

City Council Regular Meeting
Monday, December 21, 2020 7:00 PM
Council Chambers
1369 25 Avenue
Columbus, NE 68601

**1. STATEMENT OF COMPLIANCE WITH OPEN MEETINGS ACT AND ROLL
CALL**

84-1407. Act, how cited.

Sections 84-1407 to 84-1414 shall be known and may be cited as the Open Meetings Act.

84-1408. Declaration of intent; meetings open to public.

It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret.

Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

84-1409. Terms, defined.

For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions.

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Videoconferencing means conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;(c) Investigative proceedings regarding allegations of criminal misconduct; or

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

(e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster.

(f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

84-1411. Meetings of public body; notice; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body.

(1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting or (b) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than one county in this state, of the governing body of a public

power and irrigation district having a chartered territory of more than one county in this state, of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, or of a community college board of governors may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:

- (a) Reasonable advance publicized notice is given;
- (b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;
- (c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;
- (d) At least one member of the state entity, advisory committee, board, council, or governing body is present at each site of the videoconference or telephone conference, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site; and
- (e)(i) Except as provided in subdivision (2)(e)(ii) of this section, no more than one-half of the state entity's, advisory committee's, board's, council's, or governing body's meetings in a calendar year are held by videoconference or telephone conference; or
- (ii) In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, such organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conferencing.

Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(3) A meeting of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, of a community college board of governors, of the governing body of a public power district, of the governing body of a public power and irrigation district, or of the Nebraska Brand Committee may be held by telephone conference call if:

- (a) The territory represented by the educational service unit, member educational service units, community college board of governors, public power district, public power and irrigation district, Nebraska Brand Committee, or member public agencies of the entity or pool covers more than one county;
- (b) Reasonable advance publicized notice is given which identifies each telephone conference location at which there will be present: (i) A member of the educational service unit board, council, community college board of governors, governing body of a public power district, governing body of a public power and irrigation district, Nebraska Brand Committee, or entity's or pool's governing body; or (ii) A nonvoting designee designated under subdivision (3)(f) of this section;
- (c) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or entity or pool or at a place which will accommodate the anticipated audience;
- (d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;

(e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;

(f) At least one member of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site;

(g) The telephone conference call lasts no more than five hours; and

(h) No more than one-half of the board's, council's, governing body's, committee's, entity's, or pool's meetings in a calendar year are held by telephone conference call, except that:

(i) The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing; and

(ii) An organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act may hold more than one-half of its meetings by telephone conference call if the organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conference call.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

84-1412. Meetings of public body; rights of public; public body; powers and duties.

(1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making a telephone conference call available at an in-state location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act;

(f) Reasonable arrangements are made to provide viewing at other in-state locations for a videoconference meeting if requested fourteen days in advance and if economically and reasonably available in the area; and

(g) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

(7) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

(8) Public bodies shall make available at the meeting or the in-state location for a telephone conference call or videoconference, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

84-1413. Meetings; minutes; roll call vote; secret ballot; when.

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written, except as provided in subsection (6) of this section, and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

(6) Minutes of the meetings of the board of a school district or educational service unit may be kept as an electronic record.

84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

Effective Date – September 1, 2019

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2. **PRAYER**

3. **NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE**

4. **CONSENT AGENDA - The following items are considered to be routine by the city council and will be enacted by one motion. There will be no separate discussion of these items unless a city council member or citizen so requests, in which event the item will be removed from consent status and considered in its normal sequence on the agenda.**

A. Minutes of December 7, 2020, Board of Equalization meeting.

A statutory meeting of the Mayor and City Council of the City of Columbus, Nebraska, was convened in open and public session on December 7, 2020, at 6:15 p.m. in the Council Chambers located at 1369 25 Avenue, Columbus, Nebraska, to sit as a Board of Equalization for the purpose of considering, equalizing, and levying special assessments in Street Improvement District No. 178 and Sewer Extension District No. 46.

Notice of this meeting was given in advance thereof by publication in the Columbus Telegram, with a copy of the proof of publication being on file in the office of the city clerk. Notice of this meeting was given simultaneously to the mayor and members of the city council, with a copy of the acknowledgement of receipt of notice being on file in the office of the city clerk. Availability of the agenda was communicated in the advance notice and in the notice to the mayor and city council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

1. **STATEMENT OF COMPLIANCE WITH OPEN MEETINGS ACT AND ROLL CALL:** Mayor Bulkley announced that a copy of the Open Meetings Act is posted in the meeting room. Present were Mayor James Bulkley and Council Members Beth Augustine-Schulte, Troy Hiemer, Rich Jablonski, Dennis Kresha, John Lohr, Prent Roth, and Ron Schilling. Council Member Charlie Bahr was absent. City staff members included City Administrator Tara Vasicek, City Clerk Janelle Kline, City Engineer Rick Bogus, and Public Works Director Chuck Sliva.

2. **MEETING ON PROPOSED ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT NO. 178 AND SEWER EXTENSION DISTRICT NO. 46.** Bogus noted that Street Improvement District No. 178 (SID 178) is located on 3 Avenue from 8 Street to South 5 Street and Sewer Extension District No. 46 (SED 46) is located on Lost Creek Parkway at 38 Street and wraps around to west of 10 Avenue to Loup Public Power District's new service building. He explained that SID 178, a federal oversight project, was created in 2008 and the proposed assessments were set at a maximum dollar amount. Bogus pointed out that two of the three properties in SED 46 filed for agricultural deferrments. In response to Tim Warren, 355 3 Avenue, Bogus explained how the assessments were calculated. In response to Gregg Melliger, 1980 East Calle Colombo, Bogus explained that according to state statute, a property owner could have applied for an agricultural deferment within 90 days after the improvement district was created. He noted that the Board of Equalization does have authority to make adjustments to the assessments. In response to Rudy Brunkhorst, 255 3 Avenue, Bogus pointed out that the design of the project has been completed in accord with federal and state highway standards. Brunkhorst expressed concerns for safety as there are not proper sidewalks, crosswalks, or street lighting in the area. It was noted that these issues could be addressed at the next Traffic Control Device Committee meeting.

Bahr arrived at 6:35 p.m.

In response to Mike Landkamer, 261 3 Avenue, Bogus noted that the Homestead Exemption does not apply to assessments.

3. **RESOLUTION NO. R20-139 TO EQUALIZE AND LEVY SPECIAL ASSESSMENTS FOR IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 178 AND SEWER EXTENSION DISTRICT NO. 46.** Resolution No. R20-139 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, SITTING AS A BOARD OF EQUALIZATION, TO EQUALIZE AND LEVY SPECIAL ASSESSMENTS FOR IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 178, AND SEWER EXTENSION DISTRICT NO. 46 was adopted, a deferment to the assessment for the Melliger property was approved until the property is developed, and the issue of sidewalks, crosswalks, and street lighting on 3 Avenue will be presented at the next Traffic Control Device Committee meeting with a motion by Lohr and a second by Roth. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".
4. **ADJOURNMENT:** The meeting adjourned at 6:48 p.m.

Presented and approved this 21 day of December, 2020.

MAYOR

ATTEST:

CITY CLERK

B. Minutes of December 7, 2020, City Council meeting.

A regular meeting of the mayor and city council of the City of Columbus, Nebraska, was convened in open and public session on December 7, 2020, at 7:00 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska.

Notice of this meeting was given in advance thereof by publication in the Columbus Telegram, with a copy of the proof of publication being on file in the office of the city clerk. Notice of this meeting was given simultaneously to the mayor and members of the city council, with a copy of the acknowledgement of receipt of notice being on file in the office of the city clerk. Availability of the agenda was communicated in the advance notice and in the notice to the mayor and city council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

1. **STATEMENT OF COMPLIANCE WITH OPEN MEETINGS ACT:** Mayor-elect Bulkley announced that a copy of the Open Meetings Act is posted in the meeting room.
2. **OATH OF OFFICE:**
 - 2.A. **Mayor-elect James B. Bulkley, Council Members-elect Charlie Bahr (Ward 1), Troy Hiemer (Ward 2), Ron Schilling (Ward 3), and John F. Lohr (Ward 4).** City Clerk Kline administered the Oath of Office to Mayor-elect James B. Bulkley and Council Members-elect Charlie Bahr, Troy Hiemer, Ron Schilling, and John F. Lohr.
3. **ROLL CALL:** Present were Mayor James Bulkley and Council Members Beth Augustine-Schulte, Charlie Bahr, Troy Hiemer, Rich Jablonski, Dennis Kresha, John Lohr, Prent Roth, and Ron Schilling. City staff members included City Attorney Neal Valorz, City Administrator Tara Vasicek, City Clerk Janelle Kline, City Engineer Rick Bogus, Police Chief Chuck Sherer, Public Works Director Chuck Sliva, Public Property Director Doug Moore, Finance Director Heather Lindsley, Community Development Director Dan Curtis, Communications Director Rachel Pensick, and Account Clerk II/Records Clerk II Linda Nickeson.
4. **PRAYER:** Bahr led in prayer.
5. **NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE:** Bulkley invited all to join in the National Anthem and Pledge of Allegiance.
6. **APPOINTMENT OF CITY OFFICERS:**
 - 6.A. **Tara Vasicek as city administrator.**
 - 6.B. **Law Firm of Sipple, Hansen, Emerson, Schumacher, Klutman, and Valorz as city attorney.**
 - 6.C. **Janelle Kline as city clerk.**
 - 6.D. **Rick Bogus as city engineer.**

6.E. Heather Lindsley as finance director.

6.F. Kipton L. Anderson, M.D. as city physician.

The mayor's appointments of Tara Vasicek as city administrator, the law firm of Sipple, Hansen, Emerson, Schumacher, Klutman, and Valorz as city attorney, Janelle Kline as city clerk, Rick Bogus as city engineer, Heather Lindsley as finance director, and Kipton L. Anderson, M.D. as city physician were ratified with a motion by Roth and a second by Lohr. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

7. ELECTION OF COUNCIL PRESIDENT: Bulkley called for nominations for council president. Jablonski nominated Augustine-Schulte to serve as council president. Bulkley called for further nominations. No other nominations were brought forward. The nominations closed with a motion by Schilling and a second by Roth. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay". Augustine-Schulte was elected as council president with a motion by Jablonski and a second by Schilling. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

8. APPOINTMENT OF COUNCIL MEMBERS TO PUBLIC FINANCE, JUDICIARY, AND PERSONNEL COMMITTEE AND PUBLIC PROPERTY, SAFETY, AND WORKS COMMITTEE:

8.A. Council Members John F. Lohr, Rich Jablonski, Beth Augustine-Schulte, and Troy Hiemer to the Public Finance, Judiciary, and Personnel Committee and Council Members Charlie Bahr, Dennis Kresha, J. Prent Roth, and Ron Schilling to the Public Property, Safety, and Works Committee. The mayor's appointments to the Public Finance, Judiciary, and Personnel Committee and Public Property, Safety, and Works Committee were ratified with a motion by Hiemer and a second by Schilling. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

9. CONSENT AGENDA: Vasicek stated that the following items are considered routine by the city council and will be enacted by one motion. She pointed out there will be no separate discussion of these items unless a council member or citizen so requests, in which event the item will be removed from consent status and considered in its normal sequence on the agenda. The items on the consent agenda were approved as presented with a motion by Bahr and a second by Kresha. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

9.A. Minutes of November 16, 2020, City Council meeting.

9.B. Minutes of November 24, 2020, Special City Council meeting.

- 9.C. **Minutes of November 30, 2020, Civil Service Commission meeting certifying police officer candidates Angel Chavez and Nathan Fowler, and certifying Firefighter/EMT/Hazmat candidates Nicholas Blodgett, Reggie Rafert, and Joel Vollertsen and selecting Adam Svejda as additional Firefighter/EMT/Hazmat candidate for potential position in the near future.**
- 9.D. **Reappointment of Lela Schaecher, Pam Perault, and Tom Wunderlich to the Americans with Disabilities Compliance Committee for three-year terms.**
- 9.E. **Reappointment of Dennis Worden to Columbus Board of Airport Commissioners for two-year term and Robert Cruise and Keith Harbour for three-year terms.**
- 9.F. **Resolution No. R20-127 reaffirming city's intent to provide or expand municipal solid waste collection service.** Resolution No. R20-127 is entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, REAFFIRMING ITS INTENT TO PROVIDE OR EXPAND MUNICIPAL SOLID WASTE COLLECTION SERVICE (WHETHER BY USE OF MUNICIPAL EMPLOYEES AND EQUIPMENT OR BY CONTRACT) IN AN AREA WHERE THE COLLECTION OF SOLID WASTE HAS BEEN PROVIDED BY A PRIVATE ENTITY PRIOR TO THE COMMENCEMENT OF SUCH SERVICE BY THE MUNICIPALITY.
- 9.G. **Resolution No. R20-128 approving Service/Consultant Agreement with Northeast Nebraska Economic Development District for Housing Management (Nebraska Affordable Housing Trust Funds Grant Contract No. 20-TFHP-17006).** Resolution No. R20-128 is entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE SERVICE/CONSULTANT AGREEMENT FOR HOUSING MANAGEMENT WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT (FOR NEBRASKA AFFORDABLE HOUSING TRUST FUNDS (NAHTF) GRANT CONTRACT NO. 20-TFHP-17006), A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; AND TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF COLUMBUS, NEBRASKA.
- 9.H. **Resolution No. R20-129 approving renewal of Maintenance Agreement No. 8 with Nebraska Department of Transportation from January 1, 2021 to December 31, 2021, for maintenance of state highway system in city limits.** Resolution No. R20-129 is entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A RENEWAL FOR MAINTENANCE AGREEMENT NO. 8 WITH THE STATE OF NEBRASKA DEPARTMENT OF TRANSPORTATION FOR THE PERIOD JANUARY 1, 2021 TO DECEMBER 31, 2021, SETTING FORTH

MAINTENANCE RESPONSIBILITIES OF THE CITY AND THE STATE REGARDING THOSE PORTIONS OF THE STATE HIGHWAY SYSTEM THAT LEAD INTO AND TRAVEL THROUGH THE CITY OF COLUMBUS, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HERewith.

- 9.I. Payroll and bills on file.** B=Bond Payments; CP=Capital Projects; E=Expenses; G=Grant; R=Refund; S=Service & Supplies; T=Training 12/11/20 Payroll \$828,772.18; A & D Technical 898.00 S; A & J Guns 2,295.00 S; A to Z Messaging 105.00 S; Ace Hardware 465.11 S; Advance Auto Parts 1,519.86 S; Assoc of Children's Museums 425.00 S; Banner Press 49.50 S; Glory Benacka 22.57 R; Matthew Bender & Co 8,501.78 S; Bibliotheca 31.45 S; Bierman Contracting 76,220.23 CP; Black Hills Energy 61.12 S; Blackstrap 1,645.92 S; Bomgaars 797.16 S; Derek Bopp 935.00 CP; Bound Tree Medical 3,659.66 S; Capital Business Systems 86.17 S; Cat's Pro Mow 250.00 S; CBS – Reporting 94.80 S; Ctr for Municipal Solutions 400.00 S; CCC 2,048.00 T; Central Parts 903.15 S; Central Sand & Gravel 1,047.84 S; City of Col 23,184.91 S; Club Prophet 90.00 S; CCH 1,006.61 S; Col Custom Embroidery 113.00 S; Col Retail 6,502.42 B; Telegram 1,353.41 S; Col Tire 33.00 S; Col Westgate 14,569.01 B; Col Electric 5,146.26 S; Community Internet 45.00 S; K Connell 348.74 E; Consolidated Water Solutions 13,500.03 S; Core & Main 6,931.38 S; Cornhusker Power 890.30 S; Culligan 126.00 S; Danko Emergency Equip 1,020.00 S; DAS State Accounting 1,215.99 S; George & Sharelyn Drummond 1,200.00 S; Eakes 1,003.77 S; EBSCO 3.30 S; Ecolab 599.80 S; Economy Hometown Market 197.30 S; Electric Pump 3,074.62 S; Electrical Eng & Equip 35.70 S; Electronic Eng 112.50 S; Electronic Systems 75.00 S; Enterprise Electric 76.88 S; Estate of Judith Meays 94.24 R; Fas-Break Windshield Repair 120.00 S; Fastenal 353.68 S; First National Bank 615.01 S; Pamela Fittje 517.76 R; Gale 2,653.02 S; Galls 757.64 S; Gaver Tire 330.06 S; Gehring Const 289,999.27 CP; Steffy Ford 252.65 S; General Fire & Safety Equip 205.00 S; Gilmore & Assoc 7,050.00 CP; Great Plains Bldg 5.94 S; Great Plains Comm 501.82 S; Great Plains Bank 15,203.43 B; Hach 1,126.04 S; Hadley-Braithwait 285.30 S; Sandra Hausler 307.59 R; Hawkins 3,419.51 S; Heartland Natural Gas 30.41 S; Holly Henry 107.94 R; E Hernandez 16.44 E; Hobby Lobby 76.96 S; Hometown Leasing 177.97 S; Hotsy Equip 3,590.88 S; Husker House 1,902.30 S; Industrial Control 4,137.06 S; Ingram Library Services 1,883.68 S; Int'l Code Council 145.00 S; Interstate Battery 223.90 S; Jackson Services 2,681.98 S; JEO Consulting 1,873.75 S; M Johnson 28.75 E; Kelly Supply 20.29 S; Kush Bros 11,600.00 S; Landscapes Unlimited 62,044.55 CP,S; LARM 281.00 S; Larson Family Real Estate 9,548.33 B; Lawson Products 278.48 S; S Ligenza 15.53 E; Lincoln Aquatics 1,751.96 S; Logan Contractors 192.31 S; Loup Power 136,671.15 CP,S; M & L 11,472.30 S; M & O Door 154.00 S; Mailbox 284.00 S; Larry Malicky 36.62 R; Matheson-

Linweld 24.30 S; Menards 1,180.37 S; Microfilm Imaging 1,803.00 S; Mid-American Research 237.40 S; MW Right of Way 912.50 CP; MW Service 6,700.18 S; MW Tape 268.42 S; Monroe Truck Equip 742.29 S; Motion Industries 39.47 S; Municipal Emergency Services 428.00 S; Municipal Pipe Tool 912.64 S; NAPA 3.30 S; NBC Capital 27,839.01 B; NDOT 6,006.72 S; NE Generator 1,601.21 S; NE Public Health 447.00 S; NE Supreme Court 33.90 S; Niemann's Port-A-Pot 40.00 S; Norfolk Daily News 211.00 S; NENEDD 700.00 G; NE NE Solid Waste Coalition 61,032.15 S; Obrist & Co 177,059.11 CP; Occupational Health 1,804.00 S; Officenet 463.70 S; Olson's Pest Tech 187.00 S; On Point Const 956.25 R; One Call Concepts 215.62 S; One Source 54.00 S; O'Reilly 352.91 S; Overhead Door 980.00 S; Pace Analytical 774.00 S; Pete Lien 5,732.10 S; Power Tech 300.00 S; Presto-X 213.00 S; Productivity Plus 2,042.71 S; Quadiant 1,642.63 S; QMC 4,011.48 S; R Reardon 43.92 R; RCI 222,123.86 S; Pamela Rongish 88.47 R; S & S Willers 602.72 S; Sapp Bros 15,902.16 S; Schindler Elevator 594.44 S; ServiceMaster 7,941.00 S; Smith Fertilizer Grain 7,050.80 S; Snap-on Tools 747.00 S; NE Dept of Revenue 55,343.71 S; Stericycle 963.57 S; Super Saver 27.88 S; Sysco 4,130.38 S; Home Depot 126.14 S; D Thiem 101.20 E; Tire Outlet 294.00 S; Titan Machinery 1,405.95 S; Travelers 760.94 S; Truck Center 1,043.90 S; U & I Sanitation 254.50 S; Ultra Graphics 100.00 S; UPRR 42,711.82 CP; USPS 240.00 S; USA Blue Book 937.99 S; Van Wall 496.29 S; Verizon 752.74 S; Walmart 2,818.04 CP,S; Waste Connections 138.06 S; Wellness Partners 10.00 S; Wilson & Co 4,479.96 CP; E A Wurdinger 23.67 R. TOTAL \$2,268,921.41.

10. **APPROVAL OF MINUTES:** Included in Consent Agenda
11. **SPECIAL PRESENTATIONS:** None
12. **PUBLIC HEARINGS:** None
13. **PETITIONS AND COMMUNICATIONS:** None
14. **REPORTS OF CITY OFFICES:**
 - 14.A. **Police department update on mask ordinance.** Sherer reported on the status of phone calls received relating to the mask ordinance.
15. **REPORTS OF COUNCIL COMMITTEES:** None
16. **REPORTS OF SPECIAL COMMITTEES:** None
17. **REPORTS ON LEGISLATION:** None
18. **NEW BUSINESS:**
 - 18.A. **Appointment of Kristin Stock to Business Improvement Board for three-year term.** Augustine-Schulte read a brief resume and the mayor's appointment of Kristin Stock to the Business Improvement Board was ratified

with a motion by Jablonski and a second by Schilling. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

18.B. Appointment of Kendall Christensen to Columbus Housing Authority for five-year term. Augustine-Schulte read a brief resume and the mayor's appointment of Kendall Christensen to the Columbus Housing Authority was ratified with a motion by Bahr and a second by Lohr. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

18.C. Quote from Electronic Engineering in the amount of \$49,916.05 to equip three police vehicles. The quote from Electronic Engineering to equip three police vehicles was accepted with a motion by Hiemer and a second by Bahr. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

18.D. Comments from mayor and city council members. Bulkley praised the results of the newly reconstructed 15 Street.

19. RESOLUTIONS:

19.A. Resolution No. R20-130 approving agreement with Golf Professional Douglas Dunbar for golf professional services from January 1, 2021 through December 31, 2021. Resolution No. R20-130 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN AGREEMENT WITH DOUGLAS DUNBAR FOR GOLF PROFESSIONAL SERVICES FOR JANUARY 1, 2021 THROUGH DECEMBER 31, 2021, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE; AND TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF COLUMBUS, NEBRASKA was adopted with a motion by Schilling and a second by Hiemer. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

19.B. Resolution No. R20-131 approving grant agreement with Nebraska Community Foundation for the benefit of the Columbus Area Future Fund in an amount not to exceed \$3,000 for development and implementation of it's "Move to Columbus" campaign using Economic Development "840" Funds as recommended by the Citizens Advisory Review Committee. Resolution No. R20-131 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A GRANT AGREEMENT WITH THE NEBRASKA COMMUNITY FOUNDATION FOR THE BENEFIT OF THE COLUMBUS AREA FUTURE FUND IN AN AMOUNT NOT TO EXCEED \$3,000 FOR DEVELOPMENT AND IMPLEMENTATION OF IT'S "MOVE TO COLUMBUS" CAMPAIGN USING

THE CITY'S ECONOMIC DEVELOPMENT "840" FUNDS, AS RECOMMENDED BY THE CITIZENS ADVISORY REVIEW COMMITTEE, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH was adopted with a motion by Lohr and a second by Bahr. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

- 19.C. Resolution No. R20-132 approving Change Order No. 1 with Landscapes Unlimited, LLC in the amount of \$32,823.28 to provide for additional irrigation system repairs as part of the Quail Run Golf Course flood damage repairs.** Resolution No. R20-132 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING CHANGE ORDER NO. 1 WITH LANDSCAPES UNLIMITED, LLC IN THE AMOUNT OF \$32,823.28 TO PROVIDE FOR ADDITIONAL IRRIGATION SYSTEM REPAIRS AS PART OF THE QUAIL RUN GOLF COURSE FLOOD DAMAGE REPAIRS was adopted with a motion by Hiemer and a second by Jablonski. Discussion was held regarding completion of the project and it was noted that the required documentation has been submitted to FEMA for 75 percent reimbursement. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".
- 19.D. Resolution No. R20-133 authorizing payment of various improvement projects.** Resolution No. R20-133 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO AUTHORIZE AND DIRECT THAT A CHECK BE ISSUED AND MADE PAYABLE TO THE RESPECTIVE CONTRACTOR(S) FOR LABOR, EQUIPMENT, AND MATERIALS FURNISHED FOR IMPROVEMENTS IN THE FOLLOWING DESIGNATED DISTRICTS AND PROJECTS WITHIN THE CITY OF COLUMBUS, ALL AS SET FORTH ON THE ATTACHED CERTIFICATES OF PROGRESS PREPARED BY THE RESPECTIVE SPECIAL ENGINEER, TO WIT: BIERMAN CONTRACTING, INC. - SENIOR CENTER/FIRE STATION DEMO \$76,220.23; GEHRING CONSTRUCTION & READY MIX CO., INC. - 15 STREET RECONSTRUCTION FROM 27 AVE. TO 33 AVE. \$283,731.64; LANDSCAPES UNLIMITED, LLC - QUAIL RUN GOLF COURSE PAY APP 3 \$32,823.28; LANDSCAPES UNLIMITED, LLC - QUAIL RUN GOLF COURSE PAY APP 4 \$15,597.05; OBRIST & CO., INC. - SEWER EXTENSION DISTRICT NO. 47, WATER EXTENSION DISTRICT NO. 64 \$177,059.11 was adopted with a motion by Jablonski and a second by Roth. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".
- 19.E. Resolution No. R20-134 approving agreement with Landscapes Unlimited, LLC in an amount not to exceed \$1,378,345.67 for flood**

- damage repairs at Quail Run Golf Course.** Resolution No. R20-134 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AGREEMENT WITH LANDSCAPES UNLIMITED, LLC IN AN AMOUNT NOT TO EXCEED \$1,378,345.67 FOR GOLF COURSE REPAIRS AS PART OF THE QUAIL RUN GOLF COURSE FLOOD DAMAGE REPAIRS, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF COLUMBUS; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH was adopted with a motion by Augustine-Schulte and a second by Jablonski. It was noted that 75 percent of this project will be reimbursed by FEMA. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".
- 19.F. Resolution No. R20-135 approving Interlocal Cooperation Agreement with Platte County and Polk County for the Joint Communications Center to provide primary emergency communication and 911 dispatch services.** Resolution No. R20-135 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH PLATTE COUNTY AND POLK COUNTY FOR THE JOINT COMMUNICATIONS CENTER TO PROVIDE PRIMARY EMERGENCY COMMUNICATION AND 911 DISPATCH SERVICES TO PLATTE COUNTY AND POLK COUNTY; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH was adopted with a motion by Kresha and a second by Bahr. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".
- 19.G. Resolution No. R20-136 approving amendment to the redevelopment plan entitled "Amendment to the Redevelopment Plan for the Armory Neighborhood Redevelopment Area" (The Frontier Park Redevelopment Project).** Resolution No. R20-136 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN AMENDMENT TO THE REDEVELOPMENT PLAN ENTITLED "AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE ARMORY NEIGHBORHOOD REDEVELOPMENT AREA (THE FRONTIER PARK REDEVELOPMENT PROJECT)" was adopted with a motion by Roth and a second by Kresha. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".
- 20. ORDINANCES ON FIRST READING:**
- 20.A. Ordinance No. 20-26 receiving certification of election results for issuance of bonds in principal amount not to exceed \$10,000,000, for costs of constructing a community building to include: library, children's**

museum, art gallery, and community room and apply funds from existing one-half of one percent sales and use tax for payment of bonds. The rules were suspended and Ordinance No. 20-26 entitled: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, RECEIVING THE REPORT OF THE ELECTION COMMISSIONER OF PLATTE COUNTY, NEBRASKA, FINDING THE ELECTION RESULTS FOR THE GENERAL ELECTION HELD NOVEMBER 3, 2020, ON THE PROPOSITION OF THE ISSUANCE OF BONDS IN THE STATED PRINCIPAL AMOUNT NOT TO EXCEED TEN MILLION DOLLARS (\$10,000,000), TO PROVIDE FUNDS TO PAY COSTS OF CONSTRUCTING A COMMUNITY BUILDING; SAID BONDS TO BEAR INTEREST AT SUCH RATE OR RATES AND BECOME DUE AT SUCH TIME OR TIMES AS MAY BE DETERMINED BY THE MAYOR AND COUNCIL; AND PLEDGING SALES TAX COLLECTIONS FROM THE CITY'S EXISTING ONE-HALF OF ONE PERCENT (0.50%), SALES AND USE TAX APPROVED BY THE CITY'S ELECTORS ON MAY 10, 2016, LEVIED UPON THE SAME TRANSACTION WITHIN THE CITY OF COLUMBUS, ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX, AND APPLY SUCH PORTION OF ONE-HALF OF ONE PERCENT SALES AND USE TAX AS IS NECESSARY FOR PAYMENT OF PRINCIPAL AND INTEREST OF SAID BONDS was read by number only with a motion by Schilling and a second by Lohr. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay". Ordinance No. 20-26 was adopted with a motion by Schilling and a second by Bahr. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

- 20.B. Ordinance No. 20-27 amending Section 91.01 of Chapter 91 of Title IX of Ordinance No. 05-47 (Columbus City Code) adopting limited applications of 2018 International Fire Code.** On its first reading, Ordinance No. 20-27 entitled: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING SECTION 91.01 OF CHAPTER 91 OF TITLE IX OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) TO PROVIDE FOR THE ADOPTION AND COMPLIANCE WITH THE 2018 INTERNATIONAL FIRE CODE AS RECOMMENDED BY THE INTERNATIONAL CODE COUNCIL AND REGULATIONS PROMULGATED BY THE NEBRASKA STATE FIRE MARSHALL AND GOVERNING SAFETY TO LIFE FROM FIRE AND LIKE EMERGENCIES IN BUILDINGS AND STRUCTURES AND GENERAL FIRE PREVENTION; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING FOR AN EFFECTIVE DATE was read by number only.
- 20.C. Ordinance No. 20-28 amending Chapter 150 of Title XV of Ordinance No. 05-47 (Columbus City Code) adopting 2018 Uniform Plumbing Code.** On

- its first reading, Ordinance No. 20-28 entitled: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING CHAPTER 150 OF TITLE XV OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) BY ADOPTING THE 2018 UNIFORM PLUMBING CODE; ADOPTING AMENDMENT TO THE 2018 UNIFORM PLUMBING CODE; ADOPTING ADDITIONS TO THE 2018 PLUMBING CODE; AMENDING THE BOND CONDITIONS; AMENDING THE REQUIREMENTS FOR INSTALLATION OF PLUMBING OWNER; AMENDING THE REQUIREMENTS FOR TAPPING SUMP PUMP DISCHARGE PIPE INTO STORM SEWERS; AMENDING PLUMBING REGULATIONS ON TESTS; AMENDING SECTION ON DISCHARGING FLUIDS; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING FOR AN EFFECTIVE DATE was read by number only.
- 20.D. Ordinance No. 20-29 amending Chapter 150 of Title XV of Ordinance No. 05-47 (Columbus City Code) adopting 2018 International Residential Code.** On its first reading, Ordinance No. 20-29 entitled: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING CHAPTER 150 OF TITLE XV OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) BY ADOPTING THE 2018 INTERNATIONAL RESIDENTIAL CODE; ADOPTING AMENDMENTS TO SAID CODE; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING FOR AN EFFECTIVE DATE was read by number only.
- 20.E. Ordinance No. 20-30 amending Chapter 150 of Title XV of Ordinance No. 05-47 (Columbus City Code) adopting 2018 International Building Code.** On its first reading, Ordinance No. 20-30 entitled: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING CHAPTER 150 OF TITLE XV OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) BY ADOPTING THE 2018 INTERNATIONAL BUILDING CODE; ADOPTING AMENDMENTS TO SAID CODE; ADOPTING THE 2018 INTERNATIONAL EXISTING BUILDING CODE; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING FOR AN EFFECTIVE DATE was read by number only.
- 20.F. Ordinance No. 20-31 amending Section 32.085 of Chapter 32 of Title III of Ordinance No. 05-47 (Columbus City Code) to clarify Board of Health members and their appointments.** The rules were suspended and Ordinance No. 20-31 entitled: AN ORDINANCE OF THE MAYOR AND

COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING SECTION 32.085 OF CHAPTER 32 OF TITLE III OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) TO REVISE AND CLARIFY THE BOARD OF HEALTH MEMBERS AND THEIR APPOINTMENTS; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM was read by number only with a motion by Augustine-Schulte and a second by Schilling. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay". Ordinance No. 20-31 was adopted with a motion by Augustine-Schulte and a second by Schilling. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

21. **ORDINANCES ON SECOND READING:** None
22. **ORDINANCES ON THIRD READING:** None
23. **CONSIDERATION OF PAYROLL AND BILLS ON FILE:** Included in Consent Agenda
24. **UNFINISHED BUSINESS:**
- 24.A. **Resolution No. R20-140 approving employment agreement with City Administrator Tara L. Vasicek.** A motion was made by Augustine-Schulte and seconded by Hiemer to go into closed session. The subject matter to be discussed shall be employment contract with City Administrator Tara L. Vasicek; the reason for going into closed session is for the prevention of needless injury to the reputation of an individual; Mayor Bulkley and City Attorney Neal Valorz will be included in the closed session. Bulkley announced that the city council made a motion to go into closed session. The subject matter to be discussed shall be employment contract with City Administrator Tara L. Vasicek; the reason for going into closed session is for the prevention of needless injury to the reputation of an individual; Mayor Bulkley and City Attorney Neal Valorz will be included in the closed session. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay". Bulkley noted that the city council has voted to go into closed session at this time. The subject matter to be discussed shall be employment contract with City Administrator Tara L. Vasicek; the reason for going into closed session is for the prevention of needless injury to the reputation of an individual; Mayor Bulkley and City Attorney Neal Valorz will be included in the closed session. The city council went into closed session at 7:43 p.m. The city council exited closed session at 7:52 p.m. with a motion by Augustine-Schulte and a second by Roth. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay". Resolution No. R20-140 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN EMPLOYMENT

AGREEMENT WITH TARA L. VASICEK, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HERewith was adopted with a motion by Bahr and a second by Lohr. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

20. ADJOURNMENT: The meeting adjourned at 7:53 p.m.

Presented and approved this 21 day of December, 2020.

MAYOR

ATTEST:

CITY CLERK

C. Minutes of December 7, 2020, Community Development Agency meeting.

A meeting of the City Council, as the Community Development Agency, of the City of Columbus, Nebraska, was convened on December 7, 2020, at 7:54 p.m., following the 7 p.m. City Council meeting.

Notice of this meeting was given in advance thereof by posting at Columbus City Hall, Columbus Public Library, and Platte County Courthouse on December 3, 2020, with an affidavit of posting being on file in the office of the City Clerk. Notice of this meeting was given simultaneously to the mayor, designated as the chief executive officer of the agency, and members of the city council, as the Community Development Agency, with a copy of the acknowledgement of receipt of notice being on file in the office of the city clerk. Availability of the agenda was communicated in the advance notice and in the notice to the mayor and city council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

1. **STATEMENT OF COMPLIANCE WITH OPEN MEETINGS ACT AND ROLL CALL:** Council President Augustine-Schulte announced that a copy of the Open Meetings Act is posted in the meeting room. Present were Council Members Beth Augustine-Schulte, Charlie Bahr, Troy Hiemer, Rich Jablonski, Dennis Kresha, John Lohr, Prent Roth, and Ron Schilling. Also present was Mayor James Bulkley. City staff members included City Attorney Neal Valorz, City Administrator Tara Vasicek, City Clerk Janelle Kline, City Engineer Rick Bogus, Police Chief Chuck Sherer, Public Works Director Chuck Sliva, Public Property Director Doug Moore, Finance Director Heather Lindsley, Community Development Director Dan Curtis, Communications Director Rachel Pensick, and Account Clerk II/Records Clerk II Linda Nickeson.
2. **Resolution No. R20-137 approving amendment to redevelopment agreement for redevelopment project undertaken by EKEA, LLC as set forth in the "Redevelopment Plan for the West Railroad Neighborhood Redevelopment Area" (EKEA, LLC Redevelopment Project).** Resolution No. R20-137 entitled: A RESOLUTION OF THE COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AS THE GOVERNING BODY OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN AMENDMENT TO A REDEVELOPMENT CONTRACT FOR A REDEVELOPMENT PROJECT UNDERTAKEN BY EKEA, LLC, AS SET FORTH IN THE "REDEVELOPMENT PLAN FOR THE WEST RAILROAD NEIGHBORHOOD REDEVELOPMENT AREA (THE EKEA, LLC, REDEVELOPMENT PROJECT)" was adopted with a motion by Hiemer and a second by Schilling. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".
3. **Resolution No. R20-138 approving amendment to redevelopment agreement for redevelopment project undertaken by Granville Custom Homes, Inc. as set forth in the "Amendment to Redevelopment Plan for Armory Neighborhood Redevelopment Area" (Frontier Park Redevelopment Project), as amended.** Resolution No. R20-138 entitled: A RESOLUTION OF THE COUNCIL OF THE CITY OF COLUMBUS,

NEBRASKA, AS THE GOVERNING BODY OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN AMENDMENT TO A REDEVELOPMENT CONTRACT FOR A REDEVELOPMENT PROJECT UNDERTAKEN BY GRANVILLE CUSTOM HOMES, INC., AS SET FORTH IN THE "AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE ARMORY NEIGHBORHOOD REDEVELOPMENT AREA (THE FRONTIER PARK REDEVELOPMENT PROJECT)", AS AMENDED was adopted with a motion by Jablonski and a second by Kresha. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

- 4. Adjournment:** The meeting adjourned at 7:58 p.m.

Presented and approved this 21 day of December, 2020.

MAYOR

ATTEST:

CITY CLERK

D. Reappointment of Ron Schilling to Northeast Nebraska Area Agency on Aging for three-year term.

The City of **Columbus**

RESPONSIBLE • RESPONSIVE • REPUTABLE

Administration Office (402) 562-4232

Fax (402) 563-1380

MEMORANDUM

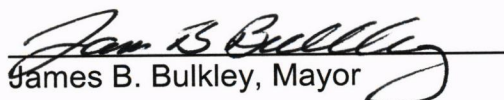
DATE: December 8, 2020
TO: City Council Members
FROM: James B. Bulkley, Mayor
SUBJECT: Reappointment

With your permission, I wish to submit the following name to you for reappointment at the December 21, 2020, City Council meeting. Per Council Rules, the two-week waiting period is automatically waived for someone who is reappointed to the same or similar position.

NORTHEAST NEBRASKA AREA AGENCY ON AGING

(Three-Year Term – as City Council member)

Ron Schilling


James B. Bulkley, Mayor

Committees&boards/AppointReappoint/NENEAgencyonAging

- E. Resolution No. R20-141 approving Final Acceptance of Project Completion associated with Nebraska Department of Transportation Project URB-6065(6), Control No. 31990, 3 Avenue, 8 Street to South 5 Street.

RESOLUTION NO. R20- 141

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING FINAL ACCEPTANCE OF PROJECT COMPLETION ASSOCIATED WITH NDOT PROJECT NO. URB-6065(6), CONTROL NO. 31990, 3RD AVENUE, 8TH STREET TO SOUTH 5TH STREET, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME; AND TO REPEAL ALL RESOLUTIONS IN CONFLICT HEREWITH.

WHEREAS, City of Columbus (City) and State of Nebraska Department of Transportation (State) entered into a Local Public Agency (LPA) Program Agreement for State to assist City in the development and construction of an LPA Federal-aid transportation project;

WHEREAS, the project construction has been tentatively accepted and the State, on LPA's behalf, has recommended that the project is ready for final acceptance;

WHEREAS, the LPA Program Agreement requires the City to review and formally approve State's recommendation that the project is ready for final acceptance;

WHEREAS, City has reviewed the State's recommendation and agrees that the project has been constructed according to the plans, specifications and any change order(s) and that the construction is ready for final acceptance;

WHEREAS, City believes that the traffic control and permanent signs on the project are appropriate, have been properly placed and are acceptable to the City;

WHEREAS, City hereby accepts maintenance of the project and agrees to meet all environmental and other commitments related to the project; and

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that the Final Acceptance of Project Completion associated with NDOT Project No. URB-6065(6), Control No. 31990, 3rd Avenue, 8th Street to South 5th Street, a copy of which is attached hereto and incorporated herein by this reference, is hereby approved and the Mayor is authorized, directed, and empowered to execute the same on behalf of the City of Columbus.

This resolution shall repeal all resolutions or portions thereof in conflict herewith.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS _____ DAY OF _____, 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

RESOLUTION

FINAL ACCEPTANCE OF PROJECT CONSTRUCTION

City of Columbus

Resolution No. _____

Whereas: City of Columbus (City) and State entered into an LPA Program Agreement for State to assist City in the development and construction of an LPA Federal-aid transportation project;

Whereas: The project construction has been tentatively accepted and the State, on LPA's behalf, has recommended that the project is ready for final acceptance;

Whereas: The LPA Program Agreement requires the city to review and formally approve State's recommendation that the project is ready for final acceptance;

Whereas: City has reviewed the State's recommendation and agrees that the project has been constructed according to the plans, specifications and any change order(s) and that the construction is ready for final acceptance;

Whereas: City believes that the traffic control and permanent signs on the project are appropriate, have been properly placed and are acceptable to the City.

Be It Resolved by the City Council of the City of Columbus that:

The Mayor, James Bulkley, is hereby authorized to sign the bottom of this resolution and submit it to the State signifying the City's final acceptance of the project construction.

The permanent signing and traffic control on the project are appropriate, have been properly placed and are acceptable to City. The City hereby accepts maintenance of the project and agrees to meet all environmental and other commitments related to the project.

NDOR Project Number: URB-6065(6)

NDOR Control Number: 31990

NDOR Project Description: 3rd Ave. 8th St. To S. 5th St., Columbus

Adopted this _____ day of _____, _____ at _____, Nebraska.
(Month) (Year)

The City Council of the City of Columbus, Nebraska

Board/Council Member _____

Moved the adoption of said resolution

Member _____ Seconded the Motion

Roll Call: _____ Yes _____ No _____ Abstained _____ Absent

Resolution adopted, signed and billed as adopted

CITY OF COLUMBUS

James Bulkley

Mayor

Attest:

City Clerk Signature

The City of **Columbus**

MEMORANDUM

DATE: December 16, 2020
FROM: Richard J. Bogus, P.E., City Engineer
TO: Tara Vasicek, City Administrator
RE: NDOT Form 500, Final Acceptance of Project Completion for URB-6065(6), 3rd Avenue from 8th Street to South 5th Street

RECOMMENDATION:

I recommend approval of the authorization of the Mayor to sign NDOT Form 500, Final Acceptance of Project Completion for URB-6065(6), 3rd Avenue from 8th Street to South 5th Street associated with and required by the NDOT Surface Transportation Program.

DISCUSSION:

The project is a full federal oversight with funding from the Nebraska Department of Transportation (NDOT) Surface Transportation Program (STP). Closeout documents for the STP includes NDOT Form 500, Final Acceptance of Project Completion. The project construction and associated Construction Engineering services are complete.

FISCAL IMPACT:

None.

ALTERNATIVE:

None

SIGNATURE:

By: _____ 

Approved By: _____ 

- F. Resolution No. R20-142 approving Amendment A to the Standard Agreement and General Conditions between Owner and Construction Manager for the Columbus Community Building.

RESOLUTION NO. R20-142

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AMENDMENT A TO THE STANDARD AGREEMENT AND GENERAL CONDITIONS BETWEEN OWNER AND CONSTRUCTION MANAGER FOR PROJECT INFORMATION UPDATES AND WAGE AND EQUIPMENT RATE UPDATES WITH BOYD JONES CONSTRUCTION COMPANY TO THE COLUMBUS COMMUNITY BUILDING; A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH.

WHEREAS, Resolution R16-92 approved on August 15, 2016, the City entered into a contract with Boyd Jones Construction Company to provide construction management at risk services to the City; and

WHEREAS, the guaranteed maximum price, substantial completion date, and final completion date will be provided in future amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that Amendment A to the Standard Agreement and General Conditions between Owner and Construction Manager for project information updates and wage and equipment rate updates with Boyd Jones Construction Company to the Columbus Community Building, a copy of which is attached hereto and incorporated herein by this reference, is hereby approved and the mayor is authorized, directed, and empowered to execute the same on behalf of the City of Columbus.

This resolution shall repeal all resolutions or portions thereof in conflict herewith.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS _____ DAY OF _____ 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



ConsensusDocs® 500.1
AMENDMENT NO. A TO CONSENSUSDOCS 500 STANDARD AGREEMENT AND GENERAL
CONDITIONS BETWEEN OWNER AND CONSTRUCTION MANAGER

GENERAL INSTRUCTIONS. These instructions are solely for the information and convenience of ConsensusDocs users, and are not a part of the document. Gray boxes indicate where you should click and type in your project information. The yellow shading is a Word default function that displays editable text and is not necessary for document completion. Shading can be turned off by going to the Review tab, select "Restrict Editing" button and uncheck "Highlight the regions I can edit". In Word 2003 you will find this option under the Tools tab, Options, Security tab, Protect Document button.

EMBEDDED INSTRUCTIONS are provided to help you complete the document. To display or hide instructions select the "¶" button under the "Home" tab to show all formatting marks. Instruction boxes are color coded as follows:

- Red Boxes:** Instructions for fields that are typically required to complete contract.
- Blue Boxes:** Instructions for fields that may or may not be required for a complete contract.
- Green Boxes:** Provide general instructions or ConsensusDocs Coalition Guidebook comments, which can be found at www.ConsensusDocs.org/guidebook.

ENDORSEMENT. This document was developed through a collaborative effort of organizations representing a wide cross-section of the design and construction industry. The organizations endorsing this document believe it represents a fair allocation of risk and responsibilities of all project participants.

Endorsing organizations recognize that this document must be reviewed and adapted to meet specific needs and applicable laws. This document has important legal and insurance consequences, and it is not intended as a substitute for competent professional services and advice. Consultation with an attorney and an insurance or surety adviser is strongly encouraged. Federal, State and Local laws may vary with respect to the applicability or enforceability of specific provisions in this document. **CONSENSUSDOCS SPECIFICALLY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. PURCHASERS ASSUME ALL LIABILITY WITH RESPECT TO THE USE OF THIS DOCUMENT, AND CONSENSUSDOCS AND ANY OF THE ENDORSING ORGANIZATIONS SHALL NOT BE LIABLE FOR ANY DIRECT, INDIRECT OR CONSEQUENTIAL DAMAGES RESULTING FROM SUCH USE.** For additional information, please contact ConsensusDocs, 2300 Wilson Blvd, Suite 300, Arlington, VA 22201, 866-925-DOCS (3627), support@consensusdocs.org or www.ConsensusDocs.org.



AMENDMENT NO. A TO ConsensusDocs® 500

**STANDARD AGREEMENT AND GENERAL CONDITIONS BETWEEN OWNER AND
CONSTRUCTION MANAGER**

**(Where the Basis of Payment is a Guaranteed Maximum Price with an Option for
Preconstruction Services)**

Dated 12/10/2020

The Owner and Construction Manager hereby agree to the following updates in Project Information for the Agreement between the Owner and the Construction Manager dated August 15, 2016:

Construction Manager's address shall be updated to Boyd Jones Construction Company, 950 South 10th Street, Suite 100, Omaha, NE 68108;

The "Project" name shall be "Columbus Community Building";

The "Design Professional" shall be changed to Bahr Vermeer Haecker Architects, 440 North 8th Street, Suite 100, Lincoln, NE 68508;

"Construction Manager's Representative" in 3.2.4 shall be updated to be Scott Brown, Project Manager;

"Construction Manager's Safety Representative" in 3.13.3 shall be updated to be "Boyd Jones Construction's On-Site Project Superintendent";

"Owner's Representative" in 4.7 shall be updated to "Columbus City Engineer, Richard J Bogus, P.E.";

The Owner and Construction Manager hereby agree to update Attachment A – Boyd Jones Construction Company's Wage Rates and Attachment B – Boyd Jones Construction's Equipment Rates to the current/updated rates as attached to this Amendment.

The Guaranteed Maximum Price, Substantial Completion Date, and Final Completion Date shall be defined and mutually agreed upon in future Amendments.

This Amendment is entered into as of [____].

WITNESS: _____

OWNER: City of Columbus, Nebraska

BY: _____

PRINT NAME James Bulkley PRINT TITLE Mayor

WITNESS:  _____



CONSTRUCTION MANAGER: Boyd Jones Construction Company

BY:  _____

PRINT NAME George Schuler PRINT TITLE Senior Vice President of Integrated Services

END OF DOCUMENT.





Attachment A
As of 4/1/2020

Boyd Jones Construction Co.
Attachment A - Wage Rates

Columbus Community Building

Trade	Normal Wage Rate/HR	Overtime Wage Rate/HR	Sunday Wage Rate/HR
Skilled Laborer	48.00	67.00	87.00
Carpenter	66.00	91.00	116.00
Concrete Finisher	66.00	91.00	116.00
Milwright	75.00	102.00	132.00
Welder	65.00	88.00	113.00
Foreman	72.00	99.00	128.00
Crane operator	85.00	116.00	150.00
Equipment Operator	69.00	95.00	122.00
Superintendent	102.00	102.00	123.00
General Superintendent	124.00		
Project Engineer	84.00		
Project Manager	141.00		
Senior Project Manager	155.00		
Project Executive	175.00		
Estimator	139.00		
Preconstruction Manager	155.00		
VDC Manager	82.00		
Cost Accountant	102.00		
Contract Administrator	63.00		
Safety Manager	97.00		
Safety Director	124.00		
clerk of the works	56.00	75.00	
Insurance	1.5% of Labor Cost		
Small Tools	5% of Labor Cost		

(3% Annual Adjustment for Inflation Rounded to the Nearest Dollar for All Rates
Beginning April 1 Each Year)



EQUIPMENT RATES - ATTACHMENT B
As of 6/3/2020

Description	Hourly Rate	Daily Rate	Weekly Rate
Office Trailer			146.00
Job Trailer-Storage			72.00
Conex Box Container 20 ft.			52.00
Conex Box Container 40 ft.			82.00
Tow Trailer-Flat or Closed		66.00	203.00
Pickup		113.00	246.00
Skidsteer		267.00	1,000.00
Dump Box		18.00	43.00
Street Sweeper Box		160.00	432.00
Backhoe		444.00	1,574.00
Mini Excavator		285.00	1,198.00
Pavement Breaker		243.00	1,069.00
Utility Tractor		371.00	1,110.00
Utility Terrain Vehicle			350.00
Crane		1,001.00	3,967.00
Pile Driver			4,800.00
Forklift-lull		452.00	1,605.00
Manbasket-lull		122.00	427.00
Roller Compactor		133.00	608.00
Dump Truck		420.00	1,238.00
Jump/Plate Compactor		90.00	320.00
Pressure Washer		81.00	219.00
Air Compressor- tow		146.00	518.00
Air Compressor- portable		39.00	101.00
Welder- gas engine		171.00	598.00
Welder-TIG/Dynasty		108.00	434.00
Welder- Multimatic		85.00	297.00
Plasma Cutter		103.00	400.00
35 kw Generator		294.00	963.00
5000w Generator		50.00	103.00
Material Hoist/Winch		29.00	109.00
Power Station- step down		82.00	317.00
36" fans		34.00	135.00
Trash Chute		50.00	124.00
Demo Saw Concrete		109.00	413.00
Walk Behind Concrete Saw		116.00	337.00
Cutting Torch Set		50.00	152.00
Power Trowel		87.00	247.00
Concrete Vibrators		68.00	270.00
Rotary Hammer		34.00	101.00
Jackhammer		50.00	149.00
0-149K BTU Heater		63.00	264.00
150K-399K BTU Heater		107.00	414.00
400K-750K BTU Heater		166.00	579.00
Insulated Blankets		5.00	21.00
Trash Pump		29.00	81.00
Water Pump		62.00	247.00
Scaffolding		178.00	648.00
Concrete Jersey Barriers			25.00
Yodock Barriers			33.00
Safety Cone Barriers			4.00
Concrete Bucket		107.00	299.00
Table Saw		39.00	118.00
Laser Level		40.00	132.00
Total Station			1,057.00
Theodolite		59.00	182.00
Computer			39.00
Copier- small			15.00
Copier- large			53.00
Procore			27.00
Radios			20.00
Chipping Hammer		34.00	124.00
Core Drills w/ bits		90.00	361.00
Negative Air Machine		82.00	264.00
Air Monitor		76.00	
Blower		66.00	
Tripod		131.00	
Hydroseeder			382.00
Delivery Truck	11.00		
Delivery Trailer	8.00		
Delivery Dump Truck	74.00		
Safety Cart			266.00
Drone		80.00	

(3% Annual Adjustment for Inflation Rounded to the Nearest Dollar for All Rates Beginning April 1 Each Year)

The City of **Columbus**

MEMORANDUM

DATE: December 16, 2020
FROM: Richard J. Bogus, P.E., City Engineer
TO: Tara Vasicek, City Administrator
RE: Columbus Community Building, Boyd Jones Construction Company Amendment A to the Standard Agreement and General Conditions between Owner and Construction Manager

RECOMMENDATION:

I recommend approval of the authorization of the Mayor sign the Columbus Community Building, Boyd Jones Construction Company Amendment A to the Standard Agreement and General Conditions between Owner and Construction Manager

DISCUSSION:

Amendment A is for house-keeping items to the original Agreement between Owner and Construction Manager approval Resolution No. 16-92. They include such revisions as the address to Boyd Jones offices, project name, architect representative name and contact, Boyd Jones project manager representative name, and Owner's representative contact name. It includes updated wage and equipment rates for Boyd Jones.

The Guaranteed Maximum Price, Substantial Completion Date, and Final Completion Date will be provided in future amendment(s).

FISCAL IMPACT:

None.

ALTERNATIVE:

None

SIGNATURE:

By: Richard J. Bogus

Approved By: Tara Vasicek

G. Finance Department reports.

CASH SUMMARY BY FUND FOR CITY OF COLUMBUS

FROM 11/01/2020 TO 11/30/2020

FUND: ALL FUNDS

CASH AND INVESTMENT ACCOUNTS

Fund	Description	Beginning Balance 11/01/2020	Total Debits	Total Credits	Ending Balance 11/30/2020
001	DISBURSEMENT FUND	0.00	0.00	0.00	0.00
100	GENERAL FUND	8,681,122.04	433,817.18	1,650,534.59	7,464,404.63
160	PLATTE CO LIBRARY SERVICE	65,889.40	20,919.00	8,957.70	77,850.70
189	PERPETUAL CARE	78,851.11	0.00	0.00	78,851.11
200	STREETS/ENGINEERING	(1,350,909.55)	2,935,243.42	304,510.92	1,279,822.95
205	AIRPORT	847,970.54	33,602.90	44,054.25	837,519.19
210	SALES TAX	8,252,982.97	483,609.45	0.00	8,736,592.42
211	1/2 CENT SALES TAX	5,445,576.94	211,197.35	440,417.96	5,216,356.33
220	COMMUNICATIONS - E911	(378,278.38)	321,725.94	185,088.69	(241,641.13)
221	COMMUNICATIONS - WIRELESS E911	(33,704.27)	7,399.49	5,817.68	(32,122.46)
225	COMMUNICATIONS-EC-911 EQUIPMENT	(4,432.46)	1,554.00	1,554.00	(4,432.46)
240	HOUSING REHAB & LOANS	88,207.50	7,613.29	7,517.15	88,303.64
250	ECONOMIC DEVL REUSE	669.24	0.00	0.00	669.24
260	PROGRESS AND JOBS GROWTH	1,623,880.29	44,793.47	0.00	1,668,673.76
270	KENO	798,798.50	139,237.76	0.00	938,036.26
300	CAPITAL PROJECTS	0.00	0.00	0.00	0.00
400	DEBT SERVICE FUND	490,864.27	2,608.26	72,466.25	421,006.28
480	COMMUNITY REDEVL AUTH	117,778.54	0.00	0.00	117,778.54
500	UTILITY SERVICE	14,205,991.92	706,649.28	2,255,906.65	12,656,734.55
520	WATER	12,059,062.49	426,095.19	796,890.29	11,688,267.39
530	LOUP DISTRIBUTION	1,113,557.40	1,053,914.32	0.00	2,167,471.72
560	STORMWATER UTILITY	489,409.79	32,622.62	15,591.87	506,440.54
570	SOLID WASTE DIVISION	2,154,592.77	208,531.02	102,193.60	2,260,930.19
600	HEALTH INSURANCE	2,481,147.24	12,890.27	7,681.39	2,486,356.12
700	POLICE PENSION	59,813.48	0.00	0.00	59,813.48
710	FIRE PENSION	39,640.54	0.00	1,371.00	38,269.54
730	LICENSES TO SCHOOLS	8,475.00	1,035.00	0.00	9,510.00
740	LIBRARY FOUNDATION	2,558,890.17	0.00	0.00	2,558,890.17
745	LIBRARY ENDOWMENT	1,859,178.06	0.00	0.00	1,859,178.06
750	GERRARD PARK TRUST	144,558.94	0.00	0.00	144,558.94
900	GENERAL LONG TERM DEBT	0.00	0.00	0.00	0.00
999	PAYROLL CLEARING	24,624.03	854,155.61	788,677.99	90,101.65
	TOTAL - ALL FUNDS	61,924,208.51	7,939,214.82	6,689,231.98	63,174,191.35

H. Payroll and bills on file.

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
00516	A & J GUNS				
12/22/2020	INVOICE	615	STREAMLIGHT TLR-MOLCZYK	149.00	
12/22/2020	INVOICE	614	STREAMLIGHT TLR-URKOSKI	149.00	
12/22/2020	INVOICE	616	STREAMLIGHT TLR-SEALOCK	149.00	
12/22/2020	INVOICE	613	STREAMLIGHT TLR-THALKEN	149.00	
			Total:	596.00	
			Net of 4 Invoices / 0 Checks	596.00	
02057	A TO Z MESSAGING				
12/22/2020	INVOICE	12283	ANSWERING SERVICE	105.00	
			Total:	105.00	
			Net of 1 Invoices / 0 Checks	105.00	
00116	ACE HARDWARE & GARDEN CNT				
12/22/2020	INVOICE	173625/5	PLIERS, SCREWS	14.49	
12/22/2020	INVOICE	173636/5	SCREWS	4.56	
12/22/2020	INVOICE	173646/5	HAMMER, BATTERIES	20.98	
12/22/2020	INVOICE	173721/5	RIVETS	7.59	
12/22/2020	INVOICE	173730/5	SCREWS	21.29	
12/22/2020	INVOICE	173732/5	STIIHL CHAIN, STIHL PLATINUM GALLON	42.98	
12/22/2020	INVOICE	173756/5	PLIERS, HOG RING TOOLS	33.77	
12/22/2020	INVOICE	173611/5	SUPPLIES	23.85	
12/22/2020	INVOICE	173615/5	POLY INSERT, SCREWS	32.95	
12/22/2020	INVOICE	173804/5	KEYS	45.80	
12/22/2020	INVOICE	173850/5	GLOVES, STORAGE BAGS	32.98	
12/22/2020	INVOICE	173851/5	PROPANE	107.73	
12/22/2020	INVOICE	173870/5	RETURN KEYS	(18.32)	
12/22/2020	INVOICE	173869/5	DISPOSABLE MASKS	35.98	
			Total:	406.63	
			Net of 14 Invoices / 0 Checks	406.63	
03104	ACE SANITATION SERVICE INC.				
12/22/2020	INVOICE	4932	NOVEMBER GARBAGE SERVICE	39.00	
12/22/2020	INVOICE	4931	NOVEMBER GARBAGE SERVICE	39.00	
			Total:	78.00	
			Net of 2 Invoices / 0 Checks	78.00	
00180	ADVANCE AUTO PARTS				
12/22/2020	INVOICE	5606032966590	BLOWER MOTOR, RESISTOR	117.62	
12/22/2020	INVOICE	5606033866745	HI COUNT LED #95	33.64	
12/22/2020	INVOICE	5606033830792	AIR FILTERS	36.50	
12/22/2020	INVOICE	5606034330961	ANITFREEZE	45.57	
12/22/2020	INVOICE	5606034266811	AIR AND OIL FILTER, 5W20, 5W30 OIL	48.87	
12/22/2020	INVOICE	5606034614923	FILTERS, OIL	177.05	
12/22/2020	INVOICE	5606034381046	GATES - JETTER TRUCK	46.12	
12/22/2020	INVOICE	5606033966778	CLAY OIL ABSORBENT	12.84	
12/22/2020	INVOICE	180	HI COUNT LED	13.24	
			Total:	531.45	
			Net of 9 Invoices / 0 Checks	531.45	
02304	ALPHAMEDIA USA LLC				

