 **A. PERMITTED USES**

- 426 1. Boarding houses.
- 427 2. Dwellings, multi-family.
- 428 3. Dwellings, single family.
- 429 4. Guest housing and quarters.
- 430 5. Home occupations.
- 431 6. Day care and Preschool nurseries.
- 432 7. Parks and Recreational open spaces
- 433 8. Religious facilities, associated places of assembly, and residential
434 quarters .
- 435 9. Rest homes, retirement homes, assisted living and nursing homes.
- 436 10. Accessory uses on an individual lot of two (2) acres or more without a
437 primary use.
- 438 11. Bed and breakfast facilities.
- 439 12. Condominiums and townhouses.
- 440

441 **B. CONDITIONAL USES REQUIRING SPECIAL REVIEW AND PERMIT**

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

- 445 1. Emergency services.
- 446 2. Group housing use, including but not limited to motels and lodges.
- 447 3. Health care facilities.
- 448 4. Medical and dental clinics.
- 449 5. Mobile home parks.
- 450 6. Modular and manufactured homes either built prior to 1975 or bearing an
451 appropriate seal that indicates it was constructed in accordance with the
452 standards of the *Uniform Standard Code for Manufactured Homes and*
453 *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*.

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

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 - Accessory building	- 20 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.

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)

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

486

487 D. OPEN SPACE

488 Notwithstanding the requirements specified in Article 5-1, Section C, Provisions
 489 2, 3 and 4 applicable to multifamily housing units, a minimum of forty percent
 490 (40%) of any residential site shall be developed and maintained as private open
 491 space and recreational use for occupants of the dwelling units.

492

493 E. UTILITY REQUIREMENTS

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

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

503

504 F. SPECIAL PROVISIONS

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

507

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.

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

564

565 B. CONDITIONAL USES REQUIRING SPECIAL REVIEW AND PERMIT

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

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

581

582

583 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

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

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

588 No minimum setbacks shall be required unless a retail commercial structure is
589 located adjacent to a lot used for residential buildings. In such instances the
590 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

591

592 D. USE LIMITATIONS AND UTILITY REQUIREMENTS

593 1. All business, service, repair, processing, storage or merchandise display
594 on property abutting or facing a lot within a Residential District shall be
595 conducted wholly within an enclosed building unless screened from the
596 Residential District by a sight-obscuring barrier permanently maintained at
597 least six (6) feet in height.

598 2. All businesses located within the Retail Commercial District shall utilize
599 municipal water and sewer facilities at the owner's expense.

600

601 E. SPECIAL PROVISIONS

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

604

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.

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

726

727 E. SPECIAL PROVISIONS

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

730 **ARTICLE 8**
731 **OPEN SPACE & PARK DISTRICT REGULATIONS**
732

733 **8-1. OPEN SPACE AND PARK DISTRICT (O)**

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

736 **PERMITTED USES**

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

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

748 **B. CONDITIONAL USES REQUIRING REVIEW AND PERMIT**

- 749 1. Camping;
750 2. Temporary and movable structures to accommodate local events and
751 activities;
752 3. Concession stands
753 4. Riding stables
754 5. wind mills and appurtenant buildings;
755 6. telecommunication and microwave towers;
756

757

ARTICLE 9

758

Deleted

759

760 **ARTICLE 10**
761 **OFF-STREET PARKING REQUIREMENTS**
762

763 **10-1. APPLICABILITY**

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

769
770 **10-2. SIZE OF SPACES**

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

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

784
785 **10-3. LOCATION OF SPACES**

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

790
791 **10-4. ACCESS**

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

797

<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

798

799 **10-5. LIGHTING**

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

802

803 **10-6. MINIMUM OFF-STREET PARKING REQUIREMENTS**

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

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

- 827 K. Mobile home Parks: One (1) space for each mobile home.
828 L. Retail Commercial and Heavy Commercial Uses: One (1) space for every two (2)
829 employees at maximum employment on a single shift.

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

832

833 **10-7. PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT**

834 No major recreational equipment as defined in Section 2-2.42 shall be parked or stored
835 on any lot in a Residential, Retail Commercial or Heavy Commercial District except in a
836 carport or enclosed building or behind the nearest portion of a building to a street,
837 provided, however, that such equipment may be parked anywhere on residential
838 premises for loading or unloading for a period not to exceed 24 hours. No such
839 equipment shall be used for living, sleeping, or housekeeping purposes when parked or
840 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.

B. The application, when submitted, shall be accepted only when it includes the following information:

1. The name of the Conditional Use Permit;
2. The name, address and phone number of the developer;
3. Record owner of the property and authorization from the property owner agreeing to submittal of the application if the owner is not the applicant;
4. The name, address and phone number of the person or company responsible for the preparation of the Conditional Use Permit;
5. Complete legal description of the property for which the application is made certified by a surveyor or engineer including the number of acres in the development in order to adequately define the location of the site;
6. Statement of present existing land use, current zoning district and proposed land use or uses of the property;
7. Date prepared, north arrow, scale, and location of section lines and section corners.
8. Profiles and grades of the proposed streets and private roadways.
9. A site and grading plan showing existing and proposed contours. Contour lines shall be shown at intervals not exceeding five feet based on USGS data. Spot elevations on a 100-foot grid shall be required to indicate topography of flat land.
10. Locations, names, tangent lengths, center line radius of each curve and its interior angle and width of all proposed and existing streets, highways, private roadways, and other public ways within and adjacent to the Conditional Use Permit.
11. Location, width, and direction of flow of all watercourses in and adjacent to the conditional use permit, including the limits of any floodplain.
12. Location and size of all existing septic lines, storm sewer lines, water mains, culverts, fire hydrants and existing power lines and other underground structures or cables within the proposed development and adjacent streets and roads.
 - a) If a public or community septic system is proposed, the size and location of all proposed septic lines including observation holes and any pump stations, and the location and type of any proposed community treatment facility;
 - b) If individual septic systems are proposed, percolation tests and data based on one test hole per proposed lot or certified information from a soil engineer indicating the estimated percolation rate and suitability of the soil;
 - c) If a public or community water system is proposed, the location and size of all proposed water mains, fire hydrants, storage facilities, the proposed well locations, along with data from test wells based on a 10 acres grid of the entire development showing system quality and quantity of the water obtained from the test wells, the type of water

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.

- 961 3. Prepare a staff report outlining findings and recommendations that will
962 assist the Planning Commission in making a decision in the matter.
- 963 4. Refer the report to the Planning Commission and the applicant at least
964 three days prior to the scheduled hearing date.
- 965 D. The Planning Commission shall hear and review the matter and within thirty-five
966 (35) days of the first hearing, do one of the following:
- 967 1. Recommend approval with or without conditions to the Village Board and
968 reasons for approval.
- 969 2. Recommend denial to the Village Board and reasons for denial.
- 970 3. Table the matter for a specified period of time with the consent of the
971 applicant for further study and review.
- 972 E. The Planning Commission recommendations shall be forwarded to the Village
973 Board along with the application file. Recommendations shall be recorded in the
974 Planning Commission meeting minutes or in some other written form for review
975 by the Village Board.
- 976 F. The Zoning Administrator shall set a hearing date before the Village Board and
977 provide notification in the manner prescribed in Section 11-4, A & B above.
- 978 G. The Village Board shall hear and review the matter and shall, within thirty-five
979 (35) days of said hearing, do one of the following:
- 980 1. Approve the request.
- 981 2. Approve the request with conditions necessary to protect the public health,
982 safety and welfare.
- 983 3. Deny the request.
- 984 4. Table the matter for a specified period of time with the consent of the
985 applicant for further study and review.
- 986 The reasons for the Village Board's action on the request shall be defined in the
987 official minutes of the Village Board's meetings.
- 988 H. Within one (1) year of the approval, construction on the proposed project shall
989 have commenced or the approval is void. However, the applicant may file a
990 letter requesting an extension prior to the expiration of initial approval. The
991 Planning Commission shall review the extension request and recommend to the
992 Village Board approval for a specified period up to twelve (12) months or denial,
993 indicating their reasons for such action.
- 994 I. The Planning Commission's recommendation shall be forwarded to the Village
995 Board for final disposition. The Village Board shall then approve the extension up
996 to a maximum of twelve (12) months or deny the request, defining their reasons
997 for such action.
- 998 J. No further extension shall be granted. After expiration, a new application is
999 required if construction has not started and processed in the manner described
1000 herein and approved before the use could be developed.

1001 K. Starting of construction after approval and prior to expiration and diligently
1002 pursuing same, permanently establishes the applicant's rights to the approved
1003 use unless conditions of approval state otherwise.

1004

1005 **11-5. SAND, GRAVEL AND OTHER OPEN PIT MINING OPERATION STANDARDS**

1006 The following minimum standards shall apply to all approved open-pit mining
1007 operations:

1008 A. The operator shall maintain haulage roads in a reasonable dust free condition if
1009 within one-fourth (1/4) mile of an established residential subdivision.

1010 B. The hours of operation shall be limited to a period between 6:00 a.m. and 10:00
1011 p.m. if the operation is located within one-fourth (1/4) mile of an established
1012 residential subdivision.

1013 C. Excavations shall occur no nearer than ten (10) feet from any property line, not
1014 nearer than one hundred fifty (150) feet from any residence, unless written
1015 consent of the owner of the residence or property is provided to the Planning
1016 Commission. Excavation shall occur not nearer than twenty-five (25) feet from
1017 any public road.

1018 D. The slope of any excavation shall not exceed four feet horizontal to one foot
1019 vertical (4:1) slope.

1020 E. The reclamation plan shall be submitted with the application for a Conditional
1021 Use Permit. This plan shall include the following:

1022 1. Use of the area after excavation.

1023 2. Methods and type of renovation proposed.

1024 3. Description of final grading concept that will remove rough contours,
1025 smoothing ridges, mounts, etc. into a more natural condition.

1026 4. Any other plans of description that will further define the operator's intent
1027 to reclaim the site.

1028 5. A reclamation staging program.

1029 6. A financial surety shall be required by the Village as a condition of
1030 approval to ensure full compliance with condition of reclamation.

1031 **11-6. CONCENTRATED ANIMAL FEEDING OPERATIONS**

1032 The following minimum standards shall apply to all approved confined animal feeding
1033 operations:

1034 A. The applicant must verify that the proposed concentrated animal feeding
1035 operation meets the license requirements and waste disposal requirements of
1036 the State of Nebraska;

1037 B. All runoff or waste generated from any concentrated animal feeding operation
1038 shall be contained within the associated farming operation or on the premises

1039 upon which the concentrated animal feeding operation is located. The applicant
1040 must verify that all runoff control ponds, lagoons, methods of manure disposal
1041 and use control measures are designed to minimize odor and air pollution and
1042 avoid surface or groundwater contamination as regulated by the State of
1043 Nebraska and Custer County.

1044 Wet Manure Operations shall not be located or allowed in areas as denoted in NRCS
1045 *Soil Survey of Custer County, Nebraska* that are rated as having severe limitations.

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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 non-conforming 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.

- 1103 D. Signs that are not securely affixed to a structure.
- 1104 E. Signs which prevent the driver of a vehicle from having a clear and unobstructed
1105 view of official signs and approaches to intersections.
- 1106 F. Signs erected or maintained upon trees or utility poles.
- 1107 G. Movable signs which are painted, printed, or mounted and which are visible from
1108 the traveled way of any Federal-Aid Primary Highway.
- 1109 H. Signs in officially designated scenic areas or in parkland which are visible from
1110 the traveled way of any Federal-Aid Primary Highway.

1111

1112 **13-4. DISTRICT REGULATIONS**

1113 A. AGRICULTURE DISTRICT (A)

- 1114 1. No regulations apply other than those outlined herein.

1115 B. RESIDENTIAL DISTRICT (R)

- 1116 1. Signs permitted in the Residential District shall be erected and maintained
1117 at least fifteen (15) feet from the street or road line.
- 1118 2. One non-illuminated sign, less than six (6) square feet in area for each
1119 dwelling.
- 1120 3. Any temporary non-illuminated sign, less than six (6) square feet in area,
1121 advertising the sale, lease or rental of the property.

1122 C. RETAIL COMMERCIAL DISTRICT (CR)

- 1123 1. Illuminated, or non-illuminated signs identifying the character of the
1124 establishment. No sign shall exceed fifty (50) square feet in area.