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
12/22/2020	INVOICE	103120AQ	OCTOBER ADVERTISING	1,850.00	
12/22/2020	INVOICE	113020AQU	NOVEMBER ADVERTISING	1,850.00	
			Total:	3,700.00	
			Net of 2 Invoices / 0 Checks	3,700.00	
00418	AQUA-CHEM INC				
12/22/2020	INVOICE	00194976	CHEMICALS	355.25	
			Total:	355.25	
			Net of 1 Invoices / 0 Checks	355.25	
00278	AWARDS & ENGRAVING				
12/22/2020	INVOICE	7084	SERVICE AWARD-SARGENT	10.00	
			Total:	10.00	
			Net of 1 Invoices / 0 Checks	10.00	
02344	BAIRD HOLM LLP				
12/22/2020	INVOICE	257065	LEGAL SERVICES-DISABILITY CLAIM	328.50	
			Total:	328.50	
			Net of 1 Invoices / 0 Checks	328.50	
00461	BEHLEN TOWING LLC				
12/22/2020	INVOICE	24808	TOWING SERVICE	90.00	
12/22/2020	INVOICE	24824	TOWING SERVICE	90.00	
12/22/2020	INVOICE	24829	TOWING SERVICE	90.00	
12/22/2020	INVOICE	24832	TOWING SERVICE	90.00	
12/22/2020	INVOICE	24833	TOWING SERVICE	90.00	
12/22/2020	INVOICE	25850	TOWING SERVICE	90.00	
12/22/2020	INVOICE	25851	TOWING SERVICE	90.00	
12/22/2020	INVOICE	24841	TOWING SERVICE	90.00	
			Total:	720.00	
			Net of 8 Invoices / 0 Checks	720.00	
03256	BLACK HILLS ENERGY				
12/22/2020	INVOICE	6007 1329 48 DEC	NATURAL GAS	1,966.50	
12/22/2020	INVOICE	8429 6210 02 DEC	NATURAL GAS	579.14	
12/22/2020	INVOICE	0815 1921 72 FEC	NATURAL GAS	452.66	
12/22/2020	INVOICE	6310 3990 85 DEC	NATURAL GAS	375.32	
12/22/2020	INVOICE	7063 3714 32 DEC	NATURAL GAS	337.98	
12/22/2020	INVOICE	5156 7873 42 DEC	NATURAL GAS	207.39	
12/22/2020	INVOICE	1450 5796 12 DEC	NATURAL GAS	156.02	
12/22/2020	INVOICE	7226 0844 98 DEC	NATURAL GAS	116.89	
12/22/2020	INVOICE	5431 5180 01 DEC	NATURAL GAS	116.86	
12/22/2020	INVOICE	2278 6168 20 DEC	NATURAL GAS	105.36	
12/22/2020	INVOICE	1164 9983 32	NATURAL GAS	12.88	
12/22/2020	INVOICE	5317 1214 84 DEC	NATURAL GAS	96.53	
12/22/2020	INVOICE	5915 3548 20 DEC	NATURAL GAS	89.18	
12/22/2020	INVOICE	3224 1153 18 DEC	NATURAL GAS	83.90	
12/22/2020	INVOICE	0778 7198 98 DEC	NATURAL GAS	83.17	
12/22/2020	INVOICE	4447 5106 07 DEC	NATURAL GAS	82.94	
12/22/2020	INVOICE	7504 0422 35 DEC	NATURAL GAS	81.97	
12/22/2020	INVOICE	5048 9157 09 DEC	NATURAL GAS	79.67	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
12/22/2020	INVOICE	6942 7542 63 DEC	NATURAL GAS	62.62	
12/22/2020	INVOICE	5389 9420 88 DEC	NATURAL GAS	51.50	
12/22/2020	INVOICE	4086 6115 74 DEC	NATURAL GAS	42.52	
12/22/2020	INVOICE	3343 6679 78 DEC	NATURAL GAS	40.25	
12/22/2020	INVOICE	4665 9615 35 DEC	NATURAL GAS	40.25	
12/22/2020	INVOICE	9767 8260 47 DEC	NATURAL GAS	40.25	
Total:				5,301.75	
Net of 24 Invoices / 0 Checks				5,301.75	
00917	BLACKSTONE PUBLISHING				
12/22/2020	INVOICE	1190574	MATERIALS	64.60	
12/22/2020	INVOICE	1186997	MATERIALS	290.64	
Total:				355.24	
Net of 2 Invoices / 0 Checks				355.24	
00316	BOB'S U-SAVE PHARMACY				
12/22/2020	INVOICE	6741654	CONTOUR STRIPS	50.00	
12/22/2020	INVOICE	310241176	MEDICAL SUPPLIES	75.00	
Total:				125.00	
Net of 2 Invoices / 0 Checks				125.00	
03092	BRITE				
12/22/2020	INVOICE	INV20767	E-CITATION EQUIPMENT	48,660.50	
Total:				48,660.50	
Net of 1 Invoices / 0 Checks				48,660.50	
02247	BURRESS ADVISORY GROUP LLC				
12/22/2020	INVOICE	1425120120	HAZMAT TRAINING	1,350.00	
Total:				1,350.00	
Net of 1 Invoices / 0 Checks				1,350.00	
00622	CAT'S PRO MOW				
12/22/2020	INVOICE	048782	NOVEMBER MOWING	300.00	
Total:				300.00	
Net of 1 Invoices / 0 Checks				300.00	
02551	CENTER FOR MUNICIPAL SOLUTIONS				
12/22/2020	INVOICE	66787-001	NE US CELLULAR-2990 48TH AVE	375.00	
Total:				375.00	
Net of 1 Invoices / 0 Checks				375.00	
01209	CENTER POINT LARGE PRINT				
12/22/2020	INVOICE	1801309	MATERIALS	89.28	
Total:				89.28	
Net of 1 Invoices / 0 Checks				89.28	
03137	CENTRAL PARTS & MACHINE				
12/22/2020	INVOICE	2775 001-419704	AIR FILTER FOR XMARK #4	113.23	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
12/22/2020	INVOICE	2775 001-419585	AIR FILTER	23.48	
12/22/2020	INVOICE	2775 001-419584	OIL FILTER	6.87	
12/22/2020	INVOICE	2775 001-419389	RIVETS	2.50	
12/22/2020	INVOICE	2775 001-419317	MOTION DAMPER	48.00	
12/22/2020	INVOICE	2775 001-419598	ALL SEASON 5W20 OIL	38.18	
12/22/2020	INVOICE	2775 001-419694	BLUE DEF 2.5 GALLON	25.30	
Total:				257.56	
Net of 7 Invoices / 0 Checks				257.56	
01148	CENTURY LINK				
12/22/2020	INVOICE	402D33-0433 046	DEC PHONE CHARGES	994.63	
Total:				994.63	
Net of 1 Invoices / 0 Checks				994.63	
02542	CNC REPAIR LLC				
12/22/2020	INVOICE	4082	SPARK PLUGS, IGNITION COIL BOOTS-VIN 46544-1	303.69	
12/22/2020	INVOICE	4083	OIL CHANGE, BRAKE REPAIR-VIN34678 UNIT 183	717.44	
12/22/2020	INVOICE	4084	OIL CHANGE, OXYGEN SENSOR-VIN 33372 UNIT 168	537.67	
12/22/2020	INVOICE	4091	PIGTAIL, OXYGEN SENSOR, TRANSMISSION REPAIR-	445.73	
12/22/2020	INVOICE	4095	OXYGEN SENSORS-VIN 33372 UNIT 168	235.27	
12/22/2020	INVOICE	4107	OIL CHANGE-VIN 34006 UNIT 189	49.49	
12/22/2020	INVOICE	4116	DRIVESHAFT-VIN 51647 UNIT 176	811.07	
12/22/2020	INVOICE	4118	OIL CHANGE-VIN 06647 UNIT 194	52.95	
12/22/2020	INVOICE	4124	TIRES, OIL CHANGE-VIN 06648 UNIT 193	712.92	
12/22/2020	INVOICE	4125	TIRES-VIN 34006 UNIT 189	587.20	
12/22/2020	INVOICE	4130	OIL CHANGE -VIN 31272 UNIT160	52.95	
Total:				4,506.38	
Net of 11 Invoices / 0 Checks				4,506.38	
03140	COLUMBUS AREA CHAMBER OF				
12/22/2020	INVOICE	HEALTH	COLUMBUS BUCKS-PACE PROGRAM	1,480.00	
Total:				1,480.00	
Net of 1 Invoices / 0 Checks				1,480.00	
10382	COLUMBUS AREA FUTURE FUND				
12/22/2020	INVOICE	112020CAFF	DIGITAL MARKETING CAMPAIGN MATCH	3,000.00	
Total:				3,000.00	
Net of 1 Invoices / 0 Checks				3,000.00	
03009	COLUMBUS AREA HUMAN RESOURCE				
12/22/2020	INVOICE	173418-SH	2021 MEMBERSHIP DUES-T ORENDER	125.00	
Total:				125.00	
Net of 1 Invoices / 0 Checks				125.00	
03141	COLUMBUS COMMUNITY HOSPITAL				
12/22/2020	INVOICE	113020RESC	MEDICAL SUPPLIES	648.08	
Total:				648.08	
Net of 1 Invoices / 0 Checks				648.08	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
01638 12/22/2020	COLUMBUS FAMILY RESOURCE CTR INVOICE	MONTHLY	MONTHLY LEASE PAYMENT	9,129.00	
			Total:	9,129.00	
			Net of 1 Invoices / 0 Checks	9,129.00	
01374 12/22/2020	COLUMBUS MUSIC INVOICE	34634	RECEIVER. TRANSMITTERS	1,830.00	
			Total:	1,830.00	
			Net of 1 Invoices / 0 Checks	1,830.00	
03143 12/22/2020	COLUMBUS TIRE & SERVICE INVOICE	1-12135	TIRE REPAIR-UNIT 193	30.00	
			Total:	30.00	
			Net of 1 Invoices / 0 Checks	30.00	
03146 12/22/2020	CONNECTING POINT/RADIO SHACK INVOICE	10803	HP ELITEBOOK 850 G4 LCD REPLACEMENT SCREEN-I	269.99	
			Total:	269.99	
			Net of 1 Invoices / 0 Checks	269.99	
03149 12/22/2020	CULLIGAN OF COLUMBUS INVOICE	246194	SALT	63.85	
			Total:	63.85	
			Net of 1 Invoices / 0 Checks	63.85	
00270 12/22/2020	DANKO EMERGENCY EQUIPMENT INVOICE	113694	GEAR WASH SHURGUARD SANITIZER	45.00	
			Total:	45.00	
			Net of 1 Invoices / 0 Checks	45.00	
03152 12/22/2020	DEMCO INC INVOICE	6880674	COLOR-CODING DOT LABELS	60.65	
			Total:	60.65	
			Net of 1 Invoices / 0 Checks	60.65	
00072 12/22/2020	DES MOINES STAMP MFG CO INVOICE	1167189	PERMA STAMP INK	10.50	
			Total:	10.50	
			Net of 1 Invoices / 0 Checks	10.50	
10532 12/22/2020	DISCOVERER SPORTS BOOSER CLUB INVOICE	2021SPONS	2020-2021 SILVER SPONSORSHIP/ADVERTISING	125.00	
			Total:	125.00	
			Net of 1 Invoices / 0 Checks	125.00	
00374 12/22/2020	DUNBAR DOUGLAS INVOICE	113020LIQU	NOVEMBER LIQUOR COMMISSION	1,048.32	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
12/22/2020	INVOICE	113020COMM	NOVEMBER COMMISSIONS	455.89	
12/22/2020	INVOICE	120120GOLF	MONTHLY CONTRACT	6,308.00	
12/22/2020	INVOICE	113020TSYS	NOV CREDIT CARD FEES	532.95	
Total:				8,345.16	
Net of 4 Invoices / 0 Checks				8,345.16	
03158	EAKES OFFICE SOLUTIONS				
12/22/2020	INVOICE	8157257-0	NAME BADGE - OCHS	12.26	
12/22/2020	INVOICE	INV248823	COPIER CONTRACT-2ND FLOOR	885.96	
Total:				898.22	
Net of 2 Invoices / 0 Checks				898.22	
02762	EDISON LIGHTING SUPPLY &				
12/22/2020	INVOICE	40080	80W WEDGE CORN LAMPS	1,167.06	
Total:				1,167.06	
Net of 1 Invoices / 0 Checks				1,167.06	
03160	EDUCATIONAL SERV UNIT #7				
12/22/2020	INVOICE	1886	FLIERS, SPECIAL BOND ISSUE	187.31	
Total:				187.31	
Net of 1 Invoices / 0 Checks				187.31	
00191	ELECTRIC PUMP INC				
12/22/2020	INVOICE	0889902-IN	PUMP MAINTENANCE	5,849.00	
Total:				5,849.00	
Net of 1 Invoices / 0 Checks				5,849.00	
01597	ELECTRONIC ENGINEERING				
12/22/2020	INVOICE	853002974-1	2021 SERVICE CONTRACT-EMS PRODUCTS	12,520.00	
Total:				12,520.00	
Net of 1 Invoices / 0 Checks				12,520.00	
03093	ERGOMETRICS				
12/22/2020	INVOICE	139285	FIRE TESTING 23003	345.05	
Total:				345.05	
Net of 1 Invoices / 0 Checks				345.05	
03165	FASTENAL COMPANY				
12/22/2020	INVOICE	NECOL229064	1/2 X 1-1/2 SS EYEBLTS	329.85	
Total:				329.85	
Net of 1 Invoices / 0 Checks				329.85	
03168	FIRST NATIONAL BANK				
12/22/2020	INVOICE	F612 NOV	NOVEMBER ACH/POSITIVE PAY FEES	475.25	
Total:				475.25	
Net of 1 Invoices / 0 Checks				475.25	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
00242	FIRST NATIONAL BANK OMAHA				
12/22/2020	INVOICE	1149781	LA POLICE GEAR-SPILKER QM	57.07	
12/22/2020	INVOICE	3372140	TACTICAL GEAR INC-SPILKER QM	218.16	
12/22/2020	INVOICE	111-9463695-083945	AMAZON-UHL QM	35.30	
12/22/2020	INVOICE	111620FIRE	TYPHOON WASH	10.00	
12/22/2020	INVOICE	113020PD	CREDIT BALANCE FROM NOV STATEMENT	(177.25)	
12/22/2020	INVOICE	233734	MYSTERY PARTY	38.95	
12/22/2020	INVOICE	T43242867	TOKYO TREAT	10.95	
12/22/2020	INVOICE	T43472726	TOKYO TREAT	10.95	
12/22/2020	INVOICE	33479065	CRICUT	10.58	
12/22/2020	INVOICE	120420POST	USPS SHIPPING CHARGES	290.98	
12/22/2020	INVOICE	127159	USA MEDICAL AND SURGIBAL SUPPLIES/THERMOMET	603.72	
12/22/2020	INVOICE	112920LIB	CONSTANT CONTACT	66.50	
12/22/2020	INVOICE	840568007562416842	USPS SHIPPING-PRIORITY MAIL	9.20	
12/22/2020	INVOICE	113020AQU	AUTHORIZE.NET - NOVEMBER	31.40	
12/22/2020	INVOICE	1016951298	PITNEY BOWES-E-Z SEAL	96.89	
12/22/2020	INVOICE	125012	HOLIDAY INN EXPRESS-FREWING	192.00	
12/22/2020	INVOICE	125013	HOLIDAY INN EXPRESS-CECH	192.00	
12/22/2020	INVOICE	120420ADM	OMAHA WORLD HERALD ONLINE SUBSCRIPTION	7.58	
12/22/2020	INVOICE	016993061	GALLS-NAMEPLATES	73.26	
12/22/2020	INVOICE	017075321	GALLS-BELT	30.27	
12/22/2020	INVOICE	12-12-DTI-IGS0016	BLUE TO GOLD -CASE	97.00	
12/22/2020	INVOICE	20201211-IGS0014	BLUE TO GOLD-CASE	149.00	
12/22/2020	INVOICE	1014	SWABTEK-TEST KITS	135.00	
12/22/2020	INVOICE	163458B	EVIDENT-METH.MDMA TEST KITS	219.50	
12/22/2020	INVOICE	334398	VERIZON-PFEIFER RETIREMENT GIFT	200.00	
12/22/2020	INVOICE	120120HR	SHRM MEMBERSHIP 3/1/21-2/28/22	219.00	
12/22/2020	INVOICE	1T3144645G446253M	SEASONED TIMES SUBSCRIPTION	15.00	
12/22/2020	INVOICE	1C38BT9	CDW - TRIPP LITE HD BASE T HDMI	1,574.20	
			Total:	4,417.21	
			Net of 28 Invoices / 0 Checks	4,417.21	
10533	FLASH, SHARON				
12/22/2020	INVOICE	110920CEM	SELL BACK SP3, LOT 25	330.00	
			Total:	330.00	
			Net of 1 Invoices / 0 Checks	330.00	
00169	FRONTIER				
12/22/2020	INVOICE	402-564-0724-01140	PHONE CHARGES 11/30-12/29/20	352.47	
12/22/2020	INVOICE	402-564-0717-09061	ELEVATOR PHONE 11/30-12/29/20	54.30	
12/22/2020	INVOICE	308-188-0206-05239	EP11 PHONE CHARGES 11/30-12/29/20	210.32	
12/22/2020	INVOICE	308-188-0175-09127	PHONE CHARGES 11/30-12/29/20	2,137.07	
12/22/2020	INVOICE	402-562-7785-02090	NWP ALARM SYSTEM 10/30/20-12/29/20	129.34	
12/22/2020	INVOICE	308-188-0175-09127	PHONE CHARGES 10/30-11/29/20	2,114.59	
			Total:	4,998.09	
			Net of 6 Invoices / 0 Checks	4,998.09	
00459	GALE				
12/22/2020	INVOICE	72597356	MATERIALS	59.98	
12/22/2020	INVOICE	72602849	MATERIALS	236.72	
12/22/2020	INVOICE	72648257	MATERIALS	99.97	
12/22/2020	INVOICE	72655209	MATERIALS	21.59	
12/22/2020	INVOICE	72664594	MATERIALS	24.80	
12/22/2020	INVOICE	72591103	MATERIALS	21.59	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
12/22/2020	INVOICE	72641257	MATERIALS	30.39	
12/22/2020	INVOICE	72641902	MATERIALS	74.97	
Total:				570.01	
Net of 8 Invoices / 0 Checks				570.01	
03172	GALLS LLC				
12/22/2020	INVOICE	017063932	BOOTS-ANDERSON QM	148.91	
12/22/2020	INVOICE	016853008	T SERIES COMPANY LEVEL III LIGHT-WANGLER QM	178.18	
12/22/2020	INVOICE	016959583	JACKET-B WHITE	249.99	
12/22/2020	INVOICE	016991560	HANDCUFF POUCH-B WHITE	31.99	
12/22/2020	INVOICE	017049979	WOMEN'S PANTS-LOPEZ	99.98	
12/22/2020	INVOICE	017063974	UNIFORM SUPPLIES	690.70	
12/22/2020	INVOICE	016988805	WANGLER-LIGHT HOLDER	19.90	
Total:				1,419.65	
Net of 7 Invoices / 0 Checks				1,419.65	
03174	GEHRING CONSTRUCTION &				
12/22/2020	INVOICE	52250	CITY SHOP-19TH ST	498.51	
12/22/2020	INVOICE	52245	ALLEY BEHIND HOME 360	255.50	
12/22/2020	INVOICE	52273	18" SONOTUBE	245.16	
12/22/2020	INVOICE	52421	202 MORTON RD	533.00	
12/22/2020	INVOICE	52404	HWY IN FRONT OF CLOCKTOWER	395.00	
12/22/2020	INVOICE	52475	24" SONOTUBE	150.60	
12/22/2020	INVOICE	52488	LAKE ESTHER	505.00	
Total:				2,582.77	
Net of 7 Invoices / 0 Checks				2,582.77	
00303	GENE STEFFY FORD				
12/22/2020	INVOICE	173674	A/C MAINTENANCE, OIL CHANGE VIN 12559	287.40	
Total:				287.40	
Net of 1 Invoices / 0 Checks				287.40	
10401	GOLFNOW				
12/22/2020	INVOICE	INV00029307	WEBSITE/EMAIL HOSTING-DEC 2020	175.00	
Total:				175.00	
Net of 1 Invoices / 0 Checks				175.00	
02075	GREAT PLAINS COMMUNICATIONS				
12/22/2020	INVOICE	996-426-0026	DECEMBER INTERNET SERVICE	310.00	
Total:				310.00	
Net of 1 Invoices / 0 Checks				310.00	
10494	GUBBELS, DOUG				
12/22/2020	INVOICE	MONTHLY	OPEN/CLOSE CEMETERY GATES	146.50	
Total:				146.50	
Net of 1 Invoices / 0 Checks				146.50	
03183	HADLEY-BRAITHWAIT COMPANY				
12/22/2020	INVOICE	215234	TRASH BAGS, TOWEL, T TISSUE, NAPKINS	300.75	

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12/22/2020	INVOICE	221447	PAPER TOWELS	83.90	
			Total:	384.65	
			Net of 2 Invoices / 0 Checks	384.65	
03185 12/22/2020	HDR ENGINEERING INC INVOICE	1200311053	WWTF PHASE 4 IMPROVEMENTS	13,158.67	
			Total:	13,158.67	
			Net of 1 Invoices / 0 Checks	13,158.67	
01424 12/22/2020	HEARTLAND NATURAL GAS LLC INVOICE	82663	NATURAL GAS	0.41	
12/22/2020	INVOICE	82661	NATURAL GAS	59.14	
12/22/2020	INVOICE	82672	NATURAL GAS	61.61	
12/22/2020	INVOICE	82657	NATURAL GAS	842.79	
12/22/2020	INVOICE	82674	NATURAL GAS	735.18	
12/22/2020	INVOICE	82673	NATURAL GAS	1,194.78	
12/22/2020	INVOICE	82665	NATURAL GAS	152.38	
12/22/2020	INVOICE	82662	NATURAL GAS	356.50	
12/22/2020	INVOICE	82658	NATURAL GAS	240.68	
12/22/2020	INVOICE	82659	NATURAL GAS	78.03	
12/22/2020	INVOICE	82656	NATURAL GAS	76.39	
12/22/2020	INVOICE	82668	NATURAL GAS	1,257.62	
12/22/2020	INVOICE	82666	NATURAL GAS	89.94	
12/22/2020	INVOICE	82664	NATURAL GAS	34.50	
12/22/2020	INVOICE	82671	NATURAL GAS	650.98	
12/22/2020	INVOICE	82667	NATURAL GAS	1,226.00	
12/22/2020	INVOICE	82660	NATURAL GAS	63.66	
			Total:	7,120.59	
			Net of 17 Invoices / 0 Checks	7,120.59	
10291 12/22/2020	HOME IMPROVEMENT USA INVOICE	12.01.2020	REHAB REUSE FOR CINDY SCHAF	1,158.86	
			Total:	1,158.86	
			Net of 1 Invoices / 0 Checks	1,158.86	
00403 12/22/2020	HOWERTER MD MARK S INVOICE	MONHTLY	EMERGENCY MEDICAL DIRECTOR	616.00	
			Total:	616.00	
			Net of 1 Invoices / 0 Checks	616.00	
03192 12/22/2020	HY-VEE INC INVOICE	4822306287	SS ANTIBAC CRISP CLN	17.94	
12/22/2020	INVOICE	4822690931	SACK LUNCHES-FIRE INTERVIEWS	63.00	
			Total:	80.94	
			Net of 2 Invoices / 0 Checks	80.94	
00126 12/22/2020	IAEI INVOICE	MEMBERID5657	ONE YR MEMBERSHIP DUES- DAN CURTIS	120.00	
			Total:	120.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Net of 1 Invoices / 0 Checks	120.00	
03194	INGRAM LIBRARY SERVICES, INC				
12/22/2020	INVOICE	49656139	MATERIALS	35.77	
12/22/2020	INVOICE	49706659	MATERIALS	55.76	
12/22/2020	INVOICE	49390263	MATERIALS	250.55	
12/22/2020	INVOICE	49797416	RETURN CREDIT	(26.99)	
			Total:	315.09	
			Net of 4 Invoices / 0 Checks	315.09	
03195	INSURANCE SERVICES OF COLUMBUS				
12/22/2020	INVOICE	112520VFD	ANNUAL LIFE INS POLICY RENEWAL-VOLUNTEERS	3,601.00	
			Total:	3,601.00	
			Net of 1 Invoices / 0 Checks	3,601.00	
02554	INTERSTATE BATTERY SYSTEM				
12/22/2020	INVOICE	210078259	BATTERY	132.95	
			Total:	132.95	
			Net of 1 Invoices / 0 Checks	132.95	
03199	JACKSON SERVICES INC				
12/22/2020	INVOICE	4439158	UNIFORMS	16.45	
12/22/2020	INVOICE	4436636	UNIFORMS	300.32	
12/22/2020	INVOICE	4435832	MATS	32.88	
12/22/2020	INVOICE	4437476	UNIFORMS	103.27	
12/22/2020	INVOICE	4436647	UNIFORMS	90.81	
12/22/2020	INVOICE	4436648	MAT	2.81	
12/22/2020	INVOICE	4436639	MATS	12.50	
12/22/2020	INVOICE	4436638	UNIFORMS	133.32	
12/22/2020	INVOICE	4436637	MATS, TOWELS	34.97	
12/22/2020	INVOICE	4434883	MAT	22.48	
12/22/2020	INVOICE	4432349	MAT	3.95	
12/22/2020	INVOICE	4432348	UNIFORMS	133.32	
12/22/2020	INVOICE	4432347	MOP, MATS	26.25	
12/22/2020	INVOICE	4439175	MATS	57.69	
12/22/2020	INVOICE	4439159	MOP, MAT, UNIFORMS	60.27	
12/22/2020	INVOICE	4440928	MOPS AND MATS	29.81	
12/22/2020	INVOICE	4440929	UNIFORMS	133.32	
12/22/2020	INVOICE	4440930	MOP, MAT	7.33	
12/22/2020	INVOICE	4440939	UNIFORMS	90.81	
12/22/2020	INVOICE	4440940	TOWELS	17.50	
12/22/2020	INVOICE	4441748	MATS, TOWELS, UNIFORMS	130.67	
12/22/2020	INVOICE	4440927	UNIFORMS	295.32	
			Total:	1,736.05	
			Net of 22 Invoices / 0 Checks	1,736.05	
10534	JARECKI LAY & SHARP P.C., LLO				
12/22/2020	INVOICE	7461	LEGAL SERVICES FOR MOA WITH MEGAVISION	546.00	
			Total:	546.00	
			Net of 1 Invoices / 0 Checks	546.00	
03202	KELLY SUPPLY COMPANY				

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
12/22/2020	INVOICE	S12257762-0	PVC PIPE SUPPLIES	26.14	
12/22/2020	INVOICE	S12257543-0	HOSE END, WASHERS, BRASS FERRULE	9.78	
12/22/2020	INVOICE	S12257543-1	HOSE END, BRASS FERRULE	45.33	
Total:				81.25	
Net of 3 Invoices / 0 Checks				81.25	
01100	KRATOCHVIL MICHAEL				
12/22/2020	INVOICE	120720	OCTOBER/NOVERMBER MILEAGE, FUEL EXPENSES	27.10	
Total:				27.10	
Net of 1 Invoices / 0 Checks				27.10	
02236	LANGUAGE LINE SERVICES INC				
12/22/2020	INVOICE	4919348	MOVEMBER INTERPRETING SERVICES	29.29	
12/22/2020	INVOICE	4919406	NOVEMBER INTERPRETING SERVICES	46.32	
Total:				75.61	
Net of 2 Invoices / 0 Checks				75.61	
00822	LINCOLN WINWATER WORKS				
12/22/2020	INVOICE	073845 01	MACRO TWO BOLT COUP	1,431.00	
Total:				1,431.00	
Net of 1 Invoices / 0 Checks				1,431.00	
10229	LINGO				
12/22/2020	INVOICE	1185761149	E911 PHONE CHARGES	51.65	
Total:				51.65	
Net of 1 Invoices / 0 Checks				51.65	
00013	LOGAN CONTRACTORS SUPPLY INC				
12/22/2020	INVOICE	Q08953	3/3 VX430 BELT	121.56	
12/22/2020	INVOICE	Q11286	DRIP STOP ADAPTER, SHROUD	103.90	
Total:				225.46	
Net of 2 Invoices / 0 Checks				225.46	
03214	LOUP POWER DISTRICT				
12/22/2020	INVOICE	169004 DEC20	ELECTRICITY	930.00	
12/22/2020	INVOICE	169116 DEC20	ELECTRICITY	73.42	
12/22/2020	INVOICE	169118 DEC20	ELECTRICITY	55.48	
12/22/2020	INVOICE	169120 DEC20	ELECTRICITY	6,660.00	
12/22/2020	INVOICE	169121 DEC20	ELECTRICITY	3,750.00	
12/22/2020	INVOICE	400064 DEC20	ELECTRICITY	137.44	
12/22/2020	INVOICE	400068 DEC20	ELECTRICITY	55.38	
12/22/2020	INVOICE	400085 DEC20	ELECTRICITY	25.00	
12/22/2020	INVOICE	400067 DEC20	STREET LIGHT REPAIR-3311 18TH ST - 8/19/20	3,886.73	
12/22/2020	INVOICE	400088 DEC20	ELECTRICITY	35.61	
12/22/2020	INVOICE	400046 DEC20	ELECTRICITY	33.20	
12/22/2020	INVOICE	400016 DEC20	ELECTRICITY	51.68	
12/22/2020	INVOICE	169122 DEC20	ELECTRICITY	1,390.50	
12/22/2020	INVOICE	169003 DEC20	ELECTRICITY	27.65	
12/22/2020	INVOICE	169005 DEC20	ELECTRICITY	36.76	
12/22/2020	INVOICE	169008 DEC20	ELECTRICITY	27.65	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
12/22/2020	INVOICE	169009 DEC20	ELECTRICITY	28.04	
12/22/2020	INVOICE	169011 DEC20	ELECTRICITY	53.23	
12/22/2020	INVOICE	400031 DEC20	ELECTRICITY	131.52	
12/22/2020	INVOICE	400033 DEC20	ELECTRICITY	126.71	
12/22/2020	INVOICE	400037 DEC20	ELECTRICITY	51.07	
12/22/2020	INVOICE	400042 DEC20	ELECTRICITY	34.21	
12/22/2020	INVOICE	400089 DEC20	ELECTRICITY	508.50	
12/22/2020	INVOICE	169015 DEC20	ELECTRICITY	179.85	
12/22/2020	INVOICE	169016 DEC20	ELECTRICITY	324.00	
12/22/2020	INVOICE	169017 DEC20	ELECTRICITY	25.00	
12/22/2020	INVOICE	169019 DEC20	ELECTRICITY	77.75	
12/22/2020	INVOICE	169020 DEC20	ELECTRICITY	9.06	
12/22/2020	INVOICE	169022 DEC20	ELECTRICITY	25.49	
12/22/2020	INVOICE	169023 DEC20	ELECTRICITY	2,212.17	
12/22/2020	INVOICE	169024 DEC20	ELECTRICITY	50.31	
12/22/2020	INVOICE	169026 DEC20	ELECTRICITY	100.75	
12/22/2020	INVOICE	169027 DEC20	ELECTRICITY	9.06	
12/22/2020	INVOICE	169028 DEC20	ELECTRICITY	376.13	
12/22/2020	INVOICE	169029 DEC20	ELECTRICITY	380.49	
12/22/2020	INVOICE	169030 DEC20	ELECTRICITY	124.86	
12/22/2020	INVOICE	169031 DEC20	ELECTRICITY	39.82	
12/22/2020	INVOICE	169033 DEC20	ELECTRICITY	34.33	
12/22/2020	INVOICE	169034 DEC20	ELECTRICITY	25.39	
12/22/2020	INVOICE	169035 DEC20	ELECTRICITY	25.59	
12/22/2020	INVOICE	169036 DEC20	ELECTRICITY	137.14	
12/22/2020	INVOICE	169038 DEC20	ELECTRICITY	4,305.05	
12/22/2020	INVOICE	169039 DEC20	ELECTRICITY	35.09	
12/22/2020	INVOICE	169041 DEC20	ELECTRICITY	32.55	
12/22/2020	INVOICE	169042 DEC20	ELECTRICITY	324.00	
12/22/2020	INVOICE	169043 DEC20	ELECTRICITY	37.94	
12/22/2020	INVOICE	169044 DEC20	ELECTRICITY	38.43	
12/22/2020	INVOICE	169045 DEC20	ELECTRICITY	37.94	
12/22/2020	INVOICE	169046 DEC20	ELECTRICITY	59.23	
12/22/2020	INVOICE	169047 DEC20	ELECTRICITY	25.49	
12/22/2020	INVOICE	169048 DEC20	ELECTRICITY	44.40	
12/22/2020	INVOICE	169050 DEC20	ELECTRICITY	114.34	
12/22/2020	INVOICE	169051 DEC20	ELECTRICITY	25.49	
12/22/2020	INVOICE	169053 DEC20	ELECTRICITY	37.59	
12/22/2020	INVOICE	169055 DEC20	ELECTRICITY	25.59	
12/22/2020	INVOICE	169056 DEC20	ELECTRICITY	38.72	
12/22/2020	INVOICE	169057 DEC20	ELECTRICITY	25.39	
12/22/2020	INVOICE	169058 DEC20	ELECTRICITY	39.70	
12/22/2020	INVOICE	169060 DEC20	ELECTRICITY	27.84	
12/22/2020	INVOICE	169061 DEC20	ELECTRICITY	31.47	
12/22/2020	INVOICE	169062 DEC20	ELECTRICITY	160.45	
12/22/2020	INVOICE	169064 DEC20	ELECTRICITY	33.43	
12/22/2020	INVOICE	169065 DEC20	ELECTRICITY	678.00	
12/22/2020	INVOICE	169066 DEC20	ELECTRICITY	51.46	
12/22/2020	INVOICE	169067 DEC20	ELECTRICITY	1,110.00	
12/22/2020	INVOICE	169068 DEC20	ELECTRICITY	1,614.00	
12/22/2020	INVOICE	169069 DEC20	ELECTRICITY	36.00	
12/22/2020	INVOICE	169071 DEC20	ELECTRICITY	2,696.92	
12/22/2020	INVOICE	169072 DEC20	ELECTRICITY	250.00	
12/22/2020	INVOICE	169073 DEC20	ELECTRICITY	36.56	
12/22/2020	INVOICE	169074 DEC20	ELECTRICITY	30.10	
12/22/2020	INVOICE	169077 DEC20	ELECTRICITY	25.59	
12/22/2020	INVOICE	169080 DEC20	ELECTRICITY	161.83	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
12/22/2020	INVOICE	169081 DEC20	ELECTRICITY	34.80	
12/22/2020	INVOICE	169082 DEC20	ELECTRICITY	94.60	
12/22/2020	INVOICE	169083 DEC20	ELECTRICITY	531.72	
12/22/2020	INVOICE	169084 DEC20	ELECTRICITY	1,071.04	
12/22/2020	INVOICE	169085 DEC20	ELECTRICITY	888.73	
12/22/2020	INVOICE	169086 DEC20	ELECTRICITY	850.75	
12/22/2020	INVOICE	169087 DEC20	ELECTRICITY	203.40	
12/22/2020	INVOICE	169089 DEC20	ELECTRICITY	33.13	
12/22/2020	INVOICE	169090 DEC20	ELECTRICITY	35.00	
12/22/2020	INVOICE	169091 DEC20	ELECTRICITY	65.60	
12/22/2020	INVOICE	169092 DEC20	ELECTRICITY	54.82	
12/22/2020	INVOICE	169093 DEC20	ELECTRICITY	60.11	
12/22/2020	INVOICE	169094 DEC20	ELECTRICITY	50.39	
12/22/2020	INVOICE	169096 DEC20	ELECTRICITY	459.06	
12/22/2020	INVOICE	169097 DEC20	ELECTRICITY	27.74	
12/22/2020	INVOICE	169098 DEC20	ELECTRICITY	33.04	
12/22/2020	INVOICE	169099 DEC20	ELECTRICITY	25.59	
12/22/2020	INVOICE	169107 DEC20	ELECTRICITY	86.97	
12/22/2020	INVOICE	169112 DEC20	ELECTRICITY	97.52	
12/22/2020	INVOICE	400001 DEC20	ELECTRICITY	155.97	
12/22/2020	INVOICE	400002 DEC20	ELECTRICITY	309.92	
12/22/2020	INVOICE	400003 DEC20	ELECTRICITY	225.69	
12/22/2020	INVOICE	400004 DEC20	ELECTRICITY	300.45	
12/22/2020	INVOICE	400005 DEC20	ELECTRICITY	27.45	
12/22/2020	INVOICE	400006 DEC20	ELECTRICITY	25.49	
12/22/2020	INVOICE	400007 DEC20	ELECTRICITY	25.00	
12/22/2020	INVOICE	400008 DEC20	ELECTRICITY	25.59	
12/22/2020	INVOICE	400009 DEC20	ELECTRICITY	45.19	
12/22/2020	INVOICE	400010 DEC20	ELECTRICITY	33.43	
12/22/2020	INVOICE	400011 DEC20	ELECTRICITY	28.43	
12/22/2020	INVOICE	400012 DEC20	ELECTRICITY	29.90	
12/22/2020	INVOICE	400013 DEC20	ELECTRICITY	36.37	
12/22/2020	INVOICE	400015 DEC20	ELECTRICITY	275.20	
12/22/2020	INVOICE	400017 DEC20	ELECTRICITY	44.80	
12/22/2020	INVOICE	400018 DEC20	ELECTRICITY	38.72	
12/22/2020	INVOICE	400019 DEC20	ELECTRICITY	25.00	
12/22/2020	INVOICE	400020 DEC20	ELECTRICITY	642.00	
12/22/2020	INVOICE	400023 DEC20	ELECTRICITY	25.00	
12/22/2020	INVOICE	400024 DEC20	ELECTRICITY	44.89	
12/22/2020	INVOICE	400025 DEC20	ELECTRICITY	142.53	
12/22/2020	INVOICE	400026 DEC20	ELECTRICITY	25.59	
12/22/2020	INVOICE	400028 DEC20	ELECTRICITY	42.09	
12/22/2020	INVOICE	400029 DEC20	ELECTRICITY	76.18	
12/22/2020	INVOICE	400030 DEC20	ELECTRICITY	36.56	
12/22/2020	INVOICE	400032 DEC20	ELECTRICITY	84.97	
12/22/2020	INVOICE	400034 DEC20	ELECTRICITY	26.57	
12/22/2020	INVOICE	400036 DEC20	ELECTRICITY	539.28	
12/22/2020	INVOICE	400039 DEC20	ELECTRICITY	74.45	
12/22/2020	INVOICE	400040 DEC20	ELECTRICITY	28,591.75	
12/22/2020	INVOICE	400041 DEC20	ELECTRICITY	38.52	
12/22/2020	INVOICE	400044 DEC20	ELECTRICITY	48.38	
12/22/2020	INVOICE	400045 DEC20	ELECTRICITY	63.22	
12/22/2020	INVOICE	400047 DEC20	ELECTRICITY	660.85	
12/22/2020	INVOICE	400048 DEC20	ELECTRICITY	106.95	
12/22/2020	INVOICE	400049 DEC20	ELECTRICITY	88.53	
12/22/2020	INVOICE	400051 DEC20	ELECTRICITY	35.39	
12/22/2020	INVOICE	400052 DEC20	ELECTRICITY	35.29	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
12/22/2020	INVOICE	400054 DEC20	ELECTRICITY	25.00	
12/22/2020	INVOICE	400055 DEC20	ELECTRICITY	25.00	
12/22/2020	INVOICE	400057 DEC20	ELECTRICITY	36.39	
12/22/2020	INVOICE	400058 DEC20	ELECTRICITY	276.00	
12/22/2020	INVOICE	400059 DEC20	ELECTRICITY	139.65	
12/22/2020	INVOICE	400060 DEC20	ELECTRICITY	9,404.62	
12/22/2020	INVOICE	400061 DEC20	ELECTRICITY	33.04	
12/22/2020	INVOICE	400062 DEC20	ELECTRICITY	33.33	
12/22/2020	INVOICE	400063 DEC20	ELECTRICITY	41.56	
12/22/2020	INVOICE	400065 DEC20	ELECTRICITY	3,756.21	
12/22/2020	INVOICE	400066 DEC20	ELECTRICITY	53.48	
12/22/2020	INVOICE	400070 DEC20	ELECTRICITY	1,431.66	
12/22/2020	INVOICE	400071 DEC20	ELECTRICITY	41.27	
12/22/2020	INVOICE	400072 DEC20	ELECTRICITY	34.80	
12/22/2020	INVOICE	400073 DEC20	ELECTRICITY	42.15	
12/22/2020	INVOICE	400075 DEC20	ELECTRICITY	36.96	
12/22/2020	INVOICE	400076 DEC20	ELECTRICITY	33.62	
12/22/2020	INVOICE	400077 DEC20	ELECTRICITY	28.72	
12/22/2020	INVOICE	400078 DEC20	ELECTRICITY	25.00	
12/22/2020	INVOICE	400079 DEC20	ELECTRICITY	197.98	
12/22/2020	INVOICE	400080 DEC20	ELECTRICITY	102.84	
12/22/2020	INVOICE	400081 DEC20	ELECTRICITY	116.95	
12/22/2020	INVOICE	400083 DEC20	ELECTRICITY	49.89	
12/22/2020	INVOICE	400084 DEC20	ELECTRICITY	49.30	
12/22/2020	INVOICE	400091 DEC20	ELECTRICITY	135.47	
12/22/2020	INVOICE	400092 DEC20	ELECTRICITY	29.02	
12/22/2020	INVOICE	400093 DEC20	ELECTRICITY	36.56	
12/22/2020	INVOICE	400094 DEC20	ELECTRICITY	145.03	
12/22/2020	INVOICE	400095 DEC20	ELECTRICITY	145.40	
12/22/2020	INVOICE	400096 DEC20	ELECTRICITY	987.00	
12/22/2020	INVOICE	400097 DEC20	ELECTRICITY	105.63	
12/22/2020	INVOICE	169123 DEC20	ELECTRICITY	53.03	
12/22/2020	INVOICE	169124 DEC20	ELECTRICITY	27.74	
12/22/2020	INVOICE	169125 DEC20	ELECTRICITY	43.94	
Total:				89,967.40	
Net of 164 Invoices / 0 Checks				89,967.40	
02806	MACQUEEN EQUIPMENT				
12/22/2020	INVOICE	P06759	SINGLE WRAP MAI 300	763.19	
Total:				763.19	
Net of 1 Invoices / 0 Checks				763.19	
00401	MAIL PREP ETC				
12/22/2020	INVOICE	2530	NOVEMBER POSTAGE, WATER BILLS	4,246.41	
Total:				4,246.41	
Net of 1 Invoices / 0 Checks				4,246.41	
MISC	MARIK AMY				
12/22/2020	INVOICE	12/11/2020	UB refund for account: 300-50162-02	49.66	
Total:				49.66	
Net of 1 Invoices / 0 Checks				49.66	
03078	MCMaster-CARR				

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
12/22/2020	INVOICE	50003113	MULITPURPOSE ALUMINUM	22.85	
			Total:	22.85	
			Net of 1 Invoices / 0 Checks	22.85	
02101 12/22/2020	MD SOLUTIONS INC INVOICE	0042731	ARM BRACKETS, BLADE HOLDERS	1,710.00	
			Total:	1,710.00	
			Net of 1 Invoices / 0 Checks	1,710.00	
03220 12/22/2020	MENARDS INVOICE	30130	SUPPLIES FOR TABLE	60.78	
12/22/2020	INVOICE	30184	40W T12 TUBES, MASKS	49.90	
12/22/2020	INVOICE	30186	CONCRETE MIX	26.40	
12/22/2020	INVOICE	30206	BLADES, PVC PLUG	30.27	
12/22/2020	INVOICE	30604	VALUE OSB	20.59	
12/22/2020	INVOICE	30616	TIDE AND FINISH TABLETS	73.92	
12/22/2020	INVOICE	30423	BATTERIES, CLEANING SUPPLIES	32.71	
12/22/2020	INVOICE	30427	CORD, ICE MELT, DISINFECTANT SUPPLIES	56.82	
12/22/2020	INVOICE	30452	FUEL PREMIX, 8' AC2	55.63	
12/22/2020	INVOICE	30547	U-BOLT	10.99	
12/22/2020	INVOICE	30588	RETURN WALL CLOCK	(12.99)	
			Total:	405.02	
			Net of 11 Invoices / 0 Checks	405.02	
03222 12/22/2020	MID-AMERICAN RESEARCH INVOICE	0718765-IN	CITRA CLEAN AND SHINE	408.00	
			Total:	408.00	
			Net of 1 Invoices / 0 Checks	408.00	
03224 12/22/2020	MIDWEST LABORATORIES INC INVOICE	1017528	TESTING, SUPPLIES	90.75	
			Total:	90.75	
			Net of 1 Invoices / 0 Checks	90.75	
00903 12/22/2020	MIDWEST RIGHT OF WAY SERVICES INVOICE	5690	LIFT STATION REPLACEMENT NO 7	3,185.00	
			Total:	3,185.00	
			Net of 1 Invoices / 0 Checks	3,185.00	
00487 12/22/2020	MIDWEST TAPE LLC INVOICE	99753034	MATERIALS	89.98	
			Total:	89.98	
			Net of 1 Invoices / 0 Checks	89.98	
00463 12/22/2020	MIKE'S TOWING INVOICE	10345	TOWING SERVICE	90.00	
12/22/2020	INVOICE	10236	TOWING SERVICE	90.00	
12/22/2020	INVOICE	10287	TOWING SERVICE	90.00	
12/22/2020	INVOICE	10329	TOWING SERVICE	90.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
12/22/2020	INVOICE	10330	TOWING SERVICE	90.00	
12/22/2020	INVOICE	10339	TOWING SERVICE	90.00	
12/22/2020	INVOICE	10334	TOWING SERVICE	90.00	
12/22/2020	INVOICE	10346	TOWING SERVICE	90.00	
Total:				720.00	
Net of 8 Invoices / 0 Checks				720.00	
00210	MUNICIPAL PIPE TOOL CO LLC				
12/22/2020	INVOICE	31909	CABLE ASSY, O-RINGS FOR SEWER CAMERA	681.99	
Total:				681.99	
Net of 1 Invoices / 0 Checks				681.99	
10225	NAPA AUTO PARTS OF COLUMBUS				
12/22/2020	INVOICE	691606	BATTERY	88.76	
12/22/2020	INVOICE	690567	BATTERY	247.52	
Total:				336.28	
Net of 2 Invoices / 0 Checks				336.28	
01224	NE ASSOC OF AIRPORT OFFICIALS				
12/22/2020	INVOICE	2021AIRPORT	2021 NAAO DUES	250.00	
Total:				250.00	
Net of 1 Invoices / 0 Checks				250.00	
00537	NEBRASKA DEPT OF ENVIRONMENT				
12/22/2020	INVOICE	2656 SOWARD	WW TREATMENT FACILITY OPERATOR CERTIFICATIO	150.00	
Total:				150.00	
Net of 1 Invoices / 0 Checks				150.00	
00239	NEBRASKA HARVESTORE SYSTEMS				
12/22/2020	INVOICE	8385	SWITCH	355.18	
Total:				355.18	
Net of 1 Invoices / 0 Checks				355.18	
00029	NEBRASKA STATE FIRE MARSHAL				
12/22/2020	INVOICE	2021-603	ANNUAL REGISTRATION FEE/REMEDIAL ACTION FUNI	240.00	
12/22/2020	INVOICE	2020-1609	ANNUAL REGISTRATION FEE/REMEDIAL ACTION FUNI	360.00	
12/22/2020	INVOICE	86488	ANNUAL INSPECTION-PD	120.00	
Total:				720.00	
Net of 3 Invoices / 0 Checks				720.00	
03241	NEWMAN SIGNS INC.				
12/22/2020	INVOICE	TRFINV027119	SIGN MATERIALS	214.87	
12/22/2020	INVOICE	TRFINV027038	SIGN MATERIALS	366.65	
Total:				581.52	
Net of 2 Invoices / 0 Checks				581.52	
03245	NORTHEAST NEBRASKA SOLID				
12/22/2020	INVOICE	113020TRSF	NOVEMBER LANDFILL CHARGES	57,933.12	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	57,933.12	
			Net of 1 Invoices / 0 Checks	57,933.12	
03247 12/22/2020	NORTHWEST ELECTRIC LLC INVOICE	211417	PARTS	167.99	
			Total:	167.99	
			Net of 1 Invoices / 0 Checks	167.99	
03249 12/22/2020	OCCUPATIONAL HEALTH SERV INVOICE	68934	PRE EMPLOYMENT - OCHS	220.00	
12/22/2020	INVOICE	68915	VACCINATION-DREIFURST	55.00	
12/22/2020	INVOICE	68670	VACCINATIONS	315.00	
			Total:	590.00	
			Net of 3 Invoices / 0 Checks	590.00	
00874 12/22/2020	OCLC, INC INVOICE	1000086514	CATALOGING, METADATA SUBSCRIPTION	875.79	
			Total:	875.79	
			Net of 1 Invoices / 0 Checks	875.79	
03171 12/22/2020	OFFICENET INVOICE	950514-0	INK CARTRIDGES, PENS, HIGHLIGHTERS	164.17	
12/22/2020	INVOICE	951029-0	BUSINESS CARD STOCK FOR PUNCH CARDS, PASSES	30.63	
12/22/2020	INVOICE	950502-0	SCREEN CLEANER, LAMINATE	15.33	
12/22/2020	INVOICE	950569-0	SHEARS FILE POCKETS, INK CARTRIDGES	180.30	
12/22/2020	INVOICE	950959-0	TAPE	15.76	
			Total:	406.19	
			Net of 5 Invoices / 0 Checks	406.19	
02922 12/22/2020	OLIVER PACKAGING AND INVOICE	109931	TRAYS AND FILM ROLL	257.67	
			Total:	257.67	
			Net of 1 Invoices / 0 Checks	257.67	
02852 12/22/2020	OLSON'S PEST TECHNICIANS INVOICE	192177	PEST CONTROL	50.00	
12/22/2020	INVOICE	192180	PEST CONTROL	50.00	
12/22/2020	INVOICE	192179	PEST CONTROL	52.00	
			Total:	152.00	
			Net of 3 Invoices / 0 Checks	152.00	
00176 12/22/2020	O'REILLY AUTOMOTIVE INC INVOICE	0681-481900	SPARK PLUGS	16.74	
12/22/2020	INVOICE	0681-482041	TOWELS, HAND CLEANER	32.98	
12/22/2020	INVOICE	0681-482827	35YD TAPE, WD-40	39.96	
12/22/2020	INVOICE	0681-481763	BELT	28.82	
12/22/2020	INVOICE	0681-482223	BELT	10.77	
12/22/2020	INVOICE	0681-482083	PIN & CLIP, PENETRANT	86.86	
12/22/2020	INVOICE	0681-482084	ADAPTER	21.99	
12/22/2020	INVOICE	0681-482674	DYE, UV LIGHT	38.97	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	277.09	
			Net of 8 Invoices / 0 Checks	277.09	
03010 12/22/2020	PACE ANALYTICAL SERVICES LLC INVOICE	2060121019	SAMPLE TESTING	144.00	
			Total:	144.00	
			Net of 1 Invoices / 0 Checks	144.00	
MISC 12/22/2020	PAUL JON INVOICE	12/15/2020	UB refund for account: 300-62350-01	66.02	
			Total:	66.02	
			Net of 1 Invoices / 0 Checks	66.02	
10252 12/22/2020	PET CARE SPECIALISTS INVOICE	415720	ANIMAL CARE	45.97	
			Total:	45.97	
			Net of 1 Invoices / 0 Checks	45.97	
00345 12/22/2020	PETE LIEN & SONS INC. INVOICE	20POS/133685	QUICKLIMES FINES RC	5,361.54	
			Total:	5,361.54	
			Net of 1 Invoices / 0 Checks	5,361.54	
03258 12/22/2020	PETTY CASH INVOICE	120420POLICE	TRAINING AND POSTAGE EXPENSES	44.81	
			Total:	44.81	
			Net of 1 Invoices / 0 Checks	44.81	
00155 12/22/2020	PLATTE COUNTY INVOICE	MONTHLY	COUNTY ATTORNEY SERVICES	3,097.23	
12/22/2020	INVOICE	12.15.2020	SID 5 MONEY GOT SENT TO US IN ERROR - RETUR	68,242.68	
			Total:	71,339.91	
			Net of 2 Invoices / 0 Checks	71,339.91	
00575 12/22/2020	PRODUCTIVITY PLUS ACCT-TITAN INVOICE	5312039A	REMAN-JOYSTICK UNIT 24	773.87	
12/22/2020	INVOICE	5320454A	CREDIT FOR CORE RETURN	(25.00)	
			Total:	748.87	
			Net of 2 Invoices / 0 Checks	748.87	
00493 12/22/2020	PSYCHOLOGICAL RESOURCES INVOICE	2011044	PSYCH EVAL-CONTRERAS	135.00	
			Total:	135.00	
			Net of 1 Invoices / 0 Checks	135.00	
01920 12/22/2020	RDO TRUCK CENTERS INVOICE	107944H	FILTER KIT, AIR FILTER, BULK OIL 15W	1,057.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	1,057.00	
			Net of 1 Invoices / 0 Checks	1,057.00	
03264	REARDON LAWN & GARDEN INC				
12/22/2020	INVOICE	3600	26 RM 68	49.98	
12/22/2020	INVOICE	3603	PLATINUM BAR OIL	17.99	
12/22/2020	INVOICE	3615	50LB COUNTERWEIGHT, DEFLECTOR,/MOUNT KITS	389.08	
12/22/2020	INVOICE	3617	CARBURETOR	73.19	
			Total:	530.24	
			Net of 4 Invoices / 0 Checks	530.24	
03265	RECORDED BOOKS INC				
12/22/2020	INVOICE	76699500	MATERIALS	213.30	
			Total:	213.30	
			Net of 1 Invoices / 0 Checks	213.30	
MISC	RIGGS JESSICA				
12/22/2020	INVOICE	12/08/2020	UB refund for account: 300-52820-03	80.84	
			Total:	80.84	
			Net of 1 Invoices / 0 Checks	80.84	
10265	ROAD BUILDERS MACHINERY AND SUPPLY				
12/22/2020	INVOICE	P04590	416 QC BLANKS	1,113.70	
			Total:	1,113.70	
			Net of 1 Invoices / 0 Checks	1,113.70	
01266	RR DONNELLEY				
12/22/2020	INVOICE	944254889	GUN APPLICATION, GUN CERTIFICATE	91.10	
			Total:	91.10	
			Net of 1 Invoices / 0 Checks	91.10	
03270	SAPP BROS COLUMBUS INC				
12/22/2020	INVOICE	22033824	FUEL	50.68	
12/22/2020	INVOICE	26018478	FUEL	38.82	
12/22/2020	INVOICE	37010211	FUEL	32.00	
12/22/2020	INVOICE	23023845	FUEL	63.09	
12/22/2020	INVOICE	29024520	FUEL	22.78	
			Total:	207.37	
			Net of 5 Invoices / 0 Checks	207.37	
03268	SAPP BROS PETROLEUM INC				
12/22/2020	INVOICE	IN3315279	FUEL	2,556.00	
12/22/2020	INVOICE	IN3315278	FUEL	4,454.00	
12/22/2020	INVOICE	IN3310465	FUEL	5,146.00	
			Total:	12,156.00	
			Net of 3 Invoices / 0 Checks	12,156.00	
03271	SCHIEFFER SIGNS INC				

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
12/22/2020	INVOICE	41149	CONVERT PD CRUISER TO CST UNIT 177	215.00	
			Total:	215.00	
			Net of 1 Invoices / 0 Checks	215.00	
10381	SCHREIBER, TARA				
12/22/2020	INVOICE	202EMCC	PATCHWORK ON UNIFORMS	20.00	
12/22/2020	INVOICE	203MCCARTHY	PATCHWORK ON UNIFORMS	30.00	
12/22/2020	INVOICE	101MOORE	PATCHWORK ON UNIFORMS	20.00	
12/22/2020	INVOICE	101HOFFMAN	PATCHWORK ON UNIFORMS	5.00	
12/22/2020	INVOICE	101JH	PATCHWORK ON UNIFORMS-UHL	15.00	
			Total:	90.00	
			Net of 5 Invoices / 0 Checks	90.00	
03276	SHERWIN-WILLIAMS CO				
12/22/2020	INVOICE	9819-6	QP EASYOUTFLTR244068	14.62	
			Total:	14.62	
			Net of 1 Invoices / 0 Checks	14.62	
01090	SHEVLIN SUPPLY				
12/22/2020	INVOICE	4906	T TISSUE, PAPER TOWELS	108.27	
12/22/2020	INVOICE	4928	CAN LINERS,T TISSUE, PAPER TOWELS	106.42	
			Total:	214.69	
			Net of 2 Invoices / 0 Checks	214.69	
03277	SIPPLE, HANSEN, EMERSON,				
12/22/2020	INVOICE	1-00M NOV	NOVEMBER LEGAL SERVICES	8,529.30	
12/22/2020	INVOICE	1-03M	LEGAL SERVICES FOR LITIGATION	268.65	
			Total:	8,797.95	
			Net of 2 Invoices / 0 Checks	8,797.95	
01324	STAN HOUSTON EQUIP CO, INC				
12/22/2020	INVOICE	968868	19' SELF-PROPEL LIFT	6,995.00	
			Total:	6,995.00	
			Net of 1 Invoices / 0 Checks	6,995.00	
02183	SUNBELT RENTALS INC				
12/22/2020	INVOICE	108282225	18" AUGER BIT	26.10	
			Total:	26.10	
			Net of 1 Invoices / 0 Checks	26.10	
00105	SUPER SAVER				
12/22/2020	INVOICE	113271	SANDWICH/STORAGE BAGS AND FOOD SUPPLIES	42.98	
			Total:	42.98	
			Net of 1 Invoices / 0 Checks	42.98	
02743	TELECOMMUNICATION SYSTEMS INC.				
12/22/2020	INVOICE	01INV-000039540	MONTHLY CIRCUIT FEE	1,554.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	1,554.00	
			Net of 1 Invoices / 0 Checks	1,554.00	
10237	TELEFLEX LLC				
12/22/2020	INVOICE	9503388191	EZ-10 25MM NEEDLES	558.87	
12/22/2020	INVOICE	9503388192	EZ-10 POWER DRIVERS	228.63	
			Total:	787.50	
			Net of 2 Invoices / 0 Checks	787.50	
01563	THOMSON REUTERS - WEST				
12/22/2020	INVOICE	843505736	MCQUILLAN LAW OF MUNICIPAL CORP	1,217.00	
			Total:	1,217.00	
			Net of 1 Invoices / 0 Checks	1,217.00	
00540	TIME WARNER CABLE				
12/22/2020	INVOICE	0213071120620	ACCT 8347 10 041 0213071 FINAL BALANCE DUE	21.11	
12/22/2020	INVOICE	0355997111620	ACCT 8347 10 041 0355997 COMMUNITY CENTER	(1.26)	
12/22/2020	INVOICE	0355989111220	ACCT 8347 10 041 0355989 COUNCIL CHAMBERS	(1.26)	
12/22/2020	INVOICE	03560031119620	ACCT 8347 10 041 0356003 VAN BERG GOLF COUR:	(1.26)	
12/22/2020	INVOICE	035597111090	ACCT 8347 10 041 0355971 TWC BC-QUAIL RUN P	(1.26)	
12/22/2020	INVOICE	105039001120120	ACCT 105039001 - COLUMBUS POLICE DEPT INTERI	359.94	
			Total:	376.01	
			Net of 6 Invoices / 0 Checks	376.01	
03128	TIRE OUTLET INC				
12/22/2020	INVOICE	192110	9 USED TIRES	850.00	
12/22/2020	INVOICE	192130	TIRE REPAIR-74A	30.00	
12/22/2020	INVOICE	192920	USED TIRES FOR 1 AND 3	150.00	
12/22/2020	INVOICE	192938	USED TIRES	125.00	
12/22/2020	INVOICE	192987	REPAIRS #74M	120.00	
12/22/2020	INVOICE	193533	TIRE REPAIR	25.00	
12/22/2020	INVOICE	193674	2 NEW TIRES FOR STREET CLEANER	622.00	
12/22/2020	INVOICE	193726	4 USED TIRES	264.00	
12/22/2020	INVOICE	192967	USED TIRES AND REPAIRS - #'S 2, 8	260.00	
			Total:	2,446.00	
			Net of 9 Invoices / 0 Checks	2,446.00	
03283	TRACTOR SUPPLY CREDIT PLAN				
12/22/2020	INVOICE	252056	RETURN BOOT, GR5 Z, REPURCHASE GR5Z	(0.20)	
12/22/2020	INVOICE	497548	PB BLASTER, CHAIN LUBE, GREASE	50.52	
12/22/2020	INVOICE	498087	HEAVY DUTY GREASE	59.22	
12/22/2020	INVOICE	497005	RUBBER BOOTS, GRS Z CARR BL	25.98	
			Total:	135.52	
			Net of 4 Invoices / 0 Checks	135.52	
10531	TREMEL SURVEYING INC.				
12/22/2020	INVOICE	120320	REFUND DUPLICATE PERMIT PAYMENT	245.00	
			Total:	245.00	
			Net of 1 Invoices / 0 Checks	245.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
00550 12/22/2020	TRUCK CENTER COMPANIES INVOICE	225016J	TRUCK 29 MAINTENANCE	540.82	
			Total:	540.82	
			Net of 1 Invoices / 0 Checks	540.82	
02326 12/22/2020	TURTLE TRACKS INVOICE	9111	VEST CARRIER/POUCH-PETERS	280.00	
			Total:	280.00	
			Net of 1 Invoices / 0 Checks	280.00	
01413 12/22/2020	TWIN RIVERS VETERINARY CLINIC INVOICE	120220ANIMAL	NOVEMBER ANIMAL CARE SERVICES	708.38	
			Total:	708.38	
			Net of 1 Invoices / 0 Checks	708.38	
10298 12/22/2020	TY'S OUTDOOR POWER & SERVICE INVOICE	22757	PINTIE CHAIN, D662, 8FT SPREADER	549.61	
			Total:	549.61	
			Net of 1 Invoices / 0 Checks	549.61	
03290 12/22/2020	ULTRA GRAPHICS INVOICE	883-47211	GREENS FEES ENVELOPES	450.93	
12/22/2020	INVOICE	883-47259	#10 ENVELOPES	114.98	
			Total:	565.91	
			Net of 2 Invoices / 0 Checks	565.91	
00700 12/22/2020	USGA INVOICE	43626696	2021 MEMBERSHIP DUES-D DUNBAR	150.00	
			Total:	150.00	
			Net of 1 Invoices / 0 Checks	150.00	
02045 12/22/2020	VAN WALL EQUIPMENT INC INVOICE	10298491	PARTS	251.95	
			Total:	251.95	
			Net of 1 Invoices / 0 Checks	251.95	
03060 12/22/2020	VERIZON CONNECT NWF, INC. INVOICE	OSVO000002292597	GPS SERVICE	32.38	
			Total:	32.38	
			Net of 1 Invoices / 0 Checks	32.38	
01181 12/22/2020	VERIZON WIRELESS INVOICE	9867897275	CELL SERVICE 11/27-12/26/20	563.53	
12/22/2020	INVOICE	9867942215	CELL PHONE/EQUIPMENT CHGS-10/28-11/26/20	1,898.11	
12/22/2020	INVOICE	9868487036	POLICE JETPACKS	472.18	
			Total:	2,933.82	
			Net of 3 Invoices / 0 Checks	2,933.82	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
03023 12/22/2020	WELDON PARTS NORTH BEND INVOICE	2566885-00	GEAR BOX REPAIR KIT	201.60	
			Total:	201.60	
			Net of 1 Invoices / 0 Checks	201.60	
02708 12/22/2020	WELLNESS PARTNERS LLC INVOICE	4202	DECEMBER 2020 NEWSLETTERS	10.00	
			Total:	10.00	
			Net of 1 Invoices / 0 Checks	10.00	
00385 12/22/2020	WEST POINT IMPLEMENT OF INVOICE	W513468	RANGE SWITCH	377.81	
			Total:	377.81	
			Net of 1 Invoices / 0 Checks	377.81	
02571 12/22/2020	WILSON & COMPANY, INC INVOICE	93847	OCT SERVICES-23ST US HWY 30 CORRIDOR	7,504.37	
			Total:	7,504.37	
			Net of 1 Invoices / 0 Checks	7,504.37	
02925 12/22/2020	WRIGLEY THOMAS SCOTT JR. INVOICE	1202200AIRPORT	REFUND-REMOVED FROM HANGAR LIST	100.00	
			Total:	100.00	
			Net of 1 Invoices / 0 Checks	100.00	
10488 12/22/2020	WSKF ARCHITECTS INVOICE	300420022	CHARLIE LOUIS STATION RENOVATION	2,461.25	
			Total:	2,461.25	
			Net of 1 Invoices / 0 Checks	2,461.25	
			invoices and 0 checks for 142 vendors:	460,733.66	

INVOICE REGISTER REPORT FOR CITY OF COLUMBUS, NE
 EXP CHECK RUN DATES 12/22/2020 - 12/22/2020
 UNJOURNALIZED

OPEN
 CLAIMS \$5,000 - \$10,000

Inv Ref#	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
56598	PETE LIEN & SONS INC.	11/30/2020	12/22/2020	5,361.54	5,361.54	Open	N
56608	SIPPLE, HANSEN, EMERSON,	12/04/2020	12/22/2020	8,529.30	8,529.30	Open	N
56609	WILSON & COMPANY, INC	11/20/2020	12/22/2020	7,504.37	7,504.37	Open	N
56610	STAN HOUSTON EQUIP CO, INC	12/03/2020	12/22/2020	6,995.00	6,995.00	Open	N
56615	DUNBAR DOUGLAS	11/30/2020	12/22/2020	6,308.00	6,308.00	Open	N
56616	COLUMBUS FAMILY RESOURCE CTR	11/30/2020	12/22/2020	9,129.00	9,129.00	Open	N
56648	ELECTRIC PUMP INC	11/30/2020	12/22/2020	5,849.00	5,849.00	Open	N
56893	LOUP POWER DISTRICT	12/01/2020	12/22/2020	9,404.62	9,404.62	Open	N
57002	LOUP POWER DISTRICT	12/07/2020	12/22/2020	6,660.00	6,660.00	Open	N
57112	SAPP BROS PETROLEUM INC	12/01/2020	12/22/2020	5,146.00	5,146.00	Open	N

# of Invoices:	10	# Due:	10	Totals:	70,886.83	70,886.83
# of Credit Memos:	0	# Due:	0	Totals:	0.00	0.00
Net of Invoices and Credit Memos:					70,886.83	70,886.83

--- TOTALS BY FUND ---

100 - GENERAL FUND	30,626.30	30,626.30
200 - STREETS/ENGINEERING	7,504.37	7,504.37
500 - UTILITY SERVICE	20,615.16	20,615.16
570 - SOLID WASTE DIVISION	12,141.00	12,141.00

--- TOTALS BY DEPT/ACTIVITY ---

100 - GENERAL ADMINISTRATION	8,529.30	8,529.30
103 - COLUMBUS COMMUNITY CENTER	9,129.00	9,129.00
110 - POLICE	6,660.00	6,660.00
155 - VAN BERG GOLF COURSE	2,082.00	2,082.00
156 - QUAIL RUN GOLF COURSE	4,226.00	4,226.00
200 - STREETS	7,504.37	7,504.37
500 - WASTEWATER COLLECTION	5,849.00	5,849.00
501 - WASTEWATER TREATMENT FAC	14,766.16	14,766.16
570 - TRANSFER STATION	12,141.00	12,141.00

INVOICE GL DISTRIBUTION REPORT FOR CITY OF COLUMBUS, NE
 EXP CHECK RUN DATES 12/21/2020 - 12/22/2020
 BOTH JOURNALIZED AND UNJOURNALIZED
 BOTH OPEN AND PAID

GL Number	Invoice Line Desc	Vendor	Invoice Date	Invoice	Amount
Fund 100 GENERAL FUND					
Dept 100 GENERAL ADMINISTRATION					
100-100-53200	PROFESSIONAL SERVICES	CENTER FOR MUNICIPAL SOLU	11/01/20	66787-001	375.00
100-100-53200	PROFESSIONAL SERVICES	JARECKI LAY & SHARP P.C.,	12/09/20	7461	546.00
100-100-53200	PROFESSIONAL SERVICES	SIPPLE, HANSEN, EMERSON,	12/04/20	Multiple	8,797.95
100-100-54310	BUILDING MAINTENANCE	JACKSON SERVICES INC	12/08/20	4439175	57.69
100-100-54320	EQUIPMENT MAINTENANCE	EAKES OFFICE SOLUTIONS	12/14/20	INV248823	295.32
100-100-55900	MISCELLANEOUS	PLATTE COUNTY	12/15/20	12.15.2020	68,242.68
100-100-55920	MISC FEES	FIRST NATIONAL BANK	11/30/20	F612 NOV	118.81
100-100-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	12/03/20	Multiple	35.47
100-100-56010	SUPPLIES	SHEVLIN SUPPLY	12/02/20	4906	108.27
100-100-56020	OFFICE SUPPLIES	DES MOINES STAMP MFG CO	08/10/20	1167189	10.50
100-100-56040	POSTAGE AND FREIGHT	FIRST NATIONAL BANK OMAHA	11/20/20	84056800756241684272	9.20
100-100-56040	POSTAGE AND FREIGHT	MAIL PREP ETC	12/08/20	2530	78.28
100-100-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	12/08/20	82663	0.41
100-100-56220	ELECTRICITY	LOUP POWER DISTRICT	12/01/20	Multiple	2,724.00
100-100-56240	TELEPHONE	FRONTIER	11/30/20	308-188-0175-091272-	1,634.24
100-100-56240	TELEPHONE	TIME WARNER CABLE	11/16/20	Multiple	(5.04)
100-100-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867942215	204.45
100-100-56410	BOOKS AND PUBLICATIONS	FIRST NATIONAL BANK OMAHA	12/04/20	120420ADM	7.58
100-100-56410	BOOKS AND PUBLICATIONS	THOMSON REUTERS - WEST	12/04/20	843505736	1,217.00
100-100-56410	BOOKS AND PUBLICATIONS	WELLNESS PARTNERS LLC	12/01/20	4202	10.00
100-100-56620	EMERGENCY MANAGEMENT	BLACK HILLS ENERGY	12/08/20	5915 3548 20 DEC	89.18
100-100-56620	EMERGENCY MANAGEMENT	HEARTLAND NATURAL GAS LLC	12/08/20	82666	89.94
100-100-56620	EMERGENCY MANAGEMENT	LOUP POWER DISTRICT	12/01/20	Multiple	379.86
Total For Dept 100 GENERAL ADMINISTRATION					85,026.79
Dept 102 COLUMBUS AREA TRANSIT					
100-102-54310	BUILDING & GROUNDS MAINT	OLSON'S PEST TECHNICIANS	12/07/20	192177	50.00
100-102-56210	NATURAL GAS	BLACK HILLS ENERGY	12/08/20	7504 0422 35 DEC	81.97
100-102-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	12/08/20	82672	61.61
100-102-56220	ELECTRICITY	LOUP POWER DISTRICT	12/01/20	169112 DEC20	97.52
100-102-56240	TELEPHONE	FRONTIER	11/30/20	308-188-0175-091272-	54.92
100-102-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867942215	23.97
Total For Dept 102 COLUMBUS AREA TRANSIT					369.99
Dept 103 COLUMBUS COMMUNITY CENTER					
100-103-54510-III-B	BUILDING RENTAL/LEASE	COLUMBUS FAMILY RESOURCE C	11/30/20	MONTHLY	6,299.01
100-103-54510-III-C	BUILDING RENTAL/LEASE	COLUMBUS FAMILY RESOURCE C	11/30/20	MONTHLY	2,829.99
100-103-56010-III-B	SUPPLIES	OFFICENET	12/11/20	950959-0	7.88
100-103-56010-III-C	SUPPLIES	OFFICENET	12/11/20	950959-0	7.88
100-103-56010-III-C	SUPPLIES	OLIVER PACKAGING AND	12/10/20	109931	257.67
100-103-56010-III-C	SUPPLIES	SUPER SAVER	12/02/20	113271	25.66
100-103-56030-III-B	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	12/01/20	4434883	11.24
100-103-56030-III-C	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	12/01/20	4434883	11.24
100-103-56300-III-C	FOOD COSTS	SUPER SAVER	12/02/20	113271	17.32
100-103-56650-III-B	MEMBERSHIP DUES	FIRST NATIONAL BANK OMAHA	11/29/20	1T314645G446253M	15.00
Total For Dept 103 COLUMBUS COMMUNITY CENTER					9,482.89
Dept 105 FINANCE					
100-105-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867942215	123.28
Total For Dept 105 FINANCE					123.28
Dept 108 HUMAN RESOURCES					
100-108-52710	EMPLOYEE RECRUITMENT/RETENTION	COLUMBUS AREA HUMAN RESOUF	12/03/20	173418-SH	125.00