1125 D. HEAVY COMMERCIAL DISTRICT (CH)

- 1126 1. In a Heavy Commercial District, identification and advertising signs
1127 accessory to the allowed use are permitted except that each sign shall be
1128 limited to one hundred (100) square feet.

1129 **13-5. ELECTION SIGNS**

- 1130 A. Election signs are not authorized in any zoning district except for a period of thirty
1131 (30) days before a National, State, Village or local governmental subdivision
1132 election to which they apply, and such signs must be removed within a period of
1133 five (5) days after such election.

- 1134 B. No election signs shall be permitted on the public streets, parks, alleys, or other
1135 public areas.

1136
1137

13-6. DISCONTINUANCE OF USE

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

13-7. SIGN PERMITS

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

13-8. EXEMPTIONS

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

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

1208

1209 **14-2. LOCAL ADMINISTRATOR RESPONSIBILITIES**

1210 A. The Floodplain Administrator hereby has these additional responsibilities and is
1211 authorized and directed to enforce all of the provisions of this Article and all other
1212 articles of Ansley, Nebraska, now in force or hereafter adopted related to zoning,
1213 subdivision or building codes.

1214 B. The Floodplain Administrator shall be appointed to these additional
1215 responsibilities by resolution of the Village Board and the appointment shall
1216 continue during good behavior and satisfactory service. During temporary
1217 absence or disability of the Floodplain Administrator, the Village Board shall
1218 designate an acting administrator.

1219

1220 **14-3. DESIGNATION OF CURRENT FIRM**

1221 The Village of Ansley, Nebraska hereby designates the current Flood Insurance Rate
1222 Map and any revisions thereto, as the official map to be used in determining those areas
1223 of special flood hazard.

1224

1225 **14-4. FLOODPLAIN DEVELOPMENT PERMIT**

1226 No person, firm or corporation shall initiate any floodplain development or substantial
1227 improvement or cause the same to be done without first obtaining a separate permit for
1228 development as defined in this Article.

1229 A. Within special flood hazard areas on the official map, separate Floodplain
1230 Development Permits are required for all new construction, substantial
1231 improvements and other developments, including the placement of manufactured
1232 homes.

1233

1234 **14-5. APPLICATION**

1235 A. To obtain a floodplain development permit, the applicant shall first file an
1236 application therefore in writing on a form furnished for that purpose. Every
1237 application shall:

1238 1. Identify and describe the development to be covered by the floodplain
1239 development permit for which application is made.

1240 2. Describe the location of the development by lot, block, tract and street
1241 address, or similar description that will readily identify and definitely locate
1242 the proposed building or development.

1243 3. Indicate the use or occupancy for which the proposed development is
1244 intended.

- 1245 4. Be accompanied by plans and specifications for proposed construction.
1246 5. Be signed by the applicant or their authorized agent who may be required
1247 to submit evidence to indicate such authority.
1248 6. Within designated floodplain areas, be accompanied by elevations of the
1249 lowest floor, including basement, or in the case of floodproofed non-
1250 residential structures, the elevation to which it shall be floodproofed. The
1251 Floodplain Administrator shall maintain documentation or certification of
1252 such elevations.
1253 7. Provide other information as may be required by the Floodplain
1254 Administrator.

1255

1256 **14-6. APPLICATION REVIEW**

1257 The Floodplain Administrator shall review all Development Permit applications to
1258 determine if the site of the proposed development is reasonably safe from flooding and
1259 that all necessary permits have been received as required by Federal or State Law.

1260 The Floodplain Administrator, in reviewing all applications for new construction,
1261 substantial improvements, prefabricated buildings, placement of manufactured homes
1262 and other development(s) (as defined in Section 14-821) shall:

1263 A. Obtain, review and reasonably utilize, if available, any regulatory flood elevation
1264 data and floodway data available from Federal, State or other sources, until such
1265 other data is provided by the Federal Insurance Administration in a Flood
1266 Insurance Study; and require within special flood hazard areas on the official
1267 map that the following performance standards be met:

1268 1. Until a floodway has been designated, no development or substantial
1269 improvement may be permitted within the identified floodplain unless the
1270 applicant has demonstrated that the proposed development or substantial
1271 improvement, when combined with all other existing and reasonably
1272 anticipated developments or substantial improvements, will not increase
1273 the water surface elevation of the 100-year flood more than one foot at any
1274 location.

1275 2. Residential Construction. New construction or substantial improvement of
1276 any residential structure shall have the lowest floor, including basement,
1277 elevated at least one foot above the base flood elevation.

1278 3. Non-residential Construction. New construction or substantial
1279 improvement of any commercial, industrial or other non-residential
1280 structure shall either have the lowest floor, including basement, elevated
1281 at least one foot above the base flood elevation or, together with attendant
1282 utility and sanitary facilities, be floodproofed so that below such a level the
1283 structure is watertight with walls substantially impermeable to the passage
1284 of water and with structural components having the capability of resisting
1285 hydrostatic and hydrodynamic loads and effects of buoyancy. A
1286 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 by 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.

- 1329 4. Any additions to manufactured homes are similarly anchored.
- 1330 G. Require that all manufactured homes proposed to be placed or substantially
1331 improved within special flood hazard areas shall be elevated on a permanent
1332 foundation such that:
- 1333 1. The lowest floor of the manufactured home is elevated at least one (1) foot
1334 above the base flood elevation;
- 1335 2. The manufactured home chassis is supported by reinforced piers or other
1336 foundation elements of at least equivalent strength that are no less than
1337 thirty-six (36) inches in height above the grade; and
- 1338 3. The manufactured home chassis is securely fixed to an adequately
1339 anchored foundation system in accordance with the provisions of Section
1340 14-806, Item F.
- 1341 H. Require that recreational vehicles placed on sites within the identified special
1342 flood hazard areas on the community's official map either:
- 1343 1. Be on the site for fewer than one hundred eighty (180) consecutive days,
1344 2. Be fully licensed and ready for highway use, or
1345 3. Meet the permit requirements and the elevation and anchoring
1346 requirements for manufactured homes of this Article.
- 1347 A recreational vehicle is ready for highway use if it is on its wheels, or its jacking system
1348 is attached to the site only by quick disconnect type utilities and security devices, and
1349 has no permanently attached additions.

1350

1351 **14-7. SUBDIVISION APPLICATIONS**

1352 The Village of Ansley Planning Commission, Floodplain Administrator, and Village
1353 Board shall review all subdivision applications in accordance with this Ordinance and
1354 this Article. Proposed developments shall:

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

1359 B. Provide adequate drainage to minimize flood hazards.

1360 All public utilities and facilities in proposed developments shall be located where flood
1361 damage will be minimal or nonexistent.

1362

1363

1364 **14-8. WATER AND SEWAGE SYSTEMS**

1365 New and replacement water and sewage systems shall be constructed to eliminate or
1366 minimize infiltration by, or discharge into floodwaters. Moreover, on-site waste disposal
1367 systems will be designed to avoid impairment or contamination during flooding.

1369 **14-9. STORAGE OF MATERIAL AND EQUIPMENT**

1370 The storage or processing of materials that are flammable, explosive or could be
1371 injurious to human, animal or plant life is prohibited. Storage of bouyant material or
1372 equipment may be allowed if they are firmly anchored to prevent flotation or if readily
1373 removable from the area.

1375 **14-10. FLOOD-CARRYING CAPACITY WITHIN ANY WATERCOURSE**

1376 The Village Board will ensure that the flood-carrying capacity within the altered or
1377 relocated portion of any watercourse is maintained. The Village of Ansley will notify, in
1378 riverine situations, adjacent communities and the State Coordinating Office (Nebraska
1379 Department of Natural Resources) prior to any alteration or relocation of a watercourse,
1380 and submit copies of such notification to the Federal Emergency Management Agency.

1382 **14-11. VARIANCE PROCEDURES**

- 1383 A. The Board of Adjustment as established by the Village Board shall hear and
1384 decide appeals and requests for variances from the requirements of this Article.
- 1385 B. The Board of Adjustment shall hear and decide appeals when it is alleged that
1386 there is an error in any requirement, decision, or determination made by the
1387 Village Board, in the enforcement or administration of this Article.
- 1388 C. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer
1389 may appeal such decision to the District Court for Custer County as provided in
1390 Section 23-168.04 of the Revised State Statutes.
- 1391 D. The Board of Adjustment shall consider all technical evaluations, relevant factors,
1392 standards specified in other sections of this Article, and:
- 1393 1. The danger that materials may be swept onto other lands to the injury of
1394 others;
 - 1395 2. The danger to life and property due to flooding or erosion damage;
 - 1396 3. The susceptibility of the proposed facility and its contents to flood damage
1397 and the effect of such damage on the individual owner;
 - 1398 4. The importance of the services provided by the proposed facility to the
1399 community;
 - 1400 5. The necessity to the facility of a waterfront location, where applicable;

- 1401 6. The availability of alternative locations, not subject to flooding or erosion
1402 damage, for the proposed use;
- 1403 7. The compatibility of the proposed use with existing and anticipated
1404 development;
- 1405 8. The relationship of the proposed use to the Comprehensive Plan and
1406 floodplain management programs for that area;
- 1407 9. The safety of access to the property in times of flood for ordinary and
1408 emergency vehicles;
- 1409 10. The expected heights, velocity, duration, rate of rise and sediment
1410 transport of the flood waters and the effects of wave action, if applicable,
1411 expected at the site; and
- 1412 11. The costs of providing governmental services during and after flood
1413 conditions including maintenance and repair of public utilities and facilities
1414 such as sewer, gas, electrical, and water systems, streets, and bridges.

1415

1416 **14-12. CONDITIONS FOR VARIANCE**

- 1417 A. Generally, variances may be issued for new construction and substantial
1418 improvements to be erected on a lot of one-half (1/2) acre or less in size
1419 contiguous to and surrounded by lots with existing structures constructed below
1420 the base flood level, providing Item B through Item D below have been fully
1421 considered. As the lot size increases beyond one-half (1/2) acre, the technical
1422 justification required for issuing the variance increases.
- 1423 B. Variances may be issued for the repair or rehabilitation of historic structures upon
1424 a determination that the proposed repair or rehabilitation will not preclude the
1425 structures necessary to preserve the historic character and design of the
1426 structure.
- 1427 C. Variances shall only be issued upon:
- 1428 1. A showing of good and sufficient cause,
- 1429 2. A determination that failure to grant the variance would result in
1430 exceptional hardship to the applicant, and
- 1431 3. A determination that the granting of a variance will not result in increased
1432 flood heights, additional threats to public safety, extraordinary public
1433 expense, create nuisances, cause fraud on or victimization of the public,
1434 or conflict with existing local laws or articles.
- 1435 D. The Floodplain Administrator shall issue a written notice informing the applicant
1436 that:
- 1437 1. Any construction below the base flood level increases the risk to life and
1438 property,
- 1439 2. Any construction below base flood level will result in increased premium
1440 rates for flood insurance, and

1441 3. Such notification shall be maintained with the record of all variance
1442 actions.

1443

1444 **14-13. NONCONFORMING USE**

1445 A. A structure or the use of a structure or premises which was lawful before the
1446 passage or amendment of the Article, but which is not in conformity with the
1447 provisions of this Article may be continued subject to the following conditions:

1448 1. If such use is discontinued for twelve (12) consecutive months, any future
1449 use of the building premises shall conform to this Article.

1450 2. Uses or adjuncts thereof that are or become a nuisance shall not be
1451 entitled to continue as nonconforming uses.

1452 B. If any nonconforming use or structure is destroyed by any means, including flood,
1453 it shall not be reconstructed if the cost is more than fifty percent (50%) of the
1454 market value of the structure before the damage occurred except that if it is
1455 reconstructed in conformity with the provision of this Article. This limitation does
1456 not include the cost of any alteration to comply with existing state or local health,
1457 sanitary, building or safety codes and regulations, or the cost of any alteration of
1458 a structure listed on the *National Register of Historic Places* or a State inventory
1459 of historic places.

1460

1461 **14-14. PENALTY FOR VIOLATION**

1462 Violation of the provision of this Article or failure to comply with any of its requirements
1463 (including violations of conditions and safeguards established in connection with
1464 granting of variances or special exceptions) shall constitute a misdemeanor. Any
1465 person who violates this Article or fails to comply with any of its requirements shall,
1466 upon conviction thereof, be fined not more than five hundred dollars (\$500.00), and in
1467 addition, shall pay all costs and expenses involved in the case. Each day of such
1468 violation shall be considered a separate offense.

1469 Nothing herein contained shall prevent the Floodplain Administrator, the Village Board
1470 and the Village Attorney from taking such other lawful action as is necessary to prevent
1471 or remedy any violation.

1472

1473 **14-15. ABROGATION AND GREATER RESTRICTIONS**

1474 It is not intended by this Article to repeal, abrogate or impair any existent easements,
1475 covenants, or deed restrictions. However, where this Article imposes greater
1476 restrictions, the provision of this Article shall prevail. All other articles inconsistent with
1477 this Article are hereby repealed to the extent of the inconsistency only.

1478

1479 **14-16. INTERPRETATION**

1480 No provision of this Article shall be interpreted as a limitation or repeal, of any other
1481 powers granted by Nebraska State Statutes to the Village of Ansley.

1482

1483 **14-17. WARNING AND DISCLAIMER OF LIABILITY**

1484 The degree of flood protection required by this Article is considered reasonable for
1485 regulatory purposes and is based on engineering and scientific methods of study.
1486 Larger floods may occur on rare occasions or the flood height may be increased by
1487 man-made or natural causes, such as ice jams and bridge opening restricted by debris.
1488 This Article does not imply that areas outside floodplain district boundaries or land uses
1489 permitted within such districts will be free from flooding or flood damage. This Article
1490 shall not create liability on the part of the Village of Ansley, Nebraska, or any officer or
1491 employee thereof for any flood damages that may result from reliance on this Article or
1492 any administrative decision lawfully made thereunder.

1493

1494 **14-18. SEVERABILITY**

1495 If any section, clause, provision or portion of this Article is adjudged unconstitutional or
1496 invalid by a court of competent jurisdiction, the remainder of this Article shall not be
1497 affected thereby.

1498

1499 **14-19. APPEAL**

1500 The applicant may appeal directly to the Board of Adjustment if the Village Board denies
1501 a request for a Development Permit or a variance.

1502

1503 **14-20. CONFLICTING ARTICLES**

1504 This Article shall take precedence over conflicting articles or parts of articles. The
1505 Village Board may, from time to time, amend this Article to reflect any and all changes in
1506 the *National Flood Disaster Protection Act of 1973*. The regulations of this Article are in
1507 compliance with the *National Flood Insurance Program Regulations* as published in Title
1508 44 of the *Code of Federal Regulations* and the *1983 Nebraska Floodplain Management*
1509 *Act*.

1510

1511 **14-21. DEFINITIONS**

1512 Unless specifically defined below, words or phrases used in this Article shall be
1513 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

- determined by the Secretary of the Interior as meeting the requirements for individual listing on the *National Register*;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
- i. By an approved state program as determined by the Secretary of the Interior, or
- ii. Directly by the Secretary of the Interior in States without approved programs.
12. LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Article.
13. MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term Manufactured Home does not include a recreational vehicle.
14. MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
15. NEW CONSTRUCTION. For floodplain management purposes, structures for which the start of construction commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.
16. NEW MANUFACTURED HOME PARK OF 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 the final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
17. 100 YEAR FLOOD. The condition of flooding having a one percent (1%) chance of annual occurrence.

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

1644 Start of Construction of the improvement. This includes structures that
1645 have incurred Substantial Damage regardless of the actual repair work
1646 performed. This term does not, however, include either:

1647 a) Any project for improvement of a structure to correct existing
1648 violations of state or local health, sanitary or safety code
1649 specifications which have been identified by the local code
1650 enforcement official and which are the minimum necessary to
1651 assure safe living conditions, or

1652 b) Any alteration of a Historic Structure provided that the alteration will
1653 not preclude the structure's continued designation as a Historic
1654 Structure.

1655 26. VARIANCE. A grant of relief to a person from the terms of a floodplain
1656 management article.

1657 27. VIOLATION. The failure of a structure or other development to be fully
1658 compliant with the community's floodplain management regulations.
1659

1660 **ARTICLE 15**

1661 **MOBILE HOMES AND MOBILE HOME PARKS**

1662
1663
1664 **15-1. MOBILE HOMES**

1665 Mobile homes shall not be kept or maintained within the Corporate Limits of the Village
1666 of Ansley, except as otherwise permitted herein.

1667 No mobile home shall be placed or parked on any single subdivided lot of record in a
1668 zoned Residential District, whether used as a residence, used or placed for storage, or
1669 otherwise.

1670 Any presently existing mobile home placed or parked on any single subdivided lot of
1671 record in a zoned Residential District shall be permitted; provided, that any such
1672 existing mobile home that is removed or substantially damaged shall not be permitted to
1673 be replaced, repaired, or returned to or on any single subdivided lot of record unless the
1674 same is accomplished within thirty (30) days of the initial removal or damage. Failure to
1675 replace, repair, or return the mobile home within thirty (30) days shall be a forfeiture of
1676 the right to place or park a mobile home on the property.

1677 This Ordinance is not intended to prohibit the storing of recreational or similar vehicles
1678 temporarily or seasonally.

1679
1680 **15-2. MOBILE HOME PARKS**

1681 A. In the Residential District where mobile home parks are listed as conditional
1682 uses, the following standards shall apply, in addition to any other conditions that
1683 are attached as a result of the review process.

1684 1. A certification of compliance with all resolutions, ordinances and
1685 regulations regarding mobile home park licensing, zoning, health,
1686 plumbing, electrical, building, fire prevention and all other applicable
1687 ordinances and regulations shall be a prior requirement for granting said
1688 conditional use. Such certification is to be approved and issued by the
1689 Planning Commission.

1690 2. A mobile home park shall have an area of not less than two (2) acres.

1691 3. Mobile home density shall not exceed six (6) units per acre.

1692 4. The minimum lot size shall be five thousand (5,000) square feet for a
1693 single wide mobile home and six thousand (6,000) square feet for a
1694 double wide. The minimum lot width shall not be less than forty (40) feet.

1695 5. The minimum separation between homes shall be twenty-five (25)
1696 feet measured from any entrance, lean-to or other extension.

1697 6. There shall be two (2) off-street parking spaces per unit.

1698 7. Minimum Street Width: When there is no parking on street, twenty-five
1699 (25) feet is the minimum improved width. When there is parking on one

- 1700 side of the street only, thirty (30) feet is the minimum improved width.
1701 When there is parking on both sides of the street, thirty-six (36) feet is the
1702 minimum improved width.
- 1703 8. All mobile home drives will be maintained by the owner in a satisfactory
1704 and safe condition with access to dedicated streets provided. Parks of
1705 over fifty (50) units may be required to provide additional access points for
1706 emergency access safety.
- 1707 9. Walkways shall be provided adjacent to streets on an interior system.
- 1708 10. Lights shall be provided with a minimum of 0.3 foot candles on all
1709 driveways and walks.
- 1710 11. All mobile homes in a mobile home park which are located in the
1711 Corporate Limits shall meet the requirements stipulated in Article 5-1, ,
1712 Item F. All mobile homes in a mobile home park which are located outside
1713 the Village Corporate Limits (within a one-half mile radius of the Village)
1714 shall meet the following utility requirements:
- 1715 a. Mobile home units shall not be served by individual water and
1716 sewer systems (individual is defined herein as one (1) well or
1717 cesspool, etc. per mobile home unit).
- 1718 b. A mobile home park shall be served by a municipal water and
1719 sewer system.
- 1720 12. Prohibited Uses and Structures: All uses prohibited in a Residential
1721 District on which a mobile home is located shall also be prohibited in a
1722 mobile home park.
- 1723 13. Fences, Hedges and Walls: The provision of Article 17-8 shall apply to
1724 mobile homes.
- 1725 14. Anchors and tie-downs shall be placed at least to each corner of the
1726 mobile home or trailer unit and at intervals not to exceed ten (10) feet and
1727 shall be able to resist the design wind pressures and in any event shall be
1728 able to sustain a minimum tensile strength of two thousand eight hundred
1729 (2,800) pounds. Wheels shall not be used for bearing pressures.
- 1730 15. Trash collection receptacles shall be provided and properly screened from
1731 view.
- 1732 16. Camper and boat storage shall be provided either adjacent to the mobile
1733 homes or in a central location. One hundred (100) square feet for each
1734 mobile home shall be provided.
- 1735 17. Fire protection services shall be specified at the time of the conditional
1736 permit review and shall be provided by either the Ansley Fire Department
1737 or Ansley Rural Fire District.
- 1738 18. No mobile home or office shall be located closer than ten (10) feet to a
1739 street right-of-way or other property line or at building setback line,
1740 whichever is greater. No service accessory building shall be located closer
1741 than three (3) feet to a street, right-of-way or other property or at building
1742 setback line, whichever is greater.

- 1743 19. A landscaping concept plan shall be submitted for review and approval.
1744
1745 20. There shall be bonding or guarantee, in a form and sum acceptable to the
1746 Village Attorney, assuring completion of plans according to the
1747 specifications approved by the Planning Commission.
1748 21. All mobile home parks shall reserve and develop fifteen percent (15%) of
1749 the total site for community park purposes if total site is in excess of five
(5) acres.
- 1750 B. Notwithstanding the provisions of the district regulations of this Ordinance, no
1751 mobile home shall be parked and occupied in any district outside an approved
1752 mobile home park more than forty-eight (48) hours except upon a special permit
1753 issued by the Village Board. Such permit shall be issued for a period not to
1754 exceed thirty (30) days and shall not be renewable within the same calendar
1755 year. Provided, however, a permit may be issued for parking and occupying a
1756 mobile home on land owned by the occupant or occupants during the
1757 construction of a house therein or for a period not exceeding one hundred eighty
1758 (180) days and which shall be renewable for an additional period not exceeding
1759 one hundred eighty (180) days. However, if material progress with home
1760 construction is not made within forty-five (45) days from the issuance of a permit,
1761 or if construction work closes for a consecutive period of forty-five (45) days, said
1762 permit shall become void. If the mobile home is being parked on the site waiting
1763 to be placed on and connected to a permanent foundation, the mobile home
1764 owner does not originally need a permit after thirty (30) days. If the mobile home
1765 has not been placed on and connected to a permanent foundation, a permit must
1766 be acquired in accordance with this provision. This provision shall not apply to
1767 single family mobile homes used as dwelling units for agriculture related
1768 purposes, or on a permanent foundation or recreational vehicles as defined in
1769 this Ordinance.
- 1770 C. No mobile home shall be moved on to or away from any mobile home park lot
1771 within the Village without first receiving a permit for that purpose.
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ARTICLE 16
DELETED

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).

1812 **17-4. BUILDINGS ON THE SAME LOT**

1813 Only one principal building shall be permitted on any lot in the Residential, Commercial
1814 and Industrial district.

1815

1816 **17-5. EXCEPTIONS TO HEIGHT REGULATIONS**

1817 The height limitations contained herein shall not apply to spires, belfries, cupolas,
1818 antennas water tanks, ventilators, domes, chimneys, grain elevators and accessory
1819 agricultural structures, or other appurtenances usually required to be placed above the
1820 roof level and not intended for human occupancy.

1821

1822 **17-6. OUTSIDE STORAGE OF AUTOMOBILES, VEHICLES, & MOBILE HOMES**

1823 A. Automobiles and other vehicles which cannot meet state licensing standards for
1824 travel on public highways shall not be permitted as an accessory use in any
1825 zoning district unless otherwise provided herein or unless they are screened from
1826 public view from adjacent properties, streets, roads or highways.

1827 B. A mobile home shall not be stored in any required front or side yard.

1828

1829 **17-7. ACCESSORY USES**

1830 A. **GENERAL PROVISIONS**

1831 1. Accessory buildings shall not be used for dwelling purposes unless
1832 specifically permitted.

1833 2. Accessory uses shall comply with all requirements for the principal use
1834 except where specifically modified by these regulations.

1835 B. **YARD REGULATIONS**

1836 Side yard - same as district in which accessory use is located except an
1837 accessory building may be located in the side yard as close as five (5) feet to the
1838 property line providing it is located between the rear building line of the principal
1839 building and the rear property line.

1840 Front yard - no accessory building shall be located between the front building line
1841 of the principal building and the front property line.