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Fund 100 GENERAL FUND					
Dept 108 HUMAN RESOURCES					
100-108-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867942215	94.89
100-108-56650	MEMBERSHIP DUES	FIRST NATIONAL BANK OMAHA	12/01/20	120120HR	219.00
Total For Dept 108 HUMAN RESOURCES					438.89
Dept 110 POLICE					
100-110-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	12/02/20	Multiple	246.00
100-110-52700	TRAINING AND TUITION	PETTY CASH	12/04/20	120420POLICE	12.26
100-110-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	11/30/20	68915	55.00
100-110-52800	UNIFORMS	FIRST NATIONAL BANK OMAHA	12/04/20	Multiple	(73.72)
100-110-52800	UNIFORMS	GALLS LLC	11/16/20	Multiple	1,072.66
100-110-52810	UNIFORMS-QUARTERMASTER	A & J GUNS	11/25/20	Multiple	596.00
100-110-52810	UNIFORMS-QUARTERMASTER	FIRST NATIONAL BANK OMAHA	11/12/20	Multiple	310.53
100-110-52810	UNIFORMS-QUARTERMASTER	GALLS LLC	11/19/20	Multiple	346.99
100-110-52810	UNIFORMS-QUARTERMASTER	SCHREIBER, TARA	11/01/20	Multiple	90.00
100-110-52810	UNIFORMS-QUARTERMASTER	TURTLE TRACKS	11/12/20	9111	280.00
100-110-53200	PROFESSIONAL SERVICES	BAIRD HOLM LLP	12/09/20	257065	328.50
100-110-53200	PROFESSIONAL SERVICES	ELECTRONIC ENGINEERING	12/03/20	853002974-1	12,520.00
100-110-53200	PROFESSIONAL SERVICES	LANGUAGE LINE SERVICES INC	11/30/20	4919348	29.29
100-110-53200	PROFESSIONAL SERVICES	NEBRASKA STATE FIRE MARSH	11/30/20	86488	120.00
100-110-53200	PROFESSIONAL SERVICES	PET CARE SPECIALISTS	12/01/20	415720	45.97
100-110-53200	PROFESSIONAL SERVICES	PLATTE COUNTY	11/30/20	MONTHLY	3,097.23
100-110-53200	PROFESSIONAL SERVICES	PSYCHOLOGICAL RESOURCES	12/07/20	2011044	135.00
100-110-53200	PROFESSIONAL SERVICES	TWIN RIVERS VETERINARY CL	12/02/20	120220ANIMAL	708.38
100-110-54330	VEHICLE MAINTENANCE	CNC REPAIR LLC	11/05/20	Multiple	4,506.38
100-110-54330	VEHICLE MAINTENANCE	COLUMBUS TIRE & SERVICE	11/11/20	1-12135	30.00
100-110-54330	VEHICLE MAINTENANCE	NAPA AUTO PARTS OF COLUMB	11/13/20	690567	247.52
100-110-54330	VEHICLE MAINTENANCE	SCHIEFFER SIGNS INC	12/07/20	41149	215.00
100-110-54530	VEHICLE TOWING	BEHLEN TOWING LLC	11/03/20	Multiple	720.00
100-110-54530	VEHICLE TOWING	MIKE'S TOWING	11/30/20	Multiple	720.00
100-110-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	11/16/20	Multiple	354.50
100-110-56010	SUPPLIES	MENARDS	12/07/20	Multiple	43.83
100-110-56010	SUPPLIES	RR DONNELLEY	12/04/20	944254889	91.10
100-110-56040	POSTAGE AND FREIGHT	PETTY CASH	12/04/20	120420POLICE	32.55
100-110-56150	D.A.R.E. EXPENSE	CONNECTING POINT/RADIO SH	11/24/20	10803	269.99
100-110-56210	NATURAL GAS	BLACK HILLS ENERGY	12/08/20	Multiple	426.80
100-110-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	12/08/20	Multiple	581.42
100-110-56220	ELECTRICITY	LOUP POWER DISTRICT	12/01/20	Multiple	7,004.09
100-110-56240	TELEPHONE	FRONTIER	11/30/20	308-188-0175-091272-	173.31
100-110-56240	TELEPHONE	TIME WARNER CABLE	12/06/20	Multiple	381.05
100-110-56240	TELEPHONE	VERIZON WIRELESS	12/05/20	9868487036	472.18
100-110-57510-20017	CAPITAL-EQUIPMENT	BRITE	12/10/20	INV20767	48,660.50
Total For Dept 110 POLICE					84,850.31
Dept 120 FIRE					
100-120-52700	TRAINING AND TUITION	BURRESS ADVISORY GROUP LLC	12/01/20	1425120120	1,350.00
100-120-52710	EMPLOYEE RECRUITMENT/RETENTION	ERGOMETRICS	11/25/20	139285	345.05
100-120-52710	EMPLOYEE RECRUITMENT/RETENTION	HY-VEE INC	11/30/20	4822690931	63.00
100-120-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	11/15/20	68670	315.00
100-120-54310	BUILDING MAINTENANCE	CAT'S PRO MOW	12/01/20	048782	150.00
100-120-54320	EQUIPMENT MAINTENANCE	REARDON LAWN & GARDEN INC	12/08/20	3617	73.19
100-120-54330	VEHICLE MAINTENANCE	FIRST NATIONAL BANK OMAHA	11/16/20	111620FIRE	10.00
100-120-56010	SUPPLIES	HADLEY-BRAITHWAIT COMPANY	12/01/20	Multiple	384.65
100-120-56010	SUPPLIES	MENARDS	12/02/20	30130	60.78

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Fund 100 GENERAL FUND					
Dept 120 FIRE					
100-120-56030	CLEANING SUPPLIES/SERVICE	DANKO EMERGENCY EQUIPMENT	12/04/20	113694	45.00
100-120-56030	CLEANING SUPPLIES/SERVICE	MENARDS	12/10/20	30616	73.92
100-120-56050	FUEL	SAPP BROS COLUMBUS INC	11/11/20	Multiple	144.28
100-120-56210	NATURAL GAS	BLACK HILLS ENERGY	12/08/20	Multiple	267.91
100-120-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	12/08/20	Multiple	459.59
100-120-56220	ELECTRICITY	LOUP POWER DISTRICT	11/25/20	Multiple	871.97
100-120-56240	TELEPHONE	FRONTIER	11/30/20	402-564-0724-011400-	176.24
100-120-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867897275	281.77
100-120-57200-20021	CAPITAL-LAND & BUILDINGS	WSKF ARCHITECTS	11/30/20	300420022	2,461.25
Total For Dept 120 FIRE					7,533.60
Dept 121 RESCUE					
100-121-52710	EMPLOYEE RECRUITMENT/RETENTION	FIRST NATIONAL BANK OMAHA	11/17/20	334398	200.00
100-121-53200	PROFESSIONAL SERVICES	HOWERTER MD MARK S	11/30/20	MONHTLY	616.00
100-121-54310	BUILDING MAINTENANCE	CAT'S PRO MOW	12/01/20	048782	150.00
100-121-54330	VEHICLE MAINTENANCE	GENE STEFFY FORD	12/07/20	173674	287.40
100-121-55930	REFUNDS	ARL CREDIT SERVICES INC	11/30/20	Multiple	387.24
100-121-56010	SUPPLIES	BOB'S U-SAVE PHARMACY	12/07/20	Multiple	125.00
100-121-56010	SUPPLIES	COLUMBUS COMMUNITY HOSPITAL	12/09/20	113020RESC	648.08
100-121-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	11/17/20	127159	603.72
100-121-56010	SUPPLIES	TELEFLEX LLC	12/12/20	Multiple	787.50
100-121-56030	CLEANING SUPPLIES/SERVICE	HY-VEE INC	11/22/20	4822306287	17.94
100-121-56050	FUEL	SAPP BROS COLUMBUS INC	11/13/20	23023845	63.09
100-121-56210	NATURAL GAS	BLACK HILLS ENERGY	12/08/20	Multiple	267.92
100-121-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	12/08/20	Multiple	459.59
100-121-56220	ELECTRICITY	LOUP POWER DISTRICT	11/25/20	Multiple	871.97
100-121-56240	TELEPHONE	FRONTIER	11/30/20	402-564-0724-011400-	176.23
100-121-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867897275	281.76
Total For Dept 121 RESCUE					5,943.44
Dept 125 VOLUNTEER FIRE DEPARTMENT					
100-125-55200	INSURANCE	INSURANCE SERVICES OF COLU	11/25/20	112520VFD	3,601.00
Total For Dept 125 VOLUNTEER FIRE DEPARTMENT					3,601.00
Dept 130 LIBRARY					
100-130-52710	EMPLOYEE RECRUITMENT/RETENTION	AWARDS & ENGRAVING	12/03/20	7084	10.00
100-130-52710	EMPLOYEE RECRUITMENT/RETENTION	EAKES OFFICE SOLUTIONS	12/10/20	8157257-0	12.26
100-130-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	11/30/20	68934	220.00
100-130-53400-MAKRS	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	11/22/20	33479065	10.58
100-130-53410	ELECTRONIC CATALOGING	OCLC, INC	12/01/20	1000086514	875.79
100-130-54310	BUILDING MAINTENANCE	ACE HARDWARE & GARDEN CNT	12/11/20	Multiple	27.48
100-130-54310	BUILDING MAINTENANCE	KRATOCHVIL MICHAEL	12/07/20	120720	27.10
100-130-55400	ADVERTISING AND PROMOTION	EDUCATIONAL SERV UNIT #7	11/30/20	1886	187.31
100-130-55400	ADVERTISING AND PROMOTION	FIRST NATIONAL BANK OMAHA	11/24/20	112920LIB	66.50
100-130-55950	COVID-19 EXPENSES	ACE HARDWARE & GARDEN CNT	12/14/20	173869/5	35.98
100-130-56010-MTRLS	SUPPLIES	DEMCO INC	12/04/20	6880674	60.65
100-130-56020	OFFICE SUPPLIES	OFFICENET	12/04/20	950502-0	10.42
100-130-56020	OFFICE SUPPLIES	ULTRA GRAPHICS	12/04/20	883-47259	114.98
100-130-56030	CLEANING SUPPLIES/SERVICE	OFFICENET	12/04/20	950502-0	4.91
100-130-56040	POSTAGE AND FREIGHT	FIRST NATIONAL BANK OMAHA	12/07/20	120420POST	55.00
100-130-56040-ILILO	POSTAGE AND FREIGHT	FIRST NATIONAL BANK OMAHA	12/07/20	120420POST	235.98
100-130-56210	NATURAL GAS	BLACK HILLS ENERGY	12/08/20	7063 3714 32 DEC	337.98
100-130-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	12/08/20	82671	650.98

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Fund 100 GENERAL FUND					
Dept 130 LIBRARY					
100-130-56220	ELECTRICITY	LOUP POWER DISTRICT	12/01/20	169071 DEC20	2,696.92
100-130-56240	TELEPHONE	FRONTIER	11/30/20	402-564-0717-090619-	54.30
100-130-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867942215	41.16
100-130-56240-PATRN	TELEPHONE	GREAT PLAINS COMMUNICATION	12/01/20	996-426-0026	310.00
100-130-56400-YASCH	PROGRAMS	FIRST NATIONAL BANK OMAHA	11/11/20	Multiple	60.85
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	BLACKSTONE PUBLISHING	10/08/20	Multiple	355.24
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	CENTER POINT LARGE PRINT	11/01/20	1801309	89.28
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	GALE	11/17/20	Multiple	570.01
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	INGRAM LIBRARY SERVICES,	11/27/20	Multiple	25.60
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	MIDWEST TAPE LLC	12/10/20	99753034	89.98
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	RECORDED BOOKS INC	08/27/20	76699500	213.30
100-130-56410-CHILD	BOOKS AND PUBLICATIONS	INGRAM LIBRARY SERVICES,	11/27/20	Multiple	33.77
100-130-56410-YOUNG	BOOKS AND PUBLICATIONS	INGRAM LIBRARY SERVICES,	11/30/20	Multiple	255.72
Total For Dept 130 LIBRARY					7,740.03
Dept 140 CEMETERY					
100-140-53520	CONTRACT SERVICES	GUBBELS, DOUG	11/30/20	MONTHLY	146.50
100-140-55930	REFUNDS	FLASH, SHARON	11/09/20	110920CEM	330.00
100-140-56220	ELECTRICITY	LOUP POWER DISTRICT	12/01/20	Multiple	110.18
100-140-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867942215	41.16
Total For Dept 140 CEMETERY					627.84
Dept 145 COMMUNITY DEVELOPMENT					
100-145-54320	EQUIPMENT MAINTENANCE	EAKES OFFICE SOLUTIONS	12/14/20	INV248823	295.32
100-145-55930	REFUNDS	TREMEL SURVEYING INC.	12/03/20	120320	245.00
100-145-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867942215	164.54
100-145-56650	MEMBERSHIP DUES	IAEI	12/03/20	MEMBERID5657	120.00
Total For Dept 145 COMMUNITY DEVELOPMENT					824.86
Dept 150 PARKS					
100-150-52800	UNIFORMS	JACKSON SERVICES INC	12/08/20	4439158	16.45
100-150-54310	BUILDING MAINTENANCE	GEHRING CONSTRUCTION &	12/02/20	Multiple	900.76
100-150-54310	BUILDING MAINTENANCE	SUNBELT RENTALS INC	12/02/20	108282225	26.10
100-150-54320	EQUIPMENT MAINTENANCE	CENTRAL PARTS & MACHINE	12/07/20	2775 001-419704	113.23
100-150-54330	VEHICLE MAINTENANCE	CENTRAL PARTS & MACHINE	12/04/20	Multiple	141.83
100-150-54330	VEHICLE MAINTENANCE	TIRE OUTLET INC	12/08/20	193726	264.00
100-150-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	12/08/20	Multiple	98.19
100-150-56010	SUPPLIES	CENTRAL PARTS & MACHINE	12/02/20	2775 001-419389	2.50
100-150-56050	FUEL	NEBRASKA STATE FIRE MARSH	12/01/20	2021-603	240.00
100-150-56210	NATURAL GAS	BLACK HILLS ENERGY	12/08/20	Multiple	116.08
100-150-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	12/08/20	Multiple	113.92
100-150-56220	ELECTRICITY	LOUP POWER DISTRICT	11/18/20	Multiple	2,438.31
100-150-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867942215	243.31
Total For Dept 150 PARKS					4,714.68
Dept 151 PAWNEE PLUNGE WATER PARK					
100-151-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	12/04/20	125012	192.00
100-151-54310	BUILDING MAINTENANCE	FASTENAL COMPANY	11/19/20	NECOL229064	329.85
100-151-54310	BUILDING MAINTENANCE	MENARDS	12/10/20	30604	20.59
100-151-56210	NATURAL GAS	BLACK HILLS ENERGY	12/08/20	6942 7542 63 DEC	62.62
100-151-56220	ELECTRICITY	LOUP POWER DISTRICT	12/01/20	400070 DEC20	1,431.66
100-151-56240	TELEPHONE	FRONTIER	11/30/20	308-188-0175-091272-	188.95

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Fund 100 GENERAL FUND					
Dept 151 PAWNEE PLUNGE WATER PARK					
				Total For Dept 151 PAWNEE PLUNGE WATER PARK	2,225.67
Dept 152 AQUATIC CENTER POOL					
100-152-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	12/04/20	125013	192.00
100-152-55400	ADVERTISING AND PROMOTION	ALPHAMEDIA USA LLC	12/05/20	Multiple	3,700.00
100-152-55920	MISC FEES	FIRST NATIONAL BANK OMAHA	11/30/20	113020AQU	31.40
100-152-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	12/02/20	4435832	32.88
100-152-56030	CLEANING SUPPLIES/SERVICE	MID-AMERICAN RESEARCH	12/02/20	0718765-IN	408.00
100-152-56060	CHEMICALS	AQUA-CHEM INC	12/03/20	00194976	355.25
100-152-56210	NATURAL GAS	BLACK HILLS ENERGY	12/08/20	8429 6210 02 DEC	579.14
100-152-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	12/08/20	82673	1,194.78
100-152-56220	ELECTRICITY	LOUP POWER DISTRICT	12/01/20	169038 DEC20	4,305.05
100-152-56240	TELEPHONE	FRONTIER	11/30/20	308-188-0175-091272-	103.26
				Total For Dept 152 AQUATIC CENTER POOL	10,901.76
Dept 155 VAN BERG GOLF COURSE					
100-155-53510	COMMISSION ON LIQUOR	DUNBAR DOUGLAS	11/30/20	113020LIQU	81.90
100-155-53520	CONTRACT SERVICES	DUNBAR DOUGLAS	11/30/20	120120GOLF	2,082.00
100-155-53530	COMMISSION ON GREEN FEES	DUNBAR DOUGLAS	11/30/20	113020COMM	34.92
100-155-54320	EQUIPMENT MAINTENANCE	NAPA AUTO PARTS OF COLUMBU	12/09/20	691606	88.76
100-155-54320	EQUIPMENT MAINTENANCE	O'REILLY AUTOMOTIVE INC	12/02/20	0681-481900	16.74
100-155-54320	EQUIPMENT MAINTENANCE	REARDON LAWN & GARDEN INC	11/18/20	3600	49.98
100-155-56010	SUPPLIES	ULTRA GRAPHICS	12/04/20	883-47211	450.93
100-155-56210	NATURAL GAS	BLACK HILLS ENERGY	12/08/20	5431 5180 01 DEC	116.86
100-155-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	12/08/20	82665	152.38
100-155-56220	ELECTRICITY	LOUP POWER DISTRICT	12/01/20	Multiple	529.70
100-155-56240	TELEPHONE	FRONTIER	10/30/20	308-188-0175-091272-	(11.60)
				Total For Dept 155 VAN BERG GOLF COURSE	3,592.57
Dept 156 QUAIL RUN GOLF COURSE					
100-156-53400	COMPUTER SUPPORT/MAINT	GOLFNOW	12/03/20	INV00029307	175.00
100-156-53500	COMMISSION ON CARTS	DUNBAR DOUGLAS	11/30/20	113020COMM	269.75
100-156-53510	COMMISSION ON LIQUOR	DUNBAR DOUGLAS	11/30/20	113020LIQU	966.42
100-156-53520	CONTRACT SERVICES	DUNBAR DOUGLAS	11/30/20	120120GOLF	4,226.00
100-156-53530	COMMISSION ON GREEN FEES	DUNBAR DOUGLAS	11/30/20	113020COMM	151.22
100-156-54320	EQUIPMENT MAINTENANCE	VAN WALL EQUIPMENT INC	12/01/20	10298491	251.95
100-156-55400	ADVERTISING AND PROMOTION	DISCOVERER SPORTS BOOSER C	11/24/20	2021SPONS	125.00
100-156-55920	MISC FEES	DUNBAR DOUGLAS	11/30/20	113020TSYS	532.95
100-156-56010	SUPPLIES	CULLIGAN OF COLUMBUS	12/07/20	246194	63.85
100-156-56010	SUPPLIES	O'REILLY AUTOMOTIVE INC	12/03/20	0681-482041	32.98
100-156-56110	PRO-SHOP SUPPLIES	OFFICENET	12/10/20	951029-0	30.63
100-156-56210	NATURAL GAS	BLACK HILLS ENERGY	12/08/20	5048 9157 09 DEC	79.67
100-156-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	12/08/20	82661	59.14
100-156-56220	ELECTRICITY	LOUP POWER DISTRICT	12/01/20	Multiple	854.35
100-156-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867942215	41.16
100-156-56650	MEMBERSHIP DUES	USGA	12/01/20	43626696	150.00
				Total For Dept 156 QUAIL RUN GOLF COURSE	8,010.07
				Total For Fund 100 GENERAL FUND	236,007.67
Fund 160 PLATTE CO LIBRARY SERVICE					
Dept 160 PLATTE CO LIBRARY SERVICE					
160-160-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867942215	40.01

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Fund 160 PLATTE CO LIBRARY SERVICE					
Dept 160 PLATTE CO LIBRARY SERVICE					
				Total For Dept 160 PLATTE CO LIBRARY SERVICE	40.01
				Total For Fund 160 PLATTE CO LIBRARY SERVICE	40.01
Fund 200 STREETS/ENGINEERING					
Dept 200 STREETS					
200-200-52800	UNIFORMS	JACKSON SERVICES INC	12/03/20	Multiple	595.64
200-200-54310	BUILDING MAINTENANCE	NEBRASKA STATE FIRE MARSH	12/01/20	2020-1609	360.00
200-200-54310	BUILDING MAINTENANCE	OLSON'S PEST TECHNICIANS	12/10/20	192179	52.00
200-200-54320	EQUIPMENT MAINTENANCE	ADVANCE AUTO PARTS	12/03/20	Multiple	247.19
200-200-54320	EQUIPMENT MAINTENANCE	KELLY SUPPLY COMPANY	12/11/20	Multiple	55.11
200-200-54320	EQUIPMENT MAINTENANCE	LOGAN CONTRACTORS SUPPLY	12/07/20	Multiple	225.46
200-200-54320	EQUIPMENT MAINTENANCE	LOUP POWER DISTRICT	10/29/20	400067 DEC20	3,886.73
200-200-54320	EQUIPMENT MAINTENANCE	MACQUEEN EQUIPMENT	12/09/20	P06759	763.19
200-200-54320	EQUIPMENT MAINTENANCE	NEBRASKA HARVESTORE SYSTEM	11/30/20	8385	355.18
200-200-54320	EQUIPMENT MAINTENANCE	PRODUCTIVITY PLUS ACCT-TI	11/24/20	5312039A	773.87
200-200-54320	EQUIPMENT MAINTENANCE	REARDON LAWN & GARDEN INC	11/12/20	3603	17.99
200-200-54320	EQUIPMENT MAINTENANCE	SHERWIN-WILLIAMS CO	12/07/20	9819-6	14.62
200-200-54320	EQUIPMENT MAINTENANCE	TIRE OUTLET INC	12/07/20	193674	622.00
200-200-54320	EQUIPMENT MAINTENANCE	TRUCK CENTER COMPANIES	12/01/20	225016J	540.82
200-200-54320	EQUIPMENT MAINTENANCE	TY'S OUTDOOR POWER & SERVI	10/20/20	22757	549.61
200-200-54320	EQUIPMENT MAINTENANCE	WEST POINT IMPLEMENT OF	12/09/20	W513468	377.81
200-200-54330	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	12/08/20	Multiple	59.36
200-200-54330	VEHICLE MAINTENANCE	INTERSTATE BATTERY SYSTEM	12/02/20	210078259	132.95
200-200-54330	VEHICLE MAINTENANCE	O'REILLY AUTOMOTIVE INC	12/03/20	0681-482084	21.99
200-200-54450	STREET MAINTENANCE	GEHRING CONSTRUCTION &	12/02/20	52245	255.50
200-200-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	12/03/20	Multiple	112.29
200-200-56010	SUPPLIES	ADVANCE AUTO PARTS	12/04/20	5606033966778	12.84
200-200-56010	SUPPLIES	O'REILLY AUTOMOTIVE INC	12/09/20	Multiple	165.79
200-200-56020	OFFICE SUPPLIES	OFFICENET	12/07/20	950514-0	164.17
200-200-56050	FUEL	SAPP BROS PETROLEUM INC	12/08/20	Multiple	7,010.00
200-200-56120	TRAFFIC SIGNS	MD SOLUTIONS INC	12/01/20	0042731	1,710.00
200-200-56120	TRAFFIC SIGNS	NEWMAN SIGNS INC.	12/08/20	Multiple	581.52
200-200-56210	NATURAL GAS	BLACK HILLS ENERGY	12/08/20	6310 3990 85 DEC	262.72
200-200-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	12/08/20	82674	514.63
200-200-56220	ELECTRICITY	LOUP POWER DISTRICT	12/01/20	Multiple	31,434.08
200-200-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867942215	186.21
200-200-56250	REFUSE	ACE SANITATION SERVICE INC	11/30/20	4932	39.00
200-200-57300-20077	CAPITAL-NEW CONSTRUCTION	WILSON & COMPANY, INC	11/20/20	93847	7,504.37
				Total For Dept 200 STREETS	59,604.64
				Total For Fund 200 STREETS/ENGINEERING	59,604.64
Fund 205 AIRPORT					
Dept 000					
205-000-22301	DEPOSITS PAYABLE	WRIGLEY THOMAS SCOTT JR.	12/02/20	1202200AIRPORT	100.00
				Total For Dept 000	100.00
Dept 205 AIRPORT					
205-205-54320	EQUIPMENT MAINTENANCE	REARDON LAWN & GARDEN INC	12/08/20	3615	389.08
205-205-54330	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	12/08/20	5606034330961	45.57
205-205-55400	ADVERTISING AND PROMOTION	NE ASSOC OF AIRPORT OFFICJ	12/01/20	2021AIRPORT	250.00
205-205-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	12/08/20	173732/5	42.98
205-205-56010	SUPPLIES	MENARDS	12/03/20	Multiple	116.52

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Fund 205 AIRPORT					
Dept 205 AIRPORT					
205-205-56010	SUPPLIES	TRACTOR SUPPLY CREDIT PLAN	11/12/20	Multiple	25.78
205-205-56210	NATURAL GAS	BLACK HILLS ENERGY	12/08/20	3224 1153 18 DEC	83.90
205-205-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	12/08/20	82659	78.03
205-205-56220	ELECTRICITY	LOUP POWER DISTRICT	12/01/20	Multiple	1,166.82
205-205-56240	TELEPHONE	FRONTIER	11/30/20	308-188-0175-091272-	199.98
205-205-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867942215	82.32
205-205-56260	UTILITIES - FSS BUILDING	LOUP POWER DISTRICT	12/01/20	400096 DEC20	493.50
205-205-57300-20084	CAPITAL-NEW CONSTRUCTION	MENARDS	12/03/20	30206	30.27
Total For Dept 205 AIRPORT					3,004.75
Total For Fund 205 AIRPORT					3,104.75
Fund 211 1/2 CENT SALES TAX					
Dept 211 1/2 CENT SALES TAX					
211-211-57550-20088	CAPITAL-CAPITAL IMPROVE	COLUMBUS MUSIC	12/01/20	34634	1,830.00
211-211-57550-20088	CAPITAL-CAPITAL IMPROVE	FIRST NATIONAL BANK OMAHA	11/04/20	1C38BT9	1,574.20
Total For Dept 211 1/2 CENT SALES TAX					3,404.20
Total For Fund 211 1/2 CENT SALES TAX					3,404.20
Fund 220 COMMUNICATIONS - E911					
Dept 220 E911					
220-220-53200	PROFESSIONAL SERVICES	LANGUAGE LINE SERVICES INC	11/30/20	4919406	7.88
220-220-53400	COMPUTER SUPPORT/MAINT	OFFICENET	12/04/20	950569-0	134.41
220-220-56010	SUPPLIES	SHEVLIN SUPPLY	12/10/20	4928	106.42
220-220-56020	OFFICE SUPPLIES	OFFICENET	12/04/20	950569-0	45.89
220-220-56220	ELECTRICITY	LOUP POWER DISTRICT	12/01/20	400096 DEC20	493.50
220-220-56240	TELEPHONE	CENTURY LINK	12/01/20	402D33-0433 046	169.09
220-220-56240	TELEPHONE	FRONTIER	11/30/20	Multiple	1,770.10
220-220-56240	TELEPHONE	LINGO	12/01/20	1185761149	51.65
220-220-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867942215	41.16
Total For Dept 220 E911					2,820.10
Total For Fund 220 COMMUNICATIONS - E911					2,820.10
Fund 221 COMMUNICATIONS - WIRELESS E911					
Dept 221 WIRELESS E911					
221-221-53200	PROFESSIONAL SERVICES	LANGUAGE LINE SERVICES INC	11/30/20	4919406	38.44
221-221-56240	TELEPHONE	CENTURY LINK	12/01/20	402D33-0433 046	825.54
Total For Dept 221 WIRELESS E911					863.98
Total For Fund 221 COMMUNICATIONS - WIRELESS E911					863.98
Fund 225 COMMUNICATIONS-EC-911 EQUIPMENT SHARING					
Dept 225 EC-911 EQUIPMENT SHARING					
225-225-56240	TELEPHONE	TELECOMMUNICATION SYSTEMS	12/08/20	01INV-000039540	1,554.00
Total For Dept 225 EC-911 EQUIPMENT SHARING					1,554.00
Total For Fund 225 COMMUNICATIONS-EC-911 EQUIPMENT SHARING					1,554.00
Fund 240 HOUSING REHAB & LOANS					
Dept 243 CDBG REVOLVING REHAB LOAN					
240-243-56780	HOUSING LOANS & ADMIN	HOME IMPROVEMENT USA	12/01/20	12.01.2020	1,158.86

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Fund 240 HOUSING REHAB & LOANS					
Dept 243 CDBG REVOLVING REHAB LOAN					
Total For Dept 243 CDBG REVOLVING REHAB LOAN					1,158.86
Total For Fund 240 HOUSING REHAB & LOANS					1,158.86
Fund 260 PROGRESS AND JOBS GROWTH					
Dept 260 PROGRESS AND JOBS GROWTH					
260-260-56760	ECONOMIC DEVELOPMENT PLAN	COLUMBUS AREA FUTURE FUND	11/20/20	112020CAFF	3,000.00
Total For Dept 260 PROGRESS AND JOBS GROWTH					3,000.00
Total For Fund 260 PROGRESS AND JOBS GROWTH					3,000.00
Fund 500 UTILITY SERVICE					
Dept 000					
500-000-20100	SAM-42	MARIK AMY	12/11/20	Multiple	136.89
Total For Dept 000					136.89
Dept 500 WASTEWATER COLLECTION					
500-500-52800	UNIFORMS	JACKSON SERVICES INC	12/03/20	Multiple	399.96
500-500-54320	EQUIPMENT MAINTENANCE	MUNICIPAL PIPE TOOL CO LLC	12/07/20	31909	681.99
500-500-54330	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	11/24/20	Multiple	166.49
500-500-54330	VEHICLE MAINTENANCE	TIRE OUTLET INC	12/03/20	193533	25.00
500-500-54390	SYSTEM MAINTENANCE	A TO Z MESSAGING	12/01/20	12283	52.50
500-500-54390	SYSTEM MAINTENANCE	GEHRING CONSTRUCTION &	12/01/20	Multiple	782.25
500-500-54390	SYSTEM MAINTENANCE	KELLY SUPPLY COMPANY	12/09/20	S12257762-0	26.14
500-500-54390	SYSTEM MAINTENANCE	MENARDS	12/03/20	30186	26.40
500-500-55920	MISC FEES	FIRST NATIONAL BANK	11/30/20	F612 NOV	178.22
500-500-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	12/03/20	1016951298	48.45
500-500-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	12/03/20	Multiple	36.78
500-500-56040	POSTAGE AND FREIGHT	MAIL PREP ETC	12/08/20	2530	2,084.07
500-500-56220	ELECTRICITY	LOUP POWER DISTRICT	11/24/20	Multiple	1,916.29
500-500-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867942215	302.95
500-500-56250	REFUSE	ACE SANITATION SERVICE INC	11/30/20	4931	39.00
500-500-57300-20092	CAPITAL-NEW CONSTRUCTION	MIDWEST RIGHT OF WAY SERV	12/07/20	5690	3,185.00
500-500-57510-21036	CAPITAL-EQUIPMENT	ELECTRIC PUMP INC	11/30/20	0889902-IN	5,849.00
Total For Dept 500 WASTEWATER COLLECTION					15,800.49
Dept 501 WASTEWATER TREATMENT FAC					
500-501-52700	TRAINING AND TUITION	NEBRASKA DEPT OF ENVIRONME	12/01/20	2656 SOWARD	150.00
500-501-52800	UNIFORMS	JACKSON SERVICES INC	12/03/20	Multiple	181.62
500-501-54320	EQUIPMENT MAINTENANCE	MCMASTER-CARR	12/09/20	50003113	22.85
500-501-54320	EQUIPMENT MAINTENANCE	RDO TRUCK CENTERS	12/03/20	107944H	1,057.00
500-501-55640	COMPLIANCE TESTING	MIDWEST LABORATORIES INC	12/03/20	1017528	90.75
500-501-55640	COMPLIANCE TESTING	PACE ANALYTICAL SERVICES I	12/03/20	2060121019	144.00
500-501-56010	SUPPLIES	EDISON LIGHTING SUPPLY &	11/23/20	40080	1,167.06
500-501-56010	SUPPLIES	MENARDS	12/07/20	30423	32.71
500-501-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	12/03/20	Multiple	20.31
500-501-56060	CHEMICALS	PETE LIEN & SONS INC.	11/30/20	20POS/133685	5,361.54
500-501-56210	NATURAL GAS	BLACK HILLS ENERGY	12/08/20	6007 1329 48 DEC	1,966.50
500-501-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	12/08/20	Multiple	2,483.62
500-501-56220	ELECTRICITY	LOUP POWER DISTRICT	12/01/20	Multiple	13,154.62
500-501-56240	TELEPHONE	FRONTIER	11/30/20	308-188-0175-091272-	120.48
500-501-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867942215	82.32
500-501-56250	REFUSE	NORTHEAST NEBRASKA SOLID	11/30/20	113020TRSFR	159.61
500-501-57200-20097	CAPITAL-LAND & BUILDINGS	HDR ENGINEERING INC	12/01/20	1200311053	13,158.67

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Fund 500 UTILITY SERVICE					
Dept 501 WASTEWATER TREATMENT FAC					
Total For Dept 501 WASTEWATER TREATMENT FAC					39,353.66
Total For Fund 500 UTILITY SERVICE					55,291.04
Fund 520 WATER					
Dept 000					
520-000-20100	WAM-42	MARIK AMY	12/11/20	Multiple	48.88
Total For Dept 000					48.88
Dept 520 WATER					
520-520-52800	UNIFORMS	JACKSON SERVICES INC	12/08/20	4439159	55.10
520-520-54310	BUILDING MAINTENANCE	O'REILLY AUTOMOTIVE INC	12/01/20	Multiple	39.59
520-520-54320	EQUIPMENT MAINTENANCE	EAKES OFFICE SOLUTIONS	12/14/20	INV248823	295.32
520-520-54320	EQUIPMENT MAINTENANCE	NORTHWEST ELECTRIC LLC	12/03/20	211417	167.99
520-520-54390	SYSTEM MAINTENANCE	A TO Z MESSAGING	12/01/20	12283	52.50
520-520-54390	SYSTEM MAINTENANCE	ACE HARDWARE & GARDEN CNT	12/08/20	Multiple	54.24
520-520-54390	SYSTEM MAINTENANCE	GEHRING CONSTRUCTION &	12/01/20	Multiple	644.26
520-520-54390	SYSTEM MAINTENANCE	LINCOLN WINWATER WORKS	12/03/20	073845 01	1,431.00
520-520-55920	MISC FEES	FIRST NATIONAL BANK	11/30/20	F612 NOV	178.22
520-520-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	12/03/20	1016951298	48.44
520-520-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	12/03/20	Multiple	83.20
520-520-56040	POSTAGE AND FREIGHT	MAIL PREP ETC	12/08/20	2530	2,084.06
520-520-56210	NATURAL GAS	BLACK HILLS ENERGY	12/08/20	Multiple	562.50
520-520-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	12/08/20	82674	220.55
520-520-56220	ELECTRICITY	LOUP POWER DISTRICT	11/24/20	Multiple	12,039.98
520-520-56240	TELEPHONE	FRONTIER	11/30/20	Multiple	357.68
520-520-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867942215	144.06
Total For Dept 520 WATER					18,458.69
Dept 522 SUPERFUND PROJECT					
520-522-56220	ELECTRICITY	LOUP POWER DISTRICT	12/01/20	Multiple	335.07
Total For Dept 522 SUPERFUND PROJECT					335.07
Total For Fund 520 WATER					18,842.64
Fund 560 STORMWATER UTILITY					
Dept 000					
560-000-20100	SUF-5	MARIK AMY	12/11/20	Multiple	7.52
Total For Dept 000					7.52
Dept 560 STORMWATER UTILITY					
560-560-53400	COMPUTER SUPPORT/MAINT	VERIZON CONNECT NWF, INC.	12/01/20	OSVO000002292597	32.38
Total For Dept 560 STORMWATER UTILITY					32.38
Total For Fund 560 STORMWATER UTILITY					39.90
Fund 570 SOLID WASTE DIVISION					
Dept 000					
570-000-20100	SWD-1	PAUL JON	12/15/20	12/15/2020	3.23
Total For Dept 000					3.23
Dept 570 TRANSFER STATION					
570-570-52800	UNIFORMS	JACKSON SERVICES INC	12/03/20	Multiple	203.37
570-570-53200	PROFESSIONAL SERVICES	OLSON'S PEST TECHNICIANS	12/07/20	192180	50.00

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Fund 570 SOLID WASTE DIVISION					
Dept 570 TRANSFER STATION					
570-570-54320	EQUIPMENT MAINTENANCE	ROAD BUILDERS MACHINERY AN	12/03/20	P04590	1,113.70
570-570-54330	VEHICLE MAINTENANCE	TIRE OUTLET INC	11/11/20	Multiple	1,535.00
570-570-54330	VEHICLE MAINTENANCE	TRACTOR SUPPLY CREDIT PLAN	11/23/20	498087	59.22
570-570-54330	VEHICLE MAINTENANCE	WELDON PARTS NORTH BEND	12/04/20	2566885-00	201.60
570-570-54550	LANDFILL DISPOSAL	NORTHEAST NEBRASKA SOLID	11/30/20	113020TRSFR	57,773.51
570-570-55930	REFUNDS	PRODUCTIVITY PLUS ACCT-TII	12/02/20	5320454A	(25.00)
570-570-56010	SUPPLIES	TRACTOR SUPPLY CREDIT PLAN	11/17/20	497548	50.52
570-570-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	12/10/20	4441748	30.57
570-570-56050	FUEL	SAPP BROS PETROLEUM INC	12/01/20	IN3310465	5,146.00
570-570-56220	ELECTRICITY	LOUP POWER DISTRICT	12/01/20	Multiple	731.23
570-570-56240	TELEPHONE	VERIZON WIRELESS	11/26/20	9867942215	41.16
570-570-57510-21033	CAPITAL-EQUIPMENT	STAN HOUSTON EQUIP CO, INC	12/03/20	968868	6,995.00
Total For Dept 570 TRANSFER STATION					73,905.88
Total For Fund 570 SOLID WASTE DIVISION					73,909.11
Fund 600 HEALTH INSURANCE					
Dept 000					
600-000-10113	PETTY CASH WELLNESS	COLUMBUS AREA CHAMBER OF	12/10/20	HEALTH	1,480.00
Total For Dept 000					1,480.00
Total For Fund 600 HEALTH INSURANCE					1,480.00

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Fund Totals:					
		Fund 100	GENERAL FUND		236,007.67
		Fund 160	PLATTE CO LIBRARY SERVI		40.01
		Fund 200	STREETS/ENGINEERING		59,604.64
		Fund 205	AIRPORT		3,104.75
		Fund 211	1/2 CENT SALES TAX		3,404.20
		Fund 220	COMMUNICATIONS - E911		2,820.10
		Fund 221	COMMUNICATIONS - WIRELE		863.98
		Fund 225	COMMUNICATIONS-EC-911 E		1,554.00
		Fund 240	HOUSING REHAB & LOANS		1,158.86
		Fund 260	PROGRESS AND JOBS GROWTH		3,000.00
		Fund 500	UTILITY SERVICE		55,291.04
		Fund 520	WATER		18,842.64
		Fund 560	STORMWATER UTILITY		39.90
		Fund 570	SOLID WASTE DIVISION		73,909.11
		Fund 600	HEALTH INSURANCE		1,480.00
Total For All Funds:					461,120.90
--- TOTALS BY GL DISTRIBUTION ---					
	100-100-53200		PROFESSIONAL SERVICES		9,718.95
	100-100-54310		BUILDING MAINTENANCE		57.69
	100-100-54320		EQUIPMENT MAINTENANCE		295.32
	100-100-55900		MISCELLANEOUS		68,242.68
	100-100-55920		MISC FEES		118.81
	100-100-56010		SUPPLIES		143.74
	100-100-56020		OFFICE SUPPLIES		10.50
	100-100-56040		POSTAGE AND FREIGHT		87.48
	100-100-56210		NATURAL GAS		0.41
	100-100-56220		ELECTRICITY		2,724.00
	100-100-56240		TELEPHONE		1,833.65
	100-100-56410		BOOKS AND PUBLICATIONS		1,234.58
	100-100-56620		EMERGENCY MANAGEMENT		558.98
	100-102-54310		BUILDING & GROUNDS MAINT		50.00
	100-102-56210		NATURAL GAS		143.58
	100-102-56220		ELECTRICITY		97.52
	100-102-56240		TELEPHONE		78.89
	100-103-54510-III-B		BUILDING RENTAL/LEASE		6,299.01
	100-103-54510-III-C		BUILDING RENTAL/LEASE		2,829.99
	100-103-56010-III-B		SUPPLIES		7.88
	100-103-56010-III-C		SUPPLIES		291.21
	100-103-56030-III-B		CLEANING SUPPLIES/SERVICE		11.24
	100-103-56030-III-C		CLEANING SUPPLIES/SERVICE		11.24
	100-103-56300-III-C		FOOD COSTS		17.32
	100-103-56650-III-B		MEMBERSHIP DUES		15.00
	100-105-56240		TELEPHONE		123.28
	100-108-52710		EMPLOYEE RECRUITMENT/RETENTION		125.00
	100-108-56240		TELEPHONE		94.89
	100-108-56650		MEMBERSHIP DUES		219.00
	100-110-52700		TRAINING AND TUITION		258.26
	100-110-52710		EMPLOYEE RECRUITMENT/RETENTION		55.00
	100-110-52800		UNIFORMS		998.94
	100-110-52810		UNIFORMS-QUARTERMASTER		1,623.52
	100-110-53200		PROFESSIONAL SERVICES		16,984.37
	100-110-54330		VEHICLE MAINTENANCE		4,998.90
	100-110-54530		VEHICLE TOWING		1,440.00
	100-110-56010		SUPPLIES		489.43
	100-110-56040		POSTAGE AND FREIGHT		32.55

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		100-110-56150		D.A.R.E. EXPENSE	269.99
		100-110-56210		NATURAL GAS	1,008.22
		100-110-56220		ELECTRICITY	7,004.09
		100-110-56240		TELEPHONE	1,026.54
		100-110-57510-20017		CAPITAL-EQUIPMENT	48,660.50
		100-120-52700		TRAINING AND TUITION	1,350.00
		100-120-52710		EMPLOYEE RECRUITMENT/RETENTION	723.05
		100-120-54310		BUILDING MAINTENANCE	150.00
		100-120-54320		EQUIPMENT MAINTENANCE	73.19
		100-120-54330		VEHICLE MAINTENANCE	10.00
		100-120-56010		SUPPLIES	445.43
		100-120-56030		CLEANING SUPPLIES/SERVICE	118.92
		100-120-56050		FUEL	144.28
		100-120-56210		NATURAL GAS	727.50
		100-120-56220		ELECTRICITY	871.97
		100-120-56240		TELEPHONE	458.01
		100-120-57200-20021		CAPITAL-LAND & BUILDINGS	2,461.25
		100-121-52710		EMPLOYEE RECRUITMENT/RETENTION	200.00
		100-121-53200		PROFESSIONAL SERVICES	616.00
		100-121-54310		BUILDING MAINTENANCE	150.00
		100-121-54330		VEHICLE MAINTENANCE	287.40
		100-121-55930		REFUNDS	387.24
		100-121-56010		SUPPLIES	2,164.30
		100-121-56030		CLEANING SUPPLIES/SERVICE	17.94
		100-121-56050		FUEL	63.09
		100-121-56210		NATURAL GAS	727.51
		100-121-56220		ELECTRICITY	871.97
		100-121-56240		TELEPHONE	457.99
		100-125-55200		INSURANCE	3,601.00
		100-130-52710		EMPLOYEE RECRUITMENT/RETENTION	242.26
		100-130-53400-MAKRS		COMPUTER SUPPORT/MAINT	10.58
		100-130-53410		ELECTRONIC CATALOGING	875.79
		100-130-54310		BUILDING MAINTENANCE	54.58
		100-130-55400		ADVERTISING AND PROMOTION	253.81
		100-130-55950		COVID-19 EXPENSES	35.98
		100-130-56010-MTRLS		SUPPLIES	60.65
		100-130-56020		OFFICE SUPPLIES	125.40
		100-130-56030		CLEANING SUPPLIES/SERVICE	4.91
		100-130-56040		POSTAGE AND FREIGHT	55.00
		100-130-56040-ILILO		POSTAGE AND FREIGHT	235.98
		100-130-56210		NATURAL GAS	988.96
		100-130-56220		ELECTRICITY	2,696.92
		100-130-56240		TELEPHONE	95.46
		100-130-56240-PATRN		TELEPHONE	310.00
		100-130-56400-YASCH		PROGRAMS	60.85
		100-130-56410-ADULT		BOOKS AND PUBLICATIONS	1,343.41
		100-130-56410-CHILD		BOOKS AND PUBLICATIONS	33.77
		100-130-56410-YOUNG		BOOKS AND PUBLICATIONS	255.72
		100-140-53520		CONTRACT SERVICES	146.50
		100-140-55930		REFUNDS	330.00
		100-140-56220		ELECTRICITY	110.18
		100-140-56240		TELEPHONE	41.16
		100-145-54320		EQUIPMENT MAINTENANCE	295.32
		100-145-55930		REFUNDS	245.00
		100-145-56240		TELEPHONE	164.54
		100-145-56650		MEMBERSHIP DUES	120.00
		100-150-52800		UNIFORMS	16.45
		100-150-54310		BUILDING MAINTENANCE	926.86
		100-150-54320		EQUIPMENT MAINTENANCE	113.23

INVOICE GL DISTRIBUTION REPORT FOR CITY OF COLUMBUS, NE
 EXP CHECK RUN DATES 12/21/2020 - 12/22/2020
 BOTH JOURNALIZED AND UNJOURNALIZED
 BOTH OPEN AND PAID

GL Number	Invoice Line Desc	Vendor	Invoice Date	Invoice	Amount
		100-150-54330		VEHICLE MAINTENANCE	405.83
		100-150-56010		SUPPLIES	100.69
		100-150-56050		FUEL	240.00
		100-150-56210		NATURAL GAS	230.00
		100-150-56220		ELECTRICITY	2,438.31
		100-150-56240		TELEPHONE	243.31
		100-151-52700		TRAINING AND TUITION	192.00
		100-151-54310		BUILDING MAINTENANCE	350.44
		100-151-56210		NATURAL GAS	62.62
		100-151-56220		ELECTRICITY	1,431.66
		100-151-56240		TELEPHONE	188.95
		100-152-52700		TRAINING AND TUITION	192.00
		100-152-55400		ADVERTISING AND PROMOTION	3,700.00
		100-152-55920		MISC FEES	31.40
		100-152-56030		CLEANING SUPPLIES/SERVICE	440.88
		100-152-56060		CHEMICALS	355.25
		100-152-56210		NATURAL GAS	1,773.92
		100-152-56220		ELECTRICITY	4,305.05
		100-152-56240		TELEPHONE	103.26
		100-155-53510		COMMISSION ON LIQUOR	81.90
		100-155-53520		CONTRACT SERVICES	2,082.00
		100-155-53530		COMMISSION ON GREEN FEES	34.92
		100-155-54320		EQUIPMENT MAINTENANCE	155.48
		100-155-56010		SUPPLIES	450.93
		100-155-56210		NATURAL GAS	269.24
		100-155-56220		ELECTRICITY	529.70
		100-155-56240		TELEPHONE	(11.60)
		100-156-53400		COMPUTER SUPPORT/MAINT	175.00
		100-156-53500		COMMISSION ON CARTS	269.75
		100-156-53510		COMMISSION ON LIQUOR	966.42
		100-156-53520		CONTRACT SERVICES	4,226.00
		100-156-53530		COMMISSION ON GREEN FEES	151.22
		100-156-54320		EQUIPMENT MAINTENANCE	251.95
		100-156-55400		ADVERTISING AND PROMOTION	125.00
		100-156-55920		MISC FEES	532.95
		100-156-56010		SUPPLIES	96.83
		100-156-56110		PRO-SHOP SUPPLIES	30.63
		100-156-56210		NATURAL GAS	138.81
		100-156-56220		ELECTRICITY	854.35
		100-156-56240		TELEPHONE	41.16
		100-156-56650		MEMBERSHIP DUES	150.00
		160-160-56240		TELEPHONE	40.01
		200-200-52800		UNIFORMS	595.64
		200-200-54310		BUILDING MAINTENANCE	412.00
		200-200-54320		EQUIPMENT MAINTENANCE	8,429.58
		200-200-54330		VEHICLE MAINTENANCE	214.30
		200-200-54450		STREET MAINTENANCE	255.50
		200-200-56010		SUPPLIES	290.92
		200-200-56020		OFFICE SUPPLIES	164.17
		200-200-56050		FUEL	7,010.00
		200-200-56120		TRAFFIC SIGNS	2,291.52
		200-200-56210		NATURAL GAS	777.35
		200-200-56220		ELECTRICITY	31,434.08
		200-200-56240		TELEPHONE	186.21
		200-200-56250		REFUSE	39.00
		200-200-57300-20077		CAPITAL-NEW CONSTRUCTION	7,504.37
		205-000-22301		DEPOSITS PAYABLE	100.00
		205-205-54320		EQUIPMENT MAINTENANCE	389.08
		205-205-54330		VEHICLE MAINTENANCE	45.57

INVOICE GL DISTRIBUTION REPORT FOR CITY OF COLUMBUS, NE
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GL Number	Invoice Line Desc	Vendor	Invoice Date	Invoice	Amount
		205-205-55400		ADVERTISING AND PROMOTION	250.00
		205-205-56010		SUPPLIES	185.28
		205-205-56210		NATURAL GAS	161.93
		205-205-56220		ELECTRICITY	1,166.82
		205-205-56240		TELEPHONE	282.30
		205-205-56260		UTILITIES - FSS BUILDING	493.50
		205-205-57300-20084		CAPITAL-NEW CONSTRUCTION	30.27
		211-211-57550-20088		CAPITAL-CAPITAL IMPROVE	3,404.20
		220-220-53200		PROFESSIONAL SERVICES	7.88
		220-220-53400		COMPUTER SUPPORT/MAINT	134.41
		220-220-56010		SUPPLIES	106.42
		220-220-56020		OFFICE SUPPLIES	45.89
		220-220-56220		ELECTRICITY	493.50
		220-220-56240		TELEPHONE	2,032.00
		221-221-53200		PROFESSIONAL SERVICES	38.44
		221-221-56240		TELEPHONE	825.54
		225-225-56240		TELEPHONE	1,554.00
		240-243-56780		HOUSING LOANS & ADMIN	1,158.86
		260-260-56760		ECONOMIC DEVELOPMENT PLAN	3,000.00
		500-000-20100		SAM-42	136.89
		500-500-52800		UNIFORMS	399.96
		500-500-54320		EQUIPMENT MAINTENANCE	681.99
		500-500-54330		VEHICLE MAINTENANCE	191.49
		500-500-54390		SYSTEM MAINTENANCE	887.29
		500-500-55920		MISC FEES	178.22
		500-500-56010		SUPPLIES	48.45
		500-500-56030		CLEANING SUPPLIES/SERVICE	36.78
		500-500-56040		POSTAGE AND FREIGHT	2,084.07
		500-500-56220		ELECTRICITY	1,916.29
		500-500-56240		TELEPHONE	302.95
		500-500-56250		REFUSE	39.00
		500-500-57300-20092		CAPITAL-NEW CONSTRUCTION	3,185.00
		500-500-57510-21036		CAPITAL-EQUIPMENT	5,849.00
		500-501-52700		TRAINING AND TUITION	150.00
		500-501-52800		UNIFORMS	181.62
		500-501-54320		EQUIPMENT MAINTENANCE	1,079.85
		500-501-55640		COMPLIANCE TESTING	234.75
		500-501-56010		SUPPLIES	1,199.77
		500-501-56030		CLEANING SUPPLIES/SERVICE	20.31
		500-501-56060		CHEMICALS	5,361.54
		500-501-56210		NATURAL GAS	4,450.12
		500-501-56220		ELECTRICITY	13,154.62
		500-501-56240		TELEPHONE	202.80
		500-501-56250		REFUSE	159.61
		500-501-57200-20097		CAPITAL-LAND & BUILDINGS	13,158.67
		520-000-20100		WAM-42	48.88
		520-520-52800		UNIFORMS	55.10
		520-520-54310		BUILDING MAINTENANCE	39.59
		520-520-54320		EQUIPMENT MAINTENANCE	463.31
		520-520-54390		SYSTEM MAINTENANCE	2,182.00
		520-520-55920		MISC FEES	178.22
		520-520-56010		SUPPLIES	48.44
		520-520-56030		CLEANING SUPPLIES/SERVICE	83.20
		520-520-56040		POSTAGE AND FREIGHT	2,084.06
		520-520-56210		NATURAL GAS	783.05
		520-520-56220		ELECTRICITY	12,039.98
		520-520-56240		TELEPHONE	501.74
		520-522-56220		ELECTRICITY	335.07
		560-000-20100		SUF-5	7.52

INVOICE GL DISTRIBUTION REPORT FOR CITY OF COLUMBUS, NE
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GL Number	Invoice Line Desc	Vendor	Invoice Date	Invoice	Amount
		560-560-53400		COMPUTER SUPPORT/MAINT	32.38
		570-000-20100		SWD-1	3.23
		570-570-52800		UNIFORMS	203.37
		570-570-53200		PROFESSIONAL SERVICES	50.00
		570-570-54320		EQUIPMENT MAINTENANCE	1,113.70
		570-570-54330		VEHICLE MAINTENANCE	1,795.82
		570-570-54550		LANDFILL DISPOSAL	57,773.51
		570-570-55930		REFUNDS	(25.00)
		570-570-56010		SUPPLIES	50.52
		570-570-56030		CLEANING SUPPLIES/SERVICE	30.57
		570-570-56050		FUEL	5,146.00
		570-570-56220		ELECTRICITY	731.23
		570-570-56240		TELEPHONE	41.16
		570-570-57510-21033		CAPITAL-EQUIPMENT	6,995.00
		600-000-10113		PETTY CASH WELLNESS	1,480.00

5. **APPROVAL OF MINUTES - Included in Consent Agenda**

6. **SPECIAL PRESENTATIONS - None**

7. **PUBLIC HEARINGS**

A. Public hearing - Application of Mark Bierman for final plat and development agreement of Eastview Subdivision (5 Street and 3 Avenue). (Planning Commission recommends approval.)

**NOTICE OF HEARING
TO ALL PARTIES IN INTEREST AND CITIZENS OF
COLUMBUS, NEBRASKA**

You are hereby notified that a public hearing before the City Council of the City of Columbus, Nebraska, will be held on Monday, December 21, 2020, at 7 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska, on the final plat and development agreement of Eastview Subdivision, the East 14 feet of Lot 1 and Lots 2 thru 6, Speicher Subdivision to the City of Columbus, Platte County, Nebraska, containing 1.86 acres more or less (5 Street and 3 Avenue) and at said time and place you may appear and be heard.

Dated this 10 day of December, 2020.

CITY OF COLUMBUS, NEBRASKA
By: Janelle Kline
City Clerk

Publish: 12:10:20
One Affidavit of Publication

The City of **Columbus**

MEMORANDUM

DATE: December 9, 2020
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Eastview Addition - Final Plat

RECOMMENDATION:

I recommend the approval of the final plat of Eastview Addition as it is consistent with the Preliminary Plat. The Preliminary Plat was approved by the Planning Commission on February 10, 2020, and City Council on February 17, 2020.

DISCUSSION:

Development consists of 7 residential type lots. Resolution 19-39 zones the property R3 with the condition that the only uses permitted are R2 of Table 4-2 of the LDO. Streets, storm sewer, water and sanitary sewer will be extended to the east property line. The property is within the corporate limits.

FISCAL IMPACT:

Maintenance costs for streets, storm sewer, water, and sanitary sewer.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: _____

SIGNATURE:

By: _____

Approved By: _____

MAJOR APPLICATION
FOR SUBDIVISION OR ADDITION
PRELIMINARY PLAT / FINAL
(CIRCLE ONE)

FILED

OCT 28 2020

CITY CLERK
COLUMBUS, NEBR.

DATE: 10/28/2020

NAME OF SUBDIVISION: Eastview Subdivision

NAME OF PROPERTY OWNER: Mark Bierman

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Teresa Tremel / Mark Bierman

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 1 Driftwood Drive

PHONE NUMBER: 402-942-1101

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: teresatremel123@gmail.com

NUMBER OF LOTS IN SUBDIVISION: 7

ADDRESS OF SUBDIVISION: East 14' of lot 1 and lots 2-6, Speicher Subd.

I hereby apply for a Major Subdivision / Addition and have paid with the preliminary application \$125.00 application fee, \$100.00 reviewing fee plus \$10.00 per lot review fee. I understand that a \$25.00 map update fee will be invoiced once approved.



Owner or Owner's Representative

Attorney / Legal Counsel for Applicant

Development Agreement submitted on: _____

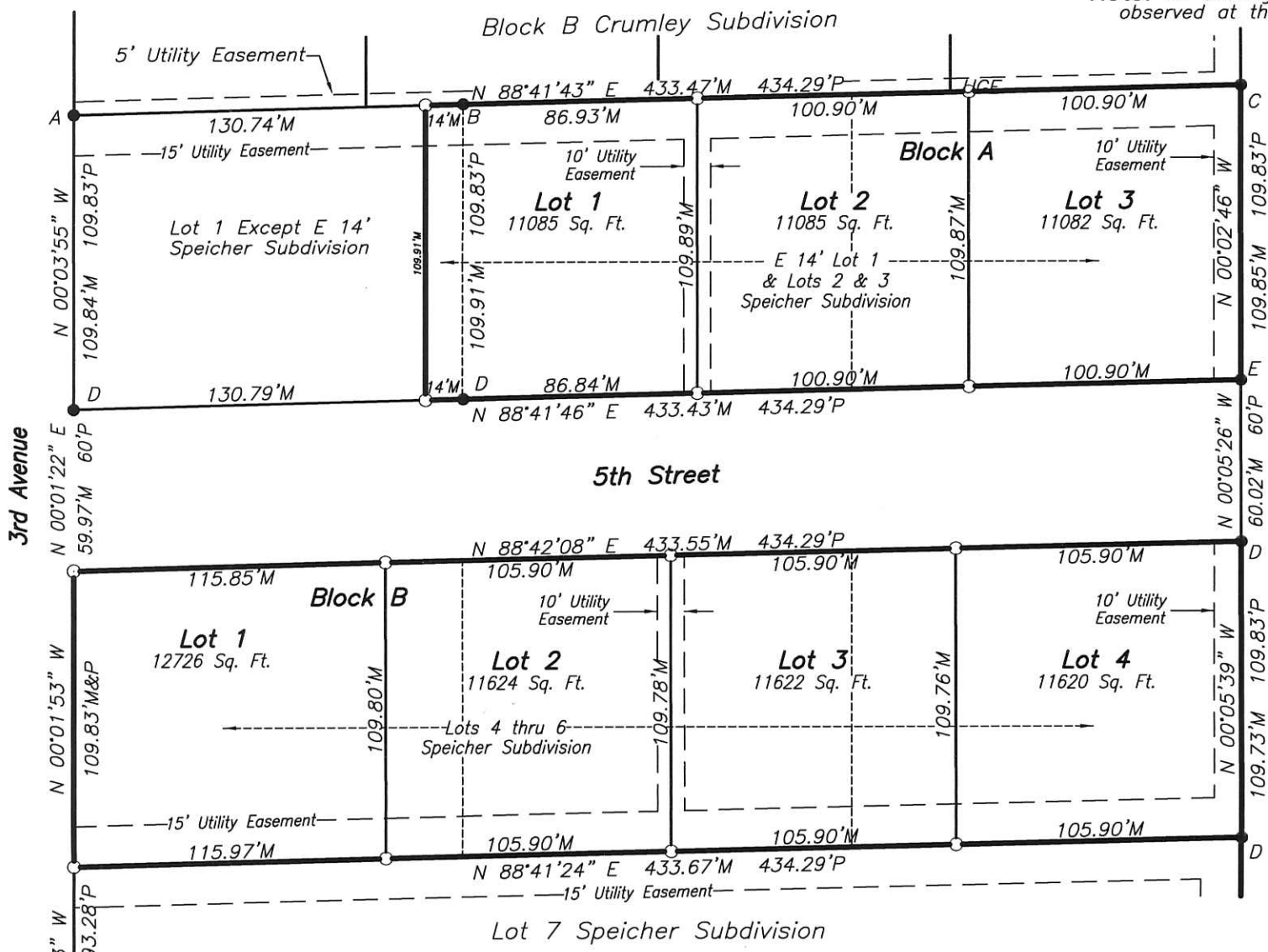
City Attorney

Neal Valorz – nvalorz@1492law.com

Gene G. Schumacher – gschum@1492law.com

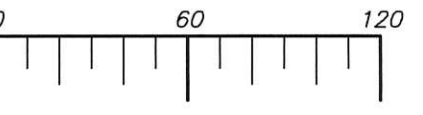
FINAL PLAT OF EASTVIEW SUBDIVISION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA

Note: All bearings are referenced to True North observed at the NE Corner, Sec. 36, T17N, R1W.



Developer:
 Mark Bierman
 PO Box 1887
 2560 E. 29th Avenue
 Columbus, NE 68601
 Phone: 402.910.8878

Engineer:
 Merlin Lindahl, E-3975
 9271 18th Avenue
 Columbus, NE 68601
 Phone: 402.910.6609



- Legend-**
- Found Corner
 - Set 5/8" x 24" Rebar w/ Plastic Survey Cap
 - M Measured this Survey
 - P Plat Measurement

Field Notes:

- A) Found 1" iron pipe 15" deep, perpetuated with a 5/8"x 15" rebar with plastic cap.
- B) Found 1" iron pipe lying below a 3" PVC pipe which is lying flat.
- C) Found 3/4" iron pipe 6" deep.
- D) Found 1" iron pipe.
- E) Found 5/8"x 24" iron rod bent. Replaced with a 5/8"x 24" rebar with plastic cap.
- F) Found 1" iron pipe with plastic cap (LS 586)

Description:

The East 14 ft. of Lot 1 and Lots 2 thru 6, Speicher Subdivision to the City of Columbus, Platte County, Nebraska, containing 1.86 acres more or less.

Surveyor's Statement:

I, Thomas A. Tremel, a Registered Land Surveyor in the State of Nebraska, hereby state that this subdivision was surveyed under my direct supervision and is correct to the best of my knowledge and belief.

Thomas A. Tremel
 Thomas A. Tremel, L.S. #455
 September 30, 2020



School Board:

This Final Plat of Eastview Subdivision to the City of Columbus, Platte County, Nebraska, was approved by Columbus School District on 7th Day of October, 2020.

Christy
 Secretary

Candace Becher
 President

Planning Commission:

This Final Plat of Eastview Subdivision to the City of Columbus, Platte County, Nebraska, was approved by the Planning Commission on _____ Day of _____, 2020.

 Chairman

City Council:

This Final Plat of Eastview Subdivision to the City of Columbus, Platte County, Nebraska, was approved by Resolution _____ by the City Council on _____ Day of _____, 2020.

 Mayor

 City Clerk

EASTVIEW SUBDIVISION, A Subdivision of the East 14 ft. of Lot 1 and Lots 2 thru 6, Speicher Subdivision to the City of Columbus, Platte County, Nebraska,

FINAL PLAT - EASTVIEW SUBDIVISION
 CITY OF COLUMBUS
 PLATTE COUNTY, NEBRASKA



TAT DRAWN	TA TREMEL SURVEYED	09/30/2020 DATE
--------------	-----------------------	--------------------

No. 1 Driftwood Drive - Columbus, NE 68601
 Phone (402) 563-4589 - Fax (402) 563-3922

Please return to:
Jason D. Mielak (NSBA #21049)
Fehring & Mielak, LLP
3919 25th St., P.O. Box 400
Columbus, NE 68602-0400
jason.mielak@fmflaw.com

EASTVIEW SUBDIVISION
DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 2020, by and between LOUP RENTALS, LLC, (hereinafter referred to as "Subdivider") and the CITY OF COLUMBUS , a Municipal Corporation in the State of Nebraska (hereinafter referred to as "City")

WITNESSETH

WHEREAS, Subdivider is the owner of the land included within the proposed plat attached hereto as Exhibit "A", commonly known as EASTVIEW SUBDIVISION, to the City of Columbus, Platte County, Nebraska, (hereinafter referred to as the "Area to be Developed") within the City's zoning and platting jurisdiction; and,

WHEREAS, the CITY requires public improvements in the Area to be Developed; and,

WHEREAS, the Subdivider wishes to connect the system of sanitary sewers, water, and storm sewers to be constructed within, the Area to be Developed, to the sanitary sewer, water, and storm sewer system of the City.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

For the purpose of this Development Agreement, the following words and phrases shall have the following meanings:

The "cost" or "entire cost" of a type of improvement shall be deemed to include all construction costs, engineering fees, attorneys' fees, testing expenses, publication costs; financing costs and miscellaneous costs.

"Property benefited" shall mean property within the Area to be Developed (Exhibit "A"), which will comprise 1.86 acres of property.

“Street intersections” shall be construed to mean the areas shown in the city policy for the same adopted by Resolution R96-78, which by this reference is made a part hereof.

SECTION I

Subdivider and City covenant that the following public improvements shall be installed and provided by Subdivider as set forth herein, at Subdivider’s expense, subject to the exceptions and clarifications detailed herein:

A. The Subdivider will install water, sanitary and storm sewer systems and street improvements, including sidewalks and trails in accordance with city standards. The Subdivider will be responsible for the design, financing and construction of said public infrastructure improvements as detailed herein.

B. Concrete paving of internal streets, dedicated per plat (Exhibit “A”), all of said paving to be thirty three (33) feet in width and six (6) inches thick, and shall be constructed according to city standards. The entire cost of paving and storm sewer system improvements except for intersections shall be paid by the Subdivider, with exception of intersection pavement and pavement in excess of thirty-three (33) feet in width and six (6) inches in thickness. In such case, the oversized cost shall be paid for by the City, subject to final approval of plans and specifications by the City.

C. The sanitary sewer system, including, but not limited to: mains, manholes and related appurtenances shall be constructed according to city standards in dedicated street rights-of-way and easements, per plat (Exhibit “A”), same to be located on sanitary sewer plan prepared by a Nebraska Licensed Civil Engineer. The entire cost of sanitary sewer system improvements shall be paid by the Subdivider, with exception of sanitary sewer mains located in a dedicated right-of-way or easement area that are greater than eight (8) inches. In such case, the cost over 8-inches shall be paid for by the City subject to the final approval of the plans and specifications by the City.

D. The storm water sewer system, including, but not limited to: mains, inlets, manholes, and related appurtenances shall be constructed according to city standards in dedicated street rights-of-way and easements, per plat (Exhibit “A”) to be located on storm water system plan prepared by a Nebraska Licensed Civil Engineer. The Subdivider will be responsible for the design, financing and construction of said storm sewer system improvements. The entire cost of storm sewer system improvements shall be paid by the Subdivider, with exception of storm sewer mains located in a dedicated right-of-way or easement area that are greater than 12-inches. In such case, the cost over 12-inches shall be paid for by the City subject to the final approval of plans and specifications by the City.