1842 Rear yard - unless specifically permitted, no accessory building shall be located
1843 closer than five (5) feet from the rear property line or within ten (10) feet of any
1844 other building on adjacent properties, and no accessory building shall be located
1845 with any easement or right-of-way along the rear property line.

1846

1847 C. VEHICLE ACCESS

1848 In cases where the accessory structure entrance faces an alleyway, unless
1849 otherwise specifically permitted, any accessory building requiring vehicle access
1850 from an alleyway, shall be located a minimum of fifteen (15) feet from the rear
1851 property line.

1852 D. ATTACHED ACCESSORY USE

1853 Any accessory structure attached to the principal building shall be considered as
1854 a part of the principal building and shall meet the same requirements as specified
1855 for the principal building in said district.

1856 E. FIRE HAZARDOUS ACCESSORY USES

1857 No accessory use shall be located within ten (10) feet of a residential dwelling
1858 that creates a fire hazard or would subject the residential structure to a potential
1859 fire, such as a detached fireplace, barbeque oven, flammable liquid storage, etc.

1860

1861 **17-8. FENCES, HEDGES AND WALLS**

1862 A. Fences, hedges and walls may be permitted in the various districts as accessory
1863 uses in accordance with the following limitations:

1864 1. No fence, hedge, wall, or shrubbery in any district other than the
1865 Agricultural District, shall exceed six (6) feet in height, except as
1866 necessary to comply with Item 4 below concerning the enclosure of
1867 outdoor swimming pools.

1868 2. No fence, hedge, wall, or shrubbery shall interfere with the vision of
1869 motorists or adjacent property holders. On a corner lot in the Residential
1870 District, a sight triangle shall be provided such that nothing shall be
1871 erected, placed, planted, or allowed to grow in such a manner as
1872 materially to impede vision between a height of two and one-half (2-1/2)
1873 and ten (10) feet above the centerline grades of the intersecting streets in
1874 the area bounded by the street lines of such corner lots and a line joining
1875 points along said street lines fifty (50) feet from the point of the
1876 intersection.

1877 3. Fences separating residential land uses shall not exceed six (6) feet in
1878 height. Fences separating residential and non-residential land uses or
1879 between two non-residential land uses shall not exceed eight (8) feet in
1880 height unless otherwise specifically permitted.

1881 4. All outdoor swimming pools shall be enclosed by a fence or wall at least
1882 eight (8) feet but not more than ten (10) feet in height with a gate or gates
1883 which can be securely locked.

1884

1885

ORDINANCE NO. 489

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 Section 17-8 of the Zoning Regulations 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. **Fences shall be constructed of commonly accepted, new material for residential fences such as wood, plastic, vinyl, PVC/resin, concrete, stone, masonry, wrought iron, or chain link; shall be structurally sound; shall have a neat, professional and finished appearance. The Planning and Zoning Commission may approve other materials. 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.**
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 building 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 10th day of December, 2012.

ATTEST:

Lisa Fecht, Chairperson

Lanette C. Doane, Clerk

(Seal)

17-9. HOME OCCUPATIONS

A. A home occupation may be allowed as a permitted accessory use provided all of the following conditions are met;

1. Home occupations shall not occupy more than thirty percent (30%) of the total floor area of the main building, or if located in an accessory building, shall not occupy more than fifteen percent (15%) of the total lot area.
2. The operation shall not substantially increase traffic in the area.
3. There shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
4. Such use shall be conducted entirely within a dwelling and carried on by the inhabitants living and no others.
5. Such use shall be clearly incidental and secondary to the use of the dwelling for the dwelling purposes and shall not change the character thereof.
6. Signs and other advertising shall comply with the provisions of Article 7.
7. There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
8. A home occupation shall provide additional parking area adequate to accommodate all needs created by the home occupation and shall be subject to review by the Planning Commission.

17-10 ANIMAL FEEDING OPERATIONS AND CONFINED ANIMALS

A. Animal feeding operations shall be defined as the confined feeding of food, fur, or pleasure animals in buildings, lots, pens, pools or ponds, which normally are not used for the raising of crops or for grazing animals. For the purpose of this Ordinance, the term animal feeding operations shall include the confined feeding of one hundred (100) or more beef cows, one hundred (100) or more dairy cattle, five hundred (500) or more swine, two thousand (2,000) or more sheep, three thousand (3,000) or more turkeys, or ten thousand (10,000) or more chickens, ducks, or geese.

B. No animal feeding operation shall be located within one thousand (1,000) feet of an existing agricultural residential structure other than that of the owner, operator or employee of the animal feeding operation nor shall a residential structure other than that of the owner, operator or employee be located within one thousand (1,000) feet of an existing animal feeding operation.

1. Animal feeding operations and dairies shall be set back from any State or Federal highway right-of-way not less than fifty (50) feet and from any county road not less than twenty-five (25) feet.
2. A hedge, windbreak or other planting of trees shall be planted and maintained in the fifty (50) foot setback area along the State and Federal

1926 highways. This landscaping shall be used to visually screen animal
1927 feeding operations from public view.

1928 3. Prior to issuance of a building permit, the applicant shall show that the
1929 proposed operation will satisfy the current standards applied to animal
1930 feeding operations or dairies by the Nebraska Department of
1931 Environmental Quality.

1932

1933 **17-11. WELL HEAD PROTECTION AREAS**

1934 Within those Well Head Protection Areas approved and regulated by the Nebraska
1935 Department of Environmental Quality, any proposed septic systems, sanitary waste
1936 water systems, animal feeding operations (both confined and open), sanitary landfills,
1937 slaughter houses, livestock auction houses, or similar use that may contaminate the
1938 ground water, shall only be allowed under Article 4.

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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

1976 antennas be allowed in areas without road access to the base of the tower,
1977 antenna support structure or facilities.

1978 C. Tower setbacks shall be measured from the property line of the parcel on which it
1979 is located to the base of the tower. The setback shall not be less than one
1980 hundred ten percent (110%) of the tower height as measured from the ground
1981 level.

1982 D. Towers shall have a color generally matching the surroundings or background
1983 that minimizes their visibility, unless a different color is required by the FCC or
1984 FAA.

1985 E. No signals, lights or signs shall be permitted on towers unless required by the
1986 FCC or the FAA. No banners or similar devices or materials may be attached to
1987 the towers, antenna support structure or antennas.

1988 F. Ground level equipment, buildings, and the tower base shall be screened from
1989 public streets and residentially zoned properties and shall not encroach in the
1990 building setback. Landscaping shall be required to screen as much of the support
1991 structure as possible. The Village may permit any combination of existing
1992 vegetation, topography, walls, decorative fences or other features instead of
1993 landscaping, if they achieve the same degree of screening as the required
1994 landscaping. If the antenna is mounted on an existing building, and other
1995 equipment is housed inside an existing structure, landscaping shall not be
1996 required.

1997 In the event the use of any tower or antenna has been discontinued for a period of sixty
1998 (60) consecutive days, the tower or antenna shall be deemed to be abandoned. Upon
1999 such abandonment, the operator of the tower or antenna shall dismantle and remove
2000 the tower or antenna. If such tower or antenna is not removed within said sixty (60)
2001 days from the date of abandonment, the Village may remove such tower or antenna, in
2002 accordance with applicable law, at the facility owner's expense.

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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

2042 be removed from the site promptly and disposed of in accordance with all
2043 applicable local, State and Federal regulations.

2044 L. A commercial / utility WES shall provide a decommissioning plan to the Village
2045 Board at the time application is made. The plan shall include the method or
2046 means of removing the WES and accessory facilities, parties responsible for
2047 removal and site cleanup, evidence of a damage insurance liability policy,
2048 schedule for removal not to exceed ninety (90) days from approval of the plan.
2049 The applicant shall set aside three-fourths (3/4) of one percent (1%) of each
2050 towers' cost for future decommissioning upon approval of the application by the
2051 Village Board. The funds are to be placed in a cash escrow account with a local
2052 bank.

2053 M. A Conditional Use Permit for a commercial / utility WES shall be reviewed each
2054 year on the anniversary of issuance. A Conditional Use Permit for a commercial
2055 / utility WES shall be considered null and void if the WES has not begun within
2056 one (1) year following issuance of the WES Conditional Use Permit or produced
2057 energy for one (1) year, unless a plan is submitted to the Planning Commission
2058 outlining the steps and schedule for returning the WES to service.

2059 N. A contractual agreement referred to as a Developers Agreement between the
2060 Village Board and the commercial WES developer shall be created and made
2061 part of the Conditional Use Permit. The agreement shall detail road
2062 improvements, road reconstruction, additional right-of-way needs, location of
2063 transmission lines, easements, bond and payment requirements.

2064

2065 **19-2. NONCOMMERCIAL WIND ENERGY SYSTEMS**

2066 All noncommercial wind energy systems located within the Extra Territorial Jurisdiction
2067 of the Village of Ansley shall conform to the following standards:

2068 A. Shall be systems installed to provide for full or partial onsite consumption of utility
2069 supplied electricity.

2070 B. Setbacks: Noncommercial WES shall be located in the rear yard of all
2071 Residential Districts; further, all towers shall adhere to the setbacks found in
2072 Table 2 within this Chapter.

2073 C. Tower Height: In all districts except the Agricultural District tower heights shall
2074 not exceed thirty (30) feet. Any tower exceeding thirty (30) feet shall be required
2075 to submit an application for conditional use. In the Agricultural District there is no
2076 height limitation except that imposed by FAA regulations.

2077 D. Noncommercial WES shall not exceed fifty (50) dba, as measured at the closest
2078 neighboring inhabited dwelling unit. Temporary exceptions may include severe
2079 wind storms or power outages requiring higher demand.

2080 E. Compliance with this Ordinance:

2081 1. All noncommercial WES will require a permit.

- 2082 2. Permit application will include an engineered drawing showing compliance
2083 with nationally recognized building codes. The permit shall include
2084 standard drawings of the tower structure, turbine structure, footings, guy
2085 wire anchors and a professional engineers stamp.
- 2086 3. Evidence of notification to the servicing utility informing the utility that the
2087 noncommercial WES will be connected to the utilities grid.
- 2088 4. Evidence that noncommercial WES, when located within one thousand
2089 three hundred and twenty (1,320) feet of the South Platte River, has
2090 complied with the requirements found in Checklist 1 below.

2091

2092 **19-3. METEOROLOGICAL TOWERS**

2093 All meteorological towers located within the Extra Territorial Jurisdiction of the Village of
2094 Ansley shall conform to the following standards:

- 2095 A. Shall be towers which are erected primarily to measure wind speed, direction,
2096 and record other data relevant to the site of a commercial WES.
- 2097 B. Meteorological towers shall be sited according to Table 1 within this Chapter.
- 2098 C. Meteorological towers shall be a conditional use and follow the same process as
2099 outlined in Section 14-1204, Item B.
- 2100 D. Meteorological towers, permanent or temporary, in excess of two hundred (200)
2101 feet in height, shall meet all FAA requirements and shall be required to apply for
2102 a permit prior to construction. Meteorological towers less than two hundred (200)
2103 feet in height shall have the guy wires clearly marked with devices common to
2104 overhead transmission lines and shall be required to apply for a permit prior to
2105 construction.
- 2106 E. Setbacks: All meteorological towers shall adhere to the setbacks established in
2107 Table 2 below.

2108

2109 **19-4. COMMERCIAL / UTILITY WIND ENERGY SYSTEMS**

2110 All commercial/utility wind energy systems located within the Extra Territorial
2111 Jurisdiction of the Village of Ansley shall conform to the following standards:

- 2112 A. Commercial/utility WES shall be permitted as conditional uses within the districts
2113 as seen in Table 1 below.
- 2114 B. The request for a Conditional Use Permit shall include the following:
- 2115 1. Name(s) of project applicant.
- 2116 2. Name(s) of project owner.
- 2117 3. Legal description of the project.
- 2118 4. Documentation of land ownership or lease of the property.

- 2119 5. Site plan showing property lines, setbacks, proposed accessory buildings,
2120 wind turbine locations, transmission lines, adjacent subdivisions, homes or
2121 other structures, county and service roads, legend and scale, signature of
2122 surveyor or engineer.
- 2123 6. Narrative description of the project including number, type, generating
2124 capacity, tower height, rotor diameter, total height of all wind turbines
2125 including meteorological towers, height of transmission lines and capacity,
2126 lastly proposed users of project.
- 2127 7. Overview map of the area showing topography, location of WES owned or
2128 not owned by the applicant, public or private airfields within one mile of the
2129 proposed WES and other communication towers.
- 2130 8. An acoustical report that certifies the WES will meet the noise
2131 requirements of this ordinance.
- 2132 9. Evidence that other tower owners or lessees have been notified of the
2133 proposed WES and there will not be interference in communications.
- 2134 10. An Environmental Assessment Worksheet shall be prepared by a qualified
2135 environmental engineering firm when a commercial WES is located within
2136 avian migratory routes. The Environmental Assessment Worksheet shall
2137 contain an avian assessment, map of the migratory routes and
2138 recommended mitigation practices.
- 2139 11. A decommissioning plan as required by this Ordinance (refer to Section
2140 14-1201, Item L).
- 2141 12. Meteorological and commercial/utility towers located within one (1) mile of
2142 the South Platte River shall submit an Environmental Assessment
2143 Worksheet from the U.S. Environmental Protection Agency. Further a
2144 Conditional Use Permit shall not be issued until the applicant has
2145 completed Checklist 2 below.
- 2146 13. There shall be a flicker/strobe effect study provided.
- 2147 C. Aggregated Projects:
- 2148 1. Aggregated projects may be jointly submitted as a single application and
2149 reviewed as a single application, including public notices, public hearing
2150 and subsequent approvals or denials.
- 2151 2. Permits may be issued and recorded separately.
- 2152 3. Aggregated projects proposed shall be considered conditional uses and
2153 follow the requirements of Section 14-1204, Item B.
- 2154 D. Joint projects will be assessed as one project.
- 2155 E. Setbacks: All commercial/utility towers shall adhere to the setbacks found in
2156 Table 2 below.
- 2157

2158

CHECKLIST 1

2159

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

2160

CHECKLIST 2

2161

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

2162

2163

TABLE 1

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

2164

TABLE 2

	<i>Wind Turbine, Non Commercial</i>	<i>Commercial and Utility WES</i>	<i>Meteorological 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.

2165

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.

2199 **ARTICLE 21**

2200 **ADMINISTRATION, AMENDMENT AND ENFORCEMENT**

2201
2202 **21-1. ADMINISTRATION AND ENFORCEMENT**

2203
2204 A. It shall be the duty of the person designated by the Chair of the Board of
2205 Trustees as Zoning Inspector to administer and enforce the regulations
2206 contained herein, except that all land subdivisions shall be reviewed by the
2207 Planning Commission and approved by the Board of Trustees.

2208 B. No building shall be undertaken without a building permit and without an
2209 occupancy permit as required by this section. Application for a building permit
2210 shall be accompanied by a plat in duplicate, drawn to scale, showing the name
2211 of the applicant, the actual dimensions of the lot to be built upon as shown by a
2212 survey, the size, shape and location of the building to be erected, and such
2213 other information as may be necessary for the enforcement of this Ordinance. A
2214 record of applications and plats shall be kept in the office of the Zoning
2215 Inspector.

2216 Subsequent to the effective date of this Ordinance no change in the use or
2217 occupancy of land, or in the use or occupancy of an existing building other than
2218 for single-family dwelling purposes shall be made, nor shall any new building be
2219 occupied until a certificate of occupancy is issued, which shall state that the
2220 new occupancy complies with all provisions of this Ordinance.

2221 No permit for excavation for, or the erection or alteration of, any building shall
2222 be issued before application has been made and approved for a certificate of
2223 occupancy and compliance, and no building or premises shall be occupied until
2224 such certificate and permit is issued. A record of all certificates of occupancy
2225 shall be kept on file in the office of the Zoning Inspector.

2226
2227 **21-2. AMENDMENT**

2228
2229 A. The Board of Trustees may from time to time amend this Ordinance in the
2230 manner prescribed by law and by the statutes of the State of Nebraska. No
2231 such amendment shall be made until after it has been referred to the Planning
2232 Commission and a report has been received from said Commission concerning
2233 the effect of said amendment upon the Village and the health, safety and
2234 welfare of the inhabitants thereof.

2235 B. On every zoning amendment the Commission shall hold a public hearing as
2236 required by law and is hereby designated as the body to hold such hearings. If
2237 no report is received from the Commission in 60 days, it may be assumed that
2238 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,

2280 reconstruction, alteration, conversion, maintenance, use and occupancy of any
2281 building, structure or land which is in violation of this Ordinance.
2282

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.

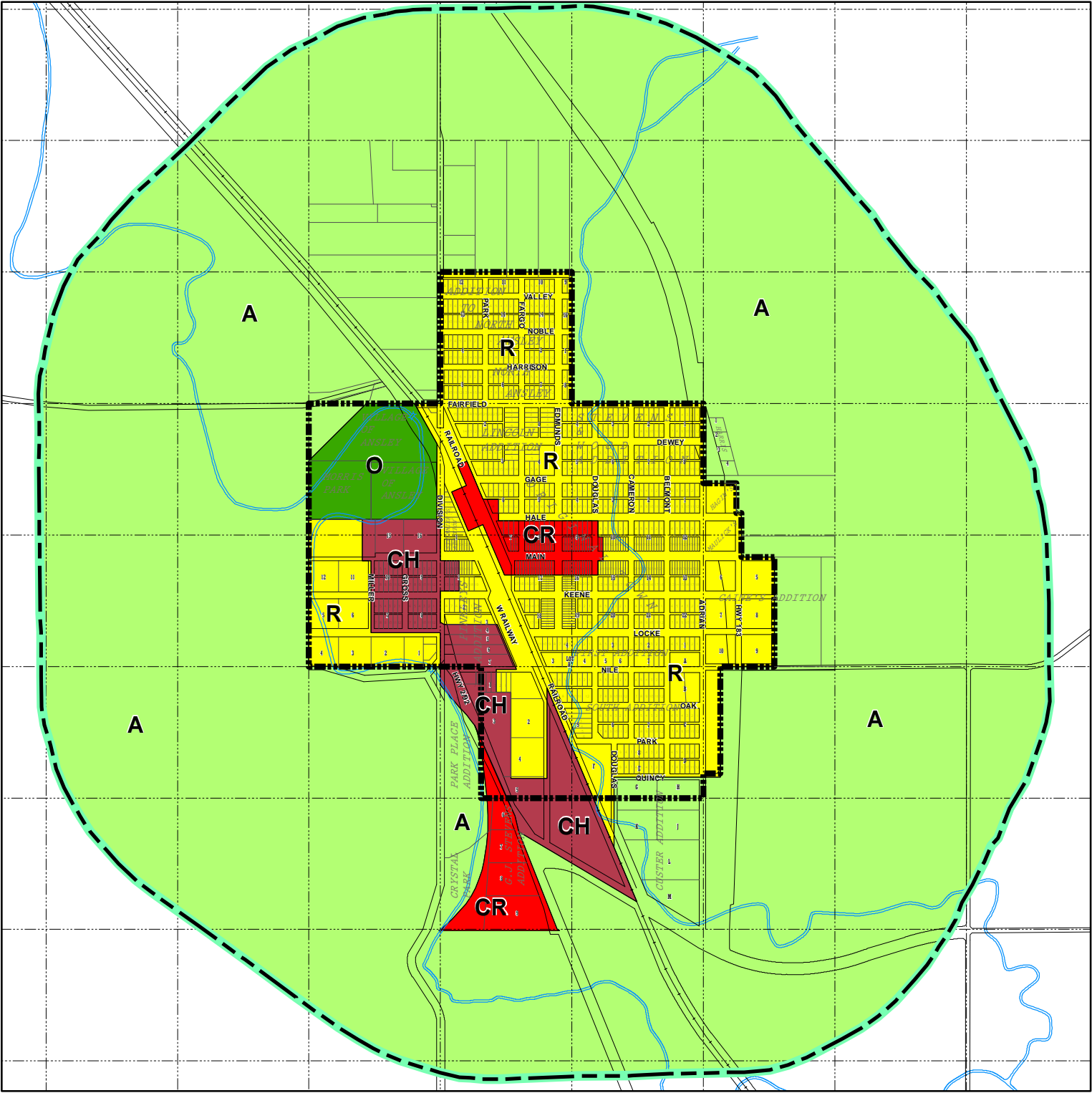
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ARTICLE 23
FORCE AND EFFECT

23-1. FORCE AND EFFECT

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

Village of Ansley
Zoning Map



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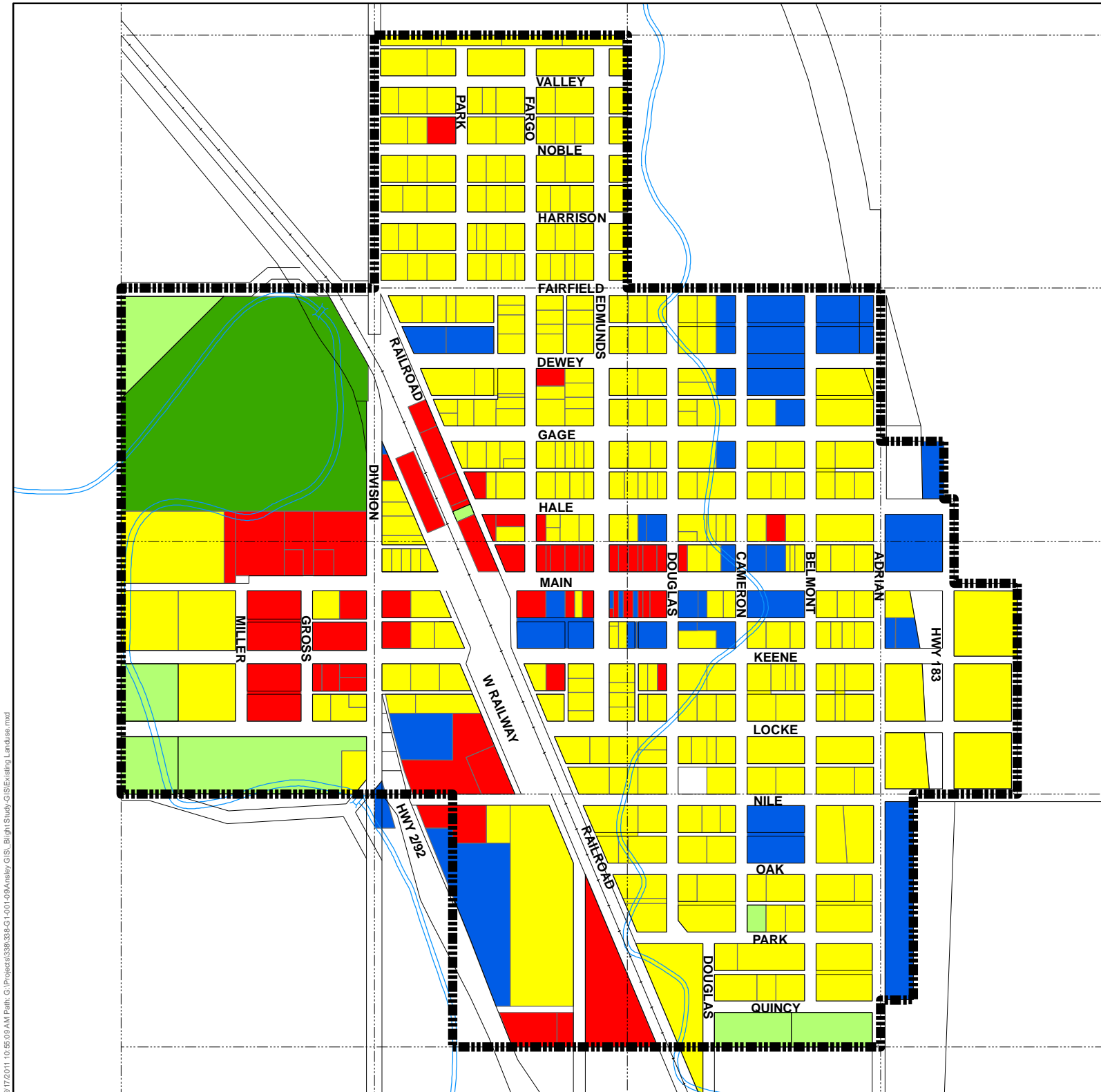
Legend