E. The water distribution system, including, but not limited to: mains, hydrants and valves shall be constructed according to city standards within a dedicated street right-of-way and easement per plat (Exhibit “A”) on water plan prepared by a Nebraska Licensed Civil Engineer. The Subdivider will be responsible for the design, financing and construction of said water

distribution improvements. The entire cost of the water distribution system and improvements shall be paid by the Subdivider, with exception of water mains located in a dedicated right-of-way or easement area that are greater than six (6) inches. In such case, the cost over 6-inches shall be paid for by the City subject to the final approval of plans and specifications by the City.

F. Natural gas distribution mains, if any, shall be located within a dedicated street right-of-way or easement area dedicated per plat (Exhibit "A"), which Subdivider will arrange to be installed by the local gas franchisee. Any additional cost participation required by the local gas franchisee for the installation of gas mains, if any, shall be borne by the Subdivider.

G. Subdivider will arrange for underground electrical service to each buildable lot within the Area to be Developed to be provided by Loup Power District at no cost to the City. If any relocation or adjusting of existing electrical mains are required the costs shall be borne by the Subdivider.

H. Subdivider will arrange for street lighting for public streets dedicated per plat (Exhibit "A") to be provided by Loup Power District at Subdivider's cost and at no cost to the City.

I. Subdivider will install the concrete sidewalk four feet wide and four inches thick in accordance with the American's with Disability Act and per City Code on each lot within the Area to be Developed or shall contract with the builder to construct the same at the time each lot is developed. If Subdivider fails to do so, the lot owner along with the Subdivider shall be responsible for installing the sidewalk. If any lot remains a common area lot or is located adjacent to a designated arterial or collector, Subdivider shall install the sidewalk for said lot(s) as part of the initial construction.

J. Grading for the Area to be Developed shall be completed by the Subdivider at the Subdivider's expense pursuant to the drainage and grading plan elevations to be provided by THE ENGINEER Associates and submitted with the Final Plat. Post construction storm water management systems shall be installed and maintained and fully functional in accordance with the City of Columbus Code of Ordinances, Chapter 53, at Subdivider's expense. Subdivider agrees to obtain a Nebraska Department of Environmental Quality, National Pollutant Discharge Elimination System, Construction Storm Water Notice of Intent (NOI), including the Storm Water Pollution Prevention Plan (SWPPP), prior to disturbing more than one acre. The Subdivider shall provide a copy of the NOI and SWPPP and name and contact information of the certified person/firm providing the inspections to the City as part of the City's Municipal Storm Sewer Separation System requirements. If less than one acre is disturbed, the Subdivider shall complete a small lot NOI SWPPP.

SECTION II

Subdivider and City covenant and agree that the Subdivider will abide by and incorporate into all of its construction contracts the provisions required by the regulations of the City

pertaining to construction of public improvements, and testing procedures therefor, except as otherwise provided in this Development Agreement.

SECTION III

A. Subject to the conditions and provisions hereinafter specified, the City hereby grants permission to the Subdivider to connect its sewer system to the sewer system of the City in such manner and at such place or places designated on plans submitted by the Subdivider's engineer and approved by the City.

B. Without prior written approval by the City, the Subdivider shall not permit any sewer lines or sewers outside the present boundaries of the Area to be Developed to connect to the sewer or sewer lines of the Area to be Developed, any sewers of the City, any outfall sewer of the City, or any sewage treatment plant of the City. The City shall have exclusive control over connections to its sewers whether inside or outside the boundaries of the Area to be Developed.

C. At all times, all sewage from and through said Area to be Developed into the City sewer system shall be in conformity with the ordinances, regulations, and conditions applicable to sewers and sewage within the City as now existing and as from time to time may be amended.

D. Before any connection from any premises to the sewer system of the Area to be Developed may be made, a permit shall be obtained for said premises, and its connection from the City, it being expressly understood that the City reserves the right to collect all connection charges and fees as required by city ordinances or rules now or hereafter in force; all such connections shall comply with minimum standards prescribed by the City.

E. Notwithstanding any other provisions of this Development Agreement, City retains the right to disconnect the sewer of any industry, or other sewer user within the Area to be Developed, which is discharging into the sewer system in violation of any applicable ordinance, statute, rule or regulations.

SECTION IV

All buildings built in the Area to be Developed, shall be constructed in compliance with the most recent City of Columbus Building Requirements at the time of application for the building permits, in the extent possible.

SECTION V

Installation of entrance signs or related fixtures and any median landscaping and related fixtures, if any, shall be paid by the Subdivider. Plans for such proposed improvements that are to be located in public right-of-way and a proposed maintenance agreement for the improvements must be submitted to the City for review and approval prior to the installation of improvements.

No separate administrative entity or joint venture, among the parties, is deemed created by virtue of the Development Agreement.

The administration of this Development Agreement shall be through the offices of the undersigned officers for their respective entities.

This Development Agreement shall be binding upon parties, their respective successors and assigns.

This Development Agreement replaces and declares void any prior agreements or resolutions regarding the development of the Area to be Developed.

This Development Agreement shall be recorded at the Platte County Register of Deeds office, at the Subdivider's expense, within 30 days of final plat approval.

SECTION VI

The Subdivider shall install all public improvements within a time period of two (2) years after the signing of this Development Agreement, except that sidewalks directly in front of houses (if residential) or businesses (if commercial) shall be constructed before the Occupancy Certificate is issued or within four (4) years after the signing of this Development Agreement, whichever comes first. An extension of this time period may be requested by the Subdivider and if said request receives a favorable recommendation of Planning Commission and approval by the City Council the deadline will be extended pursuant to the new deadline set by the City Council.

IN WITNESS WHEREOF, we the executing parties, by ourselves or our respective duly authorized agents, hereby enter into this Development Agreement:

ATTEST:

CITY OF COLUMBUS

CITY CLERK

MAYOR

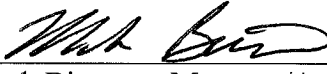
Date

APPROVED AS TO FORM

CITY ATTORNEY

SUBDIVIDER

LOUP RENTALS, LLC

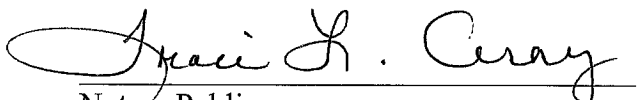
By 
Mark Bierman, Manager/Authorized
Representative

Dated this 11 day of December, 2020.

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

On this 11 day of December, 2020, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Mark Bierman, who is personally known by me to be the identical person whose name is affixed to the Development Agreement, and acknowledged the execution thereof to be his voluntary act and deed as such officer of said corporation.

Witness my hand and Notarial Seal the day and year last above written.



Notary Public

(My commission expires: 3-24-21)



1. Resolution No. R20-143 approving final plat and development agreement.

RESOLUTION NO. R20- 143

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE PLAT TO A PARCEL OF LAND LEGALLY DESCRIBED AS THE EAST 14 FEET OF LOT 1 AND LOTS 2 THRU 6, SPEICHER SUBDIVISION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, CONTAINING 1.86 ACRES, MORE OR LESS, HEREINAFTER TO BE KNOWN AS "EASTVIEW SUBDIVISION TO THE CITY OF COLUMBUS, NEBRASKA"; THEREOF, AND APPROVING AND ACCEPTING THE EASTVIEW SUBDIVISION DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF COLUMBUS, NEBRASKA, A MUNICIPAL CORPORATION, AND LOUP RENTALS, LLC, A NEBRASKA LIMITED LIABILITY COMPANY WHICH SETS FORTH THE AGREEMENT BETWEEN THE PARTIES INCLUDING THE DUTIES AND RESPONSIBILITIES OF THE SUBDIVIDER AND THE LOT OWNERS WITH RESPECT TO SAID SUBDIVISION; AND AUTHORIZING THE MAYOR TO SIGN THE DEVELOPMENT AGREEMENT PROVIDING FOR PUBLIC IMPROVEMENTS TO SERVE THIS SUBDIVISION.

WHEREAS, Loup Rentals, LLC, a Nebraska limited liability company is the owner of the real estate legally described as follows:

The East 14 ft. of Lot 1 and Lots 2 thru 6, Speicher Subdivision to the City of Columbus, Platte County, Nebraska; and

WHEREAS, said owner has laid out said land into lots, blocks, streets and avenue roadways with appropriate utility easements hereinafter to be known as Eastview Subdivision to the City of Columbus, Platte County, Nebraska; and

WHEREAS, said owner has caused an accurate plat thereof to be made, designating explicitly the land so laid out and particularly describing the lots, blocks, streets and avenue roadways with appropriate utility easement areas belonging to such subdivision, all as provided by law, and bearing the certificate of Thomas A. Tremel, RLS #455, under the date _____, 2020, a copy of which Plat is hereto attached; and

WHEREAS, said plat has attached thereon a certificate of a competent land surveyor certifying the same as provided by law, and said plat in no way changes the present zoning classification of the area included therein; and

WHEREAS, all of the lots shown on said plat are zoned R3 with other conditions according to the zoning regulations of the City of Columbus, Nebraska; and

WHEREAS, said owners have agreed with the City of Columbus, Nebraska to pay all costs necessary to extend water, storm sewer and sanitary sewer mains to serve said subdivision and to pay all costs for laying such water, storm sewer and sanitary sewer mains within the subdivision itself all in accordance with specifications acceptable to the City, and to pave the streets and ways according to the regulations of the City of Columbus and the requirements of the City Engineer and deliver the same to the City of Columbus, Nebraska without cost to it; and

WHEREAS, said proposed Subdivision and plan for development has been heretofore submitted to the Planning Commission of Columbus, Nebraska, the City Engineer, and Platte County School District No. 001, Columbus, Nebraska, and

WHEREAS, it appearing from the record and all of the evidence on file that all parties in interest and citizens of Columbus, Nebraska have been duly notified of the hearings called for the purpose of approving the final plat; and

WHEREAS, after public hearing, the Planning Commission recommended approval of the plat of said Subdivision to the City of Columbus, Nebraska; and

WHEREAS, a Development Agreement has been prepared for said subdivision setting forth in the agreement between the City of Columbus and the subdivider, including the duties and responsibilities of the subdivider and lot owners, said agreement is attached hereto marked Exhibit "A" and incorporated herein by reference; and

WHEREAS, the Mayor and the City Council have held a public hearing on the approval of the Final Plat of said Subdivision and following such public hearing, and having heard all persons appearing at such hearing, approved said Final Plat.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Columbus, Nebraska, that the plat for the Eastview Subdivision to the City of Columbus, Platte County, Nebraska be and the same hereby is approved as provided by law, that the Mayor and Clerk be and hereby are authorized and instructed to endorse such approval on said original plat, the area carry a classification heretofore as assigned "R3" with other conditions according to the Zoning Regulation of the City of Columbus, Nebraska; that the Eastview Subdivision Development Agreement attached hereto as Exhibit "A" is hereby approved and accepted, and the Mayor and Clerk be and hereby are authorized to sign said Development Agreement.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Jason D. Mielak (NSBA #21049)
Fehring & Mielak, LLP
P. O. Box 400
Columbus, NE 68602-0400

DEED OF DEDICATION

KNOWN ALL MEN BY THESE PRESENTS:

WHEREAS, Loup Rentals, LLC, a Nebraska Limited Liability Company, the proprietor and owner of the following described real estate:

The East 14 ft. of Lot 1 and all of Lots 2 through 6, Speicher Subdivision to the City of Columbus, Platte County, Nebraska,

has caused the above described real estate to be laid out into lots, blocks, streets, and avenues with appropriate utility easements under the name of Eastview Subdivision to the City of Columbus, Platte County, Nebraska, designating explicitly the land so laid out and particularly describing lots, streets, avenues, and easements belonging to said Subdivision, a plat of which bearing the date of September 30, 2020, and certified by Thomas A. Tremel, RLS #455, is attached hereto.

Said owner hereby dedicates the streets, avenues and easement areas set out and described on said plat to the use and benefit of the public, together with a perpetual easement for the installation of public utilities and maintenance thereof over and across the lots as set out in said plat and therein designated as "Easements."

Said owner and dedicator covenant and agree with the City of Columbus to construct, at owner's own expense, and in accordance with the specifications acceptable to the City Water and Sanitary Sewer Department and deliver the same to the City of Columbus, Nebraska, without cost to it the necessary water and sewer mains to adequately serve such platted area, and to pave the streets and avenues, and to deliver the same to the City without cost to it.

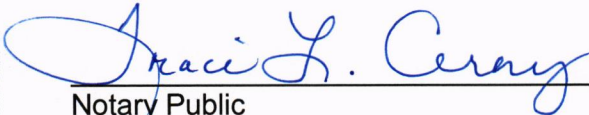
IN WITNESS WHEREOF, this instrument has been signed on December 17, 2020.



Loup Rentals, LLC
By: Mark G. Bierman, Managing Member

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

On this 17 day of December, 2020, before me, a duly qualified and commissioned Notary Public in and for said county, personally appeared Mark G. Bierman, Managing Member of Loup Rentals, LLC, personally known to be the identical person described in and whose name is affixed to the foregoing instrument and acknowledge the said instrument to be his voluntary act and deed.



Notary Public

B. Public hearing - Proposed Text Amendment to the Zoning and Subdivision Chapters of the Land Development Ordinance.

The Unified Land Development Ordinance for the City of Columbus

Adopted by Ordinance No. 20-32 on January 18, 2021

This publication of the City of Columbus Land Development Ordinance, Zoning and Subdivision Chapters is current as of January 18, 2021, at which time various revisions made to the initial Zoning and Subdivision Chapters by Ordinance No. 20-32 became effective. Periodic changes and revisions are made to these Chapters. Please contact the Building and Zoning Department, City Hall, 2424 14 Street, P. O. Box 1677, Columbus, Nebraska 68602-1677, (402) 564-8584 to inquire about changes or revisions which may have been made after the date of this publication.

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CHAPTER 1, ARTICLE 1: GENERAL PROVISIONS

1 ARTICLE ONE

GENERAL PROVISIONS

1-1 Title

Title 11 of the Columbus Municipal Code shall be known as the Unified Land Development Ordinance of the City of Columbus.

1-2 Jurisdiction

The provisions of this Chapter shall be applicable to all property within the corporate limits of the City of Columbus and its extra-territorial jurisdiction as authorized by Section 16-901, Revised Statutes of Nebraska, 1943. Except as limited by §16-901 of Nebraska Revised Statutes, 1943, all existing or future zoning regulations, property use regulations, building ordinances, electrical ordinances, plumbing ordinances and ordinances authorized by §16-240 of Nebraska Revised Statutes, 1943, shall apply to the area two miles beyond and adjacent to the City's corporate boundaries to the extent shown on the Extra-Territorial Jurisdiction Map, the City's official map, with the same force and effect as if such outlying area were within the corporate limits of the City of Columbus. Boundaries of the Extra-Territorial Jurisdiction established by this ordinance shall be shown on the Extra-Territorial Jurisdiction Map maintained by the City Engineer. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of and concurrent with this ordinance. The Extra-Territorial Jurisdiction may be changed from time to time following the extension of City boundaries either by annexation or by additions brought into the City pursuant to the Subdivision Code. Such changes shall be reflected on the Extra-Territorial Map. The City Clerk and Engineer shall keep a complete record of all changes to the Extra-Territorial Jurisdiction Map.

1-3 Purpose

The purposes of the Unified Land Development Ordinance of the City of Columbus are to:

- a. Serve the public health, safety, and general welfare of the city and its jurisdiction.
- b. Classify property in a manner that reflects its suitability for specific uses.
- c. Provide for sound, attractive development within the city and its jurisdiction.
- d. Encourage compatibility of adjacent land uses.
- e. Protect environmentally sensitive areas.
- f. Further the objectives of the Comprehensive Development Plan and Long Range Transportation Plan of the City of Columbus.

CHAPTER 1, ARTICLE 1: GENERAL PROVISIONS

1-4 Consistency with Comprehensive Development Plan and Long Range Transportation Plan

The City of Columbus intends that this Unified Land Development Ordinance and any amendments to it shall be consistent with the City's Comprehensive Development Plan and Long Range Transportation Plan. Should this Ordinance become inconsistent with the adopted Comprehensive Development Plan or Long Range Transportation Plan because of subsequent amendments to that plan, it is the City's intent to amend this Ordinance to bring it into conformance with the plans.

1-5 Conflicting Provisions

The Unified Land Development Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Unified Land Development Ordinance conflicts with any other provision of the Unified Land Development Ordinance, any other Ordinance of the City of Columbus, or any applicable State or Federal law, the more restrictive provision shall apply.

1-6 Relief from Other Provisions

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

1-7 Severability of Provisions

If any chapter, section, subsection, clause, or phrase of this Unified Land Development Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

CHAPTER 1, ARTICLE 2: DEFINITIONS

2 ARTICLE TWO

DEFINITIONS

2-1 Purpose

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Ordinance. The meaning and construction of words as set forth shall apply throughout the Zoning Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

2-2 General Construction of Language

The following general rules of construction apply to the text of the Zoning Ordinance.

a. Headings

Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, intent of any provision of the Zoning Ordinance.

b. Illustration

In the case of any real or apparent conflict between the text of this Ordinance and any illustration explaining the text, the text shall apply.

c. Shall and May

"Shall" is always mandatory. "May" is discretionary.

d. Tenses and Numbers

Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

e. Conjunctions

CHAPTER 1, ARTICLE 2: DEFINITIONS

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items or provisions apply.
2. "Or" indicates that the connected items or provisions may apply singly or in any combination.
3. "Either...or" indicates that the connected items or provisions shall apply singly but not in combination.

f. Referenced Agencies

Unless otherwise indicated, all public officials, bodies, and agencies referred to in this Chapter are those of the City of Columbus.

2-3 Definitions of Terms

For the purposes of this Zoning Ordinance, certain terms and words are hereby defined. Certain sections contain definitions which are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meanings or meanings implied by their context shall apply.

2-4 A

1. **Abutting:** Having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.
2. **Accessory Structure:** A structure which is incidental to and customarily associated with a specific principal use or building on the same site.
3. **Accessory Use:** A use which is incidental to and customarily associated with a specific principal use on the same site.
4. **Addition:** Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
5. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.

CHAPTER 1, ARTICLE 2: DEFINITIONS

6. Alley: A public right of way which is used as a secondary means of access to abutting property.
7. Alteration: Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
8. Apartment: A housing unit within a building designed for and suitable for occupancy by only one family.
9. Attached: Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; or archway.

2-5 **B**

1. Base District: A district established by this Ordinance to prescribe basic regulations governing use and site development. No more than one base district shall apply to the same portion of a site.
2. Basement: A level of a building below street level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.
3. Beginning of Construction: At the time the site is disturbed or altered for the project
4. Blockface: The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street or a major physical barrier, including, but not limited to, railroads, streams, lakes, the corporate limits of Columbus, or the Extra-territorial Jurisdiction of the City of Columbus.
5. Bufferyard: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
6. Building: A structure having a roof and built to provide shelter, support, or enclosure for persons or property.
7. Building Coverage: The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
8. Building Line: The outer boundary of a building established by the location of its exterior walls.
9. Building Official: The Community Development Director is responsible for supervision and operation of the building and land use regulations of the City of Columbus.
10. Business: Activities that include the exchange or manufacture of goods or services on a site.
11. Business Center: A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

2-6 **C**

CHAPTER 1, ARTICLE 2: DEFINITIONS

1. Certificate of Occupancy: An official certificate issued by the Building Official or his/her designee, indicating conformance with the zoning regulations and other applicable ordinances of the city and authorizing legal use of the premises for which it is issued.
2. Change of Use: The replacement of an existing use by a new use.
3. Cluster: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common area, or the preservation of historically or environmentally sensitive features.
4. City: The City of Columbus, Nebraska.
5. City Council: The City Council of Columbus, Nebraska.
6. Collector Street: A street connecting neighborhoods within Columbus and its Extra-territorial jurisdiction, designed to carry traffic from local to arterial streets.
7. Common Area: An area held, designed, and designated for common or cooperative use within a development.
8. Common Development: A development proposed and planned as one unified project not separated by a public street or alley.
9. Compatibility: The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
10. Comprehensive Plan: The duly adopted Comprehensive Development Plan of the City of Columbus.
11. Condominium: A real estate ownership arrangement that combines fee simple title to a specific unit and joint ownership in common elements shared with other unit owners. Types of units may include dwelling units, parking spaces, office spaces, or commercial spaces.
12. County: Platte County, Nebraska.
13. Private access: An approved private access easement which provides access to residential properties and meets the following conditions:
 - (a) Serves twelve or fewer housing units or platted lots.
 - (b) Does not function as a public street because of its alignment, design, or location.
 - (c) Is completely internal to a development.

CHAPTER 1, ARTICLE 2: DEFINITIONS

- (d) Provides approved emergency access to all properties.
- (e) Follow naming requirements (lane/court)

- 14. Courtyard: An open, unoccupied space, bounded on two or more sides by the walls of the building.
- 15. Creative Subdivision: A wholly or principally residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided the remaining land area is used for common area.

2-7 D

- 1. Density: The amount of development per specific unit of a site.
- 2. Drive-in-Services: Uses which involve the sale of products or provision of services to occupants in vehicles.
- 3. Detached: Fully separated from any other building or attached to another building in such a manner as not to constitute an enclosed or covered connection.
- 4. Driveway: A permanently surfaced area providing vehicular access between a street and an off-street parking or loading area.
- 5. Downtown Business District: Area bounded by 10th Street and 15th Street and 21st Avenue and 32nd Avenue, all public rights-of-way or portions thereof located within these boundaries, and all buildings or structures abutting, adjoining, or bordering the same.

2-8 E

- 1. Easement: A privilege or right of use granted on, above, under, or across a particular tract of land by one owner to others.
- 2. Enclosed: A roofed or covered space fully surrounded by walls.

2-9 F

- 1. Family: One (1) or more related persons living together and occupying a single dwelling unit with shared common living, sleeping, cooking, and eating facilities; or a group of non-related persons living together by joint agreement and occupying a single dwelling unit with shared common living, sleeping, cooking, and eating facilities on a non-profit, cost-sharing basis. A group of non-related persons shall consist of not more than three (3) persons in a dwelling unit containing two (2) bedrooms or less or a group of not more than four (4) persons living in a dwelling unit

CHAPTER 1, ARTICLE 2: DEFINITIONS

containing three (3) bedrooms or more. The following person shall be considered related for the purpose of this Ordinance:

- (a) Persons related by blood, marriage, or adoption;
 - (b) Persons residing with a family for the purpose of adoption;
 - (c) Not more than eight (8) persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska;
 - (d) Not more than eight (8) persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska;
 - (e) Person(s) living with a family at the direction of a court..
2. Federal: Pertaining to the Government of the United States of America.
 3. Floor Area Ratio: The quotient of gross floor area divided by gross site area.
 4. Frontage: The length of a property line of any one lot abutting and parallel to a public street or private access.

2-10 G

1. Grade: The elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.
2. Gross Floor Area: The total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, air spaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

2-11 H

1. Height: The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip, shed, or gambrel roofs. Where a building is located on a slope, height shall be measured from the average grade level adjacent to the building.
2. Home Occupation: An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.

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3. Housing Unit or Dwelling Unit: A building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.

2-12 I

1. Impervious Coverage: The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

2-13 J

2-14 K

1. Aerial Map: An orthoimage with a scale of not less than 1 inch to 600 feet showing the location of a development project or subdivision in reference to surrounding property. The map shall show existing lots, streets, public facilities, flood plain and floodway zones, natural features, city limit or Extra territorial jurisdiction lines. The area shown shall be sufficient to show how the proposed project or subdivision will fit into existing developments.

2-15 L

1. Landscaped Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, groundcover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily living landscape.

(a) Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site, or common development.

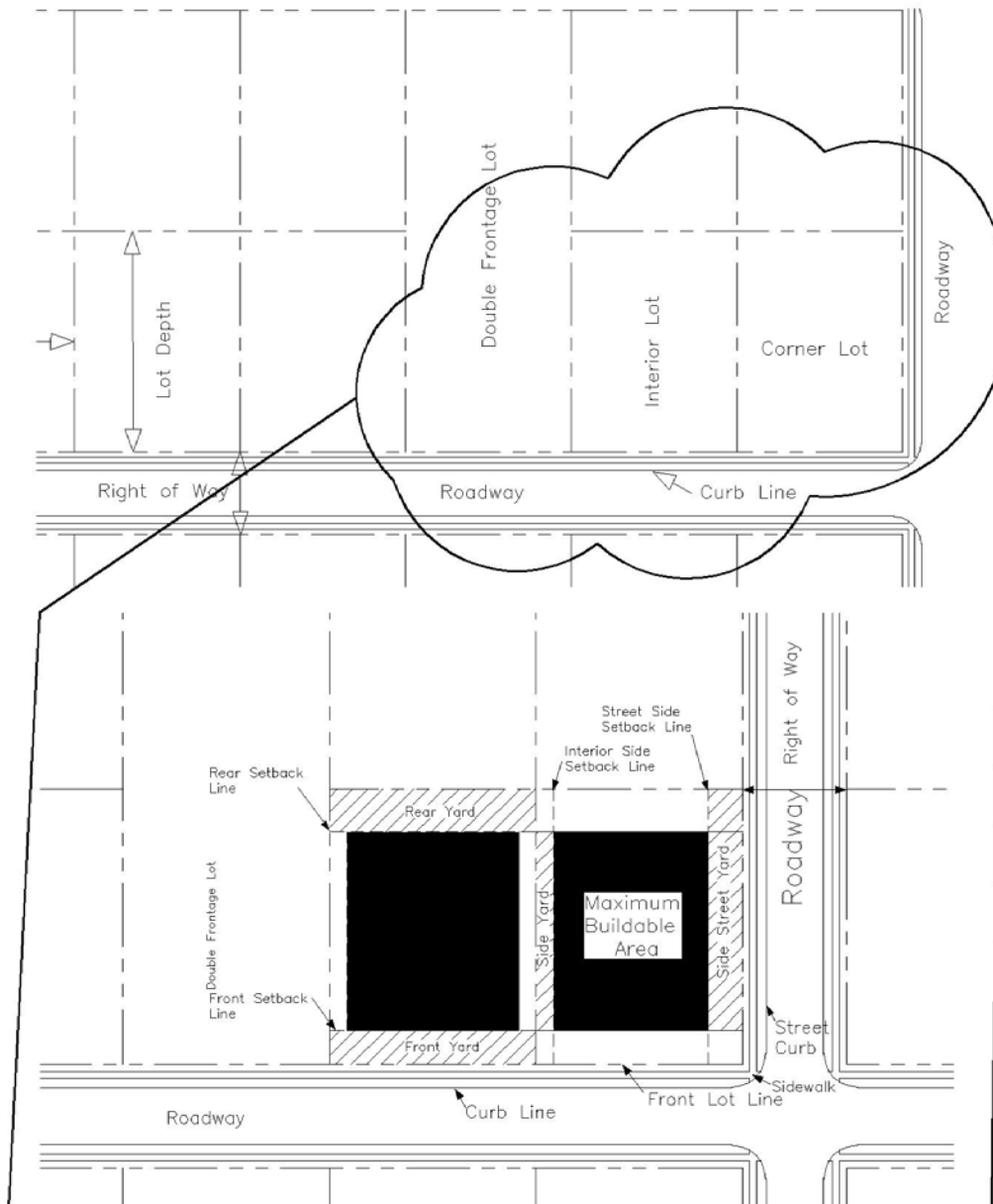
(b) Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.

2. Loading Area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.
3. Long Range Transportation Plan: Transportation Planning Document that discusses how Columbus will grow over the next two decades and identified transportation strategies to enable a more resilient and economically vibrant future.
4. Lot: A parcel of real property with a separate and distinct number or other designation shown on a plat, record or survey, parcel map, or subdivision map recorded in the office of the Platte County Register of Deeds. When a lot is used together with one or more contiguous lots in a common development, all of the lots used, including any lots used for off-street parking, shall be considered a single lot for purposes of these Zoning Regulations. A lot shall have a minimum frontage of 20 feet, except as provided in an approved Planned Unit Development and/or Creative Subdivision. See Figure 2 (a)

CHAPTER 1, ARTICLE 2: DEFINITIONS

- (a) Corner Lot: A lot located at the intersection of two streets, private access or on two segments of a curved street or private access forming an angle of no more than 135 degrees.
- (b) Double Frontage Lot: A lot, other than a corner lot, having frontage on two streets or private access easements.
- (c) Interior Lot: A lot other than a corner lot.

FIGURE 2 (a)



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5. Lot Area: The total horizontal area within the lot lines of a lot.
6. Lot Depth: The average horizontal distance between the front and rear lot lines.
7. Lot Line: The lines bounding a lot as herein defined.
 - (a) Front Lot Line: For an interior lot, the lot line separating the lot from the street or private access. For a residential corner lot, the building official may determine which lot line abutting a street or private access shall be the front lot line, or the front lot line may be designated as the front lot line on a subdivision plat or parcel map. For a non-residential corner lot, the lot line abutting a street or private access to which the principal building is oriented, or the line designated as the front lot line on a subdivision plat or parcel map.
 - (b) Rear Lot Line: The lot line which is opposite and most distant from the front lot line.
 - (c) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street or private access easement is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
8. Lot Width: The horizontal distance between the side lot lines, measured at the two points of intersection between the front yard setback line and the side lot lines.

2-16 **M**

1. Manufactured Home Dwelling: A factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axles; bears a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development; and which complies with the following architectural and aesthetic standards:
 - (a) The home shall have at least 900 square feet of floor area;
 - (b) The home shall have an exterior width of at least 18 feet;
 - (c) The roof shall be pitched with a maximum vertical rise of 2.5 inches for each 12 inches of horizontal run;
 - (d) The exterior material is of a color, material, and scale comparable with those existing in the residential site on which the manufactured home dwelling is being permanently installed;

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(e) The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile, or rock;

(f) Permanent utility connections shall be installed in accordance with local regulations;

(g) The home shall have all wheels, axles, transporting lights, and towing apparatus removed; and

(h) The home shall be installed upon a permanent foundation that is constructed and built in accordance with local regulations.

2. Mixed Use Building: A building or structure that incorporates two or more use types within it.
3. Mixed Use Development: A single development which incorporates two or more use types within its site boundaries.
4. Mobile Homes: A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Nebraska Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the U. S. Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings. Tiny Homes constructed on a permanent chassis or undercarriage shall be considered a mobile home.

2-17 **N**

1. Nonconforming Development: A building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Zoning Ordinance but which complied with applicable regulations at the time of construction.
2. Nonconforming Use: A lawful use of land, other than a sign, which does not comply with the use regulations for its zoning district set forth by this Zoning Ordinance but which complied with applicable regulations at the time the use was established.
3. Non-Traditional Residential Park: A unified development in which the development is under single ownership, developed, subdivided, planned, and improved for the placement of mobile and/or tiny home units for non-transient use. Mobile or Tiny Home Parks include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.
4. Non-Traditional Residential Subdivision: A unified development in which the development is under common or split ownership, subdivided, planned, and improved for the placement of housing units on lots. Mobile Non-Traditional Residential Subdivisions shall include common areas and facilities for parking, recreation, utility services, enclosed shelter; and may include

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facilities for management, laundry, storage and other services. Non-Traditional Residential Subdivisions may not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.

5. Nuisance: An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

2-18 Q

1. Off-Street Parking: Parking which must be provided on a site, but not within public right-of-way or property.
2. Open Space: Area included on any site, subdivision or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials.
3. Outdoor Storage: The storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.
4. Overlay District: A district established by this Ordinance to prescribe special regulations to be applied to a site or subdivision only in combination with a base district.
5. Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

2-19 P

1. Parking Facility: An area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures.
2. Parking Spaces: An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall". Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhome residential uses shall be considered to have a means of access to a public street.
3. Permitted Use: A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.
4. Personal Vehicles: This term includes passenger cars, vans, motorcycles, trucks, pick-up trucks, camper trailers, recreational vehicles, trailers under 40 feet in length and boats, which can be classified as personally owned.

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4. **Planned Unit Development:** A development of land which is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
5. **Porch, Unenclosed:** A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.
6. **Premises:** A tract of land consisting of one or more lots or sites which are contiguous and under common ownership or control.
7. **Private Drive or Road:** Access which is privately owned by one or more person, which has not been dedicated to the public but rather established by the property owner(s) for access to and from the drive or road connecting to the public street.
8. **Private Garage:** A building for the storage of motor vehicles where no repair or service facilities are maintained and where no motor vehicles are kept for rental or sale.
9. **Property Line:** The line separating parcels.

2-20 **R**

1. **Recreational Vehicle:** A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers; and van conversions.
2. **Residential convenience services:** Uses that are accessory to the primary residential use in the multi-family or Non-Traditional Residential District such as laundry services, solid waste, open recreational space, shared parking, etc.
3. **Regulation:** A specific requirement set forth by this Zoning Ordinance which must be followed.

2-21 **S**

1. **Screening:** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.
2. **Setback:** A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and setting forth the nearest that a building face may come to that lot line.

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3. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
4. Site: The parcel of land to be developed or built upon. A site may encompass a single lot, portion of a lot, or a group of lots developed as a common development. A site must be in one base district, and cannot be separated by a public street or alley. One structure or building may not be divided into more than one site for the purpose of zoning.
5. Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries and topography of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.
6. Special Permit Use: A use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Special permit uses are allowed in a zoning district only at the discretion of and with the explicit permission of the City Council, upon the recommendation of the Planning Commission.
7. State: The State of Nebraska.
8. Street: A right of way, dedicated to public use, which affords a primary means of access to the abutting property.
9. Street Level: First floor, which the floor elevation is at or above sidewalk elevation or adjacent ground.
10. Street, Local: A street which is used primarily for access to the abutting properties.
11. Street, Major: A street carrying traffic between neighborhoods, connecting neighborhoods with major activity centers, or accommodating major through traffic. Major streets are designated as collectors, arterials, or highways by the Comprehensive Development Plan and Long Range Transportation Plan.
12. Structure: That which is built or constructed above or below grade.

2-22 I

1. Tiny Home: A dwelling unit that is 400 square feet or less in floor area excluding lofts.
2. Townhouse: A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.
3. Townhouse Structure: A building formed by at least two and no more than twelve contiguous townhouses with common or abutting walls.

CHAPTER 1, ARTICLE 2: DEFINITIONS

2-23 U

1. Use: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.
2. Utilities: Installations, either above or below ground, necessary for the production, generation, transmission, delivery, collection, treatments, or storage of water, solid or fluid wastes, stormwater, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.

2-24 V

1. Value: The estimated cost to construct or replace a structure in kind, based on current costs.
2. Vehicle: Includes personal vehicles and recreational vehicles.

2-25 W

2-26 X

2-27 Y

1. Yard: A required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by this Zoning Ordinance.
 - (a) Front Yard: A required yard extending the full width of a lot, between the front lot line and the front setback line.
 - (b) Rear Yard: A required yard extending the full width of a lot, between the rear lot line and the rear setback line.
 - (c) Interior Side Yard: A required yard extending the depth of a lot from the front to rear lot lines, between the interior side lot line and the side setback line.
 - (d) Street Side Yard: On a corner lot, a required yard extending the depth of a lot from the front to rear lot lines, between the street side lot line and the street side setback line.

2-28 Z

1. Zoning District: A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Ordinance.

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3 ARTICLE THREE

USE TYPES

3-1 Purpose

Article Three shall be known as the Use Types. The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. The Use Types section also provides a procedure for determining the applicable use type of any activity not clearly within any defined use type.

3-2 Determinations

a. Classification of Uses

In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Building Official of the City of Columbus shall have the authority to determine the appropriate use type. A determination of the Building Official may be appealed to the Board of Adjustment. In making such determinations, the Building Official and the Board of Adjustment shall consider the operational and physical characteristics of the use in question and shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.

b. Records

The Building Official shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

3-3 Agricultural Use Types

Agricultural use types include the on-site production and sale of plant and animal products by agricultural methods.

a. Horticulture

The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

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b. Crop Production

The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

c. Animal Production

The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising or maintaining of animals for recreational use. Typical uses include grazing, ranching, dairy farming, and poultry farming.

d. Commercial Feedlots

The use of a site of more than 15,000 square feet for the confined feeding or holding of livestock or poultry which is not normally used for crop production or where grazing of natural vegetation is not the major feed source.

e. Livestock Sales

Use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns.

3-4 Residential Use Types

Residential use types include uses providing wholly or primarily non-transient living accommodations. They exclude institutional living arrangements providing 24-hour skilled nursing or medical care, forced residence, or therapeutic settings.

a. Single-Family Residential

The use of a site for one dwelling unit, occupied by one family, excluding a mobile home unit.

A single-family residential use in which one dwelling unit is located on one or more lots, with no physical or structural connection to any other dwelling unit. This includes manufactured homes, as defined in Section 2-16.

b. Two-Family Residential: Any residential use that serves two families, including but not limited to a 2-unit townhome, two detached single family units on a single lot or duplex.

CHAPTER 1, ARTICLE 3: USE TYPES

- c. Mixed-Use Residential: Attached residential living unit(s) within a building which includes non-residential use types. Example: Downtown apartments,
- d. Multiple-Family Residential: The use of a site for three or more dwelling units within one or more buildings.
- e. Group Residential: The use of a site for a residence by more than four unrelated persons, not defined as a family, on a weekly or longer basis.
- f. Non-Traditional Residential: Attached or Detached residential living units, such as: mobile homes, modular homes, tiny homes, container homes, etc.
- g. Retirement Residential: A building or group of buildings which provide residential facilities for more than four residents of at least fifty-five years of age, or households headed by a householder of at least fifty-five years of age. A retirement residence may provide a range of residential building types, and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences with more than 100 units may include additional health care supervision or nursing care, provided that the number of beds for such residences shall not exceed 25% of the total number of individual living units.

3-5 Office Use Types

Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

a. General Offices

Use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices.

b. Medical Offices

CHAPTER 1, ARTICLE 3: USE TYPES

Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar practitioners licensed for practice in the State of Nebraska.

3-6 Civic Use Types

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses.

a. Administration

Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.

b. Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

c. Clubs

Uses providing meeting, recreational, or social facilities for a private, non-profit or non-commercial association, primarily for use by members and guests.

d. College and University Facilities

An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.

e. Convalescent Services

A use providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.

f. Cultural Services

CHAPTER 1, ARTICLE 3: USE TYPES

A library, museum, or similar registered non-profit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

g. Day Care Services (Limited)

A facility, or use of a building or portion thereof, for day care of twelve (12) or less individuals and licensed by the State of Nebraska as a family child care home may be established and operated in any residential zone within the exercised zoning jurisdiction. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

h. Day Care Services (General)

A facility licensed by the State of Nebraska, or use of a building or portion thereof, for day care of more than twelve (12) individuals. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities and non-commercial day shelters.

i. Detention Facilities

A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community; or supervision while under program alternative to imprisonment, including but not limited to pre-release, work-release, and probationary programs.

j. Emergency Residential

A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

k. Group Care Facility

A facility licensed or approved by the State of Nebraska or other appropriate agency, which provides for the care and short or long-term, continuous multi-day/night occupancy of more than four unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses defined as group homes. Group Care Facilities include facilities which provide for the following:

CHAPTER 1, ARTICLE 3: USE TYPES

1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability;
2. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder, or of intellectual disability if such facility has an overnight occupancy of more than eight persons;
3. Rehabilitation from the effects of drug or alcohol abuse.

l. Group Home

A facility licensed by the State of Nebraska in which at least four but no more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purpose of adaptation to living with or rehabilitation from cerebral palsy, autism, or intellectual disability.

m. Guidance Services

A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.

n. Health Care

A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to out-patients, employees, or visitors.

o. Hospital

A facility providing medical, psychiatric, or surgical service for sick or injured persons including on an in-patient basis, including, but not limited to emergency treatment, air medical services, diagnostic services, training, administration, and services to patients, employees, or visitors.

p. Maintenance Facilities

A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or utility yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

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q. Non-Commercial Shelters

Facilities which are operated by non-profit organizations and which provide emergency or temporary services and accommodations for people who lack access to permanent housing.

Non-commercial shelters may provide accommodations on a daytime and/or overnight basis. Typical uses include urban missions and shelters for homeless people.

r. Park and Recreation Services

Publicly-owned and operated parks, playgrounds, recreation facilities, and open spaces.

s. Postal Facilities

Postal services, including post offices, bulk mail processing or sorting centers. Does not include distribution or shipping

t. Primary Educational Facilities

A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of Nebraska.

u. Public Assembly

Facilities owned and operated by a public agency or a charitable non-profit organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, incidental sales, and exhibition facilities.

v. Religious Assembly

A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto but excluding private primary or private secondary educational facilities, community recreational facilities, day-care facilities, and incidental parking facilities. A property tax exemption obtained pursuant to Property Tax Code of the State of Nebraska shall constitute *prima facie* evidence of religious assembly use.

w. Safety Services

CHAPTER 1, ARTICLE 3: USE TYPES

Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.

x. Secondary Educational Facilities

A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of Nebraska.

y. Storm Water Treatment Facilities

Drainage and Detention Facilities required at the time of development, such as ditches, wetlands, ponds or similar facilities utilized or constructed to meet requirements established by the City's Storm Water Management Plan.

z. Utilities

Any above ground structures or facilities, , used for the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land.

3-7 Commercial Use Types

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

a. Agricultural Sales and Service

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally-related services with incidental storage on lots other than where the service is rendered. Typical uses include garden or tree nurseries, farm implement dealerships, feed and grain stores, and tree service firms.

CHAPTER 1, ARTICLE 3: USE TYPES

b. Automotive and Equipment Services

Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

1. **Automotive Rental and Sales:** Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
2. **Auto Services:** Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
3. **Body Repair:** Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
4. **Equipment Rental and Sales:** Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
5. **Equipment Repair Services:** Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.
6. **Vehicle Storage:** Long-term storage of operating or non-operating vehicles. Typical uses include storage of private parking towaways or impound yards but exclude dismantling or salvage.

c. Bed and Breakfast

A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition bed and breakfasts are always owned and operated by the resident owner or resident manager of the structure, include no more than eight (8) units, and accommodate each guest or visitor for no more than seven(7) consecutive days during any one (1) month.

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d. Business Support Services

Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.

e. Business or Trade Schools

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

f. Campground

Facilities providing camping or parking areas and incidental services for recreational use for travelers in recreational vehicles or tents for 30 consecutive days or less. No permanent features, such as skirting, permanent hookup, etc, are allowed. .

g. Cocktail Lounge

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant.

h. Commercial Recreation

Private businesses or organizations, which may or may not be commercial in nature, primarily engaged in the provision of sports, entertainment, or recreation for participants and/or spectators. Typical uses include sports and recreation facilities, driving ranges, theaters, private dance halls, or private skating facilities.

i. Communications Services

Establishments primarily engaged in the provision of broadcasting and other services necessary to relay information, accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, or film, broadcasting and sound recording facilities.

CHAPTER 1, ARTICLE 3: USE TYPES

j. Construction Sales and Service

Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials or services used in the construction of buildings. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales; tool and equipment rental or sales; and electrical, plumbing, and mechanical contractors.

k. Convenience Storage

Storage services for goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

l. Crematory

A building or portion of a building which contains a cremation chamber and holding facility pursuant to the Cremation of Human Remains Act, Neb. Rev. Stat. §§71-1355 to 71-1385 along with cremation services as authorized thereunder.

m. Food Sales

Establishments or places of business primarily engaged in the retail sale of food or household products. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

1. Limited Food Sales: Establishments occupying facilities of 10,000 square feet or less; and characterized by sales of specialty foods or a limited variety of general items. Typical uses include convenience stores, delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores.
2. General Food Sales: Establishments selling a wide variety of food commodities, using facilities larger than 10,000 square feet or food sales uses of any size that include the accessory sale of fuel for motor vehicles. Typical uses include supermarkets and convenience stores.

n. Funeral Services

Establishments engaged in undertaking services such as preparing the human dead for burial (excluding crematory services), arranging and managing funerals. Typical uses include funeral homes or mortuaries.

CHAPTER 1, ARTICLE 3: USE TYPES

o. Gaming Facilities

Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities may include the accessory sale of liquor and food, pursuant to licensing regulations of the City of Columbus and the State of Nebraska.

p. General Retail Services

Sale or rental with incidental service of commonly-used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:

automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops. Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).

q. Kennels

Boarding and care services for dogs, cats, and similar small mammals or small birds used as pets; or any premises on which four or more animals included under this definition over six months of age are kept and maintained. Typical uses include boarding kennels, pet motels, or dog training centers.

r. Laundry Services

Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry, cleaning, and linen supply services.

s. Liquor Sales

Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

CHAPTER 1, ARTICLE 3: USE TYPES

t. Lodging

Lodging services involving the provision of room and/or board. Typical uses include hotels and motels. Also includes other rental housing such as Air Bed and Breakfast, Vacation Rental By Owner and other similar uses.

u. Personal Improvement Services

Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a non-professional nature. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

v. Personal Services

Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; or dry cleaning stations serving individuals and households; driving schools; health or physical fitness studios; reducing salons; dance studios; handicraft and hobby instruction.

w. Pet Services

Retail sales, incidental pet health services, and grooming and boarding, when primarily within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.

x. Research Services

Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.

y. Restaurants

A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 percent of the establishment's gross income.

CHAPTER 1, ARTICLE 3: USE TYPES

1. Restaurant (Drive-in or Fast Food): An establishment which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.
2. Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele. Typical uses include cafes, coffee shops, and restaurants.

z. Sexually Oriented Business

An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio or sexual encounter center; all as further defined in Article 14.

aa. Stables

Boarding, breeding or raising of horses, llamas, or other hooved animals which are not owned by the occupants of the premises; or for the purpose of riding animals included in this definition by members of the public other than the occupants of the premises or their non-paying guests. Typical uses include boarding stables and public stables.

bb. Surplus Sales

Businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets, factory outlets and discount businesses with outdoor display.

cc. Vehicle Storage

The use of a site for the medium- to long-term storage of vehicles which are either operable or may be made operable with reasonable repairs. Typical uses include auto storage lots, impound lots, or repair yards.

dd. Veterinary Services

Veterinary services and hospitals for animals. Typical uses include pet clinics, pet cemeteries and crematories, and veterinary hospitals for all animals.

CHAPTER 1, ARTICLE 3: USE TYPES

3-8 Parking Use Types

a. Off-Street Parking

Parking use types include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility.

b. Parking Structure

The use of a site for a multi-level building which provides for the parking of motor vehicles on a temporary basis, other than as an accessory to a principal use on the same site.

3-9 Industrial Use Types

Industrial use types include the on-site extraction or production of goods by non-agricultural methods, and the storage and distribution of products.

a. Construction Yards

Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites.

Typical uses are building contractor's yards.

b. Custom Manufacturing

Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

1. The use of hand tools, or
2. The use of domestic mechanical equipment not exceeding 2 horsepower, or
3. A single kiln not exceeding 8 KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, candle making shops, 3D Printing.

CHAPTER 1, ARTICLE 3: USE TYPES

c. Light Industry

Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops, and publishing houses.

d. General Industry

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.

e. Heavy Industry

Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials; except for those uses defined as Agricultural Industries.

f. Recycling Collection

Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

g. Recycling Processing

Any site which is used for the processing of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

h. Resource Extraction

A use involving on-site extraction of surface or subsurface mineral products or natural resources, including the removal of dirt, but excluding the grading of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, and mining.

CHAPTER 1, ARTICLE 3: USE TYPES

i. Salvage Services

Places of business primarily engaged in the storage, sale, dismantling, or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards, or paper salvage yards.

j. Warehousing

Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, or open storage.

3-10 Transportation Use Types

Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

a. Aviation Facilities

Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

b. Railroad Facilities

Railroad yards, equipment servicing facilities, and terminal facilities.

c. Transportation Terminal

A facility for the loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, and public transit facilities.

d. Truck Terminal

A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

CHAPTER 1, ARTICLE 3: USE TYPES

3-11 Miscellaneous Type Uses

a. Major Alternative Energy Production Devices

The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include ground mounted solar collector fields, geothermal energy installations serving more than one property, or water-powered mills or generating facilities.

Minor Alternative Energy Production Devices

The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include roof mounted solar collector units, geothermal energy installations serving a single property, or other alternative energy production devices that are minimally obtrusive for single property use.

b. Broadcasting/Receiving Tower

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

c. Construction Batch Plant

A permanent or temporary demountable facility used for the manufacturing of concrete, asphalt, or other paving materials intended for specific construction projects.

d. Wind Energy Conservation System (WECS)

Any device which converts wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.

e. Landfill (Non-Putrescible Solid Waste Disposal)

The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials, and ceramic tile.

CHAPTER 1, ARTICLE 3: USE TYPES

f. Landfill (Putrescible and Non-Putrescible Solid Waste Disposal)

The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Nebraska. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage), and manure.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

4 ARTICLE FOUR

ZONING DISTRICT REGULATIONS

4-1 Purpose

Article Four presents the Zoning District Regulations. Zoning Districts are established in the Zoning Ordinance to promote compatible land use patterns and to establish site development regulations appropriate to the purposes and specific nature of each district.

4-2 Establishment of Districts

The following base districts and overlay districts are hereby established. Table 4-1 displays the purposes of these districts.

BASE DISTRICTS

Map Code	District Name
AG	Agricultural District
RR	Rural Residential District
R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-3	Multiple-Family Residential District
NTR	Non-Traditional Residential District
O	Office District
LC	Limited Commercial District
UC	Urban Commercial District
B-1	Central Business District
B-2	General Commercial District
ML/C-1	Light Industrial District
MH	General Industrial District

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

OVERLAY DISTRICTS

Map Code	District Name
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FP/FW	Flood Plain/ Floodway Overlay District
PUD	Planned Unit Development Overlay District
HD	Historic District
ED	Environmental Resources District
A	Agricultural Overlay District

4-3 Application of Districts

A base district designation shall apply to each lot or site within the city and its planning jurisdiction. A site must be in one base district.

The Flood Plain/Floodway, Planned Unit Development, Historic, and Environmental Resources Overlay Districts may be applied to any lot or site or any portion thereof, in addition to a base district designation. The Agricultural Overlay District may be utilized only in combination with the RR or R-1 zoning districts.

4-4 Hierarchy

References in the Zoning Ordinance to less intensive or more intensive districts shall be deemed to refer to those agricultural, residential, commercial, and industrial base zoning districts established in Section 4-2, and shall represent a progression from the AG Agricultural District as the least intensive to the MH General Industrial District as the most intensive. The Overlay Districts shall not be included in this reference.

4-5 Development Regulations

The Development Regulations for each zoning district are set forth in Tables 4-2 and 4-3. Table 4-2 presents the uses permitted in each zoning district. Table 4-3 presents the Site Development Regulations for each zoning district.

Supplemental Regulations may affect specific land uses or development regulations in each zoning district. The applicable Supplemental Regulations are noted in Table 4-2.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

4-6 Zoning Map

a. Adoption of Zoning Map

Boundaries of zoning districts established by this Zoning Ordinance shall be shown on the Zoning Map maintained by the City Engineer. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with this Ordinance.

b. Changes to the Zoning Map

The Zoning Map may be changed from time to time by ordinance, following the procedure set forth by Article Twelve. Such changes shall be reflected on the Zoning Map. The City Clerk and Engineer shall keep a complete record of all changes to the Zoning Map.

4-7 Interpretation of District Boundaries

The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map.

- a. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be considered the district boundaries.
- b. Where district boundaries are indicated as within street or alley, railroad, or other identifiable rights-of-way, the centerline of such rights-of-way shall be considered the district boundary.
- c. Where a district boundary divides a property, the location of the boundary shall be determined by the use of the scale appearing on the Zoning Map if no legal description is available from the zoning action.
- d. The City Council shall determine any other uncertainty regarding district boundaries not covered in this section.

4-8 Vacation of Streets and Alleys

Whenever a public street or alley is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former centerline.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-1: Purposes of Zoning Districts

Symbol	Title	Purpose
AG	Agricultural District	The AG District provides for and preserves the agricultural and rural use of land, while accommodating very low density residential development generally associated with agricultural uses. The district is designed to maintain complete agricultural uses within the Columbus extraterritorial jurisdiction.
RR	Rural Residential	This district provides for very low density residential environments, accommodating developments that merge urban living with rural life and institutions which require a residential environment. It permits limited agricultural uses within these settings. The district's regulations assure that density is consistent with the carrying capacity of infrastructure.
R-1	Single-Family Residential	This district is intended to provide for low-density residential neighborhoods, characterized by single-family dwellings on large lots with supporting community facilities. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-2	Two-Family Residential	This district is intended to provide for medium-density residential neighborhoods, characterized by single-family dwellings and duplexes and two unit townhomes on small to moderately-sized lots with supporting community facilities. It provides special regulations to encourage innovative forms of housing development. It adapts to both established and developing neighborhoods, as well as transitional areas between single-family and multi-family neighborhoods. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-3	Multiple-Family Residential	This district is intended to provide locations for a variety of housing types, including multiple-family housing, with supporting and appropriate community facilities. The district integrates some appropriate non-residential uses by special use permit in order to develop fully urban, mixed use neighborhoods.
NTR	Non-Traditional Residential	This district recognizes that non-traditional residential development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home, tiny home and similar developments within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-1: Purposes of Zoning Districts

Symbol	Title	Purpose
O	Office District	This district reserves appropriately located area for office development and distinguishes office uses from other, more intensive commercial activities and to provide suitable office environments in the city. The office district is also designed to permit a mixture of uses that are compatible with office development and to facilitate planning for traffic generation.
LC	Limited Commercial	This district provides for neighborhood shopping facilities which serve the needs of residents of surrounding residential communities. The commercial and office uses permitted are generally compatible with nearby residential areas. Development regulations are designed to ensure compatibility in size, scale, and landscaping with nearby residences.
UC	Urban Commercial	This district is intended to address the special needs of mixed use neighborhoods that combine residential areas with nearby or adjacent office and commercial development. It permits uses that are mutually compatible. These districts are generally adjacent to major community arterials and, in some cases, include the use of residential properties for office and commercial purposes. The district's regulations recognize the urban and pedestrian character of these environments.
B-1	Central Business District	This district is intended to provide appropriate development regulations for Downtown Columbus. Mixed uses are encouraged within the B-1 District. The grouping of uses is designed to strengthen Downtown's role as a center for trade, service, and civic life.
B-2	General Commercial	This district provides for a variety of commercial, office, and service uses and is adapted to Columbus' largest commercial districts outside of Downtown. Uses and developments in the B-2 District may develop substantial traffic, creating potential land use conflict with adjacent residential neighborhoods. This district is most appropriate along arterials or in areas that can be well buffered from residential districts.
ML/C-1	Light Industrial District	This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.
MH	General Industrial District	This district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-2: Permitted Uses by Zoning District

P = Uses permitted by Right S = Uses permitted by Special Permit

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Agricultural Uses														
Horticulture	P	P												6-2(a)
Crop Production	P	P												6-2(a)
Animal Production	P	S												6-8(a) (6)
Commercial Feedlots	S													6-2(b)
Livestock Sales	P												S	
Residential Uses														
Single-Family Detached	P	P	P	P	P	P	S	S	P	S	S			
Duplex				P	P		P	S	P	S	S			
Two Family				P	P		P	S	P	S	S			6-3(a)
Townhouse				P	P		P	S	P	S	S			6-3(b)
Mixed-Use Residential							P	S	P	P*	P*			
Multiple-Family					P		P	S	P	P	P			6-3(e)
Group Residential					S		P	P	P	P				6-3(e)
Non-Traditional Residential						P								
Retirement Residential				S	P		P	S	P	P	S			
* Only above street level														

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-2: Permitted Uses by Zoning District

P = Uses permitted by Right S = Uses permitted by Special Permit

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Civic Uses														
Administration		S					P	P	P	P	P	P	P	
Cemetery	P	P	S		S									
Clubs	S	S	S	S	S	S	P	P	P	P	P			6-4(a)
College / University		S	S	S	P	S	S	P	P		P			
Convalescent Services					P		P	P	P					
Cultural Services		P	P	P	P	P	P	P	P	P	P	P		
Day Care (Limited)	P	P	P	P	P	P	P	P	P	P	P	S		
Day Care (General)		S/P*	S/P*	S/P*	P	S/P	P	P	P	P	P	S	S	6-4(b)
Detention Facilities	S									S	S	S		
Emergency Residential	P	P	P	P	P	P	P	P	P	P	S	S		
Group Care Facility	S	S	S	S	S	S	P	P	P	P	P	S		6-4(c)
Group Home	P	P	P	P	P	P	P	P	P	P	P			6-4(c)
Guidance Services					P		P	P	P	P	P	P	P	6-8(b)
Hospitals					S		P	S	S	S	P			
Health Care	S				P		P	P	P	P	P	P	P	6-8(b)
Maintenance Facilities	S	S									P	P	P	
Non-commercial Shelters										S	S		S	
Park and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal Facilities					S		P	P	P	P	P	P	P	
Primary Education		P	P	P	P	P	S	P	P	P	S			
Public Assembly							S	S	S	P	P			
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P	P	S	
Safety Services	P	P	P	P	P	P	P	P	P	P	P	P	P	

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Secondary Education		S	S	S	P	S	S	S	S	S	S			
Stormwater Treatment Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	

S/P* - P* is hereby defined as permitted if in compliance with Neb. Rev. Stat. § 43-2616. Neb. Rev. Stat. § 43-2616 provides that any family child care home licensed by the Department of Health and Human Services pursuant to Neb. Rev. Stat.

§ 71-1911 or by the City or County pursuant to Neb. Rev. Stat.

§ 71-1914(2) may be established and operated in any residential zone within the exercised zoning jurisdiction.

Table 4-2: Permitted Uses by Zoning District

P = Uses permitted by Right S = Uses permitted by Special Permit

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Office Uses														
General Offices					S		P	P	P	P	P	P	P	
Medical Offices							P	S	P	P	P	P		
Commercial Uses														
Agricultural Sales/Service	S										P	P	P	
Automotive Rental/Sales										P	P	S		
Auto Services								S	S	P	P	P	P	6-5(a), 6-5(b)
Body Repair											S	P	P	6-5(a)
Crematory											S	S	P	6-5(f)
Equipment Rental/Sales										S	P	P	P	
Equipment Repair											P	P	P	6-5(a)
Vehicle Storage											S	P	P	
Bed & Breakfast			S	S	P		P	P	P	P	P			6-5(c)
Business Support Services							P	P	P	P	P	P	P	
Business/Trade Schools							S			P	P	P		
Camp Ground	P	S									S			6-5(d)

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Cocktail Lounge									P	P	S		
Commercial Recreation	S							S	P	P	P		
Communication Services						S	P	P	P	P	P	P	
Construction Sales and Service									P	P	P	P	
Consumer Services						S	P	P	P	P	P		
Convenience Storage	S	S								S	P	P	6-5(e)
Food Sales (Limited)				S			P	P	P	P	S		
Food Sales (General)							S	P	P	P	S		
Funeral Services						P	P	P	P	P			
General Retail Services						S	P	P	P	P	S		
Kennels	P	S								S	P		
Laundry Services									S	P	P	P	
Liquor Sales		S							P	P	S		
Lodging				S		S	S	P	P	P			

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-2: Permitted Uses by Zoning District

P = Uses permitted by Right S = Uses permitted by Special Permit

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Commercial Uses														
Personal Services					S		P	P	P	P	P	P		
Pet Services								P	P	P	P	P		
Research Services	S							P	P	P	P	P		
Restaurants (Drive-In)									S		P	S		
Restaurants (General)							P	P	P	P	P	S		
Sexually Oriented Business												S		6-5(g)
Stables	P	S												
Surplus Sales										P	P	P	P	
Veterinary Services	S	S									P	P		
Gaming Facility										P	P			
Parking Uses														
Off-Street Parking			*S	*S	*S		S	S	S	P	P	P	P	Article 9
Parking Structure							S			P	P	P		

*Off-Street Parking in the R-1, R-2 and R-3 Zoning Districts must be in conjunction with Use Types permitted by right and/or in conjunction with Non-Parking Use Types that have been approved by a Special Use Permit.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-2: Permitted Uses by Zoning District

P = Uses permitted by Right S = Uses permitted by Special Permit

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/ C-1	MH	Supple- mentary Regulation
Industrial Uses														
Custom Manufacturing									P	P	P	P	P	
Light Industry										S	S	P	P	
General Industry												P	P	
Heavy Industry													P	
Resource Extraction	S	S											P	6-6(a)
Salvage Services													P	6-6(b)
Warehousing												P	P	
Construction Yards												P	P	
Recycling Collection											P	P	P	
Recycling Processing												P	P	
Transportation Uses														
Aviation	P												P	
Railroad Facilities										S	S	P	P	
Truck Terminal												P		
Transportation Terminal	S									P	P	P	P	
Miscellaneous Uses														
Broadcasting Tower	*S	*S	*S	*S	*S	*S		*S	*S		*S	*S	*S	
Construction Batch Plant	**S	**S										**S	P	
WECS (Wind Energy Conservation System)	P	P			S			S	S		S	P	P	
Landfill (Non-Putrescible)	S												S	

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Landfill (Putrescible)	S											S	
Major Alternative Energy Production Devices	P	P	S	S	S	S		S	S		S	P	P
Minor Alternative Energy Production Devices	P	P	P	P	P	P	P	P	P	P	P	P	P

* See Chapter 13 of the Zoning Code. Towers permitted under Section 5 of Chapter 13 or towers that are eligible for administrative approval under Section 6 of Chapter 13 are exempt from the Special Use Permit requirement. For all other towers, Special Use Permits shall be governed by Chapter 13 of the Zoning Code and, particularly, the procedures and criteria set forth in Section 7 thereof.

** Temporary Construction Batch Plants Only.

- **Table 4-3(a): Site Development Regulations**

Regulator	AG	RR	R-1	R-2	R-3
Minimum Lot Area (square feet)	10 acres	1 acre	5,500	4,840/ 7,480 (5)	5,500
Minimum Lot Width (feet)	300	100	54	44(2)	50(2)
Minimum Site Area per Housing Unit (square feet)	10 acres	1 acre	5,500	4,840 (1 Family) 3,740 (other)	1,500 (3)
Minimum Yards (feet)					
Front Yard	50	50	20	20	20
Street Side Yard	25	25	20	20	20
Interior Side Yard	25	25	7	7(1)	7(4)
Rear Yard	35	35	25	25	20
Maximum Height (feet)	100	36	36(4,6)	36(4,6)	36(4,6)
Maximum Building Coverage	NA	NA	40%	40% (7)	50%

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Maximum Impervious Coverage	NA	NA	50%	55% (8)	65%
Floor Area Ratio	NA	NA	NA	NA	1.00

Note 1:

See Section 6 for supplemental regulations governing townhouse residential use types. Note 2:

See Section 6- for supplemental regulations regarding modifications of lot width for townhouse residential use type.

Note 3:

Density of multi-family residential may exceed this maximum, subject to approval of a Special Use Permit by the City Council, with the recommendation of the Planning Commission.

Note 4:

Dwellings may exceed the height limit by up to ten feet if the side yard is increased by the same amount as the added height.

Note 5:

5,500 square feet for single-family lots; 8,500 square feet for duplex or other residential lots.

Note 6:

Accessory buildings cannot be over 17.5 feet in height.

Note 7:

Maximum building coverage may be increased to 50%, subject to approval of a Special Use Permit by the City Council, with the recommendation of the Planning Commission.

Note 8:

Maximum impervious coverage may be increased to 65%, subject to approval of a Special Use Permit by the City Council, with the recommendation of the Planning Commission.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3(b): Site Development Regulations

Regulator	NTR Park	NTR Subdivision
Minimum Area to be developed	2 acres	2 acres
Minimum Lot Area (square feet)	1,000	2,000
Minimum Lot Width (feet)	20	24
Minimum Yards (feet)		
Front Yard	10	20
Street Side Yard	10	10
Interior Side Yard	5	5
Rear Yard	10	15
Maximum Height (feet)	14'8"	36
Maximum Building Coverage	50%	50%
Maximum Impervious Coverage	55%	65%
Shared Parking	1 space per lot	
Minimum Common Open Space (1)	20%	15%

Note 1: Stormwater treatment facilities may be included in Common Open Space provided required recreation space is still provided.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3(a): Site Development Regulations

Regulator	O*	LC*	UC*	B-1	B-2*
Minimum Lot Area (square feet)	5,000	5,000	5,000	NONE	5,500
Minimum Lot Width (feet)	50	50	50	NONE	50
Site Area per Housing Unit (square feet)	2,000(3)	2,000(3)	2,000(3)	500	2,000(3)
Minimum Yards (feet)					
Front Yard	20	20	15	0	10
Street Side Yard	20	20	10	0	10
Interior Side Yard	10	10	10	0	0
Rear Yard	20	20	20	0	20
Maximum Height (feet)	48	36	36	NO LIMIT	60
Maximum Building Coverage	50%	50%	50%	100%	70%
Maximum Impervious Coverage	70%	70%	80%	100%	90%
Floor Area Ratio	0.50	0.50	0.50	5.0	1.0

*Uses in the O, LC, UC, B-2, ML/C-1, and MH Districts are subject to landscape and screening provisions contained in Article 8.

Note 3:

Density of multi-family residential may exceed this maximum, subject to approval of a Special Use Permit by the City Council with the recommendation of the Planning Commission.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3(b): Site Development Regulations

Regulator	ML/C-1*	MH*
Minimum Lot Area (square feet)	5,000	5,000
Minimum Lot Width (feet)	50	50
Site Area per Housing Unit (square feet)	NA	NA
Minimum Yards (feet)		
Front Yard	15	0
Street Side Yard	10	0
Interior Side Yard	0	0
Rear Yard	10	10
Maximum Height (feet)	72	NONE
Maximum Building Coverage	70%	85%
Maximum Impervious Coverage	90%	100%
Floor Area Ratio	1.0	2.0

CHAPTER 1, ARTICLE 5: SPECIAL AND OVERLAY DISTRICTS

5 ARTICLE FIVE

OVERLAY DISTRICTS

5-1 General Purpose

Overlay Districts are used in combination with base districts to modify or expand base district regulations. Overlay Districts are adapted to special needs of different parts of the City of Columbus.

The Overlay Districts are designed to achieve the following objectives:

- a. To recognize special conditions in specific parts of the City which require specific regulation;
- b. To provide flexibility in development and to encourage innovative design through comprehensively planned projects.

PUD: PLANNED UNIT DEVELOPMENT DISTRICT

5-2 Purpose

The PUD Planned Unit Development Overlay District is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment. The PUD District may be used in combination with any base district specified in this Ordinance. The PUD District, which is adopted by the City Council with the recommendation of the Planning Commission, assures specific development standards for each designated project.

5-3 Permitted Uses

- a. Uses permitted in a PUD Overlay District are those permitted in the underlying base district.

5-4 Site Development Regulations

Site Development Regulations are developed individually for each Planned Unit Development District but must comply with minimum or maximum standards established for the base district, with the following exceptions:

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- a. Lot area and lot width are not restricted, provided that the maximum density allowed for each base district is not exceeded;
- b. Maximum building coverage shall be the smaller of the allowed building coverage in the base district, or 60 percent.

5-5 Access to Public Streets

Each PUD District must abut a public street for at least 60 feet and gain access from that street.

5-6 Application Process

a. Development Plan

The application for a Planned Unit Development District shall include a Development Plan containing the following information:

1. A tract map, showing site boundaries, street lines, lot lines, easements, and proposed dedications or vacations; and a key map;
2. A land use plan designating specific uses for the site and establishing site development regulations, including setback height, building coverage, impervious coverage, density, and floor area ratio requirements;
3. A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans;
4. A circulation plan, including location of existing and proposed vehicular and pedestrian, facilities and location and general design of parking and loading facilities;
5. Schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, and general architectural design;
6. A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.

5-7 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each Planned Unit Development application. The City may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.

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- c. The Planning Commission may recommend amendments to PUD district applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a PUD Planned Unit Development Overlay District. Proper notice shall mean the same notice established for any other zoning amendment.
- f. Upon approval by the City Council, the Development Plan shall become a part of the Ordinance creating or amending the PUD District. All approved plans shall be filed with the City Clerk.

5-8 Amendment Procedure

- a. Major amendments to the Development Plan must be approved according to the same procedure set forth in Section 5-7.

5-9 Building Permits

The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a PUD District unless it is in compliance with the approved Development Plan or any approved amendments.

5-10 Termination of PUD District

If no substantial development has taken place in a Planned Unit Development District for three years following approval of the District, the Planning Board shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

CCD: CREATIVE CLUSTER DEVELOPMENT

5-11 Purpose

The CCD Creative Cluster Development provides a design alternative that provide greater flexibility in subdivision design and design and build developments that are considerate of special natural or artificial features.

5-12 Permitted Uses

- a. Residential uses permitted in a CCD Overlay District are those permitted in the underlying base district.

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5-13 Site Development Regulations

Site Development Regulations comply with the overall density requirements of a zoning district, but allow internal variations of such standards as lot size, and setbacks in order to encourage innovative or economical development or protect natural features and open space without loss of economic yield to the developer.

- a. Cluster subdivisions allow the clustering or grouping of residential lots in order to provide common open space.
- b. Cluster Subdivisions may be developed and approved subject to the following standards and variations:
 - (1) The overall density of subdivision complies with the zoning district that contains the final subdivision. A subdivider may apply for a rezoning simultaneously with the plat approval process.
 - (2) Individual lot size dimensions, including lot width, may be reduced to 60% of requirement of zoning district. Any savings on lot size shall be devoted to common open space or other approved community facilities.
 - (3) Lot setbacks may be varied from those otherwise specified for the zoning district. Setback limits must be established on the preliminary and final plat. The setback from any garage entrance to any circulation way must be at least 20 feet.
 - (4) Street or right-of-way widths set forth in Article Five may be varied within for local streets within Cluster Subdivisions, subject to the sole discretion of the approving authorities.
 - (5) Articles of incorporation or covenants for a homeowners' association or other provision assuring maintenance or operation of all common spaces shall be submitted with subdivision application.

5-14 Access to Public Streets

Each CCD District must abut a public street for at least 60 feet and gain access from that street.

5-15 Application Process

a. Development Plan

The application for a Creative Cluster Development District shall include a Development Plan containing the following information:

1. A tract map, showing site boundaries, street lines, lot lines, easements, and proposed dedications or vacations; and a key map;

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2. A land use plan designating specific uses for the site and establishing site development regulations, including setback height, building coverage, impervious coverage, density, and floor area ratio requirements;
3. A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans;
4. A circulation plan, including location of existing and proposed vehicular and pedestrian, facilities and location and general design of parking and loading facilities;
5. Schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, and general architectural design;
6. A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.

5-16 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each Creative Cluster Development application. The City may impose reasonable conditions, as deemed necessary to ensure that a CCD shall be compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to CCD district applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a CCD Creative Cluster Development Overlay District. Proper notice shall mean the same notice established for any other zoning amendment.
- f. Upon approval by the City Council, the Development Plan shall become a part of the Ordinance creating or amending the CCD District. All approved plans shall be filed with the City Clerk.

5-17 Amendment Procedure

- b. Major amendments to the Development Plan must be approved according to the same procedure set forth in Section 5-7.

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5-18 Building Permits

The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a CCD District unless it is in compliance with the approved Development Plan or any approved amendments.

5-19 Termination of CCD District

If no substantial development has taken place in a Creative Cluster Development District for three years following approval of the District, the Planning Commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

ED: ENVIRONMENTAL RESOURCES DISTRICT

5-20 Purpose

The ED Environmental Resources Overlay District enables the adoption of special performance standards in combination with site development regulations of a base district for areas of special environmental significance or sensitivity. These areas include hill environments; wetlands; forested areas; areas with unique soil or drainage characteristics; lake, river, or creek districts; and other areas with special environmental characteristics.

5-21 Procedure for Adoption

a. Proposal

The creation of an ED Environmental Resources Overlay District may be initiated by the Planning Commission or the City Council.

b. Requirements for Application

An application for the creation of an ED Overlay District must include:

1. A statement describing the proposed district's special environmental characteristics and stating the reasons for proposal of the district;
2. A map indicating the boundaries of the proposed ED Overlay District, specifying the base district(s) included within these boundaries;
3. Supplemental site development regulations and performance standards that apply to the proposed district.

5-22 Adoption of District

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- a. The Planning Commission and City Council shall review and evaluate each ED Overlay District application.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to ED District applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing an ED Environmental Resources Overlay District.
- f. The Ordinance adopting the ED District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.
- g. Upon approval by the City Council, each ED Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.
- h. Any protest against an ED Overlay District shall be made and filed as provided by Section 14-405, Revised Statutes of Nebraska, 1943, and amendments thereto.

5-23 Building Permits

Building or other development permits issued by the City in an ED District shall be consistent with the adopted ED District Ordinance.

HD: HISTORIC DISTRICT

5-24 Purpose

The HD Historic Overlay District enables the adoption of special performance and development standards in combination with site development regulations of a base district for areas of special historical or architectural significance within the City of Columbus. The District recognizes the importance of historically and architecturally significant districts to the character of Columbus and provides for their conservation.

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5-25 Procedure for Adoption

a. Proposal

The creation of an HD Historic Overlay District may be initiated by the Planning Commission; the City Council; or by petition of the owner or owners of 51% of the property area within the proposed district.

b. Requirements for Application

An application for the creation of an HD Overlay District must include:

1. A statement describing the proposed district's special historical or architectural characteristics and stating the reasons for proposal of the district;
2. A map indicating the boundaries of the proposed HD Overlay District, specifying the base district(s) included within these boundaries;
3. An inventory of the buildings or historically important sites located within the boundaries of the proposed district;
4. Supplemental site development regulations, design criteria, and performance standards that apply to the proposed district.

5-26 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each HD Overlay District application.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to HD District applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing an HD Historic Overlay District.
- f. The Ordinance adopting the HD District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.

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- g. Upon approval by the City Council, each HD Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.
- h. Any protest against an HD Overlay District shall be made and filed as provided by Section 14-405, Revised Statutes of Nebraska, 1943, and amendments thereto.

5-27 Building Permits

Building or other development permits issued by the City in an HD District shall follow procedures for review and approval established within the City's Landmarks Preservation Ordinance.

5-28 Statutory Authorization, Finding of Fact and Purposes

a. Statutory Authorization

The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety, general welfare, and property of the people of the state. The Legislature, in *Nebraska Revised Statutes* Sections 31-1001 to 31-1023 (as amended), has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city, or village with zoning jurisdiction over the flood prone area. Therefore the City Council of Columbus, Nebraska ordains as follows:

b. Finding of Fact

1. Flood Losses Resulting from Periodic Inundation

The flood hazard areas of Columbus, Nebraska are subject to inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. General Causes of the Flood Losses

These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities as well as the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise unprotected from flood damages.

c. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 1.2 by applying the provisions of this ordinance to:

- 1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- 2. Require that uses vulnerable to floods, including public facilities that service such uses, be provided with flood protection at the time of initial construction.
- 3. Reduce financial burdens from flood damage borne by the community, its governmental units, its residents, and its businesses by preventing excessive and unsafe development in areas

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subject to flooding.

4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance from the National Flood Insurance Program.

d. Adherence to Regulations

The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the Nebraska Minimum Standards for Floodplain Management Programs as published in the Nebraska Administrative Code Title 455, Chapter 1.

5-29 General Provisions

a. Lands to which Ordinance applies

This ordinance shall apply to all lands within the jurisdictions of the City of Columbus, Nebraska, identified on the Flood Insurance Rate Map (FIRM) panels 3114C0310E, 3114C03020E, 3114C0330E, 3114C0335E, 3114C0340, and 3114C0345E dated April 19, 2010, as Zones A, A1-30, AE, AO, or AH and within the Zoning Districts FW and FF established in Section 3.0 of this ordinance. In all areas covered by this ordinance, no development shall be allowed except upon the issuance of a floodplain development permit to develop, granted by the floodplain administrator or the governing body under such safeguards and restrictions as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections 4.0 and 5.0.

b. Rules for Interpretation of District Boundaries

The boundaries of the floodway and the flood fringe overlay districts shall be determined by scaling distances on the official zoning map of the effective Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the zoning or other community map, the floodplain administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit their own technical evidence, if so desired.

c. Compliance

Within identified floodplains of this community, no development shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

d. Abrogation and Greater Restrictions

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This ordinance does not intend to repeal, abrogate, or impair any existent easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

e. Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

f. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This ordinance shall not create liability on the part of City of Columbus or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

g. Severability

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

5-30 Establishment of Zoning Districts

Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: a floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study dated April 19, 2010, and on accompanying FIRM panels as established in Section 2.1. The flood fringe overlay district shall correspond to flood zones A, AE, A1-30, AH, AO, AR, A99, and floodway areas in Zone AE that are identified on FIRM panels. The floodway overlay district shall correspond to the floodway areas in Zone AE that are identified on the FIRM panels. Within these districts, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

5-31 Floodplain Management Administration

Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe

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overlay district (FF) as identified by the Flood Insurance Study [and accompany map(s)]. The floodway overlay district (FW) is identified by the flood insurance rate map dated April 19, 2010. Within these districts, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

a. Designation of Floodplain Administrator

The City Engineer of the community is hereby designated as the community's local floodplain administrator. The floodplain administrator is authorized and directed to administer, implement, and enforce all provisions of this ordinance. If the local floodplain administrator position is unfilled, the community CEO shall assume the duties and responsibilities herein.

b. Permits Required

A floodplain development permit shall be required before any development, construction, or substantial improvement is undertaken. No person, firm, corporation, government agency, or other entity shall initiate any floodplain development without first obtaining a floodplain development permit.

c. Duties of Floodplain Administrator

Duties of the City Engineer shall include, but not be limited to the following:

1. Review, approve, or deny all applications for floodplain development permits.
2. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
3. Review applications for proposed development to assure that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.
4. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
5. Notify adjacent communities and the Nebraska Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
6. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.
7. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures in the floodplain.
8. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) to which all new or substantially improved structures have been floodproofed.
9. Verify, record, and maintain record of all improved or damaged structures to ensure compliance with standards in applicable sections. Track value of improvements and market value with permits. Also, ensure consistent market value estimations to evaluate against damaged or improved values.
10. Ensure comprehensive development plan as amended is consistent with this ordinance.
11. In the event the floodplain administrator discovers work done that does not comply with applicable laws or ordinances, the floodplain administrator shall revoke the permit and work

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to correct any possible violation in accordance with this ordinance.

- d. Application for Permit and Demonstration of Compliance
1. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
 - (a) Identify and describe the proposed development and estimated cost to be covered by the floodplain development permit.
 - (b) Describe the land on which the proposed development is to be done by lot, block, tract, and house and streets address, or similar description that will readily identify and definitely locate the proposed building or development.
 - (c) Indicate the use or occupancy for which the proposed development is intended.
 - (d) Be accompanied by plans and specifications for proposed construction.
 - (e) Be signed by the permittee and authorized agent who may be required to submit evidence to indicate such authority.
 2. If any proposed development is located entirely or partially within a floodplain, applicants shall provide all information in sufficient detail and clarity to enable the floodplain administrator to determine that:
 - (a) All such proposals are consistent with the need to minimize flood damage;
 - (b) All utilities and facilities such as sewer, gas, water, electrical, and other systems are located and constructed to minimize or eliminate flood damage;
 - (c) Structures will be anchored to prevent flotation, collapse, or lateral movement;
 - (d) Construction materials are flood resistant;
 - (e) Appropriate practices to minimize flood damage have been utilized; and
 - (f) Electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities have been designed and located to prevent entry of floodwaters.
 3. For all new and substantially improved structures, an elevation certificate based upon the finished construction certifying the elevation of the lowest floor, including basement, and other relevant building components shall be provided to the floodplain administrator and be completed by a licensed surveyor, engineer, or architect.
 4. When floodproofing is utilized for an applicable structure, a floodproofing certificate shall be provided to the floodplain administrator and be completed by a licensed professional engineer or architect.
 5. For all development proposed in the floodway, no-rise certification shall be provided to the floodplain administrator and be completed by a licensed professional engineer.
 6. Any other such information as reasonably may be required by the City Engineer shall be provided.
 7. Letters of Map Revision: Federal regulations in Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.5 and 65.6 allow for changes to the special flood hazard area through a Letter of Map Revision (LOMR) or a Letter of Map Revision Based on Fill (LOMR-F), provided the community determines that the land and any existing or proposed structures that would be removed from the floodplain are "reasonably safe from flooding." The community acknowledgement form asserting this is required for LOMR and LOMR-F applications and must be signed by the floodplain administrator. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
 - (a) Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.
 - (b) Applicant shall demonstrate that the property and any existing or proposed structures will be "reasonably safe from flooding," according to the minimum design standards in FEMA Technical Bulletin 10-01.
 - (c) All requirements listed in the Simplified Approach in FEMA Technical Bulletin 10-01 shall be met and documentation from a registered professional engineer shall be provided. If all of these requirements are not met, applicant must provide documentation in line with the Engineered Approach outlined in FEMA Technical Bulletin 10-01.]

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e. Flood Data Required

1. All Zone A areas on the FIRM are subject to inundation of the base flood; however, the base flood elevations are not provided. Zone A areas shall be subject to all development provisions of this ordinance. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state, or other sources, including from a study commissioned by the applicant pursuant to best technical practices.
2. Until a floodway has been designated, no development or substantial improvement may be permitted within the floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown in the Flood Insurance Study or on base flood elevation determinations.

f. Variances and Appeals

1. Variance and Appeals Procedures

- (a) The Board of Adjustment as established by City of Columbus shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (b) The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Engineer in the enforcement or administration of this ordinance.
- (c) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided in *Nebraska Revised Statutes* Section 23-168 (for counties) and *Nebraska Revised Statutes* Section 19-192 (for municipalities).
- (d) In evaluating such appeals and requests, the Board of Adjustment shall consider technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:
 - i. The danger to life and property due to flooding or erosion damage;
 - ii. The danger that materials may be swept onto other lands to the injury of others;
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner, future owners, and neighboring properties;
 - iv. The importance of the services provided by the proposed facility to the community;
 - v. The necessity of the facility to have a waterfront location, where applicable;
 - vi. The availability of alternative locations that are not subject to flooding or erosion damage for the proposed use;
 - vii. The compatibility of the proposed use with existing and anticipated development;
 - viii. The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;
 - ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
 - xi. The costs of providing government services during and after flood conditions including emergency management services and maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

2. Conditions for Variances

- (a) Variances shall only be issued upon a showing of good and sufficient cause and also upon a determination that failure to grant the variance would result in an exceptional hardship to the

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applicant.

- (b) Variances shall only be issued based upon a determination that the granting of a variance will not result in increased flood heights.
- (c) Variances shall only be issued based upon a determination that the granting of a variance will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (d) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items E-I below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (e) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure on the National Register of Historic Places and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (f) Variances shall not be issued within any designated floodway if any increase in water surface elevations along the floodway profile during the base flood discharge would result.
- (g) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (h) The applicant shall be given a written notice over the signature of a community that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and also that such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
- (i) All requests for variances and associated actions and documents, including justification for their issuance, shall be maintained by the community.

g. Enforcement

1. Violations

Failure to obtain a floodplain development permit or the failure of a structure or other development to be fully compliant with the provisions of this ordinance shall constitute a violation. A structure or other development without a floodplain development permit, elevation certificate, certification by a licensed professional engineer of compliance with these regulations, or other evidence of compliance is presumed to be in violation until such time as documentation is provided.

2. Notices

When the floodplain administrator or other authorized community representative determines, based on reasonable grounds, that there has been a violation of the provisions of this ordinance, the floodplain administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

- (a) Be in writing;
- (b) Include an explanation of the alleged violation;
- (c) Allow a reasonable time for the performance of any remedial act required;
- (d) Be served upon the property owner or their agent as the case may require; and

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- (e) Contain an outline of remedial actions that, if taken, will bring the development into compliance with the provisions of this ordinance.

3. Penalties

- (a) Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person, firm, corporate, or other entity that violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 , and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- (b) The imposition of such fines or penalties for any violation or non-compliance with this ordinance shall not excuse the violation or non-compliance or allow it to continue. All such violations or non-compliant actions shall be remedied within an established and reasonable time.
- (c) Nothing herein contained shall prevent the City of Columbus or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

5-32 Standards for Floodplain Development

a. General Provisions

1. Alteration or Relocation of a Watercourse

- (a) A watercourse or drainway shall not be altered or relocated in any way that in the event of a base flood or more frequent flood will alter the flood carrying characteristics of the watercourse or drainway to the detriment of upstream, downstream, or adjacent locations.
- (b) No alteration or relocation shall be made until all adjacent communities that may be affected by such action and the Nebraska Department of Natural Resources have been notified and all applicable permits obtained. Evidence of such notification shall be submitted to the Federal Emergency Management Agency.

2. Encroachments

- (a) When proposing to permit any of the following encroachments, the standards in Section 5.1 (B) (ii) shall apply:
 - i. Any development that will cause a rise in the base flood elevations within the floodway; or
 - ii. Any development in Zones A, A1-30, and Zone AE without a designated floodway that will cause a rise of more than one foot in the base flood elevation; or
 - iii. Alteration or relocation of a stream; then
- (b) The applicant shall:
 - i. Apply to FEMA for conditional approval of such action via the Conditional Letter of Map Revision process (as per Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.12) prior to the permit for the encroachments; and
 - ii. Supply the fully approved package to the floodplain administrator including any required notifications to potentially affected property owners.

3. Floodway Overlay District

- (a) Standards for the Floodway Overlay District
 - i. New structures for human habitation are prohibited.
 - ii. All encroachments, including fill, new construction, substantial improvements,

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and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during the occurrence of the base flood discharge. These developments are also subject to all the standards of Section 5.

- iii. In Zone A areas, obtain, review, and reasonably utilize any flood elevation and floodway data available through federal, state, or other sources, including studies done under Section 5.3 (H) "Subdivisions", in meeting the standards of this section.
 - (b) Only uses having a low flood-damage potential and not obstructing flood flows shall be allowed within the Floodway Overlay District to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway Overlay District:
 - i. Agricultural uses such as general farming, pasture, nurseries, and forestry
 - ii. Residential uses such as lawns, gardens, parking, and play areas
 - iii. Nonresidential uses such as loading areas, parking, and airport landing strips
 - iv. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, and wildlife and nature preserves.
- b. Elevation and Floodproofing Requirements

1. Residential Structures

- (a) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.
- (b) In Zone AO, all new construction and substantial improvements shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet.
- (c) In the floodway, new structures for human habitation are prohibited.

2. Nonresidential Structures

- (a) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:
 - i. The structure is watertight with walls substantially impermeable to the passage of water and
 - ii. The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A floodproofing certificate shall be provided to the floodplain administrator as set forth in Section 4.
- (b) In Zone AO, all new construction and substantial improvements shall have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet; or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:
 - i. The structure is watertight with walls substantially impermeable to the passage of water and
 - ii. The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

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A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A floodproofing certificate shall be provided to the floodplain administrator as set forth in Section 4.

3. Space Below Lowest Floor

- (a) Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be used solely for the parking of vehicles, building access, or limited storage of readily removable items.
- (b) Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - i. A minimum of two openings having a net total area of not less than one (1) square inch for every one (1) square foot of enclosed space,
 - ii. The bottom of all openings shall not be higher than one (1) foot above grade, and
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.

4. Appurtenant Structures

- (a) Structures accessory to a principal building may have the lowest floor below one foot above base flood elevation provided that the structure complies with the following requirements:
 - i. The structure shall not be used for human habitation.
 - ii. The use of the structure must be limited to parking of vehicles or storage of items readily removable in the event of a flood warning.
 - iii. The floor area shall not exceed 400 square feet.
 - iv. The structure shall have a low damage potential.
 - v. The structure must be adequately anchored to prevent flotation, collapse, or other lateral movement.
 - vi. The structure shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - 1. A minimum of two openings having a net area of not less than one (1) square inch for every one (1) square foot of enclosed space,
 - 2. The bottom of all openings shall not be higher than one (1) foot above grade, and
 - 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.
 - vii. No utilities shall be installed in the structure, except electrical fixtures which must be elevated or floodproofed to one (1) foot above base flood elevation.
 - viii. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
 - ix. If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.

5. Manufactured Homes

- (a) Require that all manufactured homes to be placed or substantially improved within floodplains on sites:
 - i. Outside of a manufactured home park or subdivision,

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- ii. In a new manufactured home park or subdivision,
 - iii. In an expansion to an existing manufactured home park or subdivision, or
 - iv. In an existing manufactured home park or subdivision on which a manufactured home as incurred substantial damage as the result of a flood,
Be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this Section.
 - (b) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas that are not subject to the provisions of Section 5.2 (D) (b) be elevated so that either;
 - i. The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or
 - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 5.2 (F) (iv).
 - (c) New manufactured home parks of five (5) acres or fifty (50) lots, whichever is less, shall follow the standards of Section 5.3 (H) "Subdivisions".
 - (d) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - i. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;
 - ii. Frame ties be provided at each corner of the manufactured home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
 - iii. Any additions to the manufactured home be similarly anchored.
6. Existing Structures
- (a) The provisions of this ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to a structure in the floodplain, a floodplain development permit is required and the provisions of 5.2 (G) (ii-iv) shall apply.
 - (b) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure where the costs of which would equal or exceed fifty (50) percent of the pre-improvement market value shall constitute a substantial improvement and shall fully comply with the provisions of this ordinance.
 - (c) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure in the floodway shall comply with the provisions of 5.1 (C).

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- (d) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure that will change the compliance requirements of the building shall require applicable documentation including an elevation certificate, floodproofing certificate, or no rise certification.
- c. Design and Construction Standards
- 1. Anchoring
 - All buildings or structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - 2. Building Materials and Utilities
 - (a) All buildings or structures shall be constructed with materials and utility equipment resistant to flood damage. All buildings or structures shall also be constructed by methods and practices that minimize flood and flood-related damages.
 - (b) All buildings or structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - 3. Drainage
 - (a) Within Zones AO and AH, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
 - 4. Water Supply and Sanitary Sewer Systems
 - (a) All new or replacement water supply and sanitary sewer systems shall be located, designed, and constructed to minimize or eliminate flood damages to such systems and the infiltration of floodwaters into the systems.
 - (b) All new or replacement sanitary sewage systems shall be designed to minimize or eliminate discharge from the system into floodwaters.
 - (c) On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during flooding.
 - 5. Other Utilities
 - All other utilities such as gas lines, electrical, telephone, and other utilities shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities.
 - 6. Storage of Materials
 - (a) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - (b) The storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
 - 7. Recreational Vehicles
 - Within any floodway, recreational vehicles and recreational vehicle parks shall be prohibited.

Recreational vehicles to be placed on sites within the floodplain shall:

- (a) Be on site for fewer than 180 consecutive days;

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- (b) Be fully licensed and ready for highway use, which shall mean it is on its wheels or jacking system, is attached to the site by only quick-disconnect type utilities and security devices, and no permanently attached additions; or
- (c) Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this ordinance.

8. Subdivisions

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall require assurance that:

- (a) All such proposals are consistent with the need to minimize flood damage;
- (b) All public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage;
- (c) Adequate drainage is provided so as to reduce exposure to flood hazards; and
- (d) Proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is less, where base flood elevation data are not available, shall be supported by hydrologic and hydraulic analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for Conditional Letters of Map Revision and a Letters of Map Revision.

5-33 Nonconforming Use

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

(a) If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the City Engineer in writing of instances of nonconforming uses where utility services have been discontinued for a period of six (6) months.

(b) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

b. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50% of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, or safety code or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

5-34 Amendments

a. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in federal, state, or local

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regulations provided, however, that no such action may be take until after a public hearing in relation thereto, at which citizens and parties in interest shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Columbus. At least 15 days shall elapse between the date of this publication and the public hearing.

b. A copy of such amendments will be provided to the Nebraska Department of Natural Resources and the Federal Emergency Management Agency for review and approval before being adopted.

5-35 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application:

0.2% Annual Chance Floodplain means the floodplain that would be inundated by the 0.2% annual chance flood and delineated on the Flood Insurance Rate Maps.

Appurtenant Structure shall mean a structure on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure. Also shall be known as "accessory structure."

Area of Shallow Flooding means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood means the flood having one (1) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation means the elevation to which floodwaters are expected to rise during the base flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building means "structure." See definition for "structure."

Development means any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; or obstructions.

Existing Manufactured Home Park or Subdivision means 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

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or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision means 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).

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas.

Flood Fringe is that area of the floodplain, outside of the floodway, that has a one percent chance of flood occurrence in any one year.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Flood Insurance Study has delineated the special flood hazard area boundaries and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

Floodplain means any land area susceptible to being inundated by water from any source (see definition of "flooding"). Floodplain includes flood fringe and floodway. Floodplain and special flood hazard area are the same for use by this ordinance.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

Floodway or Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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Historic Structure means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built or modified so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home means 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".

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction for floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision means 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 completed on or after the effective date of floodplain management regulations adopted by a community.

Obstruction means any wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation (including the alteration or relocation of a watercourse or drainway), channel rectification, bridge, conduit, culvert, building, stored equipment or material, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry such structure or matter downstream to the damage or detriment of either life or property. Dams designed to store or divert water are not obstructions if permission for the construction thereof is obtained from the Department of Natural Resources pursuant to the Safety of Dams and Reservoirs Act (*Nebraska Revised Statutes* 46-1601 to 46-1670 as amended).

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Overlay District is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

Post-FIRM Structure means a building that was constructed or substantially improved after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map dated April 19, 2010, whichever is later.

Pre-FIRM Structure means a building that was constructed or substantially improved on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map dated April 19, 2010, whichever is later.

Principally Above Ground means that at least 51 percent of the actual cash value of the structure is above ground.

Recreational Vehicle means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation means the base flood elevation (BFE) plus a freeboard factor as specified in this ordinance.

Special Flood Hazard Area (SFHA) is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

Start of Construction means the date the floodplain development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. "Start of construction" also includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 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, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Structure means 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.

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Subdivision means the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development.

Substantial Damage means damage of any origin sustained by a structure whereby the cumulative cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

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

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

5-36 to 5-39 RESERVED FOR FUTURE USE

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5-40 A: AGRICULTURAL OVERLAY DISTRICT

5-41 Purpose

This district is intended to permit the use of limited agricultural activities in combination with residential land uses. It recognizes the existence in Columbus of specific neighborhoods that, while developed to urban densities, also include certain farm uses, including the raising of both crops and animals. It further recognizes that such uses should be strictly controlled in order to minimize effects on neighboring properties.

5-42 Application of District

This district may be used only in combination with the RR, R-1, or R-2 zoning districts.

5-43 Permitted Uses

In addition to those uses permitted by the base district, the following additional uses are permitted in the Agricultural Overlay District:

- a. Horticulture
- b. Crop Production
- c. Animal Production, subject to the following additional conditions:
 1. Any new animal shelter, confinement facility, or animal unit shall require approval by the City Council through the special use permit procedure;
 2. Any accessory facilities or shelters must be located at least 50 feet from any residences other than the principal residence on the property where such facilities or shelters located; and at least 50 feet from any lot line of a property under different ownership.

5-44 Pre-Existing Zoning

Any property zoned R-2b on the effective date of this Ordinance shall be considered to be zoned R-2 with an Agricultural Overlay District.

5-45 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each A Overlay District application.

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- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to A District applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing an A Agricultural Overlay District.
- f. The Ordinance adopting the A District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.

CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

6 ARTICLE SIX

SUPPLEMENTAL USE REGULATIONS

6-1 Purpose

The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Article Four of this Ordinance.

6-2 Supplemental Use Regulations: Agricultural Uses

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

a. Horticulture and Crop Production: Retail Sales

Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the AG District, subject to the following requirements:

1. Garden Centers

(a) A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.

(b) Garden centers must conform to all site development regulations for the zoning district.

(c) Any garden center adjacent to a residential district must maintain a 20-foot landscaped bufferyard, consistent with the standards established in Sections 8-4 and 8-5.

2. Roadside Stands

(a) A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.

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(b) A roadside stand may be located within a required front yard but no closer than 40 feet to the edge of a traveled roadway.

(c) A roadside stand may operate for a maximum of 180 days in any one year.

b. Commercial Feedlots

1. No new commercial feedlots shall be established within the zoning jurisdiction of the City of Columbus.

6-3 Supplemental Use Regulations: Residential Uses

a. Townhouse Residential

Where permitted, townhouse residential is subject to the following regulations:

1. The site area per unit must be 4,250 square feet in the R-2 District and 3,000 square feet in all other districts where permitted;
2. The minimum width for any townhouse lot sold individually shall be 25 feet, except within an approved creative subdivision;
3. Coverage percentages are computed for the site of the entire townhouse common development.

b. Two Single Family Residential

1. The two single family units shall be separated by a minimum of 14 feet.
2. The second dwelling unit shall be served by a driveway at least ten feet in width, leading from a public street adjacent to the lot.

e. Multi-Family and Group Residential in B-1 District

Multi-family and Group Residential uses are permitted in the B-1 District only on levels above street level except that a unit specifically designed for occupancy by disabled residents may be developed at street level, subject to approval of a special permit by the City Council with the recommendation of the Planning Commission.

f. Non Traditional Residential Parks in NTR District

CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

In the NTR Residential District, which permits mobile home, tiny home and other non traditional residential use, such use may be configured in a Non Traditional Residential Park or Non Traditional Residential Subdivision. A Non Traditional Residential Park or Subdivision may be approved administratively once all the following regulations are met:

1. Property is properly zoned, Non Traditional Residential.
2. Completed Development Agreement
3. Density Requirements as defined in Table 4-3(b)
4. Site Development Minimum Standards.
 - (a) Setbacks: Each Non Traditional Residential Park and Subdivision shall have a minimum perimeter setback of 35 feet from adjacent non-residential uses and 50 feet from adjacent residential uses. No space for a dwelling unit or any other structure shall be permitted in the required setback.
 - (b) Setback Landscaping: All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Section 8 of this Ordinance. Screening shall be provided in conformance with Section 8-5 for any common property line with another non-residential use.
 - (c) Open Space Requirements, table 4-3(b): Each Non-Traditional Residential Park shall provide a minimum of 250 square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians.
 - (d) Parking Minimum Requirements, table 9-1.
 - (e) Parking: Park requires common parking. Subdivision requires on-site parking.
5. Street Access and Circulation Requirements
 - (a) Access to Public Street: Each NTR Park and Subdivision must abut and have access to a dedicated public street with a right-of-way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.
 - (b) Vehicular Circulation: The NTR Parks and Subdivisions must provide interior vehicular circulation on a private internal street system.
 - i. One side on Street Parking Minimum interior street width shall be a minimum of 27 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 300 feet in length without a variance.

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- ii. No on street parking. Minimum interior street width shall be a minimum of 24 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 300 feet in length without a variance.

(c) Sidewalks or Path: Each NTR Park and Subdivision shall provide a sidewalk or path system to connect each lot to common buildings or open space constructed for the use of its residents; and to the fronting public right-of-way. Sidewalk and path width shall be at least four feet. Public sidewalk connectivity must be provided.

(d) Street and Sidewalk Standards: All internal streets and sidewalks shall be hard-surfaced. Electric street lighting is required along all internal streets.

6. Utilities: All living units shall have piped supply of hot and cold water for both drinking and domestic purposes; domestic sewer service; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each living unit.
7. Financial Responsibility: Each application for a NTR Park and Subdivision shall include a demonstration by the developer of financial capability to complete the project; and a construction schedule.
8. Completion Schedule: Construction must begin on any approved Non Traditional Parks and Subdivisions within one year of the date of approval. Such construction shall be completed within two years of approval, unless otherwise extended by the Administrator.

6-4 Supplemental Use Regulations: Civic Uses

a. Clubs

Clubs located adjacent to residential uses shall maintain a bufferyard of not less than seven feet along the common boundary with such residential use.

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b. Day Care

Day care facilities are permitted by Special Use permit in the MH General Industrial Zoning District only if incidental to a permitted primary use.

c. Group Care Facilities and Group Homes

1. Each group care facility or group home must be validly licensed by either the State of Nebraska or the appropriate governmental subdivision.
2. Group homes are permitted in the B-1 District only on levels above street level except that a facility specifically designed for occupancy by disabled residents may be developed at street level, subject to approval of a special permit by the City Council with the recommendation of the Planning Commission.

6-5 Supplemental Use Regulations: Commercial Uses

a. Auto Repair, Equipment Repair, and Body Repair

1. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building.
2. Any spray painting must take place within structures designed for that purpose and approved by the Building Official.

b. Auto Washing Facilities

1. Each conveyor operated auto washing facility shall provide 100 feet of stacking capacity per washing lane on the approach side of the washing structure and stacking space for two vehicles on the exit side.
2. Each self-service auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.

c. Bed and Breakfasts

Bed and Breakfasts permitted in the B-1 District must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by people with physically disabilities may be located on the street level.

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d. Campgrounds

1. Minimum Size: Each campground shall have a minimum size of one acre.
2. Setbacks: All campgrounds shall maintain a 50-foot front yard setback and a 25-foot bufferyard from all other property lines.
3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances, state and federal regulations; or, alternatively, be limited to use by self-contained campers, providing their own on-board water and disposal systems.

e. Convenience Storage

When permitted in the AG, RR, and B-2 Districts, convenience storage facilities shall be subject to the following additional requirements:

1. The minimum size of a convenience storage facility shall be 8,712 square feet of lot area;
2. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.

f. Crematory

When permitted in the MH Zoning District or for a Special Use Permit in a B2 or ML/C-1 Zoning District, a crematory shall be subject to the following additional requirements:

1. Shall only be allowed if licensed by the State of Nebraska and in compliance with any applicable regulatory agency(ies).
2. A plan of operation shall be submitted to the City building department and is required to meet all environmental requirements and accompanied by a site plan showing all existing and future or planned facilities on the site. The plan of operation shall address hours of operation, number of licensed persons on site trained to operate the crematory unit, procedures to be followed in processing the remains, including required permits and authorizations to be obtained from doctors and county coroner as the case may require. Said plan of operation is subject to periodic review which will address all life safety codes.
3. The following setback shall be complied with: a 20 foot setback unless a greater setback is otherwise required under this Code. Landscaping and buffer yards as required under this Code.
4. All services and activities associated with said crematory must take place within a completely enclosed building, including the unloading of human remains from the transporting vehicle and must maintain the integrity of the surrounding area.

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5. All driveway approaches at least 20 feet outward from the crematory toward the City street must be paved with either concrete or asphalt.

g. Sexually Oriented Business

When permitted in an ML/C-1 Zoning District with a Special Use Permit, a sexually oriented business shall be subject to the following additional requirement:

1. Shall not be operated within 300 feet of:
 - (a) A church;
 - (b) A public or private elementary or secondary school;
 - (c) A boundary of a residential or historic district;
 - (d) A park or recreational trail;
 - (e) A property line of a lot devoted to a residential use;
 - (f) A hospital; or
 - (g) A fairgrounds.

6-6 Supplemental Use Regulations: Industrial Uses

a. Resource Extraction

Resource extraction, where permitted, is subject to the following additional requirements:

1. Erosion Control: A resource extraction use may not increase the amount of storm runoff onto adjacent properties. Erosion control facilities, including retention or detention and sediment basins, are required of each facility if necessary to meet this standard.
2. Ponding of Water: The site may be used as a lake or body of water, subject to approval by the City Council with the recommendation of the Planning Commission and the Lower Loup Natural Resources District.
3. Storage of Topsoil: Topsoil shall be collected and stored for redistribution at the site where mining took place following the end of the operation, except where ponding is approved
4. Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:
 - (a) Restoration of slopes to a gradient not exceeding 33% as soon as possible;
 - (b) Installation of perimeter safety fencing of at least 6 feet in height; when located within 300 feet of any residential or public use district. Acceptable fencing types

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include chain link, wood, metal or vinyl with no opening which would allow a 4 inch sphere to pass through.

- (c) Installation of visual screening adjacent to any property within a residential or public use district. If fencing required in above (b) is solid, it may be used to fulfill this requirement.
5. Restoration of Landscape: The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion.
 6. Topographic & Site Plan: Submittal must include a proposed topographic plan and, if applicable, a subdivision layout of the completed project.

b. Salvage Services

1. Screening:
 - (a) The perimeter of each new facility shall be fully enclosed by opaque, free-standing fencing, or screen walls. Minimum height of this enclosure shall be ten feet. Any such enclosure shall be constructed behind required landscaped bufferyards.
 - (b) Each existing salvage services facility shall be screened as provided above within one year of the effective date of this Ordinance.
2. Storage of materials within any salvage services facility may not be higher than the height of the surrounding screen fence or wall.
3. No Salvage Services use may be established within 300 feet of the nearest property line of a residential or public use zoning district.

c. Development within County Designated Industrial Areas

1. All applications for Industrial Areas proposed for designation by Platte County under Sections 13-11 through 13-1121 shall be referred by the City of Columbus to the Planning Commission for review and recommendations. Following Planning Commission action, the City Council shall act on the request.
2. Any agreement between Columbus and Platte County involving approval of such a designation may include, but not be limited to, the following conditions:
 - (a) The proposed Industrial Area designation is consistent with the principles and objectives of the Comprehensive Plan;

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(b) The City reserves the right to request and receive an annual report from any owner or renter of property within the designated Industrial Area, accurately indicating the current and proposed use of any land, buildings, or facilities within the area. The annual report may be requested in January of each year is due on or before March 1 of that year. Failure to submit an acceptable annual report within this schedule shall result in revocation of occupancy permits and zoning privileges granted by the City;

(c) Any newly created Industrial Area shall be designated for a period not to exceed 10 years. The City Council, after recommendation by the Planning Commission, may extend this term in two-year increments, up to a maximum term of twenty years;

(d) These provisions do not apply to Industrial Areas designated before December 5, 1983. However, the City may request the Platte County Board to review existing Industrial Areas within the city's jurisdiction from time to time.

6-7 Home-Based Businesses

The intent of this section is to allow residents the opportunity to use their residence as a place to produce or supplement their personal and family income, while protecting residential areas from adverse effects associated with a home-based business and to achieve and maintain an attractive and efficiently functioning community. Home-based businesses are permitted in residential units subject to the conditions set forth in this section.

a. Violations

1. A home-based business shall comply with all City Codes.
2. If a violation of the City Code exists, the zoning administrative officer or his/her designee shall, in writing, note the specific area of noncompliance and the home-based business shall have a ten (10) day period in which to achieve compliance. Failure to comply with City Codes shall constitute an offense.

b. Building Use

The home-based business shall be incidental to the residential use of the property where it is operated. No more than 30% of the total first floor area of the primary residential structure on the premises shall be used for the operation of home-based businesses. To be considered a home-based business, at least one owner of such business must live on the premises.

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c. External Activities

Any outdoor activities carried out in conjunction with the home-based business must be in keeping with, and maintain the integrity of, the surrounding residential area.

1. The growing, in an unobtrusive manner, of plants, flowers, vegetables, fruit, and similar materials utilized in the operation of the home-based business need not be screened.
2. Other activities not consistent with the character of the surrounding residential area must be screened from view.

d. External Effects

The home-based business shall not constitute a hazard or nuisance to neighboring properties.

1. Outdoor storage of any equipment, machinery, parts, goods, materials, or other appurtenances of the business shall not be permitted.
2. The home-based business shall not involve the parking or storage of tractor-trailers, semi-trucks, or heavy equipment, such as construction equipment, used in a business.
3. Welding, vehicle body repair, vehicle painting, mechanical repair, rebuilding or dismantling of vehicles, or other like businesses are not allowed as home-based businesses.
4. Businesses which involve the production, storage, distribution, or collection of hazardous chemicals, toxic materials, fireworks, or similar materials, or other like businesses, are not allowed as home-based businesses.
5. The home-based business shall not cause glare, noise, odors, or electronic interference to the residents of surrounding properties.
6. The home-based business shall not require additional on- or off-street parking.

e. Employees

A home-based business may employ individuals under the following conditions:

1. At any given time, a home-based business may employ no more than two (2) individuals that are not a resident of the primary home.

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2. If more than one home-based business is operated from the same residential property, the maximum number of employees applies to all businesses taken together, not to each business separately.

f. Signage

Signage designating a home-based business shall be limited to one non-illuminated and non-reflective sign.

1. Signage may include at most the name of the home-based business, a logo symbol, contact information, address, and indication of the appropriate public entrance. The sign may contain less information. The sign may not exceed four square feet and must be attached to the building.
2. The presence or design of the sign shall not detract from the property or the surrounding residential area; neither shall its size constitute a visual hazard. Signage must be contained entirely on the property and must maintain appropriate distances from the boundaries of neighboring properties.

6-8 Supplemental Use Regulations: Accessory Uses

a. Permitted Accessory Uses: Residential Uses

Residential uses may include the following accessory uses, activities, and structures on the same lot.

1. Private garages and accessory buildings for the residential use shall not be allowed on more than 50% of the allowable lot coverage and no single detached accessory building shall exceed 35% of the allowable lot coverage
2. Recreational activities and uses by residents.
3. Home occupations, subject to Section 6-7 of these regulations.
4. Residential convenience services for multi-family uses and Non Traditional Residential.
5. Garage sales, provided that the frequency of such sales at any one location shall not exceed one during a continuous two month period or four sales during any twelve month period.
6. Automobile sales are prohibited except those automobiles which are for sale by the owner of the residence on a temporary basis not to exceed two (2) months in any calendar year.
7. Within the RR Rural Residential District only, any lot of two acres and over may maintain one horse, llama, other hooved animal, or large bipedal bird. Such a lot may have one additional animal for each additional full acre of lot area over two acres, up to

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a maximum total of five animals. The animal or animals provided for in this paragraph shall be subject to the approval of a Special Use Permit.

Animal production as defined in 3-3(c) shall be subject to a special use permit within the RR Rural Residential District.

b. Permitted Accessory Uses: Civic Use Types

Guidance Services and Health Care use types are permitted in the MH General Industrial zoning districts only as accessory uses to a primary industrial use.

d. Permitted Accessory Uses: Agricultural Use Types

1. Garden centers and roadside stands, subject to the regulations set forth in Section 6-2(a)(2).
2. Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.

6-9 Supplemental Use Regulations: Outdoor Storage

Outdoor storage is prohibited in all zoning districts except the MH General Industrial zoning district, except as provided in this section.

a. Agricultural Use Types

Outdoor storage is permitted where incidental to agricultural uses.

b. Civic Use Types

Outdoor storage is permitted where incidental to Maintenance Facilities.

c. Commercial Use Types

1. Outdoor storage is permitted where incidental to Agricultural Sales and Service; Auto Rentals and Sales; Construction Sales; Equipment Sales and Service; Stables and Kennels; and Surplus Sales.

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2. Outdoor storage is permitted where incidental to Body Repair, provided that such storage is completely screened at property lines by an opaque barrier, as set forth in Section 8-5. This provision shall apply to any Body Repair use established after the effective date of this Ordinance.

d. Industrial and Miscellaneous Use Types

1. Light Industry within the B-1 Central Business District zoning district may not include outdoor storage.
2. Outdoor storage is permitted where it is incidental to Light Industry outside of the B-1 Central Business District. . Any such outdoor storage within General Industry; Heavy Industry; Resource Extraction; Salvage Services; Warehousing; and Construction Yards is subject to screening requirements set forth in Section Eight.
3. Outdoor storage is permitted where incidental to landfills.

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7 ARTICLE SEVEN

SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7-1 Purpose

The Supplemental Site Development Regulations recognize the existence of special conditions that cannot comply literally with the site development regulations set out for each zoning district. Therefore, these regulations qualify or modify the district regulations of this title and provide for specific areas of exception.

7-2 Setback Adjustments

a. Lots Adjoining Alleys

In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. However, no residential structure may be nearer than ten feet to the near side of the alley.

b. Exceptions to Openness of Required Yards

Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.

1. Window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental feature may project two feet into a required yard.
2. Terraces, patios, uncovered decks, and ornamental features which have no structural element more than two feet above or below the adjacent ground level may project ten feet into a required yard. However, all such projections must be set back at least three feet from an adjacent side lot line; or twenty feet from any street property line.
3. Uncovered deck may be attached to the rear of a house, and constructed so that it is no closer than 15' from the rear lot line of said property. (*Ordinance 94-28*)
4. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 1/2 feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.

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5. For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of four feet or five percent of the right-of-way width.
6. In commercial and business districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
7. Accessory buildings in residential districts, including private and community garages, may be located a minimum of two feet from the side lot line and ten feet from the rear lot line. The rear yard setback may be reduced to two feet if bounded by an alley if set back is sixty feet or more from the front lot line. An accessory building must have an additional rear and side setback of one foot for every two feet or portion thereof of height over 15 feet. Any such accessory building must be located at least six feet from the main structure. No accessory building in an R-1, R-2 or R-3 district shall not exceed 20 feet in height at the peak. No residential accessory buildings permitted on NTR Park or Subdivision lots.
8. Lamp posts with a maximum height of ten (10) feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five (5) feet from property lines.

c. Setback Adjustments

1. Setbacks on Built-Up Blockfaces

These provisions apply if any of the buildings on that blockface have front yard setbacks less than those required for the specific district.

- (a) If a building is to be built on a parcel of land within 100 feet of existing buildings on both sides within the same blockface, the minimum front yard shall be equal to the setbacks of the adjacent buildings with the least setback.
- (b) If a building is to be built on a parcel of land within 100 feet of an existing building on one side only, the minimum front yard shall be the setback of the adjacent building.
- (c) If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, then the minimum front yard shall be the mean setback of all existing buildings on the blockface.

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2. Corner Lots

Required setbacks shall not reduce the buildable width of any corner lot to less than 24 feet. Appropriate setback adjustments shall be allowed to maintain this minimum width.

d. Double Frontage Lots

In Rural Residential zoned double frontage lots on a major street, and with no access to that street, may have a 25-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.

e. Antennas

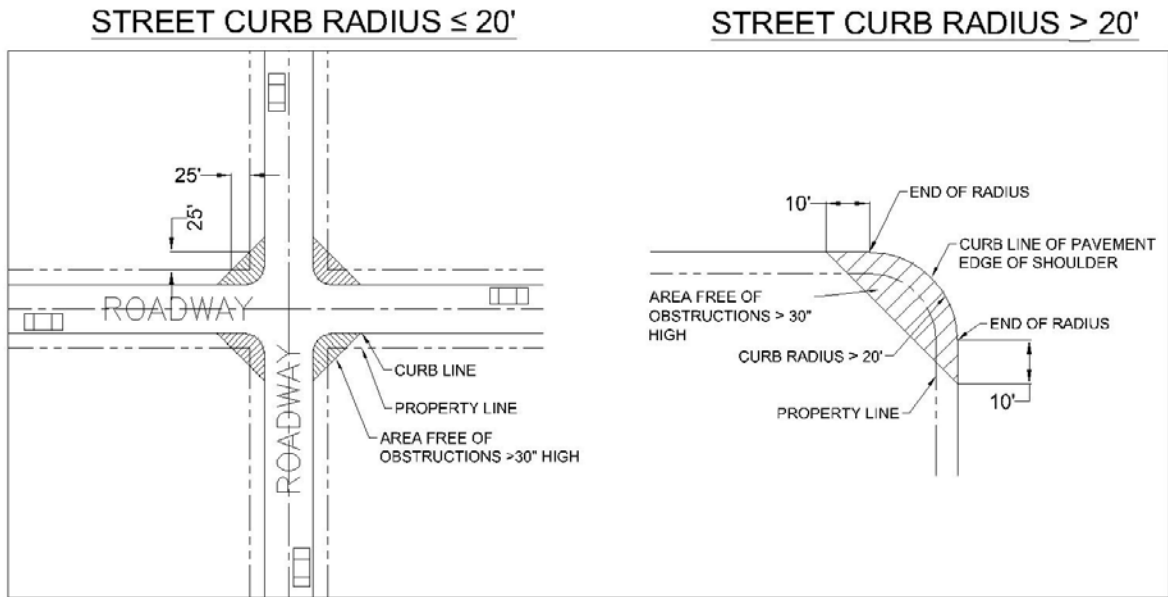
1. No antennas are permitted in the front yard.

f. Vision Clearance Zones

No structures, plantings to maturity, landscaping, or fences shall be built or placed above a maximum height of 30-inches above the established curb grade within a triangle formed by a line connecting points twenty-five feet along each leg from the property lines from their point of intersection and as extended to the public or private street or driveway, trail, or traveled way which may obstruct the line of sight of drivers and/or pedestrians approaching the intersection as show in figure 7-2 (a). Vision clearance where private driveways and streets or courts meet shall be subject to approval of the Building Official.

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FIGURE 7-2 (a)



g. Attached structures extending into public rights-of-way within the Downtown Business District, excluding roadways.

Attached structures, such as awnings, canopies and signs may extend no more than 48 inches from the façade or facewall of the building to which it is attached. These structures must maintain a vertical clearance of at least 7 feet and 6 inches.

7-3 Height Exceptions

These provisions allow exceptions to the height limit of any zoning district in certain situations.

a. Vertical Projection

Chimneys, cooling towers, building mechanical equipment, elevator bulkheads, fire towers, grain elevators, non-parabolic receiving antennas, tanks, solariums, steeples, penthouses not exceeding 25 percent of total roof area, flag poles, stage towers or scenery lofts, City owned towers used for emergency communications and water towers may be built to any height in accordance with existing ordinances.

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b. Radio Towers

1. Radio towers, operated by licensed amateur radio operators, may be built to a height as set forth in paragraph 2 below provided such towers do not exceed the height limitations set by Table 4-3. This exception does not apply to parabolic antennas, designed to receive signals from satellites.
2. Such radio towers shall not be located within a street yard of the primary use, and shall be located no less than 110 percent of the tower's height from a property line of an adjacent property within any zoning district.

c. Dwellings

Dwellings may exceed the height limit of their zoning districts by a maximum of ten feet, provided that each such building shall have a side yard setback of one foot in addition to required setbacks from each property line for each foot of height over the maximum height of the zoning district.

d. Wind Energy Conservation Systems (WECS)

Wind Energy Conservation Systems are exempt from the height restrictions of the base district in accordance with existing ordinances.

e. Federal Aviation Administration Rules

No structure may be built in any zoning district which exceeds the maximum height permitted under the rules of the Federal Aviation Administration. These rules describe the glide angles and operational patterns for any airport within the planning jurisdiction of the City of Columbus.

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7-4 Allowable Adjustments to Site Development Regulations for Creative Subdivisions

a. Purpose

Section 4-3 of the Subdivision Chapter of the Land Development Ordinance provides for creative subdivisions. Creative subdivisions allow for greater flexibility in the design and development of subdivisions, in order to produce innovative residential environments, provide for more efficient use of land, protect topographical features, and encourage the preservation of common area and open space. These special regulations and exceptions apply only to creative subdivisions.

b. Site Area Per Unit

1. Unless otherwise provided, the site area per unit for a creative subdivision as a whole shall be that of the zoning district in which such subdivision is located. For the purpose of computing site area per unit, the area of public streets and private ways within the subdivision must be excluded. Residential use types may be combined within the creative subdivision provided that the subdivision as a whole complies with the required maximum density of the zoning district.
2. In the AG or RR Districts, the minimum site area per unit may be reduced by 50 percent in creative subdivisions.

c. Perimeter Yards

1. The required setback for any structure within a creative subdivision from a perimeter public street shall be the required setback for the zoning district.
2. The required setback for any structure within the subdivision from any property line which forms the boundary of the subdivision shall be at least 20 feet.

d. Area and Yards for Individual Lots

1. Minimum lot areas may be reduced by a maximum of 50%. Street Side yards may be reduced by a maximum of 25%. Interior and Back yards may be reduced by a maximum of 50%, provided a minimum separation of ten feet shall be established for all residential structures not attached to one another. A creative subdivision must be planned and developed as a common development.

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

e. Coverage and Landscaping Requirements

Individual lots in a creative subdivision may increase maximum building and impervious coverage limitations by 20%.

7-5 Fence Regulations

a. Location Restriction

Unless otherwise provided by this title or other sections of the Columbus Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines.

b. Sight Obstruction

No solid fence permitted or required by this title or other sections of the Columbus Municipal Code shall be built or placed above a maximum height of 30-inches above the established pavement surface or shoulder grade within a triangle formed by a line connecting points twenty-five feet along each leg from the property lines from their point of intersection and as extended to the public or private street, driveway, trail, or traveled way which may obstruct the line of sight of drivers and/or pedestrians approaching the intersection.

c. Residential Fences

Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.

1. Height: The maximum height of a fence within a required front yard or street side yard setback shall be four feet. The maximum height for any fence outside of a required front yard may be up to six feet.
3. Exception for Back Yards of Double Frontage Lots: A fence built within the required back yard of a double frontage lot, provided no residential access is provided to the back yard street, may be a maximum of six feet in height.

d. Office, Commercial, and Industrial Fences

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

Fences constructed in commercial and industrial districts are subject to the following special provisions:

1. LC, UC, and B-1 Districts: The maximum height of a fence may not exceed six feet if located outside of the required front or street side yards. Fences within the front and street side yards may not exceed four feet.
2. B-2, ML/C-1, MH Districts: The maximum height of a fence within a required front yard or street side yard setback may not exceed six feet. The maximum height for a fence outside of required front yard or street side yard setbacks may not exceed ten feet.

7-6 Appeals

Denial, revocations, or cancellations of a building permit based on the provisions of this Section may be appealed to the Board of Adjustment, as set forth in Sections 12-8 and 12-9.

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

8 ARTICLE EIGHT

LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

8-1 Purpose

The Landscaping and Screening Regulations provide additional guidance on the development of sites within Columbus by addressing landscaping and screening requirements. They are designed to improve the appearance of the community; buffer potentially incompatible land uses from one another; and conserve the value of properties within the City of Columbus.

8-2 Applicability

The provisions of Section 8-3, Landscaping Requirements, shall apply to all new development on each lot or site upon application for a building permit, except for the following:

a.

b. Remodeling, rehabilitation or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements;

c. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20 percent. Where such additions or enlargements are 20 percent or greater..

8-3 Landscaping Requirements

Landscaping shall be required adjacent to each street property line and within street yards as set forth in Table 8-1.

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

TABLE 8-1

REQUIRED LANDSCAPING DEPTH

Zoning District	Depth of Landscaping Adjacent to Street Property Line
AG	35 feet
RR	50 feet
R-1	20 feet
R-2	20 feet
R-3	20 feet
NTR Park	10 feet
NTR Subdivision	20 feet
<hr/>	
O	20 feet
LC	20 feet
UC	15 of the depth of the street yard. Landscaped area between curb to sidewalk may be counted toward this requirement.
<hr/>	
B-1	No Requirement
B-2	10 feet
<hr/>	
ML/C-1	No Requirement
MH	No Requirement

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

8-4 Bufferyard Provisions

These provisions apply when a use is established in a more intensive zoning district (District A) which is adjacent to a less intensive zoning district (District B). The owner, developer, or operator of the use within District A shall install and maintain a landscaped bufferyard on his/her lot or site, as set forth in this section. Bufferyard requirements apply only to those districts indicated in Table 8-2.

- a. The bufferyard dimensions set forth in Table 8-2 apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley.
- b. When a street separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard set forth in Table 8-2.
- c. Each required bufferyard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.
- d. The Plan Administrator may waive bufferyard and screen requirements when adjacent to City owned property, excluding right-of-way and property used for recreational purposes.

**TABLE 8-2
BUFFERYARD REQUIREMENTS
(FEET)**

More Intensive District	Less Intensive District						
		AG*	RR	R-1	R-2	R-3	RMH
	O,LC,UC**	10	10	10	10	10	10
	B-2**	30	30	20	20	20	20
	ML/C-1	30	30	30	30	30	30
	MH	50	50	50	50	50	50
* For residential uses only.							
** No buffer required when use is entirely residential use.							

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

8-5 Screening Standards

a. Application

Screening is required between adjacent zoning districts indicated in Table 8-2 when one or more of the following conditions in the more intensive zoning district is directly visible from and faces toward the boundary of the less intensive zoning district.

1. The rear elevation of buildings.
2. Outdoor storage areas or storage tanks, unless otherwise screened.
3. Loading docks, refuse collection points, and other service areas.
4. Major machinery or areas housing a manufacturing process.
5. Major on-site traffic circulation areas or truck and/or trailer parking.
6. Sources of glare, noise, or other environmental effects.

b. Opaque Barrier

A six-foot opaque barrier shall be provided which visually screens the conditions listed in Section 8-5 (a) from less intensive uses as follows:

1. A solid wood, vinyl and/or masonry fence or wall at least six feet in height;
2. A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque hedge-like barrier and attaining a minimum height of six feet within three years of planting;
3. A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts;
4. Any combination of these methods that achieves a cumulative height of six feet.

c. Location of Screening Wall

1. A screening wall or fence shall be installed within the required buffer yard.

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

d. Screening: Effect on Drainage

Screening shall not adversely affect surface water drainage.

8-6 General Provisions

a. Time of Application

The provisions contained in this Article shall be applied for each individual lot or site when an application for a building permit on such lot is made.

b. Maintenance of Required Landscaping

Upon installation of required landscape materials, each owner shall take appropriate actions to insure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this Article.

c. Obstruction of View

Landscaping installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, trail or sidewalk.

d. Area between sidewalk and curb/edge of pavement

The area between the sidewalk and street curb or edge of pavement shall be grass turf. A maximum of ten (10) percent of this area may be used for mailboxes, paving, or other ground cover.

e. Exceptions

A development may continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with bufferyard or screening provisions.

8-7 Grade Elevation at Residential Building Setback

The maximum grade elevation at the residential building setback line shall be the slope not exceed 3 percent as calculated from the top of the pavement curb or edge of roadway to the building setback. Buildings or structures placed further back from the setback, setback larger than 20-feet, roadway right-of-way greater than 60 feet, or other uncommon situations shall have the maximum elevation set by the Building Official.

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

8-8 Performance Standards in the B-2 and ML/C-1 Zoning Districts

a. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts

Table 8-3 displays the maximum permitted sound levels that may be generated by uses in the LC, UC, B-2 or ML/C-1 zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

**TABLE 8-3
MAXIMUM PERMITTED SOUND LEVELS AT RESIDENTIAL BOUNDARIES**

Originating Zoning District	Time	Maximum One Hour Leq* (dbA)
LC,UC,B-2	7:00 a.m. – 10:00 p.m.	65
	10:00 p.m. – 7:00 a.m.	55
ML/C-1	7:00 a.m. – 10:00 p.m.	70
	10:00 p.m. – 7:00 a.m.	55

* Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.

b. Lighting Performance Standards

1. Area lighting shall be conducted so that the light source is directed away from areas in residential use or shall be controlled so that candlepower per 1,000 lamp lumens does not numerically exceed 50 lamp lumens (5%) above the vertical angle of 78 degrees above nadir; or emit more than 500 foot-lamberts per unit projected surface area of the luminaire above a 78 degree vertical angle.
2. Luminous element signs shall not exceed 300 foot-lamberts. Luminous building fronts shall not exceed 100 foot-lamberts in average surface luminance. Flood lighted signs shall not exceed 75 foot-lamberts in average surface luminance. Exposed lamp signs and luminous tube signs shall not exceed 400 foot-lamberts in average surface luminance.
3. Illumination resulting from outdoor lighting shall be conducted so that direct or indirect illumination does not exceed 0.5 horizontal foot candles at a boundary line with an adjacent residential zoning district.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

9 ARTICLE NINE

OFF-STREET PARKING

9-1 Purpose

The Off-Street Parking Regulations require that developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

9-2 General Applications

a. Applicability

Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing buildings; or for enlargements of existing structures.

b. Exemptions

Any use within the B-1 Central Business District is exempt from the off-street parking requirements provided by Section 9-3. Any off-street parking facility constructed in the B-1 District after the effective date of this Ordinance must comply with the design standards set forth in this Article.

9-3 Schedule of Off-Street Parking Requirements

Parking facilities for each use shall be provided in accord with the minimum requirements set forth in Table 9-1.

a. Computation

1. When a computation of required parking results in a fraction of .5 or greater, the requirement should be rounded up to the next whole number.
2. Unless otherwise indicated, parking requirements are based on gross floor area. Gross floor areas for the purpose of this calculation exclude any interior space used for the parking or loading of vehicles.
3. When parking requirements are computed on the basis of capacity, capacity shall be determined by the building code in effect for the City of Columbus at the time the use is established.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1

OFF-STREET PARKING REQUIREMENTS

Agricultural Use Types	
Horticulture	1 space per 1,000 square feet of sales area.
Crop Production	No requirement.
Animal Production	No requirement.
Commercial Feedlots	No requirement.
Residential Use Types	
Single-Family Residential	2 spaces per dwelling unit.
Duplex Residential	2 spaces per dwelling unit.
Two-Family Residential	2 spaces per dwelling unit.
Multi-Family Residential	2 spaces per dwelling unit with 2 or more bedrooms, 1.5 spaces for 1 bedroom dwelling units, and 1 space per 2 dwelling units for elderly housing.
Downtown Living Units	0 spaces per dwelling unit. Within existing structures only.
Group Residential	1 space for each two residents.
Non Traditional Residential Park	1 space per dwelling provided in shared parking facility.
Non Traditional Residential Subdivision	1 space per dwelling unit.
Civic Use Types	
Administration	1 space per 500 square feet.
Cemetery	No requirement.
Clubs	1 space per 4 person capacity.
Convalescent Services	1 space per 4 beds.
Cultural Services	1 space per 1,000 square feet.
Day Care Services	1 space per 5 person capacity + 1 space per employee of largest shift.
Group Care Facility	1 space per 4 person capacity + 1 space per employee of largest shift.
Group Home	1 space per 4 person capacity + 1 space per employee of largest shift.
Guidance Services	1 space per 300 square feet.
Health Care	1 space per 300 square feet + 1 space per employee of largest shift.
Maintenance Facilities	See Schedule A.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

Parks and Recreation	No requirement.
Postal Facilities	See Schedule A.
Primary Education	1 space per employee of largest shift + 10 stalls for visitors.
Public Assembly	1 space per 4 person capacity.
Religious Assembly	1 space per 4 person capacity in largest assembly area.
Safety Services	1 space per employee of maximum shift + 1 stall per 1,000 square feet.
Secondary Education	1 space per employee of maximum shift + 1 space for each 4 11th and 12th grade student.
Utilities	1 space per employee of maximum shift.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1

OFF-STREET PARKING REQUIREMENTS

Commercial Use Types	
Agricultural Sales/Service	See Schedule A.
Auto Rental and Sales	See Schedule A.
Auto Service	Three times service capacity.
Body Repair	Four spaces per repair stall.
Business Support Services	1 space per 500 square feet.
Campground	1 space per camping unit.
Cocktail Lounge	1 space per 200 square feet.
Commercial Recreation	1 space per 4 person capacity.
Communications Services	1 space per 500 square feet.
Construction Sales	See Schedule A.
Consumer Services	1 space per 300 square feet.
Convenience Storage	1 space per 10 storage units.
Equipment Sales/ Service	See Schedule A.
Food Sales	1 space per 300 square feet.
General Retail Services	1 space per 500 square feet.
Liquor Sales	1 space per 300 square feet.
Lodging	1 space per unit.
Personal Improvement	1 space per 500 square feet.
Personal Services	1 space per 500 square feet.
Pet Services	1 space per 500 square feet.
Restaurants (Drive-in)	1 space per 50 square feet of customer service area.
Restaurants (General)	Greater of 1 space per 4 person capacity or 1 space per 50 square feet in dining area.
Stables/ Kennels	1 space per employee + 1 stall per 5,000 square feet of site area.
Surplus Sales	See Schedule A.
Veterinary Services	1 space per 500 square feet.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1.

OFF-STREET PARKING REQUIREMENTS

Office Use Types	
General Offices	1 space per 500 square feet.
Miscellaneous Use Types	
Broadcasting Tower	No requirement.
Non-Putrescible Landfill	No requirement.
All Landfills	No requirement.
Industrial Use Types	
Agricultural Industries	See Schedule A.
Light Industry	See Schedule A.
General Industry	See Schedule A.
Heavy Industry	See Schedule A.
Railroad Facilities	See Schedule A.
Resource Extraction	1 space per employee on largest shift.
Salvage Services	See Schedule A.
Warehousing	See Schedule A.
Construction Yards	See Schedule A.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

SCHEDULE A

This schedule sets forth minimum off-street parking requirements for uses with elements that have different functions and operating characteristics.

Function of Element	Requirement
Office or Administration	1 space per 400 square feet.
Indoor Sales, Display or Service Area	1 space per 500 square feet.
Outdoor Sales, Display or Service Area	1 space per 2,000 square feet.
Equipment Servicing or Manufacturing	1 space per 1,000 square feet.
Indoor or Outdoor Storage or Warehousing	1 space per 5,000 square feet.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

9-4 Parking Facility Location

a. Residential Parking

1. Off-street parking for residential uses shall be located on the same lot or site as the use.
2. Off-street parking areas for multi-family or group residential uses shall be at least ten (10) feet from any main building.