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



Village of Ansley

Land Use

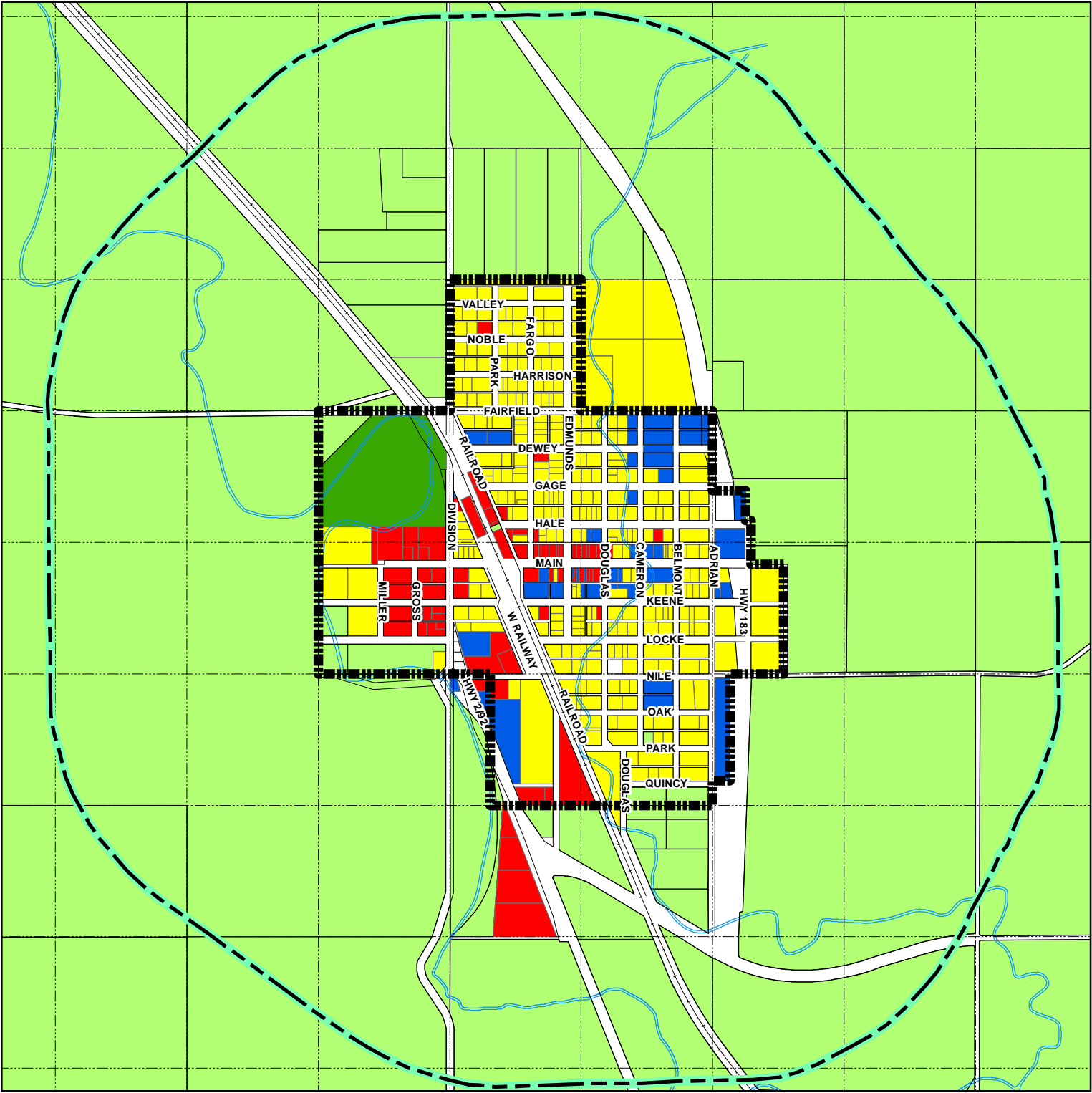


Legend

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



Village of Ansley
Future Land Use Map 2020



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Legend

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



BLIGHT/SUBSTANDARD DETERMINATION STUDY

VILLAGE OF ANSLEY, NEBRASKA

Project No. 338-G1-001

Prepared By:



BLIGHT/SUBSTANDARD DETERMINATION STUDY

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- Appendix 1 – Redevelopment Location Map
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EXECUTIVE SUMMARY

The Village of Ansley contracted Miller & Associates, Consulting Engineers, P.C. to determine whether Ansley, Nebraska, qualifies as blighted and substandard within the definition set forth in the Nebraska Community Development Law.

The analysis redevelopment area is the area located within the Village boundaries identified in ***Appendix 1 – Redevelopment Location Map***. The investigation reasonably suggests blighted and substandard conditions exist as defined under the Law and these conditions are reasonably distributed throughout the Village. The survey analysis indicates the Village of Ansley should encourage long-term improvements throughout the redevelopment area. The use of Community Development Law Provisions to assist with remedies and actions for the redevelopment of area in Ansley, Nebraska is warranted and essential.

The conclusions presented in this Executive Summary are supported by the analysis and data included herein: The “Blight/Substandard Determination Study, Ansley, Nebraska”.

CHAPTER 1

BLIGHT AND SUBSTANDARD DETERMINATION STUDY

1.1 PURPOSE OF STUDY

The purpose of this analysis is to determine whether the area within the Village limits of Ansley, Nebraska qualifies as blighted and substandard within the definition set forth in the Nebraska Community Development Law.

The Village of Ansley is located in central Nebraska and is in Custer County. The boundary of the project and redevelopment area is shown in the Location Map in ***Appendix 1 – Redevelopment Location Map.***

1.2 SUBSTANDARD AREA DEFINITION

As described in Section 18-2103 (10) of the revised Statutes of Nebraska, a **substandard area** shall mean one where there is a predominance of buildings or improvements, whether nonresidential or residential in character, which by reason of the presence of:

- dilapidated/deterioration,
- age or obsolescence,
- inadequate provision for ventilation, light, air, sanitation, or open spaces;
- high density of population and overcrowding; or the existence of conditions which endanger life or property by fire and other causes;
- or any combination of such factors, is conducive to ill health, transmission of disease infant mortality, juvenile delinquency, and crime, and is detrimental to the public health, safety, morals or welfare.

This evaluation includes a detailed exterior structural survey of the structures or parcel/lot within the development area, a land use inventory, field investigations, an investigation and analysis of pertinent documents, data which could validate the existence of substandard conditions. The analysis of each of the four substandard factors was evaluated as follows:

1. Dilapidated/Deterioration of Structures

The determination and rating of building and structure conditions is critical in determining a substandard area for redevelopment. The system used for classifying the conditions is a major part of any substandard area determination. The system used for classification must be based on consistent and established criteria and result in accurate descriptions of existing structures. The condition of the structures was evaluated; the building sites classified; and other environmental conditions and deficiencies recorded.

2. Age or Obsolescence of Structures

Information on age of the structures was collected, recorded and evaluated. Data on the year residential structures were built was found in the 2000 US Census.

3. Inadequate Provisions for Ventilation, Light, Air, Sanitation or Open Spaces

The results from the exterior building and lot conditions survey provided the basis for the detection of unsanitary and unsafe conditions. There are a number of factors that present on-going negative conditions or impact contributing to the physical decline of any developed area. Improper ventilation, sanitation facilities, lack of sun light, clean air, and open spaces contribute to the decline of any urban area and the presence of any or all of these factors in reasonable amounts is considered, under Nebraska Community Development Law, to contribute to the substandard character of any urban area.

4. Existence of Conditions which Endanger Life or Property by Fire and Other Causes.

The existence of conditions endangering life or property by fire and other causes are identified within the redevelopment area. High density of population and overcrowding also contribute to conditions that endanger life.

5. Combination of Such Factors

When there is a predominance of buildings or improvements, whether nonresidential or residential in character, ***the existence of any of the above four listed factors, or combination of factors, indicate substandard conditions.***

These factors present potential for detrimental effects on public health and safety,

morals or welfare and conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime. An evaluation of factors within each of the analysis areas and various combinations of substandard conditions will determine if substandard conditions exist.

1.3 BLIGHTED AREA DEFINITION

Section 18-2103 (11) in the Revised Nebraska Statutes indicates a **blighted area** shall mean an area, which by reason of the presence of:

- a substantial number of deteriorated or deteriorating structures,
- existence of defective or inadequate street layout,
- faulty lot layout in relation to size, adequacy, accessibility, or usefulness,
- unsanitary or unsafe conditions,
- deterioration of site or other improvements,
- diversity of ownership,
- tax or special assessment delinquency exceeding the fair value of the land,
- defective or unusual conditions of title,
- improper subdivision or obsolete platting;
- or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability; and is detrimental to the public health, safety, morals, or welfare in its present condition and use; and in which at least one or more of the following conditions exists:
 - unemployment in the study or designated blighted area is at least one hundred twenty percent of the state or national average;
 - the average age of the residential or commercial units in the area is at least 40 years;
 - more than half of the plotted and subdivided property in an area is unimproved land that has been within the Village for 40 years and has remained unimproved during that time;
 - the per capita income of the study or designated blighted area is lower than the average per capita income of the city or village in which the area is designated; or the area has had either stable or decreasing population based on the last two

decennial censuses.

Ansley is classified as a Village, and under the Community Development Law shall not designate an area larger than one hundred percent of the Village as blighted.

1.4 ANALYSIS APPROACH

Field survey data was collected on buildings and parcels in the redevelopment area. Miller & Associates analyzed the data collected on individual structures and examined the condition, age, site, and other factors related to public health, safety, morals, or welfare. Street layout, accessibility, condition, subdivision layout and design were investigated on an area-wide basis. The findings are available at the Village of Ansley and the office of Miller & Associates, Consulting Engineers, in Kearney, Nebraska.

The rating of a structures condition is a critical step in determining the eligibility of an area for redevelopment. The system to classify buildings must be based on established evaluation standards and criteria and result in an accurate and consistent description of the existing conditions. The following summarizes the method used for assessing building condition and the standards and criteria used for evaluation, and the findings of dilapidated/deteriorating structures.

A field survey method was used to assess and record building/unit and vacant land conditions. The building condition analysis was based on exterior inspections to note structural deficiencies in each building and to identify related environmental deficiencies. An inspection and analysis of the blighted and substandard factors listed in legislation was made to determine whether each or any were present in the redevelopment area.

The surveys identified current land use and included a structural component rating for lots with buildings. The structures were rated as follows:

1.4.1 Criteria for Classifying Building Components

Both primary/major and secondary/minor components were evaluated for a measure of determining the overall condition of the structure or building. This evaluation considered the

relation and importance of each component separately and the effects the found deficiencies will have on the structure.

1.4.2 Building Components Classifications

The four categories used in classifying building conditions are as follows:

Sound A sound building is one that has been and can be kept in good condition with normal maintenance. Building components contain no defects and require no treatment other than normal maintenance.

Minor Deficient (Minor Repair) A structure ranked as minor deficient has building components containing defects that can be corrected through the course of normal maintenance or minor repair. Minor defects have no real effects on either structural or architectural components. The rectification of such defects may be accomplished by the owner or tenant and are not considered in rating a building as structurally substandard.

Major Substandard/Requiring Major Repair (Deteriorating) A structure ranked as major deficient has building components with major defects over an extensive area. Correction of such major defects would require reconstruction of components by practiced and experienced people in that trade.

Substandard Critical (Dilapidated/Deteriorated) A structurally substandard building contains major defects that are so serious and extensive that the building cannot feasibly be economically repaired. A dilapidated building contains such serious defects there is no question the building is uninhabitable and should be demolished. All major components of a dilapidate building have defects that are major or critical in nature or a combination of less serious major component defects together with several minor component defects that are ranked as critical in nature.

1.4.3 Blighted and Substandard Factor Distribution

This analysis was performed on the basis that the substandard and blighted factors defined in statute must be reasonably distributed within an area determined to be substandard and blighted. This factor assures that areas in good condition are not determined substandard or blighted simply because of their proximity to areas that are substandard and blighted.

1.4.4 Additional Public Intervention

The presence of one or more of these blighting and substandard conditions may make it fitting to declare an area blighted or substandard under state statute. This analysis was conducted because it was believed additional public intervention over and above the exercise of police power is needed to overcome the problems that exist in the substandard and blighted study area. Section 18-2012 of the Nebraska Community Development Law states: “a determination shall be made that the conditions existing in any such blighted and substandard area are beyond remedy and control solely by regulatory process in the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprises without the aids provided under the Community Development Law.”