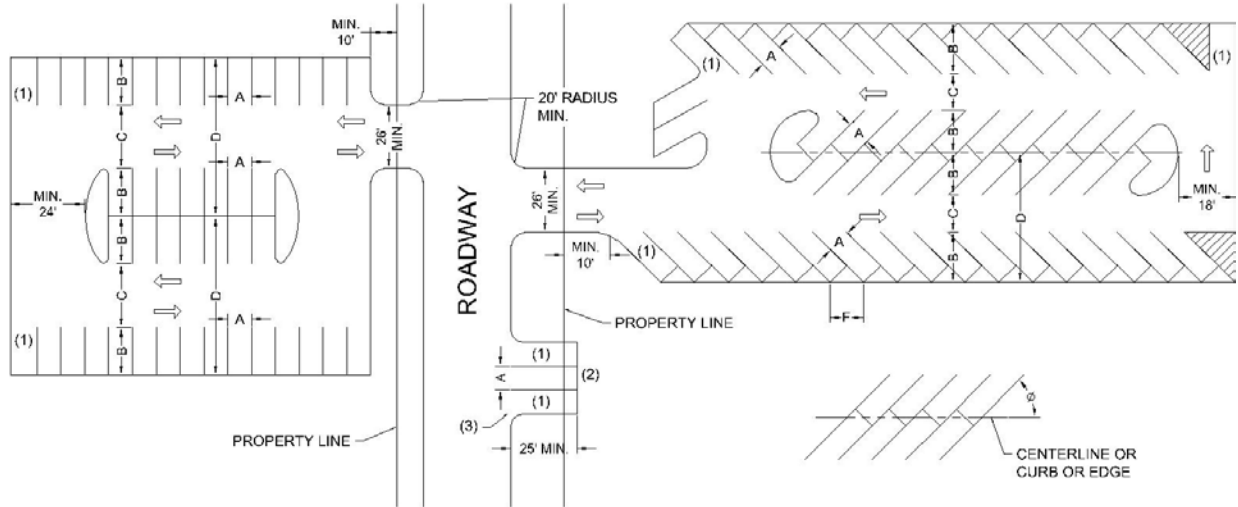
b. Non-Residential Parking

Off-street parking for non-residential uses shall be located on the same lot or site as the use or within 300 feet of that use if the parking site is zoned for such parking.

9-5 Off-Street Parking Design Standards

Off-Street Parking in all zones must meet the following minimum requirements.

FIGURE 9-5: Off-Street Parking Standards



ANGLE (°)	STALL WIDTH (A)	STALL DEPTH (B)	AISLE WIDTH (C)	TYPICAL MODULE (D)
45°	9.0'	18.0'	13.0'	49.0'
60°	9.0'	19.0'	14.0'	52.0'
90°	9.0'	18.0'	24.0'	60.0'

(1) PARKING STALLS ADJACENT TO CLOSED END OF THE AISLE SHALL BE A MINIMUM OF 10 FEET WIDE

(2) 6' SIDEWALK. PUBLIC SIDEWALK EASEMENT MAY BE REQUIRED.

(3) NON-ARTERIAL ROADWAYS ONLY. SUBJECT TO CITY ENGINEER APPROVAL

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

a. Dimensions

1. Parking stalls and aisles shall be provided in accordance with the design standards provided in Figure 9.5: Off-Street Parking Standards and Figure 9.5.c: Parking Lot Internal Island Diagram.

b. Pavement and Drainage

Off-street parking facilities shall be designed and built to the stormwater management program requirements.

Pavement shall be a minimum of 6-inch thick concrete, equivalent depth asphaltic concrete with subgrade, or pervious concrete a minimum of 6-inch thickness with an aggregate base and underdrain system. Additional thickness may be required depending on the use and design vehicle.

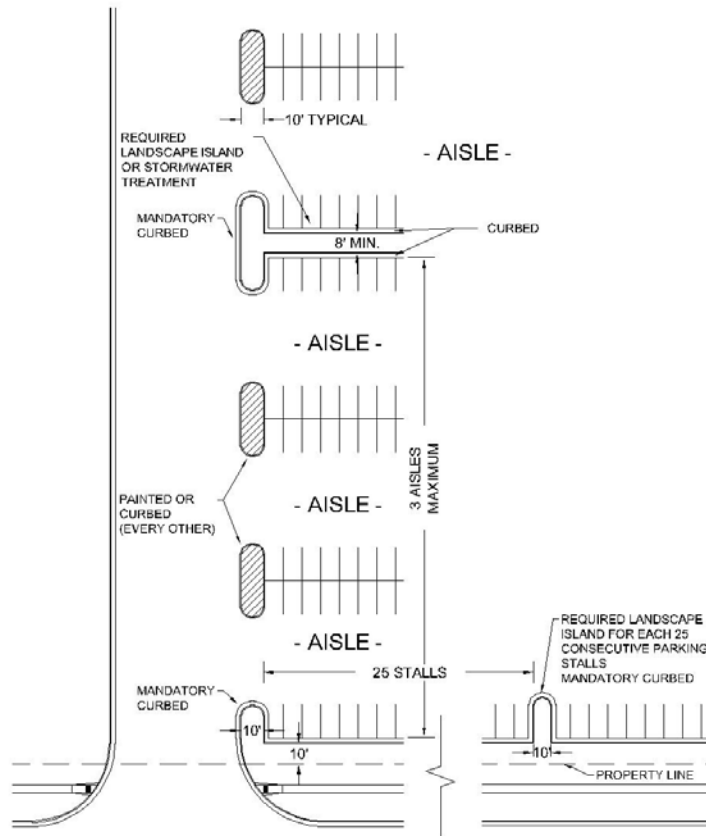
c. Landscape and Screening Requirements

Unless otherwise noted, each unenclosed parking facility of over 3,000 square feet shall comply with the following regulations:

1. Each unenclosed parking facility shall provide a minimum buffer of ten feet along any street property line;
2. Each parking facility that abuts a residential district shall provide a ten foot landscaped buffer along its common property line with the residential district;
3. Any parking facility which abuts property in a residential district shall provide a grade change, fence, terrace, or other site feature which blocks the sight line of headlights into a residential property, subject to the determination of the Building Official;
4. Each parking facility over 4,500 square feet shall have internal landscape islands as shown in Figure 9.5 (c). Internal landscape island area shall be equal or greater to the (10) percent of the total parking and aisle pavement area. Non-visitor or employee parking lots in MH districts shall be exempt.
5. Internal landscape islands shall be planted with a combination of turf, trees, and understory landscaping such as shrubs, ornamental grasses, and flowering perennials. In islands with trees, rock cover may be allowed as an alternative to turf groundcover or understory landscaping.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

FIGURE 9-5 (c): Parking Lot Internal Island



d. Entrances and Exits

1. Adequate access to each parking facility shall be provided by means of clearly defined and limited driveways or access points. Such driveways shall be designed to direct nonresidential traffic away from residential areas.
2. Parking facilities other than driveways for single-family, duplex, two-family, or mobile home residential uses must permit vehicles to enter streets in a forward position.
3. Minimum width of access driveways shall be 26-feet with minimum radii of 20-feet on each side.

e. Safety Features

1. Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility; and shall not create blind, hidden, or hazardous areas.
2. Circulation patterns shall be approved by the Building Official.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

f. Adjustment

For uses subject to Special Use Permit approval, the City Council, with the recommendation of the Planning Commission, may adjust the minimum requirements of this section, in order to provide design, usability, attractiveness, or protection to adjoining uses in a manner equal to or greater than the minimum requirements of this Article.

9-6 Off-Street Loading

a. Loading Requirement

Any use which involves the receipt or distribution of freight, merchandise, supplies, vehicles, or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading and circulation. Loading dock areas shall be designed to avoid undue interference with the public use of streets and sidewalks.

b. Design Standards

1. Each loading dock space shall be at least 10 feet wide by 50 feet long, with a vertical clearance of at least 14 feet.
2. Loading dock spaces and access to those spaces, must be entirely paved with concrete or asphalt.
3. Off-street loading areas are subject to the landscaping and buffering requirements for parking facilities set forth in this Article.
4. Loading docks which will catch water, by design, must provide a drain to storm sewer. Must include a sand and oil separator.

9-7 Parking for Personal and Recreational Vehicles

a. Applicability

This section permits the parking of personal vehicles on a single lot in a residential district subject to specific conditions. Personal vehicles include passenger cars, vans, pick-up trucks, camper trailers, recreational vehicles, trailers under forty feet in length, and boats.

b. Location of Parking

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

1. Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.

2. Parking is permitted outside of an enclosed structure subject to Chapter 1, Article 9 of the Unified Land Development Ordinance, the following conditions and in compliance with the City Code:
 - (a) The parking space is provided on a paved, hard-surfaced or graveled driveway or paved pad adjacent to the driveway;

 - (b) The vehicle is parked perpendicular to the front curb;

 - (c) The vehicle does not encroach on public right-of-way.

c. Special Provisions for Recreational Vehicles

Parking and storage of recreational vehicles, campers, trailers, and boats is subject to the following additional conditions:

1. The vehicle is maintained in a clean, well-kept state;

2. The vehicle may be used only by non-paying guests for a maximum of three consecutive days or fourteen days during any calendar year;

3. The vehicle may not be permanently connected to utility lines;

4. The vehicle may not be used for the storage of goods, materials, or equipment other than those items that pertain to the use of the vehicle.

5. The length of the vehicle shall not exceed twenty feet if the vehicle is parked or stored in a required front yard or street side yard. Longer vehicles may be parked or stored within rear yards or interior side yards behind the required front year setback

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

10 ARTICLE TEN

SIGN REGULATIONS

10-1: PURPOSE AND INTENT

It is the purpose and intent of Article 10 to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. The sign regulations in this Chapter are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics, traffic and pedestrian safety.

In order to preserve and promote the City of Columbus as a desirable community in which to live visit, work, and play and do business, a pleasing, visually attractive and safe environment is of foremost importance. Further, it continues to be the purpose of Article 10 to promote optimum conditions for serving sign owners' needs and respecting their rights to identification while balancing the aesthetic and safety interests of the community. The regulation of signs within the City of Columbus and its zoning jurisdiction is necessary and in the public interest, and these regulations have been prepared with the intent of enhancing the visual environment of the City and promoting its continued well-being, and are intended more specifically to:

- A. Provide for the registration of permanent sign installers, construction and design standards for permanent signs, and permit requirement for permanent signs and applicable temporary signs.
- B. Accommodate the rights of individuals to freedom of speech, promote equity among businesses and other typical sign users, and enable the fair and consistent enforcement of sign standards;
- C. Recognize the legitimate signage needs of businesses and other interests to communicate messages provide identification, and enable wayfinding throughout the City for tourists and residents;
- D. Ensure that signage contributes to the maintenance of an aesthetically pleasing visual environment by exercising reasonable regulations over type, size, number, appearance, and location;
- E. Protect property values by minimizing the possible adverse effects of signs on nearby public and private property;
- F. Promote public safety and general welfare by ensuring that signs are properly constructed and maintained to protect the general public from property damage and personal injury;

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

- G. Facilitate traffic flow and safety of pedestrians, bicyclists, and motorists through enforcement of sight lines and other appropriate sign placement regulations; and
- H. Preserve and promote retention of local businesses and further the economic development goals of the City.

10-2: APPLICABILITY, INTERPRETATION, SEVERABILITY, AND NON-COMMERCIAL SPEECH SUBSTITUTION

- A. *Applicability.* Each sign or part of a sign erected within the zoning jurisdiction of the City of Columbus must comply with the provisions of this chapter, other relevant provisions of the City of Columbus' Municipal Code, and applicable building codes. The regulations in this article are applicable to all signs in the City's jurisdiction, except as noted in Article 10-5. B, unless otherwise stated.
- B. *Interpretation.* The City shall interpret and apply the sign regulations of Article 10 of the Unified Land Development Ordinances (ULDO).
- C. *Severability and Non-Commercial Speech Substitution.* Any provision of the sign standards that imposes a limitation on freedom of speech shall be construed in a manner that is viewpoint neutral and treats expressive speech either the same as or less restrictive than commercial speech. Any provision of the sign standards that is found to be an unconstitutional limitation on freedom of speech by any court shall be severed from the sign standards in a manner that preserves the standards and protects freedom of speech.

10-3: DEFINITION OF TERMS

The following definitions shall be used for terms contained in this Article. Terms not defined in this section may be defined in other areas of City Code.

- A. *SIGN:* Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which may be viewed from the private property of another or from any public street, road, highway, right-of-way or parking area (collectively referred to as a "public area"). For the purposes of these regulations, the term "sign" shall include all structural members. The term "sign" for regulatory purposes shall not include the following objects: Grave yard and cemetery markers, vending machines, express mail and donation drop-off boxes, drive-thru menu boards, seasonal decorations visible, a building's architectural features visible, or a manufacturer's or seller's markings on machinery or equipment visible.
- B. *SIGN RELATED TERMS:*
 - 1. *ARCHITECTURAL DETAIL/FEATURE/ELEMENT:* Prominent or significant parts or elements of a building or structure including but not limited to; cornices, belt courses, lintels, sills, pediments, columns or pilasters, rustications, or base courses.

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

2. *AUXILIARY DESIGN ELEMENTS*: Terms which describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.
3. *AWNING*: An architectural projection that provides weather protection, identity, or decoration and is partially or wholly supported by the building to which it is attached. An awning is typically comprised of a lightweight frame structure over which a covering is attached.
4. *BACKGROUND PANEL*: An area distinctively painted, textured, or constructed as a background for the sign copy or a distinctive background area which is used to differentiate such sign copy from where the sign is mounted, affixed, or painted in a different color, material, etc. from the structure it's attached.
5. *BALLOON*: Any lighter than air, gas filled inflatable object attached by a tether to a fixed place or mounted on the ground or a building.
6. *CABINET*: A sign structure comprised of a frame and a sign face or faces. Though a cabinet sign may include electrical components or support structure, the cabinet refers only to the frame housing the sign face.
7. *CANOPY*: A permanent structure of rigid construction which a covering is attached that provides weather protection, identity, or decoration. A canopy is structurally independent.
8. *CLEARANCE*: The distance between grade and the bottom edge of a sign.
10. *COMMERCIAL BUILDING, MULTIPLE TENANT*: A commercial building with two (2) or more separate tenants having individual entrances and shared parking.
11. *COMMERCIAL CENTER*: A group or cluster of retail shops, offices, or employment buildings which share common parking, landscaping, and/or frontage, and may have a property owners association and have a name which is generally understood by the public to refer to the group or cluster.
12. *FRONTAGE*: The length of a property line of any one (1) premise abutting and parallel to a public street, private way, or court.
13. *ILLUMINATION*: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs.
 - a. *DIRECT ILLUMINATION*: An external source of illumination that is not part of or attached to a sign, which directly illuminates the sign.
 - b. *INDIRECT ILLUMINATION*: A source of illumination, not directly visible, which lights only the background upon which the sign or individual letter is mounted.
 - c. *INTERNAL ILLUMINATION*: A light source entirely within a sign where the source of the illumination is not directly visible.
 - d. *NEON ILLUMINATION*: Any illumination effects using neon or any other inert gas under low pressure, which glows in a distinctive color when exposed to a high voltage electrical current.
14. *INDIVIDUAL LETTERS*: A cutout or etched letter or logo which is individually placed on a wall or freestanding sign.
15. *LOGO*: A graphic symbol representing an activity, use, or business. Logos are registered trademarks or symbols commonly used by a business and may include lettering in addition to graphic designs.

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

16. *MASTER SIGN PLAN*: A set of sign design standards established for a multi-tenant building, non-residential complexes with multiple buildings, multi-family building complexes, hospitals, or large-scale mixed-use developments.
17. *MARQUEE*: A permanent roofed structure attached to and supported by a building and typically extends over public right-of-way.
18. *PAN-CHANNEL LETTER*: An individual three-dimensional letter constructed by means of a three-sided metal channel.
19. *PERMITTED SIGN BUDGET*: The permitted square feet of sign area allowed for signage on a premise.
20. *PREMISES*: A tract of one (1) or more lots or sites which are contiguous and under common ownership or control.
21. *RACEWAY*: A structure used for wall-mounted signage with individual letters or characters, located upon the exterior wall surface between the wall and the letters or sign characters. Raceways contain wiring, conduit, transformers, and other electrical components.
22. *SIGN COPY*: Any combination of letter or numbers which is intended to inform, direct, or otherwise transmit information.
23. *SIGN FACE*: The area of a sign on which words and images are placed.
24. *SIGN STRUCTURE*: The structural supports, monument base, foundation, uprights, braces, guides, anchors, and framework of a sign.
25. *VISION CLEARANCE TRIANGLE*: The vision clearance triangle is described in 7-2. (f) for all intersections and intersections of arterial streets.

C. *SIGN TYPES*:

1. *ABANDONED SIGN*: A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of 6 months.
3. *ATTACHED SIGN*: A sign which is structurally connected to a building or depends upon that building for support
4. *AWNING SIGN*: A sign painted, installed, attached, or otherwise applied to or located directly on an awning.
5. *BANNER SIGN*: A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, non-rigid material that is attached to a structure, building, or fence with cord, rope, cable, or similar method. Detached banner signs are defined as Freestanding Yard Signs.
6. *BALLOON SIGN*: A sign supported by a balloon.
8. *BILLBOARD*: See Outdoor Advertising Signs.
9. *BLADE SIGN*: A portable, stand-alone sign comprised of light fabric that moves with the wind and is supported by a pole structure and a base.
10. *BLINKING SIGN*: See Flashing Sign.
11. *BUILDING MARKER*: See Integral Sign.

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12. *BUSINESS IDENTIFICATION SIGN:* A sign which pertain to the business, service, and/or retail uses and may also include multi-tenant residential uses and other information relative to the conduct of the use located on the premises.
13. *COMMERCIAL CENTER IDENTIFICATION SIGN:* A sign which identifies the name of a commercial center or commercial building with multiple tenants in single ownership or control, sharing parking and access.
14. *CANOPY SIGN:* A sign painted, installed, attached, or otherwise applied to or located directly on a canopy.
15. *CHANGING MESSAGE SIGN:* A sign designed to permit change of copy manually.
16. *DETACHED SIGN:* A sign which is self-supporting and structurally independent from any building.
17. *DIRECTORY SIGN:* A sign showing the locations of tenants in a multi-tenant commercial, office, or employment complex, or tenants in a multi-family residential project.
18. *DOUBLE-FACED SIGN:* A sign consisting of no more than two (2) parallel or near parallel faces supported by a single structure. The angle created by the two (2) faces of a double-faced sign shall not exceed fifteen (15) degrees.
19. *DRIVE-THROUGH LANE SIGN:* A sign oriented to occupants of vehicles utilizing a drive-through lane at an establishment that offers transactions through a window, with or without ordering capability.
20. *ELECTRONIC INFORMATION SIGNS:* On-Premise signs which use an array of electrically illuminated lights, generally controlled by a computer or other electronic programming device, to display information or supporting graphics. Information may include news, events, or information about businesses or attractions.
21. *ELECTRONIC CHANGEABLE MESSAGE SIGN (ECMS):* An Outdoor Advertising Sign that changes the message, advertisement, or copy on the sign face by electronic or mechanical device or process, either automated or remote, regardless of the process used.
22. *FLAG SIGN:* Signs which are emblazoned on a flag, with non-commercial emblems or insignias and are intended to be displayed in a free-flowing manner.
23. *FLASHING SIGN:* Any illuminated sign, on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign.
24. *FREESTANDING YARD SIGN:* Any temporary detached sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building and not placed on sidewalks, driveways, or parking lots.
25. *GROUND SIGN:* A detached on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than three (3) feet.
26. *HANDHELD SIGN:* A sign carried by persons, which may include persons dressed in costume, for the purpose of advertising a business, service, product, event, or activity.
27. *HISTORIC MARKER:* A marker commemorating a recognized historic person or event, or identifying a historic place, structure, or object.
28. *INFLATABLE SIGN:* A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a

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portable blower motor that provides a constant flow of air into the device. Inflatable signs are restrained, attached, or held in place by a cord, rope, cable, or similar method. May also be referred to as Air-Activated Sign.

29. *INTEGRAL SIGN:* A sign which includes the name of a building, date of erection, monumental citation, commemorative tablet, or other similar sign when carved into stone, concrete, or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.
30. *MARQUEE SIGN:* A sign painted, installed, attached or otherwise applied to or located directly on a Marquee.
31. *MONUMENT SIGN:* An on premise freestanding sign with the appearance of a solid base.
32. *MOVING SIGN:* A sign designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device.
33. *MURAL-ADVERTISING:* See Painted Wall Sign.
34. *NONCONFORMING SIGN:* A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
35. *NUMERIC DISPLAY SIGNS:* On premise signs which display numeric information only. Typical examples include time and temperature displays and fuel price displays. The numeric information may be changed electronically or manually.
36. *OBSOLETE SIGN:* Sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located.
37. *OFF-PREMISE SIGN :* A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.
38. *ON-PREMISE SIGN:* A sign that advertises or otherwise directs attention to a business, person, organization, activity, event, place, service, or product that occurs on the same parcel where the sign is located.
39. *OUTDOOR ADVERTISING SIGNS:* A panel for the display of information relating to a business, product, event, or other subject of advertising or publicity. Outdoor advertising signs may advertise on premise or off-premise businesses or products, also referred to as a Billboard.
40. *PAINTED WALL SIGN:* A sign painted directly onto the exterior wall of a building containing a logo, business name, or advertisement. May also be referred to as a Mural-Advertising.
41. *PERMANENT SIGN.* A sign constructed of durable materials, attached to the ground or a building in a manner provided by the building code.
42. *POLE SIGN:* An on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance greater than three (3) feet.
43. *PORTABLE SIGN:* A sign not permanently attached to, mounted upon, or affixed to a building, structure, or the ground, and which is easily moved. Examples include A-Frame Signs, T-Frame Signs, and signs on wheels. Portable Sign does not include a Temporary Sign carried by a person or animal.
44. *PORTABLE MESSAGE CENTER SIGN:* A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not

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limited to, signs designed to be transported by means of wheels. Such signs may include changeable copy.

45. **PROJECTING SIGN:** A sign other than a wall sign that is attached to and projects from a building face.
46. **PUBLIC SIGN:** A sign of a noncommercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his/her public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, and other similar signs, including signs designating hospitals, libraries, schools, and other institutions or places of public interest or concern. This includes all signs erected by the City for government purposes.
47. **ROOF SIGN:** Any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
 - a. **INTEGRAL ROOF SIGN:** A roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.
 - b. **ABOVE-PEAK ROOF SIGN:** A roof sign positioned above the peak of a roof or above a parapet or cornice.
48. **ROTATING SIGN:** A sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.
49. **SIDEWALK SIGN:** A portable, stand-alone sign comprised of panel(s) or face(s) that act as a frame or stand on a base. May also be referred to as Sandwich Board Sign, A-Frame Sign, or T-Frame sign.
50. **SNIPE SIGN:** A sign made of any material when such sign is tacked, taped, nailed, posted, pasted, glued, or otherwise attached to or placed on public property or in the public right-of-way such as, but not limited to, a utility pole, street sign, utility box, fire hydrant, tree, street furniture, or items located on public property; except for A-frame and T-frame signs.
51. **STREET POLE BANNER SIGN:** A display containing changeable copy which is mounted from brackets perpendicular to a street light pole or other freestanding armature structure.
52. **TEMPORARY SIGNS:** Any sign constructed of cloth, canvas, fabric, plywood, or other light materials and intended for display for a short period of time.
53. **TRAFFIC CONTROL DEVICE SIGN:** Any Government Sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those Government Signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).
54. **UNLAWFUL VEHICLE SIGN:** A sign which covers more than twenty (20) square feet of the vehicle and/or equipment which identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized vehicle or piece of equipment, and is parked and visible from the public right-of-way; unless said

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vehicle or piece of equipment is used for transporting people or materials in the normal day-to-day operation of the business.

55. **WALL SIGN:** A sign permanently fastened to a wall or parapet of a building or structure in such a manner that the wall or vertical surface of the structure is the supporting structure. For a sign that is painted on a wall, see Painted Wall Sign.
56. **WINDOW SIGN:** A sign applied or attached to a window or visible through a window from the public right-of-way. Window Signs do not include merchandise in a window display.

Illustration 10-1: Permanent Signs Example

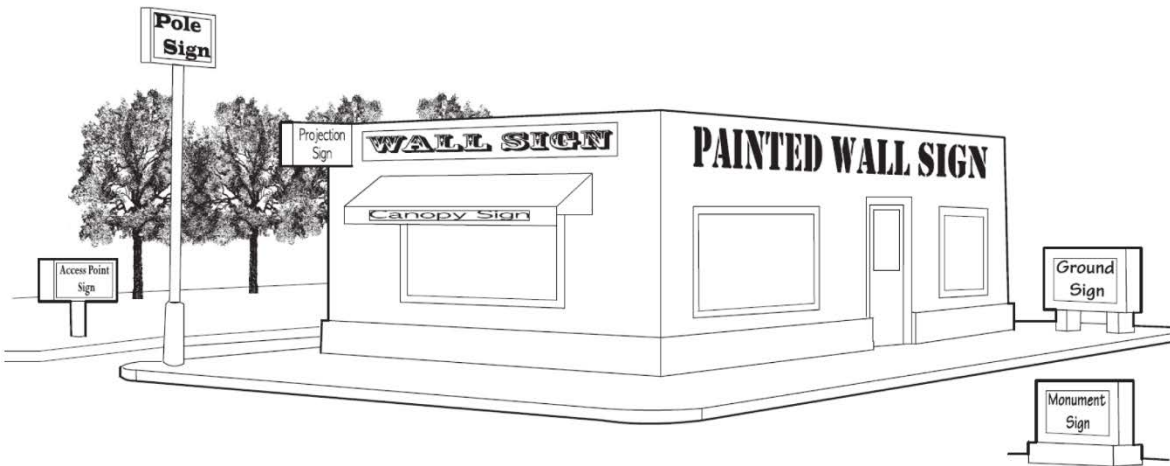


Illustration 10-2: Temporary Signs Example



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10-4: GENERAL SIGN REGULATIONS

- A. *Construction, Permits, Clearances and Projections, Inspections, Maintenance, Fees, Violations, and Enforcement.* All signs shall be erected, reinstalled, altered, repaired, relocated, permitted, and inspected in compliance with this Article.
1. *Permanent Sign; Registration of Installers*
 - a. No person, firm, or corporation shall engage in the business of installing, altering, repairing, or removing any sign within the corporate limits of the City, unless he/she is registered as Contractor with the City.
 2. *Revocation of Registration; Sign Installers*
 - a. The City Council, by a majority vote, shall have the power to revoke the registration of any sign installer pursuant to this article, upon recommendation of the Building Official, if such registration was fraudulent, or if the sign installer is shown to be grossly incompetent or has twice, within a 12-month period, been found in violation of any provisions of this article. This penalty shall be cumulative and in addition to any and all penalties prescribed for the violation of the provisions of this article.
 - b. Before registration can be revoked, notice shall be issued in writing enumerating the charges against him/her, and he/she shall be entitled to a hearing before the City Council, by appealing in writing no later than five (5) business days from the date of receipt of the notice. The registrant shall be given an opportunity to present testimony, oral or written, and shall have the right of cross-examination. All such testimony before the City Council shall be given under oath. The City Council shall have the power to administer oath, issue subpoenas, and compel the attendance of witnesses in such cases.
 3. *Certificate of Insurance*

Every person applying for registration as a Registered Sign Installer shall present evidence to the Building Official that he/she has an insurance policy providing:

 - a. Worker's compensation insurance.
 - b. Minimum public liability and property damage insurance for the general public in the amounts of: one million dollars (\$1,000,000. 00) for each person, one million dollars (\$1,000,000. 00) each accident, and one hundred thousand dollars (\$100,000. 00) property damage, executed by an insurance company authorized to do business in the State of Nebraska and acceptable to the City.
 - c. The City of Columbus shall be named a Certificate Holder, on the above liability and property damage insurance.
 - d. A thirty (30) day written notice shall be given to the Building Official in the event of expiration or of proposed cancellation of the insurance policy.
 4. *Permit Procedures*
 - a. *Applicability.* A sign permit, approved by the Building Official, shall be required before the erection, construction, alteration, placing, or locating of all applicable signs and/or sign parts within corporate limits of the City or the extra-territorial

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jurisdiction conforming to this title. A change of sign copy within an unaltered cabinet or on an unaltered outdoor advertising sign is exempt from requiring a permit.

- b. *Plans Submittal.* A copy of plans and specifications shall be submitted to the Building Official for each sign regulated by this title. When requested by the Building Official, the applicant shall furnish a certification of the structural integrity of the sign, the reuse of existing elements, and its installation by a Nebraska registered professional engineer or architect with specialization in structures.
- c. *Incomplete Applications.* In the event insufficient information is received to issue a permit, the Community Development Department will request the balance of required information. If no response is received within thirty (30) calendar days of the request, said application will become null and void and information will no longer be kept on file. Any fees paid will be forfeited by applicant.
- d. *Expiration.* If the work authorized by a permit issued under the provisions of the Community Development Department has not been completed within six (6) months after the date of issuance, the permit shall become null and void.
- e. *Appeals.* Any person or persons aggrieved by the decision of the Building Official to approve or disapprove a sign permit, as provided by this Code section, may appeal such decision to the Board of Adjustment.
- f. *Application Fees.* Fees as prescribed in this article are set forth in the City of Columbus Comprehensive Fee Schedule.
 1. Where work, for which a permit is required, for this article, is started prior to obtaining the prescribed permit, the fee specified in the City of Columbus Comprehensive Fee Schedule shall be doubled. The payment of such double fees shall not relieve any person from fully complying with the requirements of this article in the execution of the work or from any other penalties prescribed herein.
 2. A separate electrical permit is required for the hook-up of an electric sign. Fees are set forth in the City of Columbus Comprehensive Fee Schedule.

5. *Design Standards*

- A. *Design; General Requirements.* Signs shall be designed and constructed to comply with the provisions of the City of Columbus code for use of materials, loads, and stresses.
- B. *Design; Drawings and Specifications.* Where a permit is required, as provided in the adopted edition of the International Building Code, construction documents shall be required. These documents shall show the location, dimensions, materials, and required details of construction, including loads, stresses, and anchors
- C. *Design; Clearances and Projections.* All signs must maintain the following clearances and projections as well as any clearances and projections outlined in this Article.
 1. *Clearances.* The lowest point of a sign must maintain the following minimum vertical clearances, unless otherwise stated in this Article:

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- a. Seven (7) feet, six (6) inches over sidewalks;
 - b. Fifteen (15) feet over parking lots;
 - c. Eighteen (18) feet over driveways.
2. *Projections.* The projection regulation below shall stand, unless otherwise stated in this Article.
- a. No sign or sign structure shall project into any street right-of-way.
 - b. No sign or sign structure shall project into any public alley right-of-way.
- D. *Design; Wind Load.* Signs and sign structures shall be designed and constructed to resist wind forces as specified in the City adopted edition of the International Building Code.
- E. *Design; Seismic Loads.* Signs and sign structures shall be designed and constructed to resist seismic forces as specified in the City adopted edition of the International Building Code.
- F. *Design; Working Stresses.* In outdoor signs, the allowable working stresses shall conform to the requirements in the City adopted edition of the International Building Code. The working stresses of wire rope and its fastenings shall not exceed twenty-five percent (25%) of the ultimate strength of the rope of fasteners.
- Exceptions:
1. The working strength of chains, cables, guys, or steel rods shall not exceed one-fifth ($\frac{1}{5}$) of the ultimate strength of such chains, cables, guys, or steel.
 - 2.
- G. *Design; Footing Design and Loading.* The footing design and/or loading of signs shall be certified by an architect or engineer registered in the State of Nebraska with specialization in structures.
- H. *Design; Identification.* Every sign and awning erected in the City shall be plainly marked with the name of the person/company erecting such sign or awning, including the permit number under which it was erected. Every electric sign and awning shall have plainly marked thereon the voltage, amperage, rating, and the name of the person/company manufacturing such sign or awning. It shall be unlawful for any person to remove from any sign or awning the identification tag. However, whenever a sign or awning company assumes the maintenance of a sign or awning erected by another, he/she shall place his/her identification thereon. The identification tag shall be maintained so it is legible at all times.

6. *Construction Standards*

- A. *Construction; General.* A sign shall not be erected in a manner that would confuse or obstruct the view of or interfere with building exit signs, required by the International Building Code, or with official traffic signs, signals, or devices.

Signs shall not be erected, constructed, or maintained so as to obstruct any fire escape or any window, door, or other opening used as a means of egress, or so as to prevent free passage from one part of a roof to other part thereof. A sign shall not be attached in any way, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for ventilation.

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The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this Code.

- B. *Construction; Materials.* Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the City adopted edition of the International Building Code.
1. Awnings and Canopies: Shall comply with the requirements of the City adopted International Building Code.
- C. *Construction; Anchorage.* Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pullout amounting to a force twenty-five percent (25%) greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line.

Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to safely support the loads applied.

No wooden blocks, plugs, or anchors used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.

No anchor or support of any sign shall be connected to, or supported by, an unbraced parapet wall, unless such wall is designed in accordance with the requirements of parapet walls, specified for seismic zones as defined in the City adopted edition of the International Building Code.

- D. *Construction; Display Surfaces.* Display surfaces in all types of signs may be made of metal, glass, approved plastics, or wood where permitted elsewhere by this article. Glass thickness and area limitations shall be as set forth in Table No. 3-A. Sections of approved plastics on wall signs shall not exceed two hundred twenty-five (225) square feet in area.

Exceptions:

1. Section of approved plastics on signs other than wall signs may be of unlimited area if approved by the Building Official.
 2. Sections of approved plastics on wall signs shall be separated three (3) feet laterally and six (6) feet vertically by the required exterior wall construction.
 - a. Sections of approved plastics on signs other than wall signs may be contiguous if approved by the Building Official.
- E. *Construction; Approved Plastics.* Notwithstanding any other provisions of this Code, plastics that burn at a rate not faster than two and a half (2 ½) inches per minute when tested in accordance with ASTM D635 shall be approved for use as

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the display surface material and for the letters, decorations, and facings on signs and outdoor display structures. Signs erected within five (5) feet of an exterior wall in which there are openings shall be constructed of noncombustible material.

- F. *Construction; Electrical.* Clearance from overhead power lines. When installed, signs shall maintain clearance from overhead power lines as follows:
1. Less than seventy hundred fifty (750) volts: Seven (7) feet horizontally and vertically
 2. Over seven hundred fifty (750) volts: Ten (10) feet horizontally and vertically
- The term "overhead conductors" as used in this article means any electrical conductor, bare or insulated, installed above the ground, except such conductors as are enclosed in iron pipe or other material covering of equal strength.
- G. *Construction; Illumination.* A sign shall not be illuminated by means other than electrical and electrical devices and wiring shall be installed in accordance with the requirements of NFPA 70. An open spark or flame shall not be used for display purposes unless specifically approved.
- Signs that require electrical service shall comply with NFPA 70. Every electric sign installed in the City shall bear the label of an approved testing agency and shall meet the applicable articles of the National Electric Code as adopted by the City.
- H. *Construction; Inspection.* All ground, monument, and pole signs must have a footing inspection approved prior to the placement of the footing and foundation materials. The City requires property lines to be clearly marked at the time of footing inspection, by identified corner pins with string line or survey markers. All signs must have a footing inspection approved by the Community Development Department. It shall be the responsibility of the permit holder to call for these required inspections.
- I. Maximum Size of Exposed Glass Panel

Table No. 10-1, Size, Thickness, and Type of Glass Panels in Signs			
Any Dimension (inches)	Area (square inches)	Minimum Thickness of Glass (inches)	Type of Glass
30	500	1/8	Plain, plate, or wired
45	700	3/16	Plain, plate, or wired
144	3600	¼	Plain, plate, or wired
Over 144	Over 3600	¼	Wired

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7. *Maintenance and Alterations*

- A. *Maintenance.* Sign and sign support structures, together with their braces, guys, supports and anchor, shall be kept in repair and in proper state of preservation. The display surfaces of signs shall be kept neatly painted or posted at all times. Any sign or component thereof which is found to be defective must be repaired or replaced in accordance with the current requirements of this Code. The changing of moveable parts of an approved sign that is designed for such changes, or repainting of display matter shall not be deemed an alteration.
- B. *Alterations.* No such sign may be enlarged, modified, or altered in any way; however, reasonable repairs may be permitted. Alterations also include the removal and replacement of the sign housing, cabinet, or decorative elements. Any alteration shall require a permit. A change of sign copy within an unaltered cabinet or on an unaltered outdoor advertising sign is not considered an alteration.

8. *Nonconformance*

- A. *Nonconformance of Signs.* Where a sign exists at the effective date of adoption or amendment of the ordinance codified in this title or at the effective date of this Article, such sign shall be deemed a lawful nonconforming sign as it remains, subject to the following provisions:
 - 1. No such sign may be enlarged or altered in a way which increases its nonconformity; however, reasonable repairs and alterations may be permitted.
 - 2. Should such a sign be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Article.

9. *Violations and Enforcement*

- A. *Violation a Public Nuisance.* If any person erects, alters, relocates, or maintains a sign in violation of the provisions of the sign standards, it is declared a public nuisance, and the City Attorney is authorized to bring an action in a court of competent jurisdiction to enjoin such person from continuing the violation.
- B. *Violation Declared a Civil Infraction.* It shall be a civil infraction for any person to violate any of the provisions of the sign standards.
- C. *Discontinuance of Signs.* If a sign or sign structure is in disrepair to a point of over fifty percent (50%) of the sign's total replacement value, the City Manager or designee may order the structure removed, at the owner's expense.
- D. *Removal of Abandoned, Prohibited, and Illegal Signs by the Building Official.* The Building Official shall enforce the sign standards in accordance with one or more of the following procedures:
 - 1. *Administrative Enforcement.*
 - a. For any abandoned, discontinued, prohibited, or illegal sign, the Building Official or designee may send notice, via certified mail, to the record

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owner or occupier of the property to abate the nuisance within a reasonable time.

- b. The Building Official shall specify in the notice the nature of the complaint and penalties and abatement remedies for the violation. Abatement remedies shall consist of one or both of the following remedies:
 - i. Removal of the sign; or
 - ii. Obtaining the required permits and bringing the sign into compliance with the sign standards.
2. *Summary Abatement.* The Building Official or designee may immediately remove any dangerous sign or sign that creates an imminent threat to public safety. The Building Official may immediately remove any prohibited sign or illegal sign that is located within the public right-of-way. Illegal signs located within the public right-of-way are hereby determined to create an imminent threat to public safety.
3. *Civil Citation.* The Building Official or designee may issue or cause to be issued a civil citation or civil complaint to any person violating the provisions of the sign standards.

B. *Location.*

1. *Right-of-Way.* Signs are prohibited in any public right-of-way or public property, including streets, sidewalks, parks, and public facilities unless otherwise stated in this Article or approved by the City of Columbus.
2. *Ingress/Egress Clearance.* No sign shall interfere with any driveway or access way or any means of ingress or egress to any building.
3. *Vision Clearance Triangle.* Signs shall not be located within the vision clearance triangle as defined: No sign shall be built to a height of more than 30 inches above the established curb grade on the part of the lot within a vision clearance triangle where the street curb or edge of pavement radius is less than or equal to 20 feet. The vision clearance triangle shall be a triangle measured from the property line to a point 25 feet in each direction from the intersection along the property line. Where the street curb or edge of pavement is greater than 20 feet, the vision clearance triangle shall extend 10 feet from the end of the radius point along the curb or pavement edge. No sign shall be placed in such area which will materially obstruct the view of drivers approaching the street intersection at the discretion of the Building Official. See Figure 7-2 (a) Vision Clearance Zone for a depiction of Vision Clearance measurement.

10 - 5: PROHIBITED AND EXEMPT SIGNS

- A. *Prohibited Signs.* The following signs are prohibited in all zoning districts:
1. Abandoned or Obsolete Signs, if present for a continuous period of six (6) months.
 2. Balloon Signs.
 3. Blinking Signs.
 4. Flashing Signs.

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5. Moving Signs.
 6. Off-Premise Signs on Public Property, unless approved by the City.
 7. Off-Premise Permanent Signs on Private Property. Other than Outdoor Advertising Signs, see Section 10-14 Outdoor Advertising Signs; Regulations for New Installations.
 8. Roof Signs.
 9. Signs with exposed raceways or pan-channels.
 10. Snipe or Bandit Signs.
- B. *Exempt Signs.* The following signs are exempt from regulation of Article 10. No exempt signs shall be erected within the vision clearance triangle and must meet all other applicable building codes.
1. City of Columbus Special Event Sign. A sign advertising a public event, providing that specific approval for the event, and associated signage, is granted by the City of Columbus.
 2. Historic Markers.
 3. Integral Signs.
 4. Public Signs.
 5. Seasonal Decorations. Signs pertaining to recognized national holidays and national observances.
 6. Signs, which are not visible from a public right-of-way, private way, court, or from a property, other than that on which the sign is installed.
 7. Signs located entirely inside the premises of a building or enclosed space, other than Window Signs.
 8. Signs on a vehicle, other than an Unlawful Vehicle Sign.
 9. Signs protected by Federal/State law.
 10. Traffic Control Device Signs.
 11. Works of graphic art painted or applied to building walls which contain no logos, advertising, or business identification messages.

10 - 6: METHOD OF MEASUREMENT FOR REGULATIONS

- A. *Permitted Sign Budget.* The permitted sign budget is the square footage of the area allowed for permanent signage on the premises. The permitted sign budget is a function of the property's frontage on a street or private way. To calculate the permitted sign budget of a property follow the instructions below:
1. Identify the zoning of the premises.
 2. Measure the total street frontage as the length of a premise fronting a public or private street (excluding alleys). See Illustration 10-4. For multiple frontage properties, the total street frontage shall be calculated as the longest street frontage, plus one-half the length of all additional street frontages.
 3. Determine the Calculated Permitted Sign Budget by multiplying the total street frontage length by the zoning district multiplier found in Table 10-1.
 4. Find the permitted sign budget by using the lesser of the Calculated Permitted Sign Budget or Maximum Permitted Sign Budget shown in Table 10-2. Compare the

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Calculated Permitted Sign Budget in step 3 to the Maximum Permitted Sign Budget for the premise's zoning district:

- a. If the Calculated Permitted Sign Budget, in step 3, is over the Maximum Permitted Sign Budget shown in Table 10-2 than the permitted sign budget is limited to the Maximum Permitted Sign Budget.
- b. If the Calculated Permitted Sign Budget, in step 3, is under the Maximum Permitted Sign Budget shown in Table 10-2 than the permitted sign budget is greater of the Calculated Permitted Sign Budget or the allowable minimum.

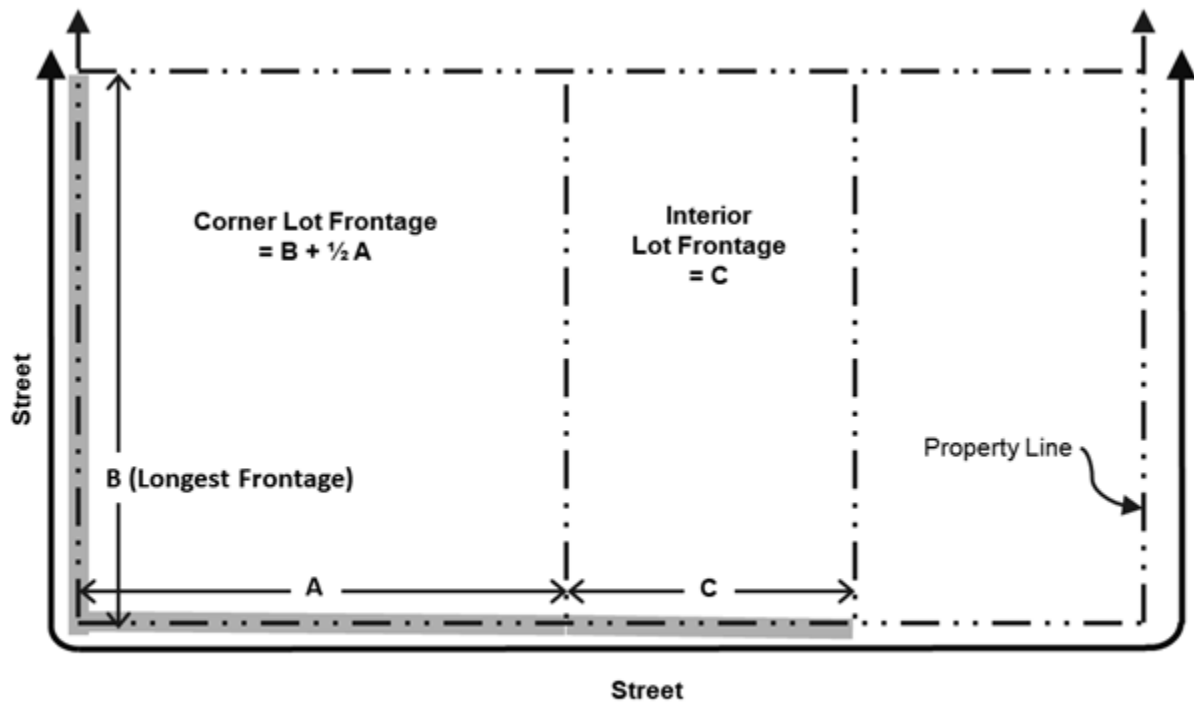
Table 10 - 2: Permitted Permanent Sign Budget by District									
	Zoning Districts								
	AG	RR	R1, R2	R3, NTR	O, LC	UC	Downtown Business District	B1, B2	ML/C-1, MH
Multiplier for Calculated Permitted Sign Budget	0.5	1	1	1	0.5	0.75	1.5	1.5	2
Allowable Minimum Permitted Sign Budget (sq. ft.)	4 RU, 100 NRU	4 RU, 25 NRU	4 RU, 25 NRU	150	200	400	250	400	400
Maximum Permitted Sign Budget (sq. ft.)	4 RU, 100 NRU	4 RU, 25 NRU	4 RU, 25 NRU	150 RU, 300 NRU	400	800	500	800	800

RU: Residential Uses includes all residential uses plus permitted home based businesses and excludes multi-family and non-traditional residential use types.

NRU: Non-Residential Uses includes all non-residential uses plus multi-family and non-traditional residential use types.

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Illustration 10 - 4: Lot Frontage Determination



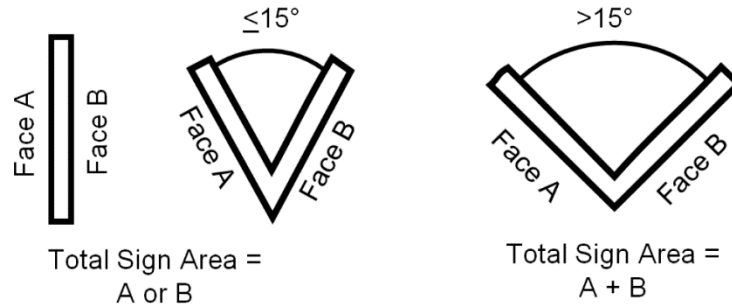
**Lot with Multiple Street Frontages
 $=$ Longest Street Frontage $+ \frac{1}{2}$ of the Sum of All the Additional Street Frontages**

- B. *Sign Area.* Sign area is measured or calculated as follows:
1. *Wall Sign with Background Panel.* The background panel area shall be calculated by measuring the area contained within the sum of the smallest rectangles, squares, triangles, parallelograms, circles, or ellipses that comprises the background panel.
 2. *Wall Sign without Background Panel.* The area of a sign consisting of copy mounted as individual letters or graphics against a wall, fascia, or parapet of a building surface or another surface, which has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy. This area shall be measured as the sum of the smallest rectangles, squares, triangles, parallelograms, circles, or ellipses that will enclose each letter, word, graphic, or discrete visual element in the total sign.
 3. *Sign with Illuminated Background.* The area of a sign with copy mounted, affixed, or painted on an illuminated surface, illuminated element, or a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy.
 4. *Signs with Two (2) or More Faces.* Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that only one (1) face of a double-faced sign shall be considered in determining the sign area when both faces are parallel and the farthest distance between faces does not exceed four (4) feet, or

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when the interior angle of the sign faces does not exceed fifteen (15) degrees if the boards are in a "V". See Illustration 10-5, below, for a graphic representation.

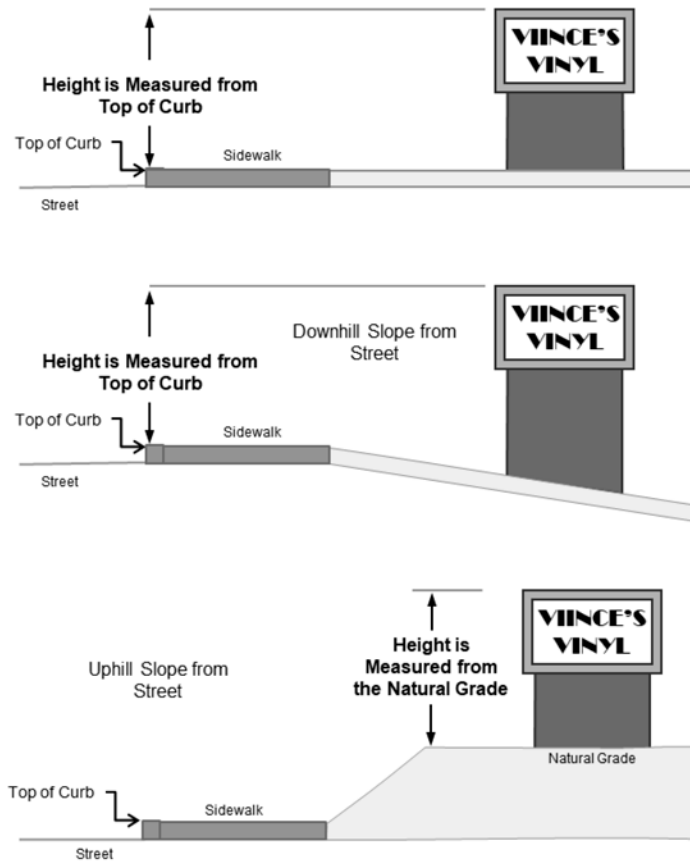
Illustration 10 - 5: Formulas for Determining Sign Area for Signs with Two or More Faces



- C. *Measurement of Sign Height.* The height of a detached sign shall be measured as the vertical distance from the average finished grade of the ground below the sign, excluding any filling, berming, mounding, or excavating for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. The maximum height allowed for a detached sign is shown in Table 10-5. For the purposes of this section, average finished grade shall be considered the lower of: (a) the lowest elevation where the base of the sign meets ground level; or (b) the top of the curb of the nearest public street adjoining the property upon which the sign is erected; or (c) the grade of the land at the principal entrance to the lot on which the sign is located. See Illustration 10-6 for Measurement of Sign Height graphic.

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Illustration 10 - 6: Measurement of Sign Height



- D. *Setback.* The setback of a sign is measured from the property line to the line projected to the ground plane of the nearest portion of the sign.

10 - 7: PERMITTED PERMANENT SIGN TYPE BY ZONING DISTRICT

Table 10 - 3: Permitted Permanent Signs by Type and Zoning District

	AG	RR	R1, R2	R3, NTR	O	LC	UC	Downtown Business District	B1	B2, outside of DBD	ML/C- 1, outside of DBD	MH
Detached Signs												
Ground	NR U	NR U	N	P	P	P	P	P	P	P	P	P
Monument	NR U	NR U	N	P	P	P	P	P	P	P	P	P
Pole	NR U	N	N	N	N	N	N	N	N	P	P	P
Billboard	N	N	N	N	N	N	N	P(A)	P(A))	P(A)	P(A)	P(A))
Attached Signs												

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Awning	N	N	N	P	P	P	P	P	P	P	P	P
Canopy	N	N	N	P	P	P	P	P	P	P	P	P
Marquee	N	N	N	N	P	P	P	P	P	P	P	P
Painted Wall	N	N	N	N	N	N	N	P	P	N	N	N
Projecting	N	N	N	N	N	N	P	P	P	P	P	P
Wall	NR U	NR U	NR U	P	P	P	P	P	P	P	P	P
Other Regulated Signs												
Access Point	P	N	N	P	P	P	P	P	P	P	P	P
Commercial Center Identification	P	N	N	N	P	P	P	P	P	P	P	P
Electronic Information	N	N	N	NR U	P	P	P	P	P	P	P	P
Numeric Display	N	N	N	NR U	P	P	P	P	P	P	P	P

N: Not Permitted

P: Permitted

NRU: Permitted for Non-Residential Uses includes all non-residential uses plus multi-family and non-traditional residential use types.

P (A): Permitted along expressways.

10 - 8: ILLUMINATION/LIGHTING SIGN ELEMENTS

Lighting, when installed, must be positioned in such a manner that light is not directed onto an adjoining property or onto a public street or highway, and in accordance with the Outdoor Lighting provisions. No sign illumination shall impair vehicular or pedestrian circulation on the same premise or adjoining properties. Permitted illumination/lighting elements for signs is outlined in Table 10-4 below.

Table 10 - 4: Permitted Permanent Signs by Type and Zoning District

Illumination Type												
	AG	RR	R1, R2	R3, NTR	O	LC	UC	Downtown Business District	B1	B2, outside of DBD	ML/C-1, outside of DBD	MH
Indirect	P	N	NRU	NRU	P	P	P	P	P	P	P	P
Direct	P	N	NRU	NRU	P	P	P	P	P	P	P	P
Internal	P	NRU	N	NRU	P	P	P	P	P	P	P	P
Neon	N	N	N	NRU	N	N	P	P	P	P	P	P
Flame	N	N	N	N	N	N	N	N	N	N	N	N
Bare Blub	N	N	N	N	N	N	N	P	P	N	N	N

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N: Not Permitted

NRU: Permitted for Non-Residential Uses includes all non-residential uses plus multi-family and mobile home park development use types.

(A/L): Permitted along arterial and local collector streets.

10-9: SIGN TYPE SUPPLEMENTAL REGULATIONS: PERMANENT SIGNS

- A. *Detached Signs.* Ground, Monument, and Pole signs. Table 10-5 below regulates detached signs.

Table 10-5: Permitted Site Development Standards for Detached Signs by Zoning Districts

Regulation Item (All Detached Signs, Except Where Noted)	Zoning Districts									
	AG	RR R-1 R-2	R-3 NTR	O	LC UC	DBD	B-1	B-2	MLC-1 MH	
# Permitted Per Premise	1	1	1 per Street Frontage, Maximum of 2	1	1 per Street Frontage, Maximum of 2	1	1 per Street Frontage, Maximum of 2	1 per Street Frontage, Maximum of 2	1 per Street Frontage, Maximum of 2	
Separation of Signage Per Linear Foot of Premise Street Frontage	NA	NA	1 per 150	NA	1 per 300	NA	1 per 200	1 per 300	1 per 300	
Maximum Sign Area per Sign (sq. ft.)	32	32	32	100	150	100	150	200	200	
Maximum Height (ft.) Above Natural Grade										
Ground	15	6	6	15	15	15	15	15	15	
Monument	15	6	6	15	25	15	25	15	25	

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Pole	N	N	N	30	45	30	45	N	45
Front Yard Setback (ft.)	25	5	2	2	2	0	2	2	2
Side Yard Setback (ft.)	10	10	2	2	2	0	2	2	2

NA - Not Applicable
N - Not Permitted

- B. *Attached Signs.* Awning, Canopy, Marquee, Painted Wall, Projecting, and Wall signs. Table 50-5, below, regulates all attached signs, unless otherwise stated in the supplemental regulations. Table 50-5 outlines the maximum size allowed for an attached sign, based on the zoning district as well as the maximum percentage of street façade coverage, per premise, for all attached signs. No premise may exceed either criterion. The street façade shall be measured, as shown in Illustration 50-7, below, in order to determine the maximum percentage of street façade coverage.

Table 10-6: Permitted Site Development Standards for Attached Signs by Zoning Districts

Regulation Item	Zoning Districts								
	AG	RR R-1 R-2 R-3 NTR	O	LC UC	DBD	B-1	B-2	MLC-1 MH	
Maximum Size of Attached Sign (sq. ft.)	100	32	50	150	150	300	300	300	
Maximum % of Street Façade	15%	15%	15%	20%	20%	25%	20%	25%	

Illustration 10-7: Measurement of Street Façade and Awning Percentage Illustration

Awnings and Awning Signs. Awnings and awning signs, where permitted, are subject to the following regulations:

- a. The copy area of an awning sign shall not exceed twenty-five (25%) of the total face area of the awning. The combined area of all front-facing awning panels, as shown in Illustration 10-7, above, shall not exceed thirty-five percent (35%) of the total wall area, per side of building.
- b. Awnings shall not extend above the eave or parapet of the building facade and shall be a minimum of seven (7) feet six (6) inches above the sidewalk or grade, whichever is higher.

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- c. Awnings may project no more than nine (9) feet from the building facade to which they are mounted and shall not extend over any area utilized by motor vehicles. Within the DBD District, an awning sign shall not be within five (5) feet of the back of curb line's vertical plane.
 - d. Any awning extension beyond six (6) feet shall have plans stamped by a Nebraska licensed architect or professional engineer, certifying the structural integrity of the wall and associated structures to carry all imposed loads.
2. *Canopy Signs.* Canopy signs, where permitted, are subject to the following regulations:
 - a. The copy area of a canopy sign shall not exceed twenty-five (25%) of the total face area, per side of the canopy.
 - b. All canopies and canopy signs must maintain the minimum clearances, projections, design, and construction standards outlined in the City Code.
 3. *Marquees and Marquee Signs.* Marquee signs, where permitted, are subject to the following regulations:
 - a. The maximum projection of any marquee or marquee sign shall be as follows:
 - i. Three (3) feet over sidewalks less than twelve (12) feet wide.
 - ii. Eight (8) feet over sidewalks twelve (12) feet wide or more.
 - b. All marquee and marquee signs must maintain the minimum clearances and projections and design and construction standards outlined in the of City Code.
 4. *Projecting Signs.* Projecting signs are subject to the following general regulations.
 - a. The maximum projection of any projecting sign shall be as follows:
 - i. Three (3) feet over sidewalks less than twelve (12) feet wide.
 - ii. Five (5) feet over sidewalks twelve (12) feet wide or more.
 - b. Within the DBD District, a projecting sign shall not be within five (5) feet of the back of curb line's vertical plane. Each projecting sign must maintain at least a twelve (12) foot vertical clearance over sidewalks.
 - c. Projecting signs must minimize the visible support structure.
 5. *Wall Signs and Painted Wall Signs.* Wall signs are subject to the following general regulations:
 - a. A wall sign must be parallel to the wall to which it is attached.
 - b. A wall sign shall not extend more than eighteen (18) inches from the wall to which it is attached.
 - c. A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign, it may extend to provide for the attachment.
 - d. A wall sign may not extend beyond its building's roof line.
 - e. A wall sign in the DBD District attached to a building on its front property line may encroach upon public right-of-way by no more than eighteen (18) inches. Such a wall sign shall provide minimum clearance of eight (8) feet, six (6) inches.

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- C. *Other Regulated Signs.* Access Point, Commercial Center Identification, Electronic Information, and Numeric Display signs, where permitted, are subject to the following supplemental regulations.
1. *Access Point Signs.* Access Point Signs, where permitted, are subject to the following supplemental regulations based on the level of permission. An access point sign shall be constructed as a detached ground or monument sign type and does not count against the Permitted Sign Budget.
 - a. *NRU Access Point Signs:*
 - i. Limited to one (1) sign at each on-property driveway or access point off of a public street or access road, and one (1) additional sign at any critical decision point internal to the premise.
 - ii. Shall not exceed four (4) sq ft. in maximum size and three (3) ft. in maximum height.
 - b. *In R3 and NTR:*
 - i. Limited to one (1) sign denoting the entrance for a residential subdivision at each major access point off of an arterial or local collector.
 - ii. Shall not exceed thirty-two (32) sq. ft. in maximum size and four (4) ft. in maximum height.
 2. *Commercial Center Identification Signs.* Commercial Center Identification Signs, where permitted, are subject to the following regulations:
 - a. A Commercial Center Identification Sign shall only be a wall sign, painted wall sign, or detached sign type.
 - b. The sign shall display no more than the name and location of the commercial center.
 - c. Each sign shall be subject to all other regulations for attached and detached signs set forth in this Article.
 3. *Electronic Information Signs.* Electronic Information Signs, where permitted, are subject to the following regulations:
 - a. Electronic Information Signs shall be set back a minimum of two (2) feet from any property line.
 - b. No more than one (1) Electronic Information Sign is permitted per premise.
 - c. The closest point of any Electronic Information Sign shall be a minimum of one hundred (100) feet from the closest point of any residential use structure.
 - d. No Electronic Information Sign shall be programmed in a way that suggests or resembles a traffic control device, such as a traffic signal.
 - e. Electronic Information Signs shall be programmed in a way that no sign shall flash or blink and the image, message, or lighting pattern shall hold for a minimum of two (2) seconds, however, full animation video is allowable provided such video does not flash or blink.
 - f. The surface/face illumination of any sign shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with the standard set herein.

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- g. Electronic Information Signs shall be deducted from the total sign budget allowed for the premise.
- 4. *Numeric Display Signs.* Numeric Display Signs, where permitted, are subject to the following regulations:
 - a. Numeric Display Signs shall be set back a minimum of two (2) feet from any property line.
 - b. Numeric Display Signs shall not be located within the vision clearance triangle.
 - c. Numeric Display Signs shall be no larger than twenty-five (25) square feet in area, and if illuminated, shall not flash or blink.
 - d. All illuminated Numeric Display Signs shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated signs shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night intensity level in accordance with the standards set herein.
- e. Numeric Display Signs shall be deducted from the total sign budget allowed for the premise.

10-10: MASTER SIGN PLAN; PERMANENT SIGNS

- A. *Purpose.* The purpose of this section is to provide flexibility, encourage development in accordance with adopted plans and policies, and promote superior sign design and a well-organized visual environment. The Master Sign Plan process will be submitted, reviewed, and approved at an administrative level through the Community Development Department. The Master Sign Plan process was created for mixed-use, larger-scale, and/or unique developments. A Master Sign Plan may be submitted to the City for review and approval for the uses and/or developments listed below:
 - 1. Multiple-tenant commercial, office, employment, or multi-family residential uses.
 - 2. A multiple-building complex for a single commercial or employment use in a project exceeding eight (8) net acres.
 - 3. Stand-alone office/employment buildings exceeding one hundred thousand (100,000) square feet.
 - 4. Indoor or Outdoor Entertainment and Recreation uses.
 - 5. Hospitals.
 - 6. Schools.
 - 7. Hotels and Commercial Lodging having at least one hundred twenty-five (125) guest rooms and a full service restaurant or conference and meeting rooms.
 - 8. Regional retail shopping malls.
 - 9. Religious assemblies exceeding one and a half (1.5) acres of total lot area.
 - 10. Other similar uses may request to be approved for the Master Sign Plan submission. It is the discretion of the building official to accept or deny this request.
- B. *Conditions.* Development Services Staff may attach conditions, requirements, or standards necessary to assure that the signs covered by the Master Sign Plan will not be materially detrimental

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to persons or property in the vicinity. In making its determination, the City shall not base any condition on the message content of a sign. Outdoor Advertising Signs shall not be included in a Master Sign Plan.

- C. *Evaluation Criteria.* Master Sign Plans shall be evaluated based on all of the following criteria:
1. *Placement.* All signs shall be placed where they are visible and legible. Factors to be considered include its location relative to traffic movement, access points, site features, and other structures; orientation relative to viewing distances and viewing angles; spacing; and pedestrian and traffic safety considerations. Wall Signs may be approved on building walls, other than the wall of the space occupied by the tenant in commercial centers in which some tenants have little or no visibility from the street.
 2. *Quantity.* The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and way finding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety and land development character considerations such as the size of the development and the number of development sub-areas.
 3. *Size.* All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display. In no event shall a Master Sign Plan contain a detached sign that exceeds the maximum height standard permitted by this Article.
 4. *Design Features and Materials.* Sign design themes and materials shall be compatible with the architecture, colors, materials of the project, and compatible with surrounding development.
 5. *Site Development Standards.* The City may not reduce any site development standard to less than fifty (50) percent of any minimum standard, nor may any site development standard be allowed to be more than one hundred fifty (150) percent of the maximum standard. For safety purposes, no sign shall be permitted to reduce the setback, or be placed within the vision clearance triangle.
 6. *Permitted Sign Budget.* An applicant may request use of the Calculated Permitted Sign Budget or Maximum Permitted Sign Budget, whichever is larger for the site.
- D. *Review of Master Sign Plan.* Applicant shall submit the completed Master Sign Plan application and submit all required documentation to the Community Development Department. All applications for a Master Sign Plan shall be considered and approved by the building official. In no event does the submittal of a Master Sign Plan guarantee an applicant's approval of all requests.
- E. *Master Sign Plan Approval.*
1. *Action.* The City shall approve or approve with modifications and/or conditions, an application for a Master Sign Plan subject to the requirements of this Chapter and based on compliance with the Purpose and Evaluation Criteria, outlined previously in this Section. An action of the City shall be accompanied by "findings of fact", giving the reasons for the action. The City may request additional information to assist in the review process.
 2. *Limitations of Administrative Approval.* This Section sets the parameters of the Master Sign Plan process; anything beyond these parameters is outside the boundary for administrative review.

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3. *Permitting.* After approval of a Master Sign Plan, the applicant is responsible for applying for a sign permit for each sign or group of signs.
- F. *Modifications/Amendments to Master Sign Plan.* Minor amendments to a Master Sign Plan may be approved administratively. Minor amendments include such changes which are determined to have little to no visual impact or improved visual impact and are consistent with the intent of the original approval.
- G. *Noncompliance.* The applicant shall follow the approved Master Sign Plan. Any violation or noncompliance will result in a written notification of violation or noncompliance. The applicant shall be required to bring signage into compliance, at applicant's expense within the time specified in the written notification.
- H. *Termination.* If no substantial signage development has taken place for three (3) years following approval of the Master Sign Plan, the Master Sign Plan shall be considered null and void. If a premise with an approved Master Sign Plan becomes compliant with the current standards of this Article, the property owner may request, in writing to the Community Development Department, the termination of the Master Sign Plan.

10-11: PERMITTED TEMPORARY SIGN TYPE BY ZONING DISTRICT

- A. *General Regulations.* All temporary signs shall follow the regulations set forth in Section 10-11. Temporary signs are permitted by type and zoning district as outlined in Table 10-6, below.
 1. *Location.* For any off-premise, temporary sign, the sign owner shall have written approval from the property owner of where such sign will be located.
 2. *Maintenance.* All temporary signs shall be maintained in sound condition. Any sign that exhibits deterioration of structure or materials may be removed subject to the provisions of this Section.
 3. *Removal.* The building official or his/her designee shall order the removal of any sign not in compliance with any provisions of this Section. If the owner of the premise on which such sign is located, or the owner of the sign if unlawfully located on public property, fails to remove such sign, the building official or his/her designee shall be authorized to remove the sign. Any costs associated with the removal of a sign may be assessed to the owner of the property.

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Table 10-7: Permitted Temporary Signs by Type and Zoning District

Sign Types	Permit Required	Sign Types								
		AG	RR	R-1 R-2 R-3 NTR	O LC UC	B-1	B-2	DBD	ML/C-1	MH
Banner	Yes*	P	P	P	P	P	P	P	P	P
Blade	No	P	N	N	P	P	P	P	P	P
Flag	No	P	P	P	P	P	P	P	P	P
Freestanding Yard	Yes*	P	P	P	P	P	P	P	P	P
Handheld	No	N	N	N	N	P	P	P	P	P
Inflatable/ Air-Activated	No	N	N	N	N	P	P	P	P	P
Portable Message Center	Yes	P	N	N	N	P	P	P	P	P
Sidewalk	Yes	N	N	N	N	N	N	P	N	N
Window	No	P	P	P	P	P	P	P	P	P

*Banner and Freestanding Yard Signs thirty-two (32) square feet or larger require a Sign Permit.

N - Not Permitted

P - Permitted

10-12: SIGN TYPE SUPPLEMENTAL REGULATIONS: TEMPORARY SIGNS

A. *Banner Signs.* Banner Signs, where permitted, are subject to the following supplemental regulations.

1. Banner Signs may be an on-premise sign and must comply with all applicable building codes.
2. Banner Signs shall be attached to a street facing, vertical façade. No Banner Sign shall be attached to a roof.
4. Non-Residential Uses: Includes all non-residential uses plus multi-family and Non-Traditional Residential use types. Number permitted, total sign area of premise, and maximum area is dependent on the street frontage of the lot as shown in Table 10-7 below.

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Table 10-8: Permitted Banner Sign Number and Size by Street Frontage

Street Frontage (feet)	Number Permitted	Total Sign Area of Premise (square feet)
Less than 75	2	16
75-300	2	36
Greater than 300	3	64

5. Banner Signs are allowed on a temporary-basis of no more than thirty (30) days per occurrence, with a limit of two (2) occurrences per calendar year per premise.
- B. *Blade Signs.* Blade Signs, where permitted, are subject to the following supplemental regulations.
1. Blade Signs are restricted to on-premise signage, and may be placed within the required depth of landscaping with one (1) Blade Sign allowed per fifty (50) feet of street frontage with a maximum of five (5) per premise. Lots with less than fifty (50) feet of street frontage are allowed one (1) Blade Sign. Blade Signs are allowed within the public right-of-way, only within the DBD District
 2. Any Blade Sign must be anchored into the ground or secured in a portable based design for such function.
 3. For safety purposes, any Blade Sign must be setback a minimum of fifteen (15) feet from any overhead utilities and outside of the vision clearance triangle as defined in 10-5. B (3).
 4. No Blade Sign shall be wider than three and a half (3.5) feet, at the widest point. No Blade Sign shall have a height higher than eighteen (18) feet. The height of a Blade Sign is measured from grade and includes the full length of the supporting pole.
 5. Blade Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
- C. *Flag Signs.* Flag Signs, where permitted, are subject to the following supplemental regulations.
1. All Flag Signs shall meet clearance standards found this article.
 2. Flag Signs, when fully extended, shall not extend into the public right-of-way.
 3. Any Flag Sign on a flag pole shall comply with the setback and height regulations found in 7-2(7).
- D. *Freestanding Yard Signs.* Freestanding Yard Signs, where permitted, are subject to the following supplemental regulations.

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1. Freestanding Yard Signs may be an on-premise or off-premise sign and may be placed within the landscaping depth, but are not permitted in public right-of-way.

Table 10-9: Permitted Freestanding Yard Sign Number and Size by Street Frontage

Street Frontage (feet)	Number Permitted	Total Sign Area of Premise (square feet)	Maximum Height (feet)
Less than 75	2	16	6
75-300	3	36	8
Greater than 300	4	64	10

2. Freestanding Yard Signs which are larger than thirty-two (32) square feet are allowed on a temporary-basis of no more than thirty (30) days per occurrence, with a limit of two (2) occurrences per calendar year per premise.
 3. For safety purposes, any Freestanding Yard Sign must be out of the vision clearance triangle as defined in 10-5. B (3).
- E. *Handheld Signs.* Handheld Signs, where permitted, are subject to the following supplemental regulations.
1. Handheld Signs are restricted to be on the same premise as the business, service, activity, or event that is being advertised.
 2. Any person carrying a Handheld Sign is prohibited from obstructing the sidewalk or standing in the right-of-way.
 3. Handheld Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
 4. Lighting, bullhorns, amplified sounds, and mannequins are prohibited as display aspects of Handheld Sign.
- F. *Inflatable Signs/Air-Activated Signs.* Inflatable or Air-Activated Signs, where permitted, are subject to the following supplemental regulations.
1. Inflatable Signs and Air-Activated Signs are restricted to on-premise and must comply with all applicable building and electrical codes.
 2. For safety purposes, any Inflatable Sign or Air-Activated Sign must be fastened to the ground or a structure so that it cannot shift more than three (3) feet, horizontally, under any condition.
 3. The minimum setback for any Inflatable Sign or Air-Activated Sign is equal to or greater than the height of the sign, from all property lines and overhead utility lines and shall remain outside of any vision clearance triangle as defined in 10-5. B (3).
 4. Maximum Height: Twenty-five (25) feet.

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5. Only one (1) Inflatable Sign or Air-Activated Sign shall be allowed on a premise at any time.
 6. Inflatable Signs and Air-Activated Signs may only be displayed during the hours of operation for the on premise business services. . .
- G. *Portable Message Center Sign.* Portable Message Center Signs, where permitted, are subject to the following supplemental regulations.
1. Portable Message Center Signs are restricted to on-premise advertisement and must comply with all applicable building and electrical codes and shall be anchored securely to the ground.
 2. Portable Message Center Signs with any electronic message shall comply with all supplemental regulations of Electronic Information Signs, Section 10-9.C (3).
 3. No Portable Message Center Sign shall exceed six (6) feet in height.
 4. No Portable Message Center Sign shall be larger than thirty-two (32) square feet.
 5. Only one (1) Portable Message Center Sign shall be allowed on a premise at any time.
 6. Portable Message Center Signs are allowed on a temporary-basis of no more than ten (10) days per occurrence, with a limit of six (6) occurrences per calendar year per premise.
- H. *Sidewalk Signs.* Sidewalk Signs, where permitted, are subject to the following supplemental regulations.
1. Sidewalk Signs are allowed in the right-of-way on sidewalk pavement, provided a minimum of six (6) feet of clearance remains for clear passage of pedestrians.
 2. No Sidewalk Sign shall exceed three (3) feet in height.
 3. No Sidewalk Sign shall exceed six (6) square feet, per side or three (3) feet in width.
 4. Only one (1) Sidewalk Sign is allowed per business, service, activity, or event.
 5. For safety reasons, no encroachments shall be made near corners of sidewalks or where crosswalks are present. This area shall be defined with a fifteen (15) foot area, beginning at the curb line at all corners or ends of blocks.
 6. Sidewalk Signs shall not obstruct pedestrian or handicap accessibility to buildings, emergency exits, or parking spaces.
 7. Sidewalk Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
 8. No illumination is allowed for Sidewalk Signs.

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10-13 - OUTDOOR ADVERTISING SIGNS

- A. *Conformance Required.* No billboard sign shall be erected, placed maintained, converted, enlarged, reconstructed or structurally altered which does not comply with all the regulations established in this article.
- B. *Maintenance.* For the purposes of this section, maintenance shall mean the routine repairing, restoring, or replacing of the sign to its constructed condition with the same type of materials used in the original sign structure and face, or to approved upgraded materials.
- C. *Required Maintenance for Nonconforming Signs.*
1. Cleaning and painting of the structure including supports, faces trim, ladders, catwalks, railings and any other structural features and the immediate area around the sign structure.
 2. Changes in advertising messages and content including use of a vinyl overlay or wrap. If structural modifications are required to secure the vinyl overlay or wrap, a sign permit is required and said changes must be approved by the building official.
 3. Faces and trim shall be maintained, replaced or repaired as necessary. The same number of faces, or less shall be maintained and the size of any given face shall not be increased.
 4. Lighting system may be added or replaced on any billboard as long as the lighting complies with Section 8-7 of the Land Development Ordinance, requiring shielded, sharp cutoff, downcast lighting fixtures. Existing fixtures may be repaired with like equipment. Changes or additions of lighting fixtures shall require an electrical permit and said changes shall be approved by the permitting agency.
 5. Safety features including ladders, catwalks, safety cables and railings may be replaced, repaired or added. Said safety features shall be designed to conform to accepted industry standards. A sign permit shall be required if safety features are added and said changes must be approved by the building official.
- D. *Reconstruction and Modification of Existing Nonconforming Outdoor Advertising Signs.* No sign shall be reconstructed or modified except as specified in paragraph E below. The following shall constitute a substantial change to a sign and are therefore not considered maintenance or acceptable reconstruction and are herein prohibited:
1. Any change in the location of the sign.
 2. Any increase in the size or dimension or height of the sign.
 3. The addition of additional face or faces.
 4. An increase in the number of poles supporting the structure.
 5. An increase in the height of the poles.
- E. *Modifications to Existing Nonconforming Outdoor Advertising Signs.* An existing legal or nonconforming sign may be modified or reconstructed as follows:
1. The structural supports may be replaced with like materials or upgraded to steel.
 2. Any existing sign damaged by any cause, natural or manmade, may be replaced or repaired to original condition, or modified as stated in 1. Above, provided there is no increase in size, height, or number of faces. Nonconforming roof-mounted signs that are damaged by any cause in excess of fifty (50) percent of their replacement value shall be permanently removed.

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

3. Message area attachment systems may be changed or updated provided the area of the message surface is not increased.
 4. A sign required to be moved to a new location because of a local, state or federal project requires approval of the new location by the building official and the relocated sign need not comply with all regulations in force and effect at the time the relocation is approved, except those regulations which effect safety.
- G. *Electronic Changeable Message Signs.* Electronic Changeable Message Signs, hereinafter known as ECMS, are considered outdoor advertising signs and shall be subject to the following requirements:
1. For each ECMS face erected, a minimum of two (2) existing sign faces must be permanently removed.
 2. The proposed ECMS must be located where one of the existing structures was removed to meet the 2: 1 replacement requirement, or, if at a new location, the ECMS must meet all Code requirements pertaining to outdoor advertising signs and meet the 2: 1 replacement requirement.
 3. No two ECMS structures may have sign facings erected less than five thousand (5,000) feet apart measured from the center of the monopole along a line parallel with the expressway. ECMS structures may be located on either side of the highway; however, each sign must only be visible from one direction of travel and must comply with the five thousand (5,000)-foot spacing on each side.
 4. The ECMS sign faces shall not be more than three hundred (300) square feet in size and shall be no taller than thirty-five (35) feet.
 5. Each advertisement displayed must remain fixed for at least ten (10) seconds. If there is more than one (1) advertisement per face, then when any advertisement changes, the entire face shall remain fixed for at least ten (10) seconds.
 6. When an advertisement is changed, it must be accomplished within an interval of two (2) seconds or less.
 7. Each ECMS must contain a default mechanism that will freeze the sign in one position if a malfunction occurs.

10-14 - OUTDOOR ADVERTISING SIGNS; REGULATIONS FOR NEW INSTALLATIONS

Within the total amount of sign area permitted to them, some parcels in the B-2, ML/C-1 and MH districts may elect to devote a portion of their sign budgets to installation of an outdoor advertising sign, subject to the conditions contained in this section. For installation of new Electronic Changeable Message Signs (ECMS) refer to the regulations provided in 10-13.G of this Article.

- A. *Location.* Eligible properties must be located within one hundred (100) feet of the right-of-way line of Highways 30 or 81.
- B. *Impact on Business Identification and Other Signage.* Utilization of this provision does not entitle any parcel to additional permitted sign area and the area of the sign counts against the total sign area permitted the parcel. The outdoor advertising sign shall count as a detached sign for the purpose of calculating the total number of permitted detached signs.

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

C. *Maximum Size and Height.*

1. The size of an outdoor advertising sign shall not exceed three hundred (300) square feet.
2. The maximum height of such a sign shall be thirty-five (35) feet.

D. *Separation Factors.*

2. Where permitted along other settings, outdoor advertising signs shall be separated by one thousand (1,000) feet from any other outdoor advertising sign of any size and three hundred (300) feet from any other detached sign.
3. Any such outdoor advertising sign shall be separated by two hundred (200) feet from any property in a residential zoning district, including RR through R-3, and NTR.

E. *Other Standards.*

1. New installations of stacked signs or other installations of two (2) signs facing the same direction on a single structure are prohibited. Double-faced, back-to-back signs are permitted, provided that the angle formed by the sign faces does not exceed fifteen (15) degrees.
2. Side-by-side signs are not permitted regardless of which direction they face.

10-15 Additional Regulations for the Downtown Business District

a. Definition and Application

These additional regulations apply to that area bounded by 10th Street and 15th Street and 21st Avenue and 32nd Avenue, all public rights-of-way or portions thereof located within these boundaries, and all buildings or structures abutting, adjoining, or bordering the same.

b. Projection Signs

1. No sign other than a public service sign shall project more than 18 inches from any facade or wall of a building to which it is attached.
2. Lighted canopy signs may extend no more than 48 inches from any facade or wall of a building to which it is attached.

c. Temporary Sign

1. Items such as or similar to streamers, ribbons, spinners, or similar moving, fluttering, or revolving devices used for the purpose of advertising or attracting attention shall not be permitted for a period longer than 30 days.

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2. Signs pertaining to special events which refer to particular periods of time such as conventions, fairs, meetings, sales, exhibitions, and vacancy announcements shall be permitted provided that such signs shall be erected subsequent to approval by the Mayor, City Council, and Chief of Police; and that such signs shall be removed when no longer applicable in time.

d. Public Agency Signs

The provisions in this section shall not apply to the signs erected by federal, state, county, or city governmental agencies, including traffic, informational, and ornamental Christmas or other seasonal decorations.

e. Nonconforming Signs

1. Every sign erected before the effective date of this section shall not be replaced, expanded, enlarged, modified, or changed in any manner except in conformance with this section.
2. Affected nonconforming signs must be removed or modified to conform to this section within 30 days after receiving written notification by the City of the violation.

CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

11 ARTICLE ELEVEN

NONCONFORMING DEVELOPMENT

11-1 Purpose

Article Eleven shall be known as the Nonconforming Development Regulations. The purposes of these regulations are:

- a. To allow for reasonable use of legally created lots of record which do not meet current minimum requirements for their respective zoning districts;
- b. To provide for reasonable use of legally constructed structures which do not meet current site development regulations for their respective zoning districts;
- c. To allow for the reasonable continuation of legally established uses which do not meet current use regulations for their respective zoning districts;
- d. To limit the continuation and provide for the gradual replacement of nonconforming uses.

11-2 Regulations Additive

Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

11-3 Nonconforming Lots

a. Pre-Existing Lots of Record

Nonconforming lots of record existing at the time of the adoption of this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by the Unified Land Development Ordinance.

b. Reductions Due to Public Acquisition

If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

11-4 Nonconforming Structures

These regulations apply to buildings and structures which were constructed legally under regulations in effect before the effective date of this Ordinance.

a. Continuation

A lawful nonconforming structure existing on the effective date of this Ordinance may be continued, repaired, maintained, or altered, subject to the provisions of this Article.

b. Additions or Enlargements to Nonconforming Structures

1. A lawful nonconforming structure may be added to or enlarged if the addition satisfies one or more of the following conditions:
 - (a) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements;
 - (b) The nonconforming building and impervious surface coverage's on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district;
 - (c) The addition projects no further into a required side yard setback than the existing building; the length of the side wall of the addition is the smaller of 25 feet or 50 percent of the length of the existing nonconforming side wall; and the enlarged building complies with building and impervious coverage, front and rear yard setbacks, and height regulations applicable to its zoning district.
2. No permitted addition to a nonconforming structure may place a wall within ten feet of a window of an adjacent pre-existing residential structure.
3. Nonconforming buildings shall be limited to one addition or enlargement pursuant to these regulations.

c. Moving of Nonconforming Structures

A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district.

d. Repair of Nonconforming Structures

CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

A lawful nonconforming building damaged by fire, explosion, storm, or other calamity, except flood damages, may be repaired and reconstructed provided there is no increase in the degree of nonconformity. Repair and reconstruction within the designated floodplain shall be in conformance with floodplain development regulations.

e. Conversion of a Conforming Building

A conforming building shall not be changed in any way that will result in a nonconforming development.

f. Applicability of Landscaping and Screening Regulations

Provided the pre-existing use continues, a pre-existing structure, building, or development shall be exempt from Article Eight, Landscaping and Screening Regulations. However, any of the following action on or after the effective date of this Ordinance shall be subject to Article Eight:

- i. Expansion of a structure, building or parking lot
- ii. Development onto an adjacent lot

11-5 Nonconforming Uses

a. Continuation of Nonconforming Uses

Any nonconforming use lawfully existing on the effective date of this Ordinance may continue, subject to the limitations of this Section.

b. Enlargement of Nonconforming Uses

A building or structure housing a lawful nonconforming use may not be added to or enlarged.

c. Abandonment of Nonconforming Use

If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of six months, any subsequent use must conform to all use regulations applicable to the property's zoning district.

CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

d. Change of Use

A lawful nonconforming use may be changed only to a use type permitted in a zoning district that is equal or less intensive than that normally required for the previous use.

e. Allowance for Repairs

Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made other than those required by law.

f. Damage or Destruction of Structures

Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds 50 percent of the assessed value of the structure, the nonconforming use shall no longer be permitted.

g. Nonconforming Uses and Conditional and Special Use Permits

A lawful pre-existing use which would require a Special Use Permit in its zoning district shall be presumed to have the appropriate Permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of Permits, set forth in Article Twelve.

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

12 ARTICLE TWELVE

ADMINISTRATION AND PROCEDURES

12-1 Purpose

The Administration and Procedures Provisions establish the methods for implementation of the Unified Land Development Ordinance. These provisions include procedures for reviewing specific uses and developments within certain zoning districts; amending the Unified Land Development Ordinance; and granting variances.

12-2 Site Plan Review Procedure

a. Purpose

The Site Plan Review Procedure provides for the administrative review in addition to plan review required by other sections of the Columbus Municipal Code of projects that have potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods. The procedure provides for review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property.

b. Administration

The Building Official shall review, evaluate and act on all site plans submitted pursuant to this procedure. An applicant may appeal a denial of any application to the Board of Adjustment.

All applications or requests for the approval of plans for alleys, off-street parking, loading, non-residential driveways, non-residential curb cuts, and access to an egress from property, shall be submitted to the Building Official. Upon review, the Building Official shall have the authority to either approve or deny said application or request.

c. Uses Requiring Site Plan Review

All uses shall follow the Site Plan review procedure prior to the issuance of a building permit.

d. Application Requirements

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

An application for a Site Plan Review may be filed by the owner(s) of a property or the owners' authorized agent with the Building Official. The application shall include the following information:

1. Name, mailing and email address of the applicant.
2. Owner, address, and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
 - (a) The date, scale, north point, title, name of owner, and name of person preparing the site plan;
 - (b) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements;
 - (c) The location, size, and use of proposed and existing structures on the site;
 - (d) The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, required temporary and permanent stormwater treatment facilities, fencing, screening, landscaping, and lighting;
 - (e) A topographic survey of the site and adjacent public rights-of-way.
 - (f) Identification of all federal, state and local environmental features, including, but not limited to: floodplain, floodways, wetlands, and other environmental features.
 - (g) Identification of all adjacent zoning districts and use types.
 - (h) Any other information that may be required for review by the Building Official.
5. The Site Plan must be stamped by a Nebraska Registered Professional Engineer.

e. Administrative Action and Appeal

The Building Official must act upon each complete application within twenty-one working days of filing.. An applicant may appeal a denial to the Board of Adjustment. The Board of Adjustment shall consider the appeal at the first available meeting after the filing of the appeal.

f. Review and Evaluation

1. The Building Official or the Board of Adjustment shall review and approve the site plan based on the criteria established in Table 12-1 and conformance with applicable regulations in this Unified Land Development Ordinance.

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2. The Building Official or the Board of Adjustment shall make the following findings before approval of the site plan:
 - (a) The proposed development, together with any necessary modifications, is compatible with the criteria established in Table 12-1;
 - (b) Any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable effects;
 - (c) The site plan conforms to the Unified Land Development Ordinance.

g. Modification of Site Plan

The Building Official or Board of Adjustment may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to, additional landscaping or screening; installation of erosion control measures; improvement of access or circulation, rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, or welfare.

h. Term and Modification of Approval

1. A Site Plan Approval shall become void two years after the date of approval, unless the applicant receives a Building Permit and diligently carries out development prior to the expiration of this period.
2. The Building Official may approve an application to modify a previously approved site plan if he/she determines that the modification does not affect findings related to the criteria set forth in Table 12-1.
3. The Building Official may revoke a Site Plan Approval if he/she determines that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Board of Adjustment.

i. Approval to Run With Land

An approval pursuant to this section shall run with the land until such time as a change in use has the potential to significantly affect the traffic circulation or land uses in adjacent neighborhoods.

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

12-3 Special Use Permit Procedure

a. Purpose

The Special Use Permit Procedure provides for public review and discretionary City Council approval for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.

b. Administration

The Planning Commission shall review and evaluate each application and transmit its recommendation to the City Council. The City Council shall review, evaluate, and act upon all applications submitted pursuant to this procedure.

c. Application Requirements

An application for a Special Use Permit may be filed by the owner(s) of a property or by the property owner's authorized agent with the Community Development Director's Office. Any such application will not be deemed submitted until all of the information set forth below is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications will not be placed on the Planning Commission Agenda until all such missing information is provided. Such application shall be submitted to the Community Development Director's Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which the public hearing on the application will be held. The application shall include the following information and be submitted on a form approved by the Community Development Director's Office:

1. Name, email and mailing address and phone number of the property owner who is making application or said property owner's authorized agent.
2. Legal Representation: Name of Firm, attorney, phone number, email and mailing address
2. Owner, address and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. A site plan, when requested by the building official, which includes all information as described in 12-2 (d)(4.)
5. Excavation Special Use Permits applications must include a proposed post development site plan.

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

5. The special use requested and the current zoning.
6. Be signed by the property owner or the property owner's duly authorized agent.

TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

		CRITERIA		APPLICATION TO	
		Site Plan Review	Special Use Permit		
Land Use Compatibility					
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X		
Height and Scale					
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X		
Setbacks	Development should respect pre-existing setbacks in surrounding areas. Variations should be justified by site or operating characteristics.	X	X		
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X		
Site Development					
Frontage	Project frontage along a street should be similar to lot width.	X	X		
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X		
	All structures must be accessible to public safety vehicles.	X	X		
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X		
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage-ways should be preserved to the extent possible.	X	X		

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations.		X
Operating Characteristics			
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X

TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

	CRITERIA	APPLICATION TO	
		Site Plan Review	Special Use Permit
Operating Characteristics			
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
Public Facilities			
Sanitary Waste Disposal	Developments within 300 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	X	X
	Sanitary sewer must have adequate capacity to serve development.	X	X
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X

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Utilities	Project must be served by utilities if the property is located within 300 ft of said utility.	X	X
Comprehensive Plan	Projects shall be consistent with the comprehensive development plan of Columbus.		X

d. Approval Process

1. The Planning Commission, following ten days notice as required by Paragraph 12-3 (e), shall hold a public hearing on each proposed Special Use Permit and following such public hearing, shall recommend action to the City Council.

2. The City Council, after the ten days notice as required by Paragraph 12-3 (e) and after public hearing, shall act on the Special Use Permit. The City Council may apply any reasonable conditions to the approval of the permit.

3. The applicant shall be responsible for preparing and furnishing in proper form a “draft” Ordinance including any reasonable conditions recommended by the Planning Commission sufficiently in advance of the City Council Meeting for review by City staff and for distribution to the Mayor and members of the City Council. A “final” ordinance for said special use permit shall be thereafter submitted by applicant for action by the City Council.

e. Required Notice and Publication

Prior to consideration of and/or approval of a Special Use Permit by the Planning Commission and by the City Council, notice of public hearing before the Planning Commission and before the City Council shall be provided as follows:

1. Posted Notice: A notice shall be posted by the applicant in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be placed on or near such premises that it is easily visible from the street and shall be posted at least ten days before the date of such hearing. It shall be the duty of the applicant to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the applicant to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed, it shall be the duty of the applicant to promptly post a new sign for the remainder of the ten-day period.

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2. Notice by Publication: At least ten days before the date of hearing the City Clerk shall have published in a newspaper having a general circulation in the City of Columbus a Notice of the time, place and subject matter of such hearing.
3. Notice by Personal Service or Mail: At least 10 days prior to the date of the hearing the applicant shall either:
 - a) personally serve, or
 - b) mail to the last known address,

written notice of such hearing to each of the following:

- i) the owners of the real estate which is the subject of the Special Use Permit;
- ii) all properties whether in whole or in part which are located within 300 feet of the real estate which is the subject of the Special Use Permit; and
- iii) the Board of Education of each school district in which the real estate which is the subject of the Special Use Permit is located.

If the record title owners of any real estate included in such proposed change be non-residents of the municipality, a written notice of such hearing shall be mailed by certified mail to their last-known address at least ten days prior to the date of such hearing.

4. Exception: The provisions of Subsection 1 "Posted Notice" and Subsection 3 "Notice by Personal Service or Mail" shall not apply in the event of a proposed change in the application of Special Use Permits throughout entire areas of an existing zoning district or of the City or parts thereof, or in the event of a proposed change in such regulations, restrictions or districts governing said Special Use Permits.
5. Affidavit of Notice Compliance: The applicant shall be responsible for filing with the City Clerk prior to 3:00 PM on the date of the hearing an Affidavit of Notice Compliance. Said Affidavit shall verify that the "Posted Notice" requirements set forth in Subsection 1 above and that the "Notice by Personal Service or Mail" requirements set forth in Subsection 3 above were both complied with. Said Affidavit shall be submitted on a form approved by the City Clerk's office.

f. Scope of Approval

1. The City Council may, at its discretion, apply a Special Use Permit to a specific owner or applicant. The City Council may establish special site development or operational regulations as a condition for approval of a Special Use Permit.

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g. Lapse, Revocation or Completion of Permit

1. A Special Use Permit shall become void two years after its effective date if the applicant has not carried out development or occupancy during that period.
2. The City Council may revoke a Special Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.
3. Completion of a Special Use Permit for resource extraction and excavation shall include a final record drawing site plan.

h. Previously Approved Permits

Any special use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid Special Use Permit, subject to requirements imposed at the time of its approval.

i. Denial of Special Use Permit; Waiting Period

In the event that a Special Use permit as provided in this Article is denied by the City Council, no new request shall be made for the same or a substantially similar Special Use Permit within six months of said denial.

12-3 Development Review Team (DRT)

a. Purpose

The DRT meets weekly with project representatives to identify opportunities and resolve potential issues before project and development plans are finalized. Through the DRT process all aspects of a project can be discussed including key issues and expectations such as site issues, time lines, processing of applications, phasing, design issues and code requirements. The DRT provides the best possible customer service by maintaining allowing close contact with project representatives, by providing thorough review and feedback on every major proposed project, and by working to resolve issues at the earliest possible stage of development.

b. Administration

Members of the DRT are the City Administrator, Community Development Director and/or Building Official, City Engineer, Public Works Director and City Planner. These members may invite other

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

staff and professionals as they see fit based on project scope. If applicable, DRT members will visit the project location prior to the DRT meetings and be prepared to discuss all potential issues and opportunities. The DRT shall take notes during the meeting and shall provide those notes to all participants. The DRT and/or staff members of the DRT will provide professional recommendations to the Planning Commission and City Council.

c. Application Requirements

Project representatives will be provided an application for the DRT. Complete development plans are not necessary for the initial meeting however, as many details as possible are encouraged to be shared in the application in order to jointly develop the most efficient and successful project. At a minimum the project representative shall provide:

1. Project Representative information.
2. Description of the project.

DRT members will reserve every Wednesday from 8:00 am to 12:00 pm for DRT project review and meetings with project representatives.

Applications will be due the Friday prior to the meeting date desired by the project representative.

12-4 Amendment Procedure

a. Purpose

The Amendment Procedures describe the methods by which changes may be made in the text of the Unified Land Development Ordinance (text amendment) and/or the official boundaries of zoning districts (rezoning).

b. Initiation of Amendments

1. Text amendments may be initiated by the Planning Commission or City Council.
2. Rezoning may be initiated by a property owner or authorized agent; the Planning Commission; or the City Council.

c. Rezoning Application Requirements

An application for a rezoning may be filed with the Community Development Director's

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Office. Any such application will not be deemed submitted until all of the stated information is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications will not be placed on the Planning Commission Agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Director's Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which time the public hearing on the application will be held. The application shall include the following information and shall be submitted on a form approved by the Community Development Director's Office:

1. Name, email, mailing address and phone number of the property owner who is making application or said property owner's authorized agent.
2. Legal Representation: Name of Firm, attorney, phone number, email and mailing address
3. Owner, address, email address and legal description of the property.
4. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
5. An aerial image depicting the proposed development on the property and the existing surrounding zoning classifications. A site plan, when requested by the building official, which includes all information as described in 12-2 (d)(4.)
6. The current zoning and the requested zoning.
7. Be signed by the property owner or the property owner's duly authorized agent.

d. Amendment Process

1. The Planning Commission, following ten days notice as required by Paragraph 12-4 (e), shall hold a public hearing on each proposed text amendment or rezoning amendment and, following such public hearing, shall recommend action to the City Council. The Planning Commission may recommend as part of its recommended approval of a rezoning any conditions reasonably related to the interest of public health, safety, morals and the general welfare.
2. The City Council, after ten days notice as required by Paragraph 12-4 (e) and after public hearing, shall act on the proposed amendment. The City Council may impose any reasonable conditions on the approval of the rezoning, provided said conditions are reasonably related to the interest of public health, safety, morals and the general welfare. In furtherance thereof, the City Council may condition rezoning on the adoption of an agreement between the developer and the City.
3. The applicant shall be responsible for preparing and furnishing in proper form a "draft" ordinance including any reasonable conditions recommended by the Planning Commission sufficiently in advance of the City Council Meeting for review by City staff and for distribution to the Mayor and members of the City Council. A "final" ordinance for said re-zoning shall be thereafter submitted by applicant for action by the City

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Council.

e. Required Notice and Publication

Prior to consideration of amending, supplementing, changing, modifying, or repealing this ordinance by the Planning Commission and by the City Council, notice of public hearing before the Planning Commission and before the City Council shall be provided as follows:

1. **Posted Notice:** In the case of rezonings, a notice shall be posted by the applicant in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed on or near such premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be the duty of the applicant to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the applicant to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed, it shall be the duty of the applicant to promptly post a new sign for the remainder of the ten-day period.
2. **Notice of Publication:** In the case of text amendments and rezonings, at least ten days before the date of hearing the City Clerk shall have published in a daily newspaper having a general circulation in the City of Columbus a Notice of the time, place and subject matter of such hearing.
3. **Notice by Personal Service or Mail:** In the case of rezonings, at least 10 days prior to the date of the hearing, the applicant shall either:
 - a) personally serve, or
 - b) mail to the last known address,

written notice of such hearing to each of the following:

- i) the owners of the real estate to be zoned or rezoned;
- ii) the owners of all real estate located within 300' of the real estate to be zoned or rezoned; and
- iii) the Board of Education of each school district in which the real estate to be zoned or rezoned is located.

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If the record title owners of any real estate included in such proposed change be non-residents of the municipality, a written notice of such hearing shall be mailed by certified mail to their last-known address at least ten days prior to the date of such hearing.

4. Exception: The provisions of Subsection 1 "Posted Notice" and Subsection 3 "Notice by Personal Service or Mail" shall not apply (1) in the event of a proposed change in such regulations, restrictions, districts, or boundaries throughout the entire areas of an existing zoning district or of the City, or (2) in the event additional or different types of zoning districts are proposed, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the City, or (3) text amendments; in such instances only the requirements heretofore set forth in Subsection 2. "Notice of Publication" above shall be applicable.
5. Affidavit of Notice Compliance: The applicant shall be responsible for filing with the City Clerk on the date of the hearing an Affidavit of Notice Compliance. Said Affidavit shall verify that the "Posted Notice" requirements set forth in Subsection 1 above and that the "Notice by Personal Service or Mail" requirements set forth in Subsection 3 above were both complied with. Said Affidavit shall be submitted on a form approved by the City Clerk's office.

f. Denial of Proposed Amendment; Waiting Period

In the event that a proposed amendment or change as provided in this Article is denied by the City Council, no new request shall be made for the same or substantially similar amendment or change within six (6) months of said denial thereof.

12-5 Extension of the Extra-Territorial Jurisdiction

There shall be an automatic extension of the extra-territorial jurisdiction due to annexation or incorporation of any addition into the City. The City Council with the recommendation of the Planning Commission, shall zone properties within the newly established Jurisdiction concurrent with, or within 90 days thereafter, of the adoption of the annexation ordinance or resolution incorporating said property into the City. The zoning shall consider the Comprehensive Development Plan of the City of Columbus and the present use of the land. In the event the City takes no action within the time period, said property within the newly established Jurisdiction shall be deemed as zoned RR, Rural Residential.

12-6 Building Permits and Certificates of Occupancy

a. Administration and Enforcement

The Building Official shall administer and enforce this ordinance.

If the Building Official shall find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any

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other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

b. Building Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Building Official. No building permit shall be issued by the Building Official except in conformity with the provisions of this ordinance, unless he/she receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this ordinance.

c. Application for Building Permit

All applications for building permits shall include a site plan and shall include plans drawn to scale and an electronic copy, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Official, including the existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families and/or persons, , and the number of units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

One copy of the plans shall be returned to the applicant by the Building Official, after he/she shall have marked such copy either as approved or disapproved and attested the same by his/her signature on such copy. The electronic copy of the plans shall be retained by the Building Official.

d. Certificates of Occupancy for New, Altered, or Non-Conforming Uses

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy is issued by the Building Official stating that the proposed use of the building or land conforms to the requirements of this Ordinance and that all plans submitted with the application for building permit have been completed. Prior to the issuance of a Certificate of Occupancy, the Building Official, or his/her designee, shall conduct a final inspection of said building or premises to determine compliance with the requirements of the Columbus City Ordinances and it shall be the duty of the property owner to cooperate with said final inspection.

e. Expiration of Building Permit

1. If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the building official; and written notice thereof shall be given to the persons affected.

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2. If the work described in any building permit has not been completed within two years of the date of issuance thereof, said permit shall expire and be cancelled by the Building Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.
3. The expiration date of a building permit may be established for a period longer than two years if established at the time that such permit is issued by the City. The Building Official may, at his/her discretion extend the expiration period of the building permit.

f. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Occupancy

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Building Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction which varies from the approved permit shall be deemed a violation of this ordinance, and punishable as provided by Section 12-14 hereof.

12-7 Schedule of Fees, Charges and Expenses

The City Council shall establish by resolution a schedule of fees, charges, and expenses and a collection procedure for building permits, re-zoning application fees, special use permit application fees, board of adjustment filing fees, site plan review, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance.

The schedule of fees shall be posted in the office of the Building Official, and may be altered or amended only by the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application for appeal.

12-8 Board of Adjustment

a. Establishment

1. A Board of Adjustment is hereby established to provide relief in situations of hardship or to hear appeals as provided by this Section. The Board shall consist of five regular members, plus one additional alternate member who shall attend and vote only when one of the regular members is unable to attend for any reason. At least one member of the Board shall be a member of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of

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membership on the Board of Adjustment and the appointment of another Planning Commission member to the Board. At least one member of the Board shall reside outside of the corporate boundaries of the City, but within its extra-territorial zoning jurisdiction.

2. Each member shall be appointed by the Mayor with the approval of the City Council for a three-year term and is removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Chairman of the Board shall be elected annually by the members of the Board. All members of the Board shall serve without compensation.
3. The Board of Adjustment shall adopt rules and regulations in accordance with this ordinance and the laws of the State of Nebraska pursuant to Sections 19-901 to 19-914 of Nebraska Revised Statutes. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The Board shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. A majority of the Board shall constitute a quorum for the transaction of business.

b. Procedure for Appeals

1. Appeals shall be made to the Board of Adjustment within reasonable time of the cause of the appeal through the office of the Building Official in written form as determined by the Building Official. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within thirty days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Building Official certifies to the Board that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the District Court on notice to said officer and on due cause shown.
2. The Board shall provide a written notice to the appealing party of the date and time set for public hearing. The Board shall provide a minimum of ten days' notice of a public hearing on any question before it by publication in a newspaper of general circulation in the City of Columbus setting forth the time, place and subject matter of such hearing. Notice of hearing shall be posted by the appealing party in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be the duty of the appealing party to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be

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unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the appealing party to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed it shall be the duty of the appealing party to promptly post a new sign for the remainder of the ten-day period. The appealing party shall be responsible for filing with the Building Official on the date of the hearing an Affidavit of Posting Notice. Said Affidavit shall verify that the requirements concerning posting notice as set forth herein were complied with and said Affidavit shall be submitted on a form approved by the Building Official.

3. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of four out of five members of such board as so composed shall be necessary to reverse any order, requirement, decision or determination of any Building Official, or to decide in favor of the appellant on any matter upon which it is required to pass under any zoning ordinance, or to effect any variation in such ordinance.

12-9 Powers and Duties of the Board Of Adjustment

The Board of Adjustment shall have only the following powers and duties:

a. Administrative Review To hear and decide appeals where it is alleged there is error in any order, requirement, decisions or determination made by the Building Official in the enforcement of this Ordinance or any regulation relating to the location or soundness of structures.

b. Interpretation of Zoning Map To hear and decide in accordance with the provisions of any zoning regulation, requests for interpretation of any map.

c. Variances to Relieve Hardships Relating to Property To authorize, upon appeal, variances from the strict application of this Ordinance where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.

1. Requirements for Grant of a Variance. No such variance shall be authorized by the Board unless it finds that:

(a) Strict application of the zoning ordinance will produce undue hardship;

(b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity;

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(c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance;

(d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice;

(e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Ordinance.

2. Findings by Board. The Board of Adjustment shall make findings that the requirements of Section 12-9c(1) have been met by the applicant for a variance.

3. Conditions for Grant of Variance.

(a) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 12-14 of this Ordinance.

(b) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

(c) No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

d. Board has Powers of Building Official on Appeals: Reversing Decisions of Building Official

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Building Official from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Building Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

12-10 Appeals from the Board of Adjustment

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Any person or persons, or any board, taxpayer, officer, department, board or bureau of the city aggrieved by any decision of the Board of Adjustment may seek review of such decision by the District Court for the County in the manner provided by the laws of the State and particularly by 19-912 R.R.S. 1943 (Reissue 1991), and amendments thereto.

12-11 Duties of Building Official, Board of Adjustment, City Council, and Courts on Matters of Appeal

- a. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Building Official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Building Official, and that recourse from the decisions of Board of Adjustment shall be to the courts as provided by law.
- b. Under this ordinance the City Council shall have only the duties (1) of considering and adopting or rejecting proposed amendments or permits, or the repeal of this ordinance as provided by law, and (2) of establishing a schedule of fees and charges as stated in Section 12 of this ordinance.

12-12 Severability Clause

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

12-13 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is allowed to have occurred, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the Building Official. He/she shall record properly such complaint immediately, investigate, and take action thereon as provided by this ordinance.

12-14 Penalties for Violation

- a. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or imprisoned for not more than 30 days, or both and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- b. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- c. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation

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13 ARTICLE THIRTEEN

PART A - WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

13-1 Purpose and Legislative Intent

The Telecommunications Act of 1996 affirmed the City of Columbus' authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. The City of Columbus, Nebraska finds that Wireless Telecommunications Facilities may pose significant concerns to the health, safety, public welfare, character and environment of the City and its inhabitants. The City also recognizes that facilitating the development of wireless service technology can be an economic development asset to the City and of significant benefit to the City and its residents. In order to insure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the City's land use policies, the City is adopting a Wireless Telecommunications Facilities application and permit process. The intent of this Ordinance is to minimize impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the City of Columbus, Nebraska.

13-2 Title

Article 13, Part A, shall be known and cited as the Wireless Telecommunications Facilities Siting Ordinance for the City of Columbus, Nebraska, and herein referred to as Article 13, Part A.

13-3 Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Article 13, Part A, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of Article 13, Part A, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

Any Special Use Permit issued for Wireless Telecommunications Facilities shall follow the Special Use Permit Rules and Procedures under Article 12.

13-4 Definitions

For purposes of Article 13, Part A, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include

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the plural number. The word “shall” is always mandatory, and not merely directory.

- A) “**Accessory Facility**” or “**Structure**” means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
- B) “**Applicant**” means any Wireless service provider submitting an Application for a Special Use Permit for Wireless Telecommunications Facilities.
- C) “**Application**” means all necessary and appropriate documentation that an Applicant submits in order to receive a Special Use Permit for Wireless Telecommunications Facilities.
- D) “**Antenna**” means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.
- E) “**Certificate of Compliance**” means the certification from the City or the City’s consultant that confirms the project was constructed and is in compliance with the conditions of the permit.
- F) “**Collocation**” means the use of an existing Tower or structure to support Antennae for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a co-location as long as the new tower is no taller than the old tower and that the old tower is removed in a reasonable short time frame after the new tower is constructed.
- G) “**Commercial Impracticability**” or “**Commercially Impracticable**” means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be “commercially impracticable” and shall not render an act or the terms of an agreement “commercially impracticable”.
- H) “**Completed Application**” means an Application that contains all information and/or data necessary to enable an informed decision to be made with respect to an Application.
- I) “**Council**” or “**City Council**” means the City Council of the City of Columbus, Nebraska.
- J) “**Distributed Antenna System or DAS**” means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.
- K) “**Eligibility Facility**” means a facility as defined in FCC 14-153.
- L) “**Eligible Facility Permit**” means the official zoning permit approved and issued by the Community Development Director for application which meets the definition of an eligible facility.

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- M) **“FAA”** means the Federal Aviation Administration, or its duly designated and authorized successor agency.
- N) **“FCC”** means the Federal Communications Commission, or its duly designated and authorized successor agency.
- O) **“Height”** means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightening protection device.
- P) **“Modification”** or **“Modify”** means the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a Telecommunications Tower or Telecommunications Site as a co-location is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.
- Q) **“NIER”** means Non-Ionizing Electromagnetic Radiation.
- R) **“Person”** means any individual, corporation, estate, trust, partnership, joint stock Company, association of two (2) or more persons having a joint common interest, or any other entity.
- S) **“Personal Wireless Facility”** See definition for ‘Wireless Telecommunications Facilities’.
- T) **“Personal Wireless Services”** or **“PWS”** or **“Personal Telecommunications Service”** or **“PTS”** shall have the same meaning as defined and used in the 1996 Telecommunications Act.
- U) **“Planning Commission”** means the Planning Commission for the City of Columbus.
- V) **“Repairs and Maintenance”** means the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.
- W) **“Right-of-Way”** means the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility easement, or similar property, but not including a freeway as defined in Neb. Rev. Stat. Section 39-1302, the National System of Interstate and Defense Highways, or a private Easement.
- X) **“Small wireless facility”** means a wireless facility that meets each of the following conditions: (1) the facilities (a) are mounted on structures 50 feet or less in height including the antennas or (b)

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are mounted on structures no more than 10 percent taller than other adjacent structures; (2) each antenna associated with the deployment is no more than three cubic feet in volume; (3) all other equipment associated with the structure, whether ground-mounted or pole-mounted, is no more than 28 cubic feet in volume; (4) the facilities do not require antenna structure registration under 47 C.F.R. part 17, as such regulation existed on January 1, 2019; (5) the facilities are not located on tribal lands, as defined in 36 C.F.R. 800.16(x), as such regulation existed on January 1, 2019; and (6) the facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b), as such regulation existed on January 1, 2019.

- Y) **“Specialized Mobile Radio”** or **“SMR”** means an analogue or digital trunked two-way radio system, operated by a service in the VHF, 220, UHF, 700,800 or 900 MHz bands.
- Z) **“State”** means the State of Nebraska.
- AA) **“Stealth”** or **“Stealth Technology”** means to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or Commercially Impracticable under the facts and circumstances.
- BB) **“Telecommunications”** means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
- CC) **“Telecommunications Site”** See definition for Wireless Telecommunications Facilities.
- DD) **“Telecommunications Structure”** means a structure used in the provision of services described in the definition of ‘Wireless Telecommunications Facilities’.
- EE) **“Temporary”** means temporary in relation to all aspects and components of Article 13, Part A, something intended to, or that does not exist for more than ninety (90) days.
- FF) **“Tower”** means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.
- GG) **“Wireless Telecommunications Facilities”** or **“WTF”** means and includes a **“Telecommunications Site”** and **“Personal Wireless Facility”**. It means a structure, facility or location designed, or intended to be used as, or used to support Antennas or other transmitting or receiving devices. This includes without limit, Towers of all types and kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for Antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters

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and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

13-5 Overall Policy and Desired Goals for Eligible Facility and Special Use Permits for Wireless Telecommunications Facilities

In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities protects the City's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in Article 13, Part A, the City hereby adopts an overall policy with respect to an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:

- A) Requiring an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities for any new, co-location or modification of a Wireless Telecommunications Facility.
- B) Implementing an Application process for person(s) seeking an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities.
- C) Establishing a policy for examining an application for and issuing an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities that is both fair and consistent.
- D) Promoting and encouraging, wherever possible, the sharing and/or co-location of Wireless Telecommunications Facilities among service providers.
- E) Promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or Commercially Impracticable under the facts and circumstances.
- F) That in granting an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities, the City has found that the facility shall be the most appropriate site as regards being the least visually intrusive among those available in the City.

13-6 Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities Required; Exceptions

- A) Except as otherwise provided by Article 13, Part A, no Person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of, Wireless Telecommunications Facilities as of January 2, 2018, without having first obtained either an Eligible

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Facility Permit or a Special Use Permit for Wireless Telecommunications Facilities prior to the application for a building permit. Notwithstanding anything to the contrary in this section, no Permits for Wireless Telecommunications Facilities shall be required for those non-commercial exclusions noted in Section 13-7.

- B) All legally permitted Wireless Telecommunications Facilities, constructed as permitted, existing on or before January 2, 2018, shall be allowed to continue as they existed, provided however, that any visible modification of an existing Wireless Telecommunications Facility will require the complete facility and any new installation to comply with this Article 13, Part A.
- C) Any Repair and Maintenance of a Wireless Telecommunications Facilities does not require an Application for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities.

13-7 Exclusions

The following shall be exempt from Article 13, Part A:

- A) The City's fire, police, department of transportation or other public service facilities owned and operated by the local government.
- B) Any facilities expressly exempt from the City's siting, building and permitting authority.
- C) Over-the-Air reception Devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception.
- D) Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial Telecommunications.
- E) Facilities used exclusively for providing unlicensed spread spectrum technology i.e. Bluetooth or a 'Hot Spot', where the facility does not require a new tower, where the service is not to be used for commercial purposes, where there is no fee or charge for the use of the service and where the service is intended to be useable for less than 200'.
- F) Small Wireless Facilities located in a right-of-way. Said right-of-way shall be deemed governed by the provisions of Neb. Rev. Stat. Section 86-1201 to Section 86-1244 known as the Small Wireless Facilities Deployment Act and by Article 13B and Article 15 of the Land Development Ordinance.

13-8 Eligible Facility Permit and Special Use Permit Application and Other Requirements.

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- A) All Applicants for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in Article 12 and Article 13, Part A, of the Zoning Ordinance. Applications for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities must be made pursuant to Article 12 and Article 13, Part A, of the Zoning Ordinance. Upon the recommendation from the Planning Commission, the City Council is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting or revoking Eligible Facility Permit or Special Use Permits for Wireless Telecommunications Facilities. The City may at its discretion delegate or designate other official agencies or officials of the City to review, analyze, evaluate and make recommendations to the Planning Commission and the City Council concerning matters involving Eligible Facility Permit or Special Use Permits for Wireless Telecommunications Facilities.
- B) All applications for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall be filed with the Community Development Director's office pursuant to Article 12-3.
- C) The City may reject applications not meeting the requirements stated herein or which are otherwise incomplete.
- D) No Wireless Telecommunications Facilities shall be installed, constructed or modified until the Application is reviewed and approved by the City, and the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities has been issued.
- E) Any and all representations made by the Applicant to the City on the record during the Application process, whether written or verbal, shall be deemed a part of the Application and may be relied upon in good faith by the City.
- F) An Application for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.
- G) The Applicant must provide documentation to verify it has the right to proceed as proposed on the Site. This would require an executed copy of the lease with the landowner or landlord or a signed letter acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.
- H) The Applicant shall include a statement in writing:
 - 1) That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities, without exception, unless specifically granted relief by the City in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable City, State and Federal Laws, rules, and regulations;
 - 2) That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State.

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- I) Where a certification is called for in Article 13, Part A, such certification shall bear the signature and seal of a Registered Professional licensed in the State.
- J) In addition to all other required information as stated in Article 13, Part A, all applications for the construction or installation of new Wireless Telecommunications Facilities or modification of an existing facility shall contain the information hereinafter set forth.
- 1) A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;
 - 2) Documentation that demonstrates and proves the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the City. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, including an analysis of current and projected usage; for a new tower drive test data is required. If documentation is provided by the applicant that this site qualifies as an Eligible Facility, proof of need is not required;
 - 3) The name, address and phone number of the person preparing the report;
 - 4) The name, address, and phone number of the property owner and Applicant, and to include the legal name of the Applicant. If the site is a tower and the owner is different than the applicant, provide name and address of the tower owner;
 - 5) The postal address and tax map parcel number of the property;
 - 6) The Zoning District or designation in which the property is situated;
 - 7) Size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;
 - 8) The location of nearest residential structure;
 - 9) The location, size and height of all existing and proposed structures on the property which is the subject of the Application;
 - 10) The type, locations and dimensions of all proposed and existing landscaping, and fencing;
 - 11) The azimuth, size and center-line height location of all proposed and existing antennae on the supporting structure;
 - 12) The number, type and model of the Antenna(s) proposed with a copy of the specification sheet;
 - 13) The make, model, type and manufacturer of the Tower and design plan stating the Tower's capacity to accommodate multiple users;
 - 14) A site plan describing the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
 - 15) The frequency, modulation and class of service of radio or other transmitting equipment;
 - 16) The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;
 - 17) Signed documentation such as the "Checklist to Determine Whether a Facility is Categorically Excluded" to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC RF Emissions guidelines (NIER). If not categorically excluded, a complete RF Emissions study is required to provide verification;
 - 18) A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices;
 - 19) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities;

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- 20) A copy of the geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for a proposed or existing Tower site and if existing Tower or water tank site, a copy of the installed foundation design.
- K) The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new Tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA, and any related correspondence shall be provided with the application.
- L) Additional requirements for an Application for New Tower.
- 1) In the case of a new Tower, the Applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing Tower(s) or the use of alternative buildings or other structures within the City. Copies of written requests and responses for shared use shall be provided to the City in the Application, along with any letters of rejection stating the reason for rejection.
 - 2) In order to better inform the public, in the case of a new Telecommunication Tower, the Applicant shall, prior to the public hearing on the application, hold a "balloon test". The Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three (3) foot in diameter brightly colored balloon at the maximum height of the proposed new Tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the Applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the City. The Applicant shall inform the City, in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four consecutive hours sometime between 7:00 am and 4:00 pm on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday. A report with pictures from various locations of the balloon shall be provided with the Application.
 - 3) The Applicant shall examine the feasibility of designing the proposed Tower to accommodate future demand for at least four (4) additional commercial applications, for example, future co-locations. The Tower shall be structurally designed to accommodate at least four (4) additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Tower is not technologically feasible, is Commercially Impracticable or creates an unnecessary and unreasonable burden, based upon:
 - a) The foreseeable number of FCC licenses available for the area;
 - b) The kind of Wireless Telecommunications Facilities site and structure proposed;
 - c) The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites;
 - d) Available space on existing and approved Towers.
 - 4) Upon completing construction and before the issuance of the Certificate of Compliance, to ensure the tower was constructed as permitted, the applicant is to provide signed

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documentation of the Tower condition per the requirements of ANSI/TIA/EIA-222 (adopted by reference in the building code). Annex for Tower Maintenance, Condition Assessment and Inspection Procedures. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.

- 5) The owner of a proposed new Tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed Tower by other Wireless service providers in the future, and shall:
 - a) Respond within 60 days to a request for information from a potential shared-use Applicant;
 - b) Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;
 - c) Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference;
 - d) Failure to abide by the conditions outlined above may be grounds for revocation of the Special Use Permit for Wireless Telecommunications Facilities.
- M) The Applicant shall provide certification with documentation (structural analysis) including calculations that the Telecommunication Facility Tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, city, state and federal structural requirements for loads, including wind and ice loads.
- N) If application is for a co-location or modification on an existing Tower, the applicant is to provide signed documentation of the Tower condition per the requirements of ANSI/TIA/EIA-222 (adopted by reference in the building code). Annex for Tower Maintenance, Condition Assessment and Inspection Procedures. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.
- O) All proposed Wireless Telecommunications Facilities shall contain a demonstration that the Facility will be sited so as to minimize visual intrusion as much as possible, given the facts and circumstances involved and will thereby have the least adverse visual effect on the environment and its character and on the residences in the area of the Wireless Telecommunications Facility.
- P) If the application is for a new Tower, a new Antenna attachment to an existing structure, or modification adding to a visual impact, the Applicant shall furnish a Visual Impact Assessment, which shall include:
 - 1) If a new Tower or increasing the height of an existing structure is proposed, a computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure,

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with and without foliage shall be provided to illustrate locations from which the proposed installation may be seen.

- 2) Pictorial representations of “before and after” (photo simulations) views from key viewpoints both inside and outside of the City as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at the pre-application meeting. Provide a map showing the locations of where the pictures were taken and distance from the proposed structure.
 - 3) A written description of the visual impact of the proposed facility including; and as applicable the Tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
- Q) The Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility.
- R) The Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth or concealment technology as may be required by the City.
- S) All utilities at a Wireless Telecommunications Facilities site shall be installed underground whenever possible and in compliance with all Laws, Ordinances, rules and regulations of the City, including specifically, but not limited to, the most recently adopted versions of the National Electrical Safety Code and the National Electrical Code where appropriate.
- T) At a Telecommunications Site, an access road, turn-around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- U) All Wireless Telecommunications Facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the City, State, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.
- V) A holder of an Eligible Facility Permit or Special Use Permit for a Wireless Telecommunications Facilities granted under Article 13, Part A, shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the City or other governmental entity or agency having jurisdiction over the applicant.

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- W) There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site.
- X) An Applicant shall submit to the City the number of completed Applications determined to be needed.
- Y) The holder of an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall notify the City of any intended Modification of a Wireless Telecommunication Facility and shall apply to the City to modify, relocate or rebuild a Wireless Telecommunications Facility.

13-9 Location of Wireless Telecommunications Facilities

- A) Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority of selection and ten (10) being the lowest priority.
 - 1) On existing Towers or other structures on city owned properties, including the right-of-way.
 - 2) On existing Towers or other structures on other property in the City.
 - 3) A new Tower on City-owned properties, including the right-of-way.
 - 4) A new Tower on property in areas zoned MH, "General Industrial District."
 - 5) A new Tower on property in areas zoned ML/C-1, "Light Industrial District."
 - 6) A new Tower on property in areas zoned AG, "Agricultural District."
 - 7) A new Tower on property in areas zoned B-2, "General Commercial District."
 - 8) A new Tower on property in areas zoned B-1, "Central Business District."
 - 9) A new Tower on property in areas zoned "O", "Office District", LC, "Limited Commercial District", UC, "Urban Commercial District."
 - 10) A new Tower on property in areas zoned RR, "Rural Residential District", R-1, "Single-Family Residential District", R-2, "Urban-Family Residential District", R-3, "Multiple-Family Residential District", and NTR, "Non-Traditional Residential District."
- B) If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant if the permit were not granted for the proposed site.
- C) An Applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An Application shall address co-location as an option. If such option is not proposed, the Applicant must explain to the reasonable satisfaction of the City why co-location is

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commercially or otherwise Impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of Commercial Impracticability or hardship.

- D) Notwithstanding the above, the City may approve any site located within an area in the above list of priorities, provided that the City finds that the proposed site is in the best interest of the health, safety and welfare of the City and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.
- E) The Applicant shall submit a written report demonstrating the Applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the Application.
- F) Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the City may disapprove an Application for any of the following reasons.
 - 1) Conflict with safety and safety-related codes and requirements;
 - 2) Conflict with the historic nature or character of a neighborhood or historical district;
 - 3) The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
 - 4) The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the City, or employees of the service provider or other service providers;
 - 5) Conflicts with the provisions of Article 13, Part A.

13-10 Shared Use of Wireless Telecommunications Facilities and Other Structures

- A) The City, as opposed to the construction of a new Tower, shall prefer locating on existing Towers or others structures without increasing the height. The Applicant shall submit a comprehensive report inventorying existing Towers and other suitable structures within two (2) miles of the location of any proposed new Tower, unless the Applicant can show that some other distance is more reasonable and demonstrate conclusively why an existing Tower or other suitable structure cannot be used.
- B) An Applicant intending to locate on an existing Tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the Applicant.
- C) Such shared use shall consist only of the minimum Antenna Array technologically required to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown.

13-11 Height of Telecommunications Towers

- A) The Applicant shall submit documentation justifying the total height of any Tower, Facility and/or Antenna requested and the basis therefore. Documentation in the form of propagation studies must include all backup data used to perform at requested height and a minimum of ten (10') feet lower height to allow verification of this height need. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the City,

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to the extent practicable, unless good cause is shown. The height limitations in this section shall supersede the height limitations set forth in Article 12.

- B) No Tower constructed after the effective date of Article 13, Part A, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with city, state, and/or any federal statute, law, local law, city ordinance, code, rule or regulation.

13-12 Visibility of Wireless Telecommunications Facilities

- A) Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by Law.
- B) Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of Article 13.
- C) If lighting is required, Applicant shall provide a plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

13-13 Security of Wireless Telecommunications Facilities

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

- A) All Antennas, Towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and
- B) Transmitters and Telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

13-14 Signage

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. RF radiation warning signage shall be posted on all four sides of the compound. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration sign as applicable is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

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13-15 Lot Size and Setbacks

All proposed Towers and any other proposed Wireless Telecommunications Facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed Tower or Wireless Telecommunications Facility structure plus ten percent (10%) of the height of the Tower or structure, or the existing setback requirement of the underlying Zoning District, whichever is greater. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

13-16 Retention of Expert Assistance and Reimbursement by Applicant

- A) The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any site inspections.

- B) An Applicant shall deposit with the City escrow funds sufficient to reimburse the City for all costs of the City's consultant in providing expert evaluation and consultation to any agency of the City in connection with the review of any Application, including where applicable, the lease negotiation, the pre-approval evaluation, and the construction and modification of the site, once permitted. The Initial Deposit shall be \$8,500 unless said amount has been modified by City Council Resolution. The placement of the Initial Deposit with the City shall precede the pre-application meeting. The City will maintain a separate escrow account for all such funds. The City's consultants/experts shall invoice the City for its services related to the Application. If, at any time during the process this escrow account has a balance less than 30% of the Initial Deposit, (the Minimum Escrow Account Balance), the Applicant shall immediately, upon notification by the City, replenish said escrow account so that it has a balance of at least 50% of the Initial Deposit (the Replenished Escrow Account Balance). Such additional escrow funds shall be deposited with the City before any further action or consideration is taken on the Application. The Initial Deposit, Escrow Account Balance and Replenished Escrow Balance amounts may be modified by resolution of the Columbus City Council. In the event that the amount held in escrow by the City is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall, upon request of the Applicant, be promptly refunded to the Applicant. If notified by the City that additional escrow is required, the Applicant may request copies of Consultants' and/or experts' invoices. If the Applicant finds errors in those invoices, Applicant may ask the City to audit those specific items for reasonableness and may request relief there from if not deemed reasonable by the City.

- C) Notwithstanding the above, there shall be a cap of \$17,000 as to the total consultant fees to be charged to applicant in a case. The foregoing does not prohibit the City from imposing additional reasonable and cost based fees for costs incurred should an applicant amend or change its application and the fee cap shall not apply as to any fees which the City determines to be attributable to the dilatory or otherwise bad faith actions of Applicant in providing a complete application or in proceeding with a public hearing.

- D) The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope (lease negotiations and/or review) and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

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13-17 Public Hearing and Notification Requirements

The procedure for obtaining a Special Use Permit for Wireless Telecommunications Facilities shall follow the procedure set forth in Article 12, Section 12-3 of the Columbus Zoning Ordinance with the exception that no public hearing or notifications are required for Eligible Facility applications.

The procedures of Article 12 are amended for purposes of Special Use Permits for Wireless Telecommunication Facilities to require written notice of such public hearing to be given to the owners of all real estate located within 500 feet instead of 300 feet of the real estate, which is the subject of the Special Use Permit for Wireless Telecommunication Facilities.

13-18 Action on an Application for a Special Use Permit for Wireless Telecommunications Facilities

- A) The City will undertake a review of an Application pursuant to the Special Use Permit procedure of Article 12-3 and shall act within a reasonable period of time given the relative complexity of the Application and the circumstances, with due regard for the public's interest and need to be involved, and the Applicant's desire for a timely resolution.
- B) Except as modified herein, the Special Use Permit Procedure of Article 12 of the Zoning Ordinance shall be followed. The decision of the City Council shall be set forth in the minutes and shall be supported by substantial evidence contained in a written record. The burden of proof for the granting of a Special Use Permit for Wireless Telecommunications Facilities shall always be upon the Applicant.
- C) If the City denies the Special Use Permit for Wireless Telecommunications Facilities or if such an ordinance fails to pass, then the Applicant shall be notified of such denial or failure to pass, in writing, within ten (10) calendar days of the City's action.

13-19 Action on an Application for a Eligible Facility Permit for Wireless Telecommunications Facilities

- A) Authorization of an Eligible Facility Permit. For any Eligible Facility Permit application, a complete application shall be approved by the Community Development Director or his or her designee only if he or she determines that such complete application is in compliance with Article 13, Part A.
- B) The burden of proof for the granting of an Eligible Facility Permit for Wireless Telecommunications Facilities shall always be upon the Applicant.
- C) If the City denies the Eligible Facility Permit for Wireless Telecommunications Facilities then the Applicant shall be notified of such denial or failure, in writing, within ten (10) calendar days of the City's action.

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13-20 Extent and Parameters of Eligible Facility Permit and Special Use Permit for Wireless Telecommunications Facilities.

The extent and parameters of an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall be as follows:

- A) Such Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall not be assigned, transferred or conveyed without the express prior written notification to the City.
- B) Such Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities may, following a hearing upon due prior notice to the Applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the Eligible Facility or Special Use Permit, or for a material violation of Article 13, Part A, after prior written notice to the holder of the Special Use Permit.

13-21 Application Fee

At the time that a Person submits an Application for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities for a new Tower, such Person shall pay a non-refundable application fee therefor to the City in an amount as set by resolution by the Columbus City Council. If the Application is for an Eligible Facility Permit or Special Use Permit which involves modifying or co-locating on an existing Tower or other suitable structure, where no increase in height of the Tower or structure is required, or for a temporary facility the non-refundable fee shall be in an amount as therefor set by resolution by the Columbus City Council.

13-22 Small Cell / DAS Facilities

Small Cell Facilities have the potential to require either an Eligible Facilities Permit or a Special Use Permit depending on the proposed facility. The information required for an Eligible Facility or a Special Use Permit is required as outlined in Article 13, Part A.

Batch applications can be submitted to expedite the permitting process. Applicant will be required to maintain the Minimum Escrow Account Balances. The total amount of the funds needed may vary with the scope and complexity of the project. The Cap established in Section 13-16(c) does not apply for batch applications.

13-23 Performance Security

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the City a bond, or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount of at least \$75,000 for a Tower facility and \$25,000 for a co-location on an existing tower or other structure

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and with such sureties as are deemed sufficient by the City to assure the faithful performance of the terms and conditions of Article 13, Part A, and conditions of any Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities issued pursuant to Article 13, Part A. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit for Wireless Telecommunications Facilities and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Eligible Facility Permit or Special Use Permit, for Wireless Telecommunications Facilities.

13-24 Reservation of Authority to Inspect Wireless Telecommunications Facilities

In order to verify that the holder of a Special Use Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, ordinances and regulations and other applicable requirements, the City may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site.

13-25 Liability Insurance

- A) A holder of an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit for Wireless Telecommunications Facilities in amounts as set forth below:
- 1) Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
 - 2) Automobile Coverage: \$1,000,000 per occurrence/ \$2,000,000 aggregate;
 - 3) Workers Compensation and Disability: Statutory amounts.
- B) For a Wireless Telecommunications Facility on City property, the Commercial General Liability insurance policy shall specifically include the City and its officers, Councils, employees, committee members, attorneys, agents and consultants as additional insureds.
- C) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
- D) The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.
- E) Renewal or replacement policies or certificates shall be delivered to the City at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.

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- F) Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the granting of the Special Use Permit, the holder of the Eligible Facility Permit or Special Use Permit shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

13-26 Indemnification

- A) Any application for Wireless Telecommunication Facilities that is proposed for City property, pursuant to Article 13, Part A, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the City, and its officers, Councils, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the City, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.
- B) Notwithstanding the requirements noted in subsection (A) of this section, an indemnification provision will not be required in those instances where the City itself applies for and secures an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities.

13-27 Fines

- A) In the event of a violation of Article 13, Part A, or any Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities issued pursuant to Article 13, Part A, the City may impose and collect, and the holder of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall pay to the City, fines or penalties as set forth below.
- B) The holder of an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities failure to comply with provisions of Article 13, Part A, shall constitute a violation of Article 13, Part A, and shall subject the Applicant to the code enforcement provisions and procedures as provided in Article 12, Section 12-14 of the Land Development Ordinance, Zoning Article of the City of Columbus and Article 86 of Nebraska Revised Statutes.
- C) Notwithstanding anything in Article 13, Part A, the holder of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with Article 13, Part A, or any section of Article 13, Part A. An attempt to do so shall subject the holder of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities to termination and revocation of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities. The City may also seek injunctive relief to prevent the continued violation of Article 13, Part A, without limiting other remedies available to the City.

13-28 Default and/or Revocation

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If a Wireless Telecommunications Facility is repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of Article 13, Part A, or of the Eligible Facility Permit or Special Use Permit for Wireless Communications Facilities, then the City shall notify the holder of the Eligible Facility Permit or Special Use Permit in writing of such violation. A Permit holder in violation may be considered in default and subject to fines as set forth in Section 13-27 and if a violation is not corrected to the satisfaction of the City in a reasonable period of time said Eligible Facility Permit or Special Use Permit is subject to revocation.

13-29 Removal of Wireless Telecommunications Facilities

- A) Under the following circumstances, the City may determine that the health, safety, and welfare interests of the City warrant and require the removal of Wireless Telecommunications Facilities.
- 1) Wireless Telecommunications Facilities with a permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days;
 - 2) Permitted Wireless Telecommunications Facilities fall into such a state of disrepair that it creates a health or safety hazard;
 - 3) Wireless Telecommunications Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, or any other necessary authorization and the Eligible Facility or Special Permit for Wireless Telecommunications Facilities may be revoked.
- B) If the City makes such a determination as noted in subsection (A) of this section, then the City shall notify the holder of the Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities within forty-eight (48) hours that said Wireless Telecommunications Facilities are to be removed, the City may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Telecommunications Facilities.
- C) The holder of the Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or Commercial Impracticability, within ninety (90) days of receipt of written notice from the City. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the City.
- D) If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the Permit

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for Wireless Communications Facilities holder has received notice, then the City may order officials or representatives of the City to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities holder.