1.4.5 Summary

Assessments of all the related factors listed in the Nebraska Community Development Law indicate whether an area is Blighted and Substandard. Although the presence of one or more of the stated factors may be sufficient to make a finding of blighted and substandard under the state statute, this evaluation was made on the basis that would lead rational persons to conclude public intervention is appropriate and/or necessary to assist with redevelopment activities. Distribution of blighted and substandard factors throughout the redevelopment area must be reasonably dispersed so essentially good areas are not illogically found to be blighted simply because of proximity to areas that are blighted.

SECTION 2 **REDEVELOPMENT AREA**

2.1 EXISTING LAND USE

Appendix 1 – Redevelopment Location Map shows the boundaries of the redevelopment area for the Village of Ansley. There are three land use categories, which include:

- Public/semi-public (includes: streets, alleys, recreation, and railroad)
- residential (includes vacant agriculture areas)
- commercial

Table 2.1 – Existing Land Use identifies the existing land use within the redevelopment area in terms of number of acres and percentage of total for all existing land uses.

TABLE 2.1
EXISTING LAND USE

<i>Land Use</i>	<i>Acres</i>	<i>Percent</i>
Public/Semi-Public	180	48 %
Residential	169	45%
Commercial	25	7%
Total Acreage	374	100.0%

Source: Miller & Associates, P.C. 2010

2.2 RESEARCH APPROACH

The research approach implemented for the Ansley Blight and Substandard Determination Study included an assessment of the blight and substandard determination factors listed in the Nebraska Community Development Law. These factors were investigated on an area wide basis, which include exterior structural condition, individual structures and properties, streets, alleys, sidewalks, driveways, railways, open spaces, and parking areas. For further explanation of how data was collected and evaluated, see Analysis Approach previously presented in this document.

2.3 SURVEY EVALUATION AND ANALYSIS FINDINGS

2.3.1 Substandard Factors

1. Dilapidated/Deterioration of Structures

The condition of the total primary buildings surveyed was determined based on the findings of the detailed surveys completed for the area.

The field survey resulted in the identification of a mixture of residential structures, commercial structures and out buildings which are considered dilapidated or deteriorated throughout the Village. Some of these structures are of such condition that they likely could not be rehabilitated. Others could be with extensive work. Because of the number of structures scattered throughout the Village, it tends to give a negative impression for the Village overall.

Survey data revealed debris in areas scattered throughout the Village. Some of the debris is located on residential property, some on commercial property and some on vacant lots. Because the debris is not limited to one area, it results in a negative impression for the entire Village

Conclusion: *The results of the field survey of the exterior building conditions indicate deteriorated structures are present to a reasonable extent throughout redevelopment area.*

2. Age or Obsolescence of Structures

Census data indicates that 84% of the housing structures in the Village are over 40 years of age.

Conclusion: *Census data from the year 2000 indicated residential structures in the Village are over 40 years of age.*

3. Inadequate Provisions for Ventilation, Light, Air, Sanitation, or Open Spaces

Provisions for ventilation, light, and air in the redevelopment area are found to be adequate, but field survey data revealed that a reasonable amount of debris is

present on various lots throughout the Village. Litter and unwanted nuisances that encourage pests and vermin to build their habitat in close proximity to human occupancy and act as carriers of communicable diseases are common. This creates insanitary conditions within the development area which are detrimental to public health and safety.

There are a number of vacant and or open lots throughout the Village and many are overgrown or contain litter and debris.

Conclusion: *Inadequate provisions for ventilation, light, air, sanitation, or open spaces in redevelopment area are reasonably sufficient to constitute a substandard factor.*

4. Existence of Conditions which Endanger Life or Property by Fire and Other Causes.

The field survey indicated there are a number of conditions which endanger life or property to varying degrees within redevelopment area.

Unkempt lots, especially during dry, hot conditions, pose significant fire hazards.

There are mostly wood-framed buildings throughout the redevelopment area in need of structural repair or demolition for fire protection. There are a number of structures over 40 years old in all categories, residential, commercial, industrial, public and other. The age of these structures implies the wiring is probably outdated and in many cases reaching a point of being over loaded by present day electrical needs. The combination of wood framed buildings with old and possibly overloaded wiring presents a substantial potential for endangerment of life or property.

There are instances where varying amounts (minor and major) of debris, combustible items, tires and junk were identified. The presence of the combustible materials, debris and junk constitute a substantial fire hazard, which could endanger both life and property.

Conclusion: *The conditions that endanger life or property by fire and other causes were sufficient to constitute a reasonable substandard factor in the redevelopment area.*

5. Any Combination of Factors which are Conducive to Ill Health, Transmission of Disease, Infant Mortality, Juvenile Delinquency and Crime, and which are Detrimental to Public Health, Safety, Morals or Welfare.

The presence of the above listed factors indicates substandard conditions exist. When two or more of these factors exist in the same area where citizens reside and live, they present potential for detrimental effects on public health and safety. An evaluation of substandard factors within the redevelopment area and various combinations of substandard conditions produced the following findings:

There were a number of instances where varying amounts of debris, combustible items, tires and junk were identified, which constitutes a present and substantial fire hazard that could endanger both life and property. Junk and debris stored near or on buildings and lots can harbor breeding grounds for varmints that produce negative impact on health of animal and human life.

There are some vacant buildings in the redevelopment area. Vacant buildings and lots create breeding grounds and nesting areas for rats and other vermin and have a negative impact on health. Vacant properties can be attractions for young people and mischief. The condition of these buildings is such that persons entering could be at risk. In addition to the vacant buildings, there are a number of vacant parcels in the redevelopment area that are developable. This data indicates substandard conditions exist.

There are some sidewalks in Ansley; however, they are not consistent in their location. There are some streets that are hard surfaced and some that are not. Curb and gutters do not exist in all areas of the Village. The fact that the Village does not have a grade separation over the railroad tracks results in all traffic wanting to go into the main portion of the Village has to cross the tracks. This is a major safety issue.

Conclusion: *The combination of these factors throughout the redevelopment area reasonably indicates that the citizens living or working in this area are negatively impacted and the combination of negative factors is in and of itself a substandard factor.*

2.3.2 Determination of Substandard Factors

A predominance of the parcels within the redevelopment area meets the requirements of the Nebraska Community Development Law. Structures were evaluated and the substandard factors were determined to be present strongly, reasonably, or not at all. There is reasonable distribution of the factors that indicated the analysis area is substandard. A predominance of all four factors, and combinations of these factors, are present and were determined. .

2.3.3 Substandard Determination Conclusion

The redevelopment area has four substandard factors present to a reasonable extent. Also a combination of these factors is present to a reasonable degree. ***Table 2.4 – Presence of Substandard Factors, Village of Ansley*** summarizes the presence of substandard factors.

TABLE 2.4
PRESENCE of SUBSTANDARD FACTORS
VILLAGE OF ANSLEY

<i>Substandard Factor</i>	<i>Presence</i>
Dilapidated/deterioration	Reasonable
Age or obsolescence	Reasonable
Inadequate provisions for ventilation, light, air, sanitization, or open spaces	Reasonable
Existence of conditions which endanger life or property by fire and other causes	Reasonable
Combination of factors	Reasonable

2.3.4 Blighted Factors

As an overview, Section 18-2103 (11) in the Revised Nebraska Statutes indicates a **blighted area** shall mean an area, which by reason of the presence of the following:

- 1) A substantial number of deteriorated or deteriorating structures,
- 2) Existence of defective or inadequate street layout,
- 3) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness,
- 4) Unsanitary or unsafe conditions,
- 5) Deterioration of site or other improvements,
- 6) Diversity of ownership,
- 7) Tax or special assessment delinquency exceeding the fair value of the land,
- 8) Defective or unusual conditions of title,
- 9) Improper subdivision or obsolete platting;
- 10) Existence of conditions that endanger life or property by fire or other causes, or
- 11) Any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability; and is detrimental to the public health, safety, morals, or welfare in its present condition and use; and in which at least one or more of the following conditions exists:
 - a. Unemployment in the study or designated blighted area is at least one hundred twenty percent of the state or national average;

- b. The average age of the residential or commercial units in the area is at least 40 years;
- c. More than half of the plotted and subdivided property in an area is unimproved land that has been within the Village for 40 years and has remained unimproved during that time;
- d. The per capita income of the study or designated blighted area is lower than the average per capita income of the city or village in which the area is designated;
- e. The area has had either stable or decreasing population based on the last two decennial censuses."

1. Presence of Substantial Deteriorated or Deteriorating Structures

There are a number of structures in the Village which are in poor condition. It is commonplace to find many residential structures lacking gutters and downspouts, many structures which have windows that are old and in need of replacement, a number of homes have roofs which are in need of repair, a number of homes lack railings, and a number of homes do not have adequate sidewalk service.

Conclusion: *The results of the field survey of the exterior building conditions indicate that deteriorating structures are present to a reasonable extent throughout the redevelopment area.*

2. Existence of Defective or Inadequate Street Layout

The street pattern in the analysis area consists of a square to rectangular grid system, except for the portion of the Village through which the railroad runs. That portion of the Village has angled streets and there are many dead end streets. The Village lacks a grade separation structure over the railroad which results in all traffic that is intending to enter the main portion of the Village has to cross a very busy Burlington Northern railroad track.

- Data indicates a considerable number of streets do not have sidewalks.
- The field survey indicated that some of the streets have curb and gutters but many do not.

- A number of the streets are not hard surfaced.

Conclusion: *The existence of defective or inadequate street layout in the redevelopment area qualifies as a reasonable presence of a blighted factor.*

3. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness

The field survey data defining building use and condition combined with the investigation and review of subdivision plat maps indicate that problems exist relative to lot adequacy, usefulness, size, and underutilization of land. The following conditions were recognized.

- Lot sizes throughout the redevelopment area are platted with individual lots of varying dimensions. Parcels of irregular, triangular shape are found in the northwestern part of the Village and some in the southwestern part of the Village. The sizes of the lots vary throughout the Village.
- Downtown Ansley is concentrated in the central part of the Village. There are a number of parcels varying in width.
- The Village does not have zoning or subdivision maps in place. However, existing ordinances might not have been enforced which has resulted in mixed uses throughout the Village.

Conclusion: *Faulty lot layout in relation to size is present to a reasonable extent in the redevelopment area and qualifies as a reasonable presence of a blighted factor.*

4. Unsanitary and Unsafe Conditions

The results of the field survey provided the foundation for the recognition of unsanitary and unsafe conditions throughout parts of the redevelopment area. Factors contributing to unsanitary and unsafe conditions are:

- Deteriorating or dilapidated conditions cited in this Study are prevalent in existing structures. Hazards, such as inadequate roof

drainage, were exhibited in many of these structures.

- There were some lots which were found to have major debris, combustible items, tires and junk on them. The presence of the combustible materials, debris and junk constitute a substantial fire hazard and unsafe conditions. These conditions also provide breeding and nesting grounds for rats and vermin and produce public nuisance and eye sores, all of which can have a negative impact on surrounding health in the area.
- The lack of sidewalks creates an unsafe environment for residents. Only a portion of the Village has sidewalks.
- The lack of a grade separation over the railroad tracks is a safety issue.

Conclusion: *Unsanitary and unsafe conditions are present to a reasonable degree throughout the redevelopment area.*

5. Deterioration of Site Improvements

Field observations were performed to evaluate the condition of site improvements such as streets, alleys, sidewalks, curbs and gutters, traffic control devices and off-street parking. An overview of site improvements ratings are as follows:

- A number of the Village parcels do not have sidewalks.
- Debris was reported on a number of parcels.
- Substandard street surfaces impact the overall site condition of adjacent properties.

Conclusion: *Deterioration of site improvements is present to a strong extent in the redevelopment area and constitutes as a blighting factor.*

6. Diversity of Ownership

Diversity in landowners in the redevelopment area was not evaluated.

Conclusion: *Diversity of ownership in the redevelopment area was not evaluated, and not considered sufficient to constitute a blighting factor.*

7. Tax or Special Assessment Delinquency Exceeding the Fair Value of the Land

The status of real estate taxes of properties located within the redevelopment area was not evaluated.

Conclusion: *Tax or Special Assessment Delinquency Exceeding the Fair Value of the Land was not evaluated and is not considered to be sufficient to constitute a blighting factor.*

8. Defective or Unusual Condition of Title

A title insurance policy is usually issued whenever land is sold, mortgaged or both. Any title defects are corrected at the time of issuance. All other titles in the same subdivision or addition need to be checked when new title insurance has been written. Everything preceding the issuance of title should be the same and any defects previously corrected. The possibility for title problems should be limited to improper filings, since platting on properties that have not been mortgaged or sold is very small.

Examination of public records for identifying any defective or unusual conditions of title for properties in the redevelopment area was not evaluated.

Conclusion: *Defective or unusual condition of title with properties in the redevelopment area was not evaluated and does not constitute a blighting factor.*

9. Improper Subdivision or Obsolete Platting

Developed land uses in the area include residential, commercial, and public non-uses. Residential lots were platted and have varying dimensions and are scattered throughout most of the Village. .

Triangular shapes exist along areas adjacent to corridors that parallel a railroad through the Village. Such lot shapes are not conducive for proper subdivision and force improper subdivision of lots. Sometimes structures on such lots do not have adequate open space between them, and increase chances of fire

spreading from one building to another. There are some small lots throughout the Village.

A major problem for the Village has been the lack of early zoning or subdivision restrictions or perhaps the lack of enforcement of those restrictions. The Village lacks a comprehensive plan. The result has been a scattering of mixed uses throughout the Village.

Conclusion: *The lack of zoning maps and restrictions has led to mixed uses throughout the Village and as a result, a strong presence of improper subdivision or platting is present in the redevelopment area.*

10. The Existence of Conditions Which Endanger Life or Property by Fire and Other Causes

The field survey and information obtained was considered in determining the existence of conditions that endanger life or property by fire and other causes. Several conditions exist in the redevelopment area that could potentially endanger life or property to varying degrees and are summarized as follows:

Unkempt lots, especially during dry, hot conditions pose fire hazards.

There were instances where varying amounts (minor and major) of debris, combustible items, and junk were identified.

The downtown commercial area has a number of buildings with common walls. The age of the buildings would suggest the lack of fire walls between buildings and would result in major destruction should one building burn.

Conclusion: *A number of conditions which endanger life or property through fire or other causes do exist in the redevelopment area. .*

11. Combination of Blighting Factors

An area may be considered blighted under state statutes if there exist any combination of the above factors, which substantially impairs or arrests the sound growth of the community, retards the provisions of housing

accommodations or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition or use, and in which there is at least one of the following present:

- Unemployment in the designated blighted and substandard area is at least one 120% of the state or national average;
- The average age of the residential or commercial units in the area is at least 40 years;
- More than half of the plotted and subdivided property in the area is unimproved land that has been within the Village for 40 years and has remained unimproved during that time;
- The per capita income of the designated blighted and substandard area is lower than the average per capita income of the City or Village in which the area is designated; or
- The area has had either stable or decreasing population based on the last two decennial (ten year) censuses.

Examination of the field data and information gathered as part of this analysis indicates the existence of the following conditions, which impede the sound growth of the redevelopment area:

Survey data revealed that a number of structures in the area are 40+ years old, thus discouraging reinvestment in the area. The age of residential, commercial, industrial, public and other structures make renovation less economically feasible. The lack of rehabilitation and reinvestment is a major factor impeding the retention of adequate, safe and sanitary housing, business, and commercial expansion.

US Census data revealed the population of Ansley has fluctuated over the last two decades. In 1990, the population of Ansley was 555 persons and in 2000, the population was 520. The estimated population for 2008 was 472. The tendency of a declining population is continuing. .

Conclusion: *The combination of the above factors limits the sound*

development of Ansley, impedes provisions to provide adequate housing and commercial development, and produces an on-going economic liability.

12. Other Blighting Conditions

An analysis of the field survey data indicates a number of undesirable land use characteristics.

The Existing Land Use Map **Appendix 2 – Existing Land Use Map**, demonstrates spotted land uses throughout the redevelopment area. Commercial land use is identified among residential use. . . Conflicting land use will continue to add to and fuel the decline and deterioration of the area. Specific areas of concern include:

- Commercial Business located in a primarily residential area.
- A number of structures are aging and in dilapidated condition throughout the Village.
- Some existing commercial areas were noted to contain major debris. Unkempt appearances, junk and debris produce negative impacts and site conditions. These results discourage development or rehabilitation efforts, and hampers overall economic development of the area.

Conclusion: *Economically and socially undesirable land uses exist in reasonable quantities in locations throughout the redevelopment area and constitute a reasonable blighting influence.*

2.3.5 Determination of Blighted Factors

The area within the designated redevelopment area meets the requirements of the Nebraska Community Development Law for designation for a **blighted** area. There is a recorded distribution of 9 of the 12 factors present in the redevelopment area that constitute a blighted area. Three (3) factors were not rated.

2.3.6 Blighted Determination Conclusion

The surveys showed that 3 blighting factors were present to a strong extent, and 3 to a

reasonable degree 3 to a mild degree and 3 blighting factors were not evaluated. The blighted criteria are present and reasonably distributed throughout the redevelopment area. **Table 2.5 – Presence of Blighting Factor, Village of Ansley** summarizes the presence of blighting factors.

TABLE 2.5
PRESENCE of BLIGHTING FACTOR VILLAGE OF ANSLEY

<i>Blighting Factor</i>	<i>Presence</i>
Substantial number of deteriorated or deteriorating structures	Reasonable
Existence of defective or inadequate street layout	Reasonable
Faulty lot layout in relation to size, adequacy, accessibility, or usefulness	Reasonable
Unsanitary or unsafe conditions	Mild
Deterioration of site or other improvements	Mild
Diversity of ownership	Unknown
Tax or special assessment delinquency exceeding the fair value of the land	Unknown
Defective or unusual conditions of title	Unknown
Improper subdivision or obsolete platting	Reasonable
The existence of conditions that endanger life or property by fire or other causes	Mild
One or more of five other conditions	Reasonable
Other environmental and blighting factors	Reasonable

2.3.7 Determination of Need for Public Intervention

Section 18-2102 of the Nebraska Community Development Law requires that in determining whether or not any area is blighted and substandard, the condition of the area must be such that the remedy of the blight and substandard conditions within the area be beyond the control of the Village solely by regulatory control and exercise of the police power and cannot be effectively dealt with by the ordinary operations of private enterprise without the aids provided under this law.

Evaluation of substandard and blighting conditions indicates that Ansley can and should encourage long-term improvements throughout the Village. Improvements and conditions can be accomplished through applications of zoning regulations, infrastructure improvements, such as street development, improvement of street surfaces, sidewalk placement and replacement, housing and dilapidated building demolition, rehabilitation, and construction, and lot and parcel debris cleanup. Increasing taxes or assessments to fund needed improvements would reduce available incomes of area patrons and lead to the further decline in the maintenance, upkeep and quality of structures in the area and Village as a whole. The community cannot achieve these improvements without the aids made available through the Community Development Law.

The private sector has made little progress in the redevelopment area. Existing conditions, including structure conditions, debris and vacancy, are deterrents and discourage development. There has also been minimal development in residential neighborhoods and the downtown business district. Many structures continue to decline and deteriorate. All of these conditions contribute to the decrease in marketability for development and redevelopment of the Village. There are several land use conflicts within the Village, which cannot be remedied by the Village of Ansley. The Village does not have the financial means to acquire, clear and redevelop properties without substantial tax increases, which would only add to the problems that now exist. A solution can only be found through the means made available through the Nebraska Community Redevelopment Laws.

In summary, if substandard and blighting conditions were remedied within a reasonable time, deterioration of the area would significantly decline. This can be accomplished by joint efforts of the private sector, the Village of Ansley, the Community Redevelopment Authority or Community Development Agency, and aids provided under the Community Redevelopment Law. Working together to remedy and repair substandard and blighting conditions has been determined to be essential, warranted and vital to the redevelopment of the Village.

2.3.8 Summary/Conclusion

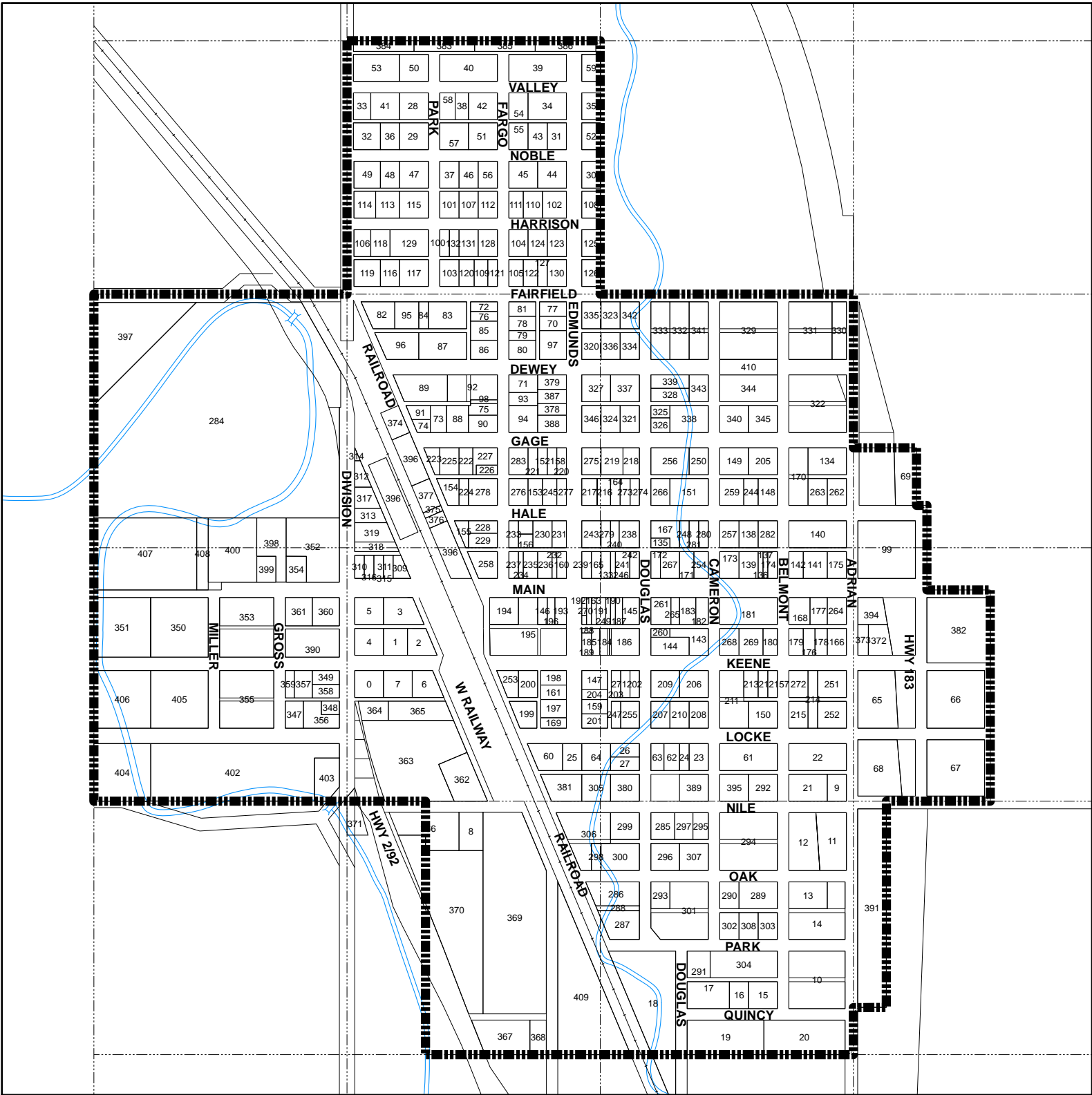
The previously listed ***substandard and blighted factors*** have been identified through analysis of census data, survey data results and field evaluation and are sufficiently present and distributed for designation of the designated redevelopment area to be blighted and substandard.

APPENDIX 1

Village of Ansley

Redevelopment Location Map

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Legend

■■■■■ VILLAGE BOUNDARY

APPENDIX 2

Village of Ansley

Land Use



Legend

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



APPENDIX 3







EDMUNDS ST

HARRISON ST

4-A6929



EDMUNDS ST

HARRISON ST



