- E) If the City removes, or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the City may take steps to declare the Wireless Telecommunications Facilities abandoned and sell them and their components.
- F) Notwithstanding anything in this Section to the contrary, the City may approve a temporary use permit/agreement for the Wireless Telecommunications Facilities, for no more than ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, subject to approval of the City, and an agreement to such plan shall be executed by the holder of the Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities and the City. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the City may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this Section.

13-30 Relief

Any Applicant desiring relief, waiver or exemption from any aspect or requirement of Article 13, Part A, may request such, provided that the relief or exemption is contained in the submitted Application for either a Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, or in the case of an existing or previously granted Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities a request for modification of its Tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the Applicant to prove. The Applicant shall bear all costs of the City in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the Applicant demonstrates by clear and convincing evidence that, if granted the relief, waiver or exemption, it will have no significant effect on the health, safety and welfare of the City, its residents and other service providers.

13-31 Periodic Regulatory Review by the City

- A) The City may at any time conduct a review and examination of Article 13, Part A.
- B) If after such a periodic review and examination of this Ordinance, the City determines that one or more provisions of Article 13, Part A, should be amended, repealed, revised, clarified, or deleted, then the City may take whatever measures are necessary in accordance with applicable Law in order to accomplish the same. It is noted that where warranted, and in the best interests of the City, the City may repeal Article 13, Part A, at any time.
- C) Notwithstanding the provisions of subsections (A) and (B) of this Section, the City may at any time and in any manner (to the extent permitted by Federal, State, or local law), amend, add, repeal, and/or delete one or more provisions of this Article 13, Part A.

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13-32 Adherence to State and/or Federal Rules and Regulations

- A) To the extent that the holder of a Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

- B) To the extent that applicable rules, regulations, standards, and provisions of any state or federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of an Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, then the holder of such an Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

13-33 Adherence to International Building Code

To the extent applicable, the holder of an Eligible Facility Permit or a Special Use Permit for Wireless Communication Facilities shall adhere to the latest version of the International Building Code adopted by the City of Columbus and towers shall be reviewed under the Structure Class III Standards as currently defined in TIA/EIA-222-G.

13-34 Conflict with Other Laws

Where Article 13, Part A, differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the city, state or federal government, Article 13, Part A, shall apply.

13-35 Effective Date

Article 13, Part A, shall be effective immediately upon passage and publication, pursuant to applicable legal and procedural requirements.

13-36 Authority

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Article 13, Part A, is enacted pursuant to applicable authority granted by the state and federal government.

13-37 to 13-39 Reserved for Future Use.

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ARTICLE 13, PART B, SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY

13-40 Title

Article 13, Part B, shall be known and cited as “Small Wireless Facilities in the Right-of-Way” for the City of Columbus, Nebraska, and herein referred to as Article 13, Part B.

13-41 Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Article 13, Part B, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of Article 13, Part B, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

13-42 Definitions

For purposes of Part B of this Article, the definitions of this Section shall apply.

- A) “**Antenna**” means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.
- B) “**Applicable Codes**” means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to such codes so long as such amendments are not in conflict with the Small Wireless Facilities Deployment Act, Neb. Rev. Stat. Section 86-1201 et seq, and to the extent such codes have been adopted by the City and are generally applicable in the City.
- C) “**Applicant**” means any person who submits an application and is a wireless provider.
- D) “**Application**” means a written request submitted by an applicant to the City for (1) a permit to collocate small wireless facilities on an existing utility pole or wireless support structure or (2) a permit for the installation, modification, or replacement of a utility pole to support the installation of a small wireless facility.
- E) “**City pole**” means a utility pole owned, managed, or operated by or on behalf of the City.
- F) “**Collocate**” or “**collocation**” means to install, mount, maintain, modify, operate, or replace small wireless facilities on or adjacent to a wireless support structure or utility pole. Neither “collocate”

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nor “collocation” includes the installation of a new utility pole or new wireless support structure in the right-of-way.

- G) “**Communications facility**” means the set of equipment and network components including wires, cables, and associated facilities used by a cable operator as defined in 47 U.S.C. 522(5), as such section existed on January 1, 2019, a telecommunications carrier as defined in 47 U.S.C. 153(51), as such section existed on January 1, 2019, a provider of information service as defined in 47 U.S.C. 153(24), as such section existed on January 1, 2019, or a wireless services provider, to provide communications services, including cable service as defined in 47 U.S.C. 153(8), as such section existed on January 1, 2019, an information service as defined in 47 U.S.C. 153(24), as such section existed on January 1, 2019, wireless services, or other one-way or two-way communications service.
- H) “**Communications network**” means a network used to provide communications service.
- I) “**Communications service**” means a cable service as defined in 47 U.S.C. 522, as such section existed on January 1, 2019, an information service as defined in 47 U.S.C. 153, as such section existed on January 1, 2019, a telecommunications service as defined in 47 U.S.C. 153, as such section existed on January 1, 2019, or a wireless service.
- J) “**Communications service provider**” means a cable operator as defined in 47 U.S.C. 522, a provider of information service as defined in 47 U.S.C. 153, or a telecommunications carrier as defined in 47 U.S.C. 153, as such sections existed on January 1, 2019. Communications service provider includes a wireless provider.
- K) “**Decorative pole**” means a City pole that is specially designed and placed for aesthetic purposes.
- L) “**FCC**” means the Federal Communications Commission.
- M) “**Fee**” means a one-time nonrecurring charge.
- N) “**Historic District**” means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places, in accordance with Stipulation VI.D.1.a (i)-(v) of the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the FCC codified at 47 C.F.R. part 1, Appendix C, as such regulation existed on January 1, 2019, or designated pursuant to state historic preservation law if such designation exists at the time of application.
- O) “**Law**” means federal, state, or local law, statute, common law, code, rules, regulation, order, or ordinance.
- P) “**Make-ready work**” generally means the modification or replacement of a City pole or associated lines, including the installation of guys and anchors on the same, required to accommodate a small wireless facility.
- Q) “**Microwireless facility**” means a small wireless facility that is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height and with any exterior antenna no longer than eleven inches.

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- R) **“Permit to occupy the right-of-way”** means a written authorization from the City issued pursuant to this Article which allows an applicant to site, place, construct, operate, maintain, repair, remove, modify, or prepare one or more small wireless facilities in the City’s rights-of-way.
- S) **“Person”** means an individual, a corporation, a limited liability company, partnership, an association, a trust, or any other entity or organization.
- T) **“Pole”** means as a utility, lighting, or similar pole made of wood, concrete, metal, or other material, located or to be located within the right-of-way.
- U) **“Public power supplier”** means a public power district or any other governmental entity providing electric service. Public power supplier includes a municipal electric supplier.
- V) **“Rate”** means a recurring charge.
- W) **“Right-of-way”** means the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility easement, or similar property, but not including a freeway as defined in section 39-1302, the National System of Interstate and Defense Highways, or a private easement.
- X) **“Routine maintenance”** means any inspections, tests, or repairs that (1) maintain a functional capacity, aesthetic standards, or structural integrity of a small wireless facility and the associated utility pole or wireless support structure and (2) do not impede, damage, or disturb any portion of the right-of-way.
- Y) **“Small wireless facility”** means a wireless facility that meets each of the following conditions: (1) the facilities (a) are mounted on structures 50 feet or less in height including the antennas or (b) are mounted on structures no more than 10 percent taller than other adjacent structures; (2) each antenna associated with the deployment is no more than three cubic feet in volume; (3) all other equipment associated with the structure, whether ground-mounted or pole-mounted, is no more than 28 cubic feet in volume; (4) the facilities do not require antenna structure registration under 47 C.F.R. part 17, as such regulation existed on January 1, 2019; (5) the facilities are not located on tribal lands, as defined in 36 C.F.R. 800.16(x), as such regulation existed on January 1, 2019; and (6) the facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b), as such regulation existed on January 1, 2019.
- Z) **“Technically feasible”** means that by virtue of engineering or spectrum usage, the proposed placement for a small wireless facility, or its design or site location, can be implemented without a reduction in the functionality of the small wireless facility.
- AA) **“Utility pole”** means a pole located in the right-of-way that is used for wireline communications, lighting, the vertical portion of support structures for traffic control signals or devices or a similar function, or for the collocation of small wireless facilities and located in the right-of-way. “Utility Pole” does not include (1) wireless support structures or (2) any transmission infrastructure owned or operated by a public power supplier.

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- BB) **“Wireless facility”** means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (1) equipment associated with wireless communications and (2) radio transceivers, antennas, coaxial or fiber-optic cable, regular power supply, and small back-up battery, regardless of technological configuration. Wireless facility includes small wireless facilities. “Wireless facility” does not include the structure or improvements on, under, or within the equipment, which is collocated; coaxial or fiber optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to, or directly associated with, a particular antenna; or a wireline backhaul facility.
- CC) **“Wireless infrastructure provider”** means any person, including a person authorized to provide telecommunications service in the State of Nebraska, when acting to build or install wireless communication transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.
- DD) **“Wireless provider”** means a wireless services provider or a wireless infrastructure provider when acting as a co-applicant for a wireless services provider.
- EE) **“Wireless services”** means any services using licensed or unlicensed spectrum, including the use of Wi-Fi, whether mobile or at a fixed location, provided to the public using wireless facilities.
- FF) **“Wireless services provider”** means a person who provides wireless services.
- GG) **“Wireless support structure”** means a structure such as a guyed or self-supporting tower, billboard, building, or other existing or proposed structure designed to support or capable of supporting wireless facilities other than a structure designed solely for the collocation of small wireless facilities. Wireless support structure does not include a utility pole.
- HH) **“Wireline backhaul facility”** means an above-ground or underground facility used to transport communications services from a wireless facility to a communications network.

13-43 Purpose and Scope

This Article supplements the generally applicable right-of-way permitting provisions in Article 15 with specific provisions for the placement, permitting, and use of small wireless facilities in the City’s right-of-way. In the event of a conflict between Article 15 and this Article, this Article shall control. This Article is intended to comply with the Small Wireless Facilities Deployment Act as adopted by the 106th Nebraska Legislature First Session, referred to in this Article as the “Act”. Nothing in this Chapter shall restrict any authority of the City as provided in the Act.

A. *Applicability of this Article.* No person shall site, place, construct, operate, maintain, repair, remove, modify, or prepare any small wireless facility, any wireless support structure, any utility pole built or modified solely to accommodate a small wireless facility, or any other structure built solely to support a wireless facility, in the City’s right-of-way, without first having received a permit from the City to occupy right-of-way pursuant to Article 15. Any small wireless facility, wireless support structure, or any utility pole or other structure built or modified solely to support a wireless facility, which is located outside the City’s right-of-way, is not subject to this Article; however, such facilities and structures are subject to the City’s Zoning Ordinance.

B. *Exceptions and Limitations.*

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1. Notwithstanding subsection (A) above, the City shall not require an application, permit, or other approval or charge fees or rates for (a) routine maintenance of small wireless facilities; (b) replacement of small wireless facilities with small wireless facilities that are substantially similar in weight or windage or the same size or smaller; or (c) the installation, placement, maintenance, operation, or replacement of microwireless facilities that are strung on cables between existing utility poles in compliance with the National Electrical Safety Code; provided, in all such cases, the City may require a permit to occupy the right-of-way for work that exceeds the original weight or windage or that requires excavation or closing of sidewalks or vehicular lanes within the right-of-way for such activities.

2. Nothing in this Article shall be construed (a) to allow any entity to provide communications services without complying with all laws applicable to such providers or (b) to authorize collocation, installation, placement, maintenance, or operation of any communications facility, including a wireline backhaul facility, other than a small wireless facility or a utility pole, in a right-of-way.

3. Except as provided in Article 13, Part B, a wireless provider shall have the right, as a permitted use not subject to zoning review or approval, to collocate small wireless facilities and install, maintain, modify, operate, and replace utility poles along, across, upon, and under the right-of-way so long as such facilities and poles do not obstruct or hinder the usual travel or public safety on such right-of-way or obstruct the legal use of such right-of-way by utilities or the safe operation of their systems or provision of service.

4. Section 13, Part B, Sections 13-44 to 13-47 shall not apply to public power suppliers or to the collocation of small wireless facilities on utility poles owned, operated, or managed by a public power supplier.

13-44 Permits to Occupy the Right-of-Way

A. Application for Permits.

1. Applications for permits to occupy the right-of-way are available from the Community Development Director. Completed applications shall be submitted to the City's Community Development Department. In addition to the information required by Article 15, Section 15-3, applicants shall submit the following information with each completed application:

(a) an attestation that the small wireless facilities covered by the application will be operational for use by a wireless services provider within nine months after the later of the completion of all make-ready work or the permit issuance date unless a delay is caused by lack of commercial power or communications transport facilities to the site; and

(b) an attestation that each proposed small wireless facility satisfies each of the aesthetic and design standards set forth in Article 15, Section 15-5, except for such standards, if any, for which applicant is concurrently submitting a request for relief under Article 15, Section 15-7; and

(c) for any small wireless facilities collocated on utility poles or wireless support structures owned, operated, or managed by a person other than the City or a public power supplier, a copy of the authorization of such person consenting the application; and

(d) if the collocation of the small wireless facility is on utility poles owned, operated, or managed by a public power supplier pursuant to a negotiated pole attachment agreement as provided in Neb. Rev. Stat. §86-1244(1), then a copy of said agreement; and

(e) all permit fees required under Article 15, Section 15-4; and

(f) information directly related to the impairment of wireless service in the immediate area; and

(g) construction and engineering drawings and information demonstrating compliance with the criteria set forth in Section 13-44 (C)(1); and

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2. An applicant that collocates a small wireless facility within the City right-of-way or on a utility pole assumes the risk of any loss, damage to, or loss of use of any facilities which are damaged, destroyed, or taken out of service due to applicant's use or presence in or on the right-of-way, except to the extent such loss or damage is due to or caused by the negligence or willfull misconduct of the City.

3. An applicant may file a consolidated application for up to five individual small wireless facilities instead of filing a separate application for each such facility. An applicant shall submit the information required under Article 15, Section 15-3 (B)(1) for each small wireless facility covered by a consolidated application; otherwise, the applicant may submit a single set of documents that apply to all of the small wireless facilities covered by such a consolidated application. Each small wireless facility within a consolidated application shall be subject to individual review; provided, that a decision regarding all small wireless facilities shall be rendered in a single determination by the Community Development Director, or his designee and provided further that the denial of one or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same application or be a basis upon which to deny the consolidated application as a whole.

B. *Review of Permits.*

1. Within 20 days after receiving an application, the Community Development Director shall determine and notify the applicant in writing whether the application is complete. If an application is incomplete, the City will specifically identify the missing information in writing. The 90-day processing deadline set forth in subsection (B)(2) below shall restart upon the first finding of incompleteness. The applicant may resubmit the completed application within 30 days without additional charge. Subsequent findings of incompleteness shall toll the 90-day processing deadline, and any subsequent review shall be limited to the specifically identified information subsequently completed. If the applicant makes any material changes in a resubmission, other than the material changes required by the City, the applicant shall be required to make a new application and submit a new application fee. Subsequent findings of incompleteness will toll the deadline from the time the City sends notice of the incompleteness to the time the applicant provides the missing information. The application processing deadline also may be tolled (a) if requested by applicant in order to accommodate applicant's request for relief submitted by applicant pursuant to Section 13-48 or (b) by agreement between the City and the applicant.

2. Unless tolled, the City will process an application no later than 90 days after receiving it. Subject to the tolling under subsection (B)(1) above, the application shall be deemed approved if the City fails to approve or deny the application within 90 days after receipt of the same. The City may extend the 90-day application processing deadline for a period of 10 business days if the City notifies the applicant in advance before the day on which approval or denial is originally due. Upon mutual agreement between the applicant and the City, the City may extend the period for consideration of an application for 30 days.

3. The City may propose technically feasible alternative utility pole locations; provided, the City shall not require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole. The wireless provider shall cooperate with the City to address the City's reasonable proposal.

4. The term of each permit to occupy the right-of-way issued under this Article shall be set forth in the permit and shall be for a period not less than five years.

C. *Denial of Permit Applications.*

1. The City may deny an application for a proposed collocation of a small wireless facility or installation, modification or replacement of a utility pole that meets the requirements of this Article 13, Part B, if the proposed operation: (a) materially and demonstrably interferes with the safe operation of traffic control equipment or the right-of-way; (b) materially interferes with sight lines or clear zones for air or land

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transportation or pedestrians; (c) materially interferes with compliance with the federal Americans with Disabilities Act of 1990 or similar federal or state standards regarding pedestrian access or movement; (d) fails to comply with the spacing requirements set forth in Article 15 of the Land Development Ordinance; (e) fails to comply with applicable codes of general applicability which do not apply exclusively to wireless facilities; (f) fails to comply with the aesthetic and other design requirements set forth in Article 15, Section 13-46 and Section 15-5; or (g) designates the location of a new utility pole within seven feet in any direction of an electrical conductor unless the wireless provider obtains the written consent of the public power supplier that owns or manages the electrical conductor.

2. The City shall document the basis for denial, including any specific provisions of this Article or other applicable law on which the denial was based, and send such documentation to the applicant on or before the date the City denies the application. The applicant may cure the deficiencies identified by the City and resubmit the application within 30 days without paying an additional application fee, and the City shall have 30 days after receiving such resubmitted application to approve or deny the same; provided, such review shall be limited to deficiencies cited in the City's denial.

D. *Issuance of Permits.* All permits to occupy the right-of-way issued under this Article are issued subject to the conditions set forth in Article 15, Section 15-3 and, in addition thereto, the following conditions:

1. The small wireless facilities covered by the application shall be operational for use by a wireless services provider no later than one year after the later of the completion of all make-ready work or the permit issuance date; provided, upon applicant's request, the City (a) shall grant a one-time extension for up to nine months if the applicant demonstrates that the delay is caused by the lack of commercial power to communications transport facilities to the site and (b) may grant one or more additional extensions on such terms as mutually agreed upon by the City and applicant.

2. The City may reserve space on the City's poles and the applicant shall cooperate with the City in any such reservation, except that the City shall first notify the applicant in writing that it is interested in reserving such pole space or sharing the trenches or bores in the area where the collocation is to occur. The applicant shall allow the City to place its infrastructure in the applicant's trenches or bores or on the utility pole as requested by the City, except that the City shall incur the incremental costs of placing the conduit or infrastructure as requested. The City shall be responsible for maintaining its facilities in the trenches and bores and on the City's pole.

E. *Renewal of Permits.* The City shall renew a permit issued hereunder for an equivalent duration as long as the applicant is in compliance with the criteria set forth in Article 13, Part B, Section 13-44(C)(1) as such criteria existed at the time the permit was granted.

13-45 Rates

A. *Applicability of Section.* The fees and taxes set forth in this Section shall apply to permits issued hereunder in lieu of the fees and taxes set forth in Article 15, Section 15-4.

B. *Application Fees.* For each collocation of a small wireless facility on an existing or replacement City pole, the applicant shall pay the City the small wireless facility collocation application fee in the amount set forth in the Schedule of Fees. For each installation, modification, or replacement of a utility pole and the collocation of an associate small wireless facility on such pole, the applicant shall pay the City the small wireless facility site application fee in the amount set forth in the Schedule of Fees.

C. *Occupation Tax.* If applicable to applicant, the applicant shall pay the City an annual occupation tax for use of the right-of-way in the amount and manner provided in Chapter 111 of the Columbus City Code. If applicant is not required to pay an occupation tax under said Chapter, applicant shall pay the City the rate of \$250 per small wireless facility per year.

D. *City PoleRate.* For each City pole on which the applicant collocates a small wireless facility, the applicant shall pay annually the City pole rate in the amount set forth in the City's Schedule of Fees.

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E. *Make Ready Work Fees.*

13-46 Aesthetic and Design Standards

The purpose of the standards set forth in this Section is to supplement the aesthetic and design standards set forth in Section 15-5 of Article 15. All small wireless facilities in the right-of-way to which Article 13, Part B applies, shall comply with each standard set forth in Section 15-5 and those set forth in this Section 13-46.

A. *Spacing of Ground Mounted Equipment and New Utility Poles.* All proposed ground mounted facilities and new utility poles shall be located pursuant to the spacing requirements of Article 15, Section 15-5(K)(2) from any other small wireless facility, provided, however, that such spacing requirements shall not prevent a wireless provider from serving any location.

B. *Additional Design Rules for Pole-Mounted Facilities.* All small wireless facilities proposed to be mounted on utility poles shall conform to the following guidelines:

1. To the maximum extent technically feasible, and provided the limits of a small wireless facility are not exceeded, all antennae and all of each antenna's exposed elements and shroud transitions shall be mounted at the top of the proposed pole and shall be enclosed within a single cylindrical antenna shroud which (a) reasonably color-matches the pole; (b) should have a diameter no greater than 14 inches; (c) should have a uniform diameter once transitioned from the pole shaft; (d) should include only visually concealed cables, wires, and other components; and (e) should be no greater than 6 feet in height;

2. All components of the facility, other than those described in subsection (B)(1) above, shall be placed below grade to the maximum extent technically feasible and, when undergrounding is not technically feasible, shall be fully enclosed with a base shroud that: (a) is structurally sound to fully support the pole while maximizing equipment volume; (b) is cylindrical and is as small as technically feasible with a maximum consistent diameter of 30 inches; (c) does not exceed a height of six feet from mounting surface; (d) reasonably matches pole color and finish; and (e) is as solid as feasible to visually conceal and lock all contents and wiring; and

3. Subject to the placement and other requirements in subsections (B)(1) and (B)(2) above, any components of a freestanding facility that are attached to support poles must be mounted so that all parts are at least seven feet or higher above adjacent surface grade.

C. *Height Restrictions.*

1. Any new or modified utility pole installed in a right-of-way shall not exceed the greater of (a) 5 feet in height above the tallest existing utility pole located within 500 feet of the new utility pole in the same right-of-way or (b) 50 feet above ground level.

2. New small wireless facilities in a right-of-way shall not extend more than the greater of (a) 50 feet in height, including antennae, or (b) more than 5 feet above an existing utility pole in place as of September 1, 2019 and located within 500 feet in the same right-of-way.

3. The City shall have the right, at its sole discretion, to consider and approve an application to install a utility pole or wireless support structure that exceeds the height limits in this subsection (C); provided, any facility which exceeds the height restrictions set forth in the definition of "small wireless facility" provided in Section 13-42 shall also be subject to the City's Zoning Ordinance.

D. *Decorative Poles (Streetlights).* If decorative poles serving as streetlights have been installed in a neighborhood, small wireless facilities shall first be collocated on such poles at intersections as combination poles with streetlights, with poles mid-block as secondary sites so that removal of decorative

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streetlights mid-block is minimized and preservation of the intended decorative aesthetics is maximized. The City may, in its discretion authorize the replacement of a decorative pole but any replacement pole shall strictly conform to the design aesthetics of the decorative pole being replaced.

13-47 Independent Technical and Legal Review

In the event applicant is requesting make ready work on City poles, the City may request a deposit for such make ready work based on a good faith estimate.

13-48 Relief

Any applicant desiring to appeal from any aspect or requirement of this Article, may file an appeal with the Board of Adjustment pursuant to Section 12-8 of Article 12 of the Land Development Ordinance. Section 12-8 to 12-11 shall govern such appeals.

CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

14 ARTICLE FOURTEEN

SEXUALLY ORIENTED BUSINESS

14-1 Purpose and Intent

It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the city's jurisdiction. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

14-2 Definitions

As used in this section, the following terms shall have the meanings indicated:

ADULT ARCADE – Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion-picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

ADULT BOOKSTORE or ADULT VIDEO STORE – A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”; and/or
2. Instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.”

A commercial establishment is not exempt from being categorized as an “Adult Bookstore” or “Adult Video Store” so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe “specified sexual activities” or “specified anatomical areas.”

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ADULT CABARET – A night club, bar, restaurant or similar commercial establishment which regularly features:

1. Persons who appear in a state of nudity; or
2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT MOTEL – A hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, digital video discs or other electronic media, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

ADULT MOTION-PICTURE THEATER – A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT STORE – A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration instruments, devices, "adult toys," or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment is not exempt from being categorized as an "Adult Store" so long as one of its principal business purposes is the offering for sale of instruments, devices, "adult toys," or paraphernalia which are designed for use in connection with "specified sexual activities."

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ADULT THEATER – A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

BUSINESS – An enterprise or entrepreneurial activity located in the City of Columbus' jurisdiction, which includes all types of vocations, occupations, professions, enterprises, establishments (including sales of tangible personal property and furnishing of services), together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, gain, pecuniary benefit or advantage, either directly or indirectly.

CHIEF OF POLICE – The Chief of Police of the City of Columbus or its designated agent.

CITY – City of Columbus, Nebraska located in Platte County.

CITY COUNCIL – The City Council of the City of Columbus, Nebraska.

EMPLOYEE – Means a person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage, or other compensation by the operator of said business.

ESCORT – A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY -- A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.

ESTABLISHMENT -- Includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business.
2. The conversion of any existing business, whether or not a sexually oriented business, to any sexually oriented business.
3. The addition of any sexually oriented business.
4. The relocation of any sexually oriented business.

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EXPIRATION DATE – Shall mean midnight of the date one (1) year after the license was issued.

LICENSEE – Any person, individual, partnership, corporation, firm, estate, trust, association, joint venture or other entity which a license to operate a sexually oriented business has been issued, as well as those listed as an applicant on the application for a license.

LICENSE YEAR – The period from the date of issuance to one (1) year after the license was issued.

NUDE MODEL STUDIO – Any place where a person who appears in a state of nudity or displays "specific anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

NUDITY or STATE OF NUDITY:

1. The appearance of a human bare buttocks, anus, male genitals, female genitals or female breasts; or
2. The state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals or areola of the female breast.

OPERATES OR CAUSES TO BE OPERATED – To cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner or licensee of the business.

PERSON – An individual, proprietorship, partnership, corporation, association or other legal entity.

PREMISES – All lands, structures, lodges, stores, offices, sales rooms, warehouses and the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or is otherwise used in connection with any such business within the city's jurisdiction which is owned, leased or occupied by the business.

PRINCIPAL BUSINESS PURPOSE (Factors Determining) – A primary factor which shall be considered in determining the "principal business purpose" shall be whether the business publicly advertises such materials either through media or signs located on the exterior of its premises or signs located inside the business that can be seen from the exterior. Additional factors which may be considered are the gross income generated by adult materials compared to over-all gross income, and the amount of floor space, both retail and storage, devoted to adult materials.

SEMI-NUDE – A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

SEXUAL ENCOUNTER CENTER – A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

SEXUALLY ORIENTED BUSINESS – An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

SPECIFIED ANATOMICAL AREAS – Shall mean and include any of the following:

1. human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, that are not completely and opaquely covered; or
2. human male genitals in a discernibly turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES – Includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of an or in connection with any of the activities set forth in Subsections 1 through 3 above.

SUBSTANTIAL ENLARGEMENT – Of a sexually oriented business means the increase in floor area occupied by the business by more than 25% as the floor area exists.

TRANSFER OF OWNERSHIP OR CONTROL – Of a sexually oriented business means and includes any of the following:

CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

1. The sale, lease or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
3. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

14-3 Classification

Sexually oriented businesses are classified as they exist on the effective date of this section as follows:

1. Adult arcades;
2. Adult bookstores or adult video stores;
3. Adult cabarets;
4. Adult motels;
5. Adult motion-picture theaters;
6. Adult theaters;
7. Escort agencies;
8. Nude model studios; and
9. Sexual encounter centers.

14-4 Location of Sexually Oriented Businesses

1. All sexually oriented businesses shall be located and operated within an "ML/C-1" district with a special use permit.
2. A sexually oriented business cannot be operated within 300 feet of:
 - (a) A church;
 - (b) A public or private elementary or secondary school;
 - (c) A boundary of a residential or historic district;
 - (d) A park or recreational trail;
 - (e) A property line of a lot devoted to a residential use;
 - (f) A hospital; or
 - (h) A fairgrounds.

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3. The operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 2,500 feet of another sexually oriented business is prohibited.
4. The operation, establishment or maintenance of more than one sexually oriented business in the same building, structure or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business is prohibited.
5. For the purposes of subsection 2 of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private elementary or secondary school, or hospital or to the nearest boundary of an affected public park, residential district, historic district or residential lot.
6. For purposes of subsection 3 of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
7. Any sexually oriented business lawfully operating on the effective date of this chapter that is in violation of subsections 1, 2, 3, or 4 of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed three years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 2,500 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.
8. A sexually oriented business fully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church, public or private elementary or secondary school, public park, residential district, historic district, residential lot or hospital within 300 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or has been revoked.

14-5 Appeals, Exemption From Location Restrictions

1. If the City denies the issuance of a license to an applicant because the location of the sexually oriented business establishment is in violation of Section 7-6(d), then the applicant may, not later than 10 calendar days after receiving notice of the denial, file with the City Clerk a written request for an exemption from the locational restrictions of Section 7-6(d).

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2. If the written request is filed with the City Clerk within the ten-day limit, the City Council, shall consider the request. The City Clerk shall set a date for the hearing within 60 days from the date the written request is received.
3. A hearing by the City Council may proceed if at least five of the City Council members are present. The City Council shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply.
4. The City Council may, in its discretion, grant an exemption from the locational restrictions of Section 7-6(d) if it makes the following findings:
 - (a) That the location of the proposed sexually oriented business will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare;
 - (b) That the granting of the exemption will not violate the spirit and intent of this chapter of the Zoning Code;
 - (c) That the location of the proposed sexually oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight;
 - (d) That the location of an additional sexually oriented business in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any efforts of urban renewal or restoration; and
 - (e) That all other applicable provisions of this chapter will be observed.
5. The City Council shall grant or deny the exemption by a majority vote. Failure to reach a majority vote shall result in denial of the exemption. Disputes of fact shall be decided on the basis of a preponderance of the evidence. The decision of the City Council is final.
6. If the City Council grants the exemption, the exemption is valid for one year from the date of the City Council's action. Upon the expiration of an exemption, the sexually oriented business is in violation of the location restrictions of Section 7-6(d) until the applicant applies for and receives another exemption.
7. If the City Council denies the exemption, the applicant may not reapply for an exemption until at least 12 months have elapsed since the date of the City Council's action.

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8. The grant of an exemption does not exempt the applicant from any other provisions of this chapter other than the locational restrictions of Section 7-6(d).

14-6 Signs for Sexually Oriented Businesses

1. No sign for a sexually oriented business shall contain flashing lights, words, lettering, photographs, silhouettes, drawings or pictorial representations that emphasize specified anatomical areas or specified sexual activities.
2. In addition to complying with all City of Columbus sign regulations, a sexually oriented business shall display a sign, clearly visible and legible at the entrance to the business, that gives notice of the adult nature of the sexually oriented business and of the fact that the premises is off limits to those under the age of 21 years.

CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

15 ARTICLE FIFTEEN

PERMITS TO OCCUPY THE RIGHT-OF-WAY

15-1 Definitions

For purposes of this Article, the definitions of this Section shall apply.

- A. **“Applicant”** means any person submitting an application for a permit under this Article.
- B. **“Facilities”** means pipes, conduits, wires, cables, towers, switches, amplifiers, transformers, fiber optic lines, antennae, poles, ducts, conductors, lines, mains, vaults, appliances, attachments, equipment, structures, manholes, fixtures, appurtenances, and such other objects, devices, or components.
- C. **“Franchise agreement”** means a franchise agreement, consent agreement, or similar agreement pursuant to which the City has granted a person the right to place facilities in its right-of-way.
- D. **“Right-of-way (ROW)”** means the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility, or similar property, but not including a freeway as defined in Neb. Rev. Stat. Section 39-1302, the National System of Interstate and Defense Highways, or a private easement.
- E. **“Technically feasible”** means that by virtue of engineering or, if applicable, spectrum usage, the proposed placement, design, or site location of a facility can be implemented without a reduction in functionality.

15-2 Purpose; Scope; Exceptions

A. *Purpose.* This Article provides principles and procedures for the placement, construction, operation, maintenance, modification, repair, and removal of facilities in the rights-of-way. These principles and procedures are intended to protect the integrity of the City’s rights-of-way and infrastructure and to promote the safe and orderly use of the rights-of-way among all right-of-way users. To achieve these purposes, it is necessary to require permits for all right-of-way uses, except as prohibited by law, and to establish uniform and nondiscriminatory rules which govern such permits.

B. *Scope.* This Article shall apply to all facilities located in the City’s rights-of-way, subject to the limitations in this subsection (B), the exceptions provided in subsection (C) below, and preemption by applicable state or federal law. Any person in good-standing under a current, unexpired franchise agreement may continue to use the City’s rights-of-way pursuant to the terms of such franchise agreement, unless otherwise prohibited by law, until the franchise agreement expires or is terminated. This Article shall not apply to the following right-of-way uses which are governed elsewhere as noted:

CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

1. Use of a right-of-way by an adjoining property owner as provided for under the Land Development Ordinance or the Columbus City Code.

2. Use of the right-of-way by an adjacent business as approved by Resolution of the City Council or conducting other outdoor activities in the right-of-way as allowed by the Columbus City Code and approved by the City Administrator.

3. Closure and use of a right-of-way for an event, provided such closure and use shall have been approved according to City of Columbus procedures.

C. *Exceptions.* The City shall not require an application, permit, or other approval or charge fees or rates under this Article for (1) routine maintenance of facilities where such maintenance is conducted by or on behalf of an applicant issued a permit for such facilities hereunder or (2) replacement of facilities with substantially similar facilities where such replacement is conducted by or on behalf of an applicant issued a permit for such facilities hereunder.

15-3 Permits

A. *Permit Required.* Unless otherwise specifically provided by law, it shall be unlawful for any person to lay, construct, operate, maintain, offer for lease, or make available for any use whatsoever, any facilities across, along, over, above, or under any public right-of-way for any private or commercial purpose unless such person has been issued a permit to occupy such right-of-way under this Article, unless said occupation is pursuant to a franchise agreement between user and the City.

B. *Permit Applications.* Applications for permits under this Article shall be made to the City of Columbus Engineering Department. Each such application shall include the following:

1. A complete set of construction plans for all facilities to be located in the right-of-way under the permit, bundled into a single file, formatted to 11" x 17", which includes:

- (a) the name, location, address (if available), and GPS coordinates for the facilities;
- (b) labeled and dimensioned site plan and elevation plans of the facilities with, as applicable, key symbols, ROW lines, property lines, street information, topographical information, existing and proposed utilities, adjacent property uses, and easements;
- (c) structural plans of the facilities signed and stamped by a professional engineer licensed in Nebraska;

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- (d) dimensions of the facilities, and a description of type, color, and finish of all visible construction materials;
- (e) accurate visual depictions or representations of all above-ground components of the facilities;
- (f) an applicant for a permit for a small wireless facility who is a wireless provider and submits an application for a permit to collocate small wireless facilities on an existing utility pole or wireless support structure or for a permit for approval for the installation, modification, or replacement of a utility pole to support the installation of a small wireless facility shall not be required to provide more information to obtain a permit than a communication service provider that is not a wireless provider, except as directly related to the impairment of wireless service in the immediate area of the proposed wireless facility and except that an applicant may be required to include construction and engineering plans and information demonstrating compliance with the criteria set forth below in Section 15-3(B)(9) and Article 13, Part B, Section 13-44(C)(1).
- (g) anticipated duration of project in calendar days; and
- (h) a copy of the current Franchise Agreement which allows said applicant to occupy the right-of-way, as allowed by State law and
- (i) proof that a flood plain development permit and approval as required by Article 5, Section 23(a) and Section 5-25(b) of the Land Development Ordinance has been obtained, if applicable.

2. An attestation that the proposed facilities satisfy each of the aesthetic and design standards set forth in this Article, except for such standards, if any, for which applicant is concurrently submitting a request for relief under Section 15-7.

3. Evidence that, prior to commencement of any work in the right-of-way, pursuant to the application, the applicant will have the performance or construction bond required under this Article in place.

4. Evidence of the applicant's insurance required under this Article.

5. All applicable building and permit fees.

6. The deposit, if any, requested by the City pursuant to Section 15-6 for independent technical and legal review.

7. Such other submission requirements set forth in the City's published application form.

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8. A statement disclosing any prior permit violations:

9. The city may deny a permit if the proposed application: (a) materially and demonstrably interferes with the safe operation of traffic control equipment or the right-of-way; (b) materially interferes with sight lines or clear zones for air or land transportation or pedestrians; (c) materially interferes with compliance with the federal Americans with Disabilities Act of 1990 or similar federal or state standards regarding pedestrian access or movement; (d) fails to comply with the spacing requirements set forth in 15-5 of Article 15; (e) fails to comply with applicable codes; (f) fails to comply with the aesthetic and other design requirements set forth in Section 15-5; or (g) designates the location of a new utility pole within seven feet in any direction of an electrical conductor unless the applicant obtains the written consent of the public power supplier that owns or manages the electrical conductor.

C. *Initial Review of Application; Completeness.* The City Engineer shall review the application and, within 20 days after receipt, shall notify the applicant in writing whether the application is complete. If an application is incomplete, the City will specifically identify the missing information in writing. The 90-day processing deadline shall restart upon the first finding of incompleteness. The applicant may resubmit the completed application within 30 days without additional charge. Subsequent findings of incompleteness shall toll the 90-day processing deadline, and any subsequent review shall be limited to the specifically identified information subsequently completed. If the applicant makes any material changes in a re-submission, other than the material changes required by the City, the applicant shall be required to make a new application and submit a new application fee. Subsequent findings of incompleteness will toll the deadline from the time the City sends notice of the incompleteness to the time the applicant provides the missing information. The application processing deadline also may be tolled if requested by applicant in order to accommodate applicant's request for relief submitted by applicant pursuant to Section 15-7 or otherwise by agreement between the City and the applicant.

D. *Final Review; Issuance; Denial.* Unless tolled the City will review and process the application no later than 90 days after receiving it. The City may extend the 90-day application processing deadline for a period of 10 business days if the City notifies the applicant in advance before the day on which approval or denial is originally due. The City will notify the applicant in writing whether its application has been approved or denied. If the application is denied, the City shall document the basis for denial, including any specific provisions of this Article or other applicable law on which the denial was based. The applicant may cure the deficiencies identified by the City and resubmit the application within 30 days without paying an additional application fee.

E. *Term and Renewal.* The term of each permit to occupy the right-of-way issued under this Article shall be set forth in the permit. The applicant may apply to renew a permit issued hereunder for an equivalent duration and the City shall renew the permit for such period provided the applicant demonstrates compliance with the criteria set forth in in this Section. Applications for permit renewal may be submitted no earlier than 180 days prior to the expiration of the then current permit and no later than 90 days prior to the expiration of the then current permit. Notwithstanding the foregoing, permit renewals involving Section 13-44 of the Land Development Ordinance shall be processed in the manner provided for under applicable law including Section 13-44(E) of the Land Development Ordinance.

CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

F. *Permit Conditions.* All permits to occupy the right-of-way issued under this Article are issued subject to the following conditions, and each applicant agrees, by accepting such permit, to be bound by the same:

1. All facilities shall be constructed, operated, maintained, repaired, removed, modified, and restored in strict compliance with all current applicable technical, safety, and safety-related codes adopted by the City, the State of Nebraska, or the federal government. The applicant shall, at its sole cost and expense, inspect, keep, and maintain its facilities in the right-of-way in safe condition, in good order and repair, and as otherwise according to best industry practices.

2. The applicant shall, at its sole cost and expense, promptly restore the right-of-way to its original condition after it completes work related to the facilities. The City may require an applicant to repair all damage to a right-of-way directly caused by the activities of the applicant in the right-of-way and return the right-of-way to equal or better condition to that before the damage occurred. If the applicant fails to make the repairs that are reasonably required by the City within 14 days after written notice, the City may undertake such repairs and charge the applicant the cost of such repairs. The City shall grant an extension of up to 10 days to complete such repairs if the applicant requests such extension within the original 14-day period. In the event of immediate threat to life or safety or to prevent serious injury, the City may immediately undertake to restore the site and then notify of and charge the applicant for all restoration costs.

3. Except as provided for in Section 13-44 of the Land Development Ordinance, the applicant assumes the risk of any loss, damage to, or loss of use of any facilities which are damaged, destroyed, or taken out of service due to applicant's use or presence in or on the right-of-way.

4. The applicant shall undertake only the activities enumerated in its permit to occupy the right-of-way and such permit shall not create a property right or grant authority to the applicant to infringe upon the rights of others who may own or have other interests in a right-of-way, utility easement, or other privately owned property. Except as otherwise provided in this Code or applicable state or federal law, any additions or changes to the facilities or activities enumerated in applicant's existing permit shall require a new permit.

5. Neither the applicant nor its facilities shall interfere with any traffic-control devices and other public works equipment; water, wastewater, stormwater, gas, electrical, or other public utility infrastructure; or the facilities of any other occupant of the right-of-way permitted hereunder.

6. The City shall have the right at any time to require a change of location of the facilities when in its judgement it becomes necessary or advisable as a matter of safety, or on account of a change of grade, resurfacing, repair, or reconstruction of any right-of-way. If the owner of such facilities has not moved or relocated the facilities within 30 days after the City requests the same in writing, the City may undertake such movement or relocation and charge the owner the costs of the same.

7. The City retains the right and privilege to cut or move any facilities, as the City may determine, in its sole discretion, to be necessary, appropriate, or useful in response to any public

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emergency. If circumstances permit, the City shall notify the applicant and provide an opportunity for applicant to move its own facilities prior to cutting or removing the facilities. In all cases, the City shall notify the applicant after cutting or removing the facilities as promptly as reasonably possible.

8. The applicant shall immediately notify the City in the event of an emergency regarding the applicant's facilities that may affect public health or safety, and such notice shall include, at a minimum, the nature of the emergency and the applicant's planned response to the emergency.

9. In addition to notifying the City, the applicant shall comply with the Nebraska One Call Notification Act before commencing any excavation or similar work in the right-of-way.

10. The applicant acknowledges that applications and all supporting written material applicant submits to the City may be public records subject to the Nebraska Public Records Law. While an applicant may designate any such public records as "proprietary" or "confidential", the City shall treat them as such only to the extent expressly permitted by the Nebraska Public Records Law and, other than the cost of the City's routine response to public records requests, the City shall be under no obligation to incur any costs to protect the same from disclosure.

11. Prior to commencement, and at all times during, any work performed by or on behalf of applicant in the right-of-way, the applicant shall maintain a performance or construction bond, in form acceptable to the City, equal to at least 100% of the estimated cost of the facilities and related work covered by the application.

12. During the term of any permit to occupy the right-of-way issued hereunder, the applicant shall maintain comprehensive general liability, automobile, workers compensation, employer's liability, and umbrella insurance in form and amount consistent with the City's published requirements for the same. All such insurance policies shall include the City and its agents as additional insureds and shall not be modified or cancelled by the applicant without 30 days prior written notice being given to the City along with proof of replacement coverage. Upon receipt of notice from its insurer(s), the applicant shall provide the City with 30-days prior written notice of any prospective cancellation. The applicant shall provide proof of replacement coverage prior to the effective cancellation date.

13. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, officials and employees from any and all damages, liabilities, injuries, losses, attorneys' fees, costs, and expenses, whether for personal injury, death, or property damage, arising out of or in any way related to the activities or performance of the applicant or its agents. In the event the applicant becomes aware of any actions or claims, the City shall promptly be notified by the applicant. In the event the City is a named defendant in any such claim or lawsuit, it is expressly agreed that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the applicant shall reimburse the City for any costs, expenses, and attorneys' fees directly and necessarily incurred by the City in the course of the defense.

14. In addition to all other remedies available to the City under this Code or other applicable law, the City may revoke an applicant's permit to occupy the right-of-way if the applicant fails to comply with any of the conditions set forth in this Article, and upon such revocation, may direct applicant, at applicant's cost, to remove applicant's facilities from the right-of-way and restore the right-of-way to its original

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condition. If the applicant fails to remove its facilities and restore the right-of-way within 30 days after the City's written request, the City may cause such work to be done and applicant shall reimburse the City for the costs of such work upon City's written demand for the same.

15-4 Fees and Taxes

Applicant shall pay any applicable building permit fee and the application fee set forth in the City's Schedule of Fees. Unless provided otherwise in this Ordinance, applicant shall pay the City an annual occupation tax for use of the right-of-way in the amount and manner provided under Chapter 111 of the Columbus City Code.

15-5 Aesthetic and Design Standards

The purpose of the standards set forth in this Section is to establish guidelines for the design, placement, and installation of facilities in the right-of-way. All facilities placed in the right-of-way pursuant to this Article shall comply with these standards; provided, the City Administrator may authorize the waiver of, partial relief from, or exemption from, any one or more of these standards pursuant to Section 15-7.

A. *Undergrounded Facilities.* When facilities are proposed in areas where other similar facilities are currently located underground, said facilities shall be placed underground to the extent technically feasible.

B. *Existing Aesthetics.* To the extent technically feasible, all ground-mounted facilities shall reasonably match the appearance of existing adjacent developments and infrastructure to promote a uniform appearance.

C. *Consolidation.* To the extent technically feasible: (1) facilities shall be designed to consolidate all ground-mounted components within approved singular enclosures and (2) all cables, wires, and conduits shall be concealed from view.

D. *Location.* Except as prohibited by law, the placement of proposed facilities with existing facilities shall be preferred over placement of facilities at new sites. If an applicant chooses not to place its facilities with available existing facilities, the applicant must document that location of its proposed facilities with available existing facilities is not technically feasible.

E. *Camouflage.* Facilities shall be designed to camouflage and conceal all above-ground components of such facilities to the extent technically feasible.

F. *Signs.* Ground-mounted facilities shall have a four inch by six inch metallic sign permanently mounted between four feet and six feet from ground level and clearly visible to the public which provides the identifying information and emergency contact number for the owner of such facilities. No other signs, advertising, or banners are permitted on facilities except to the extent the same are mandated by state or federal law.

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G. *Generators.* Generators are not permitted in the right-of-way.

H. *Lighting.* Lighting is not permitted on facilities except to the extent required or otherwise allowed by state or federal law.

I. *Historic Districts.* All ground-mounted facilities and new poles located in a historic district shall be subject to such other design and concealment standards required by the City for such districts to avoid or to remedy the intangible public harm of unsightly or out-of-character facilities deployed or which are inconsistent with the appearance of existing facilities. Without limiting the foregoing, all facilities located in the City's historic district shall be subject to the design and aesthetic standards for an historic overlay district set forth in the City's Zoning Ordinance.

J. *Traffic Signals.* Facilities shall not be allowed on traffic signal systems without permission from the authority or agency in control of said traffic signal systems.

K. *Placement Guidelines.* All facilities including ground mounted equipment and new utility poles proposed to be located at new sites:

1. Shall be located in a manner or location that (a) does not obstruct, impede, or hinder the usual pedestrian or vehicular travel; (b) does not adversely affect public safety or impair legal access and use of the right-of-way; (c) conforms to applicable law (including the Americans with Disabilities Act of 1990) and right-of-way design standards, specifications, and design requirements, and (d) does not in any way create a risk to public health, safety, or welfare;

2. Shall be located in a manner that does not significantly create a new obstruction to primary and inherently valuable sightline(s) of an adjacent property;

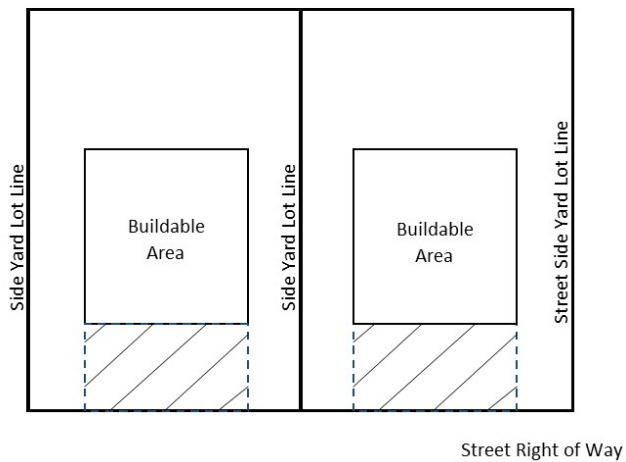
3. Shall be located in alignment with existing trees, utility poles, and streetlights and placed to avoid disturbance within the critical root zone of any tree;

4. All above ground facilities located in zones with no side yard setback, shall be located no more than 25 feet from either side yard lot line.

5. Shall not be located in front of the buildable area of properties as shown in Figure 15 (a) unless otherwise approved by the City.

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Figure 15 (a)



6. Shall be located with separation from any low-pressure natural gas line or intermediate or high-pressure natural gas line and with appropriate clearance as approved from all existing utilities;
7. Shall not materially impact any existing bridges, culverts, or retaining walls; and
8. Shall be located outside of all American Association of State Highway Transportation Officials (AASHTO) clear zones and outside of clear sight triangles (at a minimum) as follows: (a) 5-foot leg pedestrian sight triangle at each residential driveway; (b) 10-foot leg pedestrian sight triangle at each driveway and alley; (c) 30-foot leg corner sight triangle; and (d) roadway sight triangles shall be based on AASHTO standards for each driveway, alley, and intersection.

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9. Shall be located with a minimum separation distance of 150 feet from any other facilities including ground mounted equipment or new utility poles to the extent allowed by applicable law and technically feasible.

15-6 Independent Technical and Legal Reviews

Although the City intends for City staff to review permit applications to the extent feasible, the City may retain the services of an independent technical consultant and an attorney of its choice to provide technical and legal evaluations of applications submitted pursuant to this Article. The review may include, but is not limited to (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and (d) whether the proposed use of the right-of-way complies with this Article and other applicable provisions of this Ordinance or the Columbus City Code. To the extent permissible under applicable law, the applicant shall pay the reasonable cost for any independent technical consultant and reasonable attorneys' fees in advance through a deposit with the City, estimated by the City, within 10 business days of the City's request. That these shall be a reasonable approximation of cost. When the City requests such payment, the application shall be deemed incomplete until the deposit is received. In the event that such final costs and fees do not exceed the deposit amount, the City shall refund any unused portion within 60 days after a permit to occupy the right-of-way is issued or denied or withdrawn in writing by the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the City before a permit to occupy the right-of-way is issued. The technical consultant and attorney shall provide an itemization of the final costs of the services provided and related fees.

15-7 Relief

Any applicant desiring to appeal from any aspect or requirement of this Article, may file an appeal with the Board of Adjustment pursuant to Article 12, Section 12-8 of the Land Development Ordinance. Section 12-8 to Section 12-11 shall govern such appeals.

CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

1 ARTICLE ONE

GENERAL PROVISIONS

1-1 Title

This Ordinance shall be known as the Subdivision Chapter of the Land Development Ordinance of the City of Columbus.

1-2 Authority and Purpose

a. Authority

This Ordinance is adopted pursuant to the authority granted the City of Columbus under Section 16, Revised Statutes of the State of Nebraska, enabling cities of the First Class to regulate the development of land within their jurisdictions and to promote good planning practice.

b. Purposes

The purposes of this Chapter are to:

1. Serve the public health, safety, and general welfare of the city and residents of Columbus and its surrounding jurisdiction;
2. Provide for the orderly development and growth of the city by prescribing rules and standards insuring the functional arrangement of streets, public improvements, open spaces, community facilities, and utilities;
3. Promote the creation of well-planned and attractive residential, commercial, and industrial developments within the city and its jurisdiction;
4. Avoid excessive costs to the taxpayers of Columbus or the residents of the jurisdiction of the city for the provision of public services and utilities, while maintaining high standards for these services;
5. Protect the unique environment of the City of Columbus by avoiding environmental damage whenever feasible and appropriate; and by encouraging flexibility in the design of subdivisions;

CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

6. Provide the City of Columbus with the ability to grow incrementally through the eventual annexation of new developments.

c. Consideration of Plans

The design of subdivisions shall consider all existing local and regional plans and policies for Columbus and its jurisdiction. These include, but not limited to, the Comprehensive Development Plan, Long Range Transportation Plan, Stormwater Management Plan, and State of Nebraska Board of Classifications and Standards.

b. Preservation of Natural Features and Drainage Patterns

1. In accordance with all Federal, State of Nebraska and local requirements and to the maximum extent possible, development shall be located to preserve natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impact and alteration of natural features and drainage patterns.
2. The subdivider shall give maximum consideration to the preservation of the following areas as open space or stormwater treatment facility or detention system, to the extent consistent with reasonable utilization of land:
 - (a) Wetlands and other unique environmental areas, as defined in Section 404, Federal Water Pollution Control Act of 1972 and delineated on wetlands maps and policies prepared by the U. S. Fish and Wildlife Service, U.S. Army Corps of Engineers, State of Nebraska Department of Natural Resources, and the Lower Loup Natural Resource District.
 - (b) Flood plain and floodway lands as defined by the Federal Emergency Management Agency, Flood Insurance Rate Map, and the City of Columbus Special Flood Hazard Areas.

c. General Guidelines for Subdivision Layout

Subdivisions shall be designed to comply with the following overall performance objectives:

1. Reduction and minimization of cut and fill.
2. No increase of peak flow, area of runoff or encroachment of stormwater runoff onto other properties.
3. Provision of adequate access to lots, including alternative routes to lots and sites within the subdivision and minimization of cul-de-sacs over 350 feet.

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4. Respect for the urban character and traditional layout of Columbus, including providing continuity to established street and community facility networks; establishing linkages and connections between new development and existing parts of the city; and preserving historically and architecturally significant sites and buildings, determined as those sites or districts either listed on or determined to be eligible for listing on the National Register of Historic Places, as determined by the State Historic Preservation Officer.

d. Site Design Objectives and Approval

The Planning Commission and City Council shall take the above Site Design objectives into account during their review and approval of subdivision applications.

1-3 Relationship to the Comprehensive Plan

1. The City of Columbus intends that this Subdivision Chapter and any amendments to it shall be consistent with the City's Comprehensive Plan. Should this Ordinance become inconsistent with the adopted Comprehensive Plan because of subsequent amendments to that plan, it is the City's intent to amend this ordinance to bring it into conformance with the plan.
2. The Subdivision Chapter shall supplement and facilitate the provisions of the Comprehensive Plan, the Unified Land Development Ordinance, the Official Zoning Map, and the City of Columbus's Capital or General Fund Budget.

1-4 Jurisdiction and Applicability

- a. The provisions of this chapter shall be applicable to all property within the corporate limits of the City of Columbus and its extra-territorial jurisdiction as authorized by §16-902, Revised Statutes of Nebraska, 1943. In conjunction therewith, it is hereby designated that the City of Columbus will exercise the powers and duties granted by Sections 16-902 to 16-904, or Section 19-2402, Revised Statutes of Nebraska, 1943, over that portion of the territory located within two miles of the corporate limits of the City of Columbus as shown on the Extra-Territorial Jurisdiction Map. Boundaries of the Extra-Territorial Jurisdiction established by this ordinance shall be shown on the Extra-Territorial Jurisdiction Map maintained by the City Engineer. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of and concurrent with this ordinance. The Extra-Territorial Jurisdiction may be changed from time to time following the extension of City boundaries either by annexation or by additions brought into the City pursuant to the Subdivision Chapter of the Unified Land Development Ordinance. Such changes shall be reflected on the Extra-Territorial Jurisdiction Map. The City Clerk and Engineer shall keep a complete record of all changes to the Extra-Territorial Jurisdiction Map.

CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

- b. No owner of real property within the City of Columbus and its jurisdiction may subdivide or plat such property into lots for buildings or any other use, streets, or other forms of dedication for public use without gaining approval pursuant to this Ordinance. In addition, no individual may sell, offer to sell, or construct buildings on any lots or parts of real property that are not subdivided as required by State law or this Ordinance.

1-5 Amendment

When necessary, this Ordinance may be amended through public hearing and recommendation by the Planning Commission to the City Council. The City Council shall then hold its own independent public hearing and action on amendments.

1-6 Fees

The City Council of the City of Columbus may establish reasonable fees sufficient to recover costs incurred for the processing and review of subdivision applications and other procedures included within this Ordinance.

1-7 Enforcement

1. The Administrative Official shall enforce the provisions of this Ordinance and shall bring violations or lack of compliance to the attention of the Planning Commission, City Council, or other appropriate agency.

1-8 Penalties

1. Violation of the provisions of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or imprisoned for not more than 30 days, or both, and shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
2. An owner, developer, or subdivider of property; any architect or engineer; builder, contractor, agent, or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this section.
3. Notwithstanding this section, the City and the Administrative Official shall have the right to take any lawful action necessary to prevent or remedy any violation of this Ordinance or any agreement pursuant to or other condition of an approval of a subdivision application.

1-9 Interpretation, Conflict, and Severability

- a. The Subdivision Chapter shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the

CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

Subdivision Chapter conflicts with any other provision of the Unified Land Development Ordinance, any other Ordinance of the City of Columbus, or any applicable State or Federal law, the more restrictive provision shall apply.

- b. Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

- c. If any chapter, section, subsection, clause, or phrase of this Subdivision Chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any other section of the City of Columbus's Unified Land Development Ordinance.

CHAPTER 2, ARTICLE 2: DEFINITIONS

2 ARTICLE TWO

DEFINITIONS

2-1 Purpose

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Subdivision Ordinance. The meaning and construction of words as set forth shall apply throughout the Subdivision Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

2-2 Definitions of Terms

For the purposes of this Subdivision Ordinance, certain terms and words are hereby defined. Certain sections contain definitions which are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meanings or meanings implied by their context shall apply.

2-3 A.

1. Administrative Official: The Community Development Director is responsible for the supervision and administration of the Subdivision Ordinance of the City of Columbus.
2. ADT or Average Daily Traffic: The average number of motor vehicles per day that pass over a given point or segment of street.
3. Alley: A public or private right-of-way generally designed to provide secondary access to the side or rear of a property whose principal frontage is on another street.
4. Applicant: An owner, developer, or subdivider submitting an application to divide property pursuant to this Ordinance.
5. Approving Authority: The City Council of the City of Columbus.
7. Administrative Subdivision: An adjustment of lot lines of no more than four lots without creating additional or elimination of any lots and requires no extensions of streets, sewers, utilities, or other municipal facilities; and complies with all pre-existing zoning requirements following subdivision.

CHAPTER 2, ARTICLE 2: DEFINITIONS

2-4 B.

1. Bicycle Lane and Path: A designated lane on a roadway or an exclusive path separated from a roadway, designed specifically to accommodate the physical requirements of bicycling. Bicycle paths are ordinarily designed to accommodate other forms of non-motorized pedestrian recreation.
2. Buffer: A landscaped area intended to separate and partially obstruct visual or other sensory effects of two adjacent land uses or properties from one another.

2-5 C.

1. Cartway: The actual surface area of a road used to accommodate motor vehicles, including moving traffic lanes, acceleration and deceleration lanes, and parking lanes. On a street with curbs, the cartway is measured from curblines to curblines. On streets without curbs, the cartway is measured between the outside edges of the established road surface.
2. Centerline Offset: The gap between the centerline of roads intersecting a common road from the same or opposite sides.
3. Channel: The bed or banks of a natural stream or drainage way, which convey the constant or intermittent flow of water, including storm run-off.
4. Common Area: An area within a development that is not individually owned or dedicated for public use, but is designed and designated for common or cooperative use within a development.
5. Comprehensive Plan: The Comprehensive Development Plan and Long Range Transportation Plan of the City of Columbus.
6. Concept Plan: A preliminary presentation, including any necessary documentation, of a proposed subdivision and/or future development plan, providing adequate information for the purpose of discussion or classification.
7. Conventional Subdivision: A subdivision, which literally meets all nominal standards of the Unified Land Development Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.
8. Cul-de-sac: A local street with only one outlet and with an opposite end providing for the reversal of traffic.
9. Curb: A vertical or sloping edge of a roadway, intended to define the edge of the cartway and to channel or control drainage.

2-6 D.

CHAPTER 2, ARTICLE 2: DEFINITIONS

1. Dedication: A grant of land to the City or another public agency for a public purpose.
2. Design Standards: Standards that set forth specific improvement requirements.
3. Detention Basin: An artificial or natural water collection facility, designed to collect surface or subsurface water and to control its rate of discharge, in order to prevent a net increase in the rate of water flow that existed prior to a development.
4. Developer: The legal or beneficial owner(s) of any land included in a proposed development.
5. Development: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.
6. Divided Street: A street whose moving lanes in opposite directions is separated by a physical barrier such as a median.
7. Drainage: The removal of surface or stormwater from land by drains, grading, or other means.
8. Drainage System: The system through which water flows.

2-7 E.

1. Easement: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and which the owner must maintain free of structures which obstruct or limit its use for such purpose.
2. Erosion: The wearing away of a land surface by water, wind, ice, or gravity.

2-8 F.

1. Final Approval: The final official action of the City Council, upon a recommendation by the Planning Commission, permitting the filing of a subdivision with the Platte County Register of Deeds and the conveyance of individual parcels and lots to subsequent owners. Final Approval follows the completion of detailed engineering plans, development agreements, posting of required guarantees, and other requirements of this Ordinance.

2-9 G.

1. Grade: The slope of a street or other public way, defined as a percentage or ratio of vertical change in elevation to horizontal change in distance.

CHAPTER 2, ARTICLE 2: DEFINITIONS

2-10 H.

2-11 I.

2-12 J.

2-13 K.

1. Key Map: An aerial map a common engineering scale of not less than 1 inch to 600 feet showing the location of a development project or subdivision in reference to surrounding property. The map shall show existing streets and city limit lines. The area shown shall be sufficient to show how the proposed project or subdivision will fit into existing developments.

2-14 L.

1. Lot: A parcel of real property with a separate and distinct number shown on a plat, record or survey, parcel map, or subdivision map recorded in the office of the Platte County Register of Deeds. A lot is ordinarily established for the purpose of transfer of title and/or development.
2. Lot Area: The size of a lot measured within its boundaries and expressed in terms of square feet or acres.
3. Lot Frontage: The portion of a lot extending along a public street or private drive line.

2-15 M.

1. Main: The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected.
2. Major Subdivision: Any subdivision not defined and approved as an administrative subdivision or as a minor subdivision.
3. Minor Subdivision: An adjustment of lot lines of two or more lots without creating additional lots or a subdivision of land which creates no more than four lots from any single block or lot of an addition or subdivision, tract, or parcel of land; requires no extensions of streets, sewers, utilities, or other municipal facilities; and complies with all pre-existing zoning requirements following subdivision.
4. Moving Lane: Any traffic lane within a cartway where traffic movement is the primary or sole function.

CHAPTER 2, ARTICLE 2: DEFINITIONS

2-16 N.

2-17 O.

1. Off-Site: Located outside the boundaries of the parcel that is the subject of an application.
2. Open Space: Any parcel or area of land or water that is retained in an open state and set aside for public or private use.

2-18 P.

1. Parking Lane: A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.
2. Pavement: An impermeable, hard surface, typically asphalt, asphaltic concrete, concrete, or brick or other masonry paver units.
3. Plat: A document, usually a map or maps, expressing the division of land into two or more lots or parcels, any one of which is ten acres or less. Plats include preliminary and final plats.

(a) Preliminary Plat: A plat indicating the proposed layout of a development and related information, intended for the purpose of preliminary approval by approving authorities but not for filing with the Platte County Register of Deeds.

(b) Final Plat: The final plat of the subdivision which is presented for Final Approval. The Final Plat contains detailed information, legal survey and documentation and is designed to be filed with the Register of Deeds.

4. Private Drive: Privately owned and maintained access to a lot or parcel. May have a public easement for utility and fire access.

2-19 R.

1. Right-of-way: A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission infrastructure, communication infrastructure, gas pipelines, water mains, or sewer mains.

2-20 S.

1. Sanitary Sewer: A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility. In developing areas, sanitary sewers normally include interceptor, outfall, and lateral sewers.

CHAPTER 2, ARTICLE 2: DEFINITIONS

- (a) Interceptor: A sanitary sewer that serves as a trunk, collecting sewage generated by a number of individual developments.
- (b) Outfall: A sanitary sewer that may be developed to connect an individual subdivision or development to an interceptor sewer.
- (c) Lateral or Local: A pipe that connects individual buildings or groups of buildings to an outfall or interceptor sewer.
2. Septic System: An underground system, utilizing a watertight receptacle to receive the discharge of sewage, which provides for the decomposition of wastes produced by development on a single lot.
3. Sidewalk: A concrete or brick paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.
4. Storm Sewer: A conduit which conducts storm drainage from a development or subdivision, ultimately to a treatment facility, drainage way or stream.
5. Street: A right-of-way, dedicated to public use, which provides a primary means of access to an abutting lot or parcel.
6. Street Hierarchy: The conceptual arrangement of streets based on function. Street types contained within the hierarchy include:
- (a) Private Drive
 - (b) Local
 - (c) Collector
 - (d) Minor Arterial
 - (e) Major Arterial
 - (f) Expressway
7. Subdivision: The division of a lot, tract or parcel into two or more lots, tracts, parcels, or other units of land for title transfer or development, when one of the resultant lots is equal to 10 acres or less. The term subdivision includes any time the creation of a public street or roadway is involved, but excludes the acquisition of land by the state, county, or city, by eminent domain or otherwise, for the creation, extension or widening of a public street or roadway. The term also includes re-platting and, when appropriate to the context, re-platting shall be subject to the rules and regulations contained in this chapter and shall apply to land previously subdivided.

CHAPTER 2, ARTICLE 2: DEFINITIONS

1. Topographic Survey: USGA elevation plan to the latest NAVD showing height, depth, size and location of all manmade and natural features and improvements on a given parcel of land and adjacent properties and rights-of-way, as well as the changes in elevation, using a 50-foot grid to achieve 1-foot contours throughout.

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

3 ARTICLE THREE

PROCEDURES AND ADMINISTRATION

3-1 Purpose

The purpose of this Article is to establish procedures for subdivision applications and for review and action on applications by the City Administration, Planning Commission and the City Council. The procedures are designed to assure adequate review and consideration of subdivision applications, while providing for an orderly and expeditious approval process. The Article provides procedures for the approval of three types of subdivisions: Administrative Subdivisions, Minor Subdivisions, and Major Subdivisions.

3-2 Administrative Subdivisions

a. Scope

The Administrative Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:

1. The subdivision adjusts the lot lines of no more than four (4) existing lots within the City limits or no more than four (4) lots in the Extra Territorial Jurisdiction which are not adjacent to City limits without creating additional or eliminating any lots.
2. The subdivision is served by existing utilities and does not require the creation or extension of streets, utilities or public improvements and no new dedication of public rights of way or easements is involved.
3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the zoning ordinance as evidenced by a site plan prepared by a licensed surveyor.
4. No part of the parcel, tract or lot has been the subject of a previous Administrative Subdivision or Minor Subdivision approval. Once an administrative or minor subdivision has been approved, neither the original nor the resulting parcel(s), tract(s), or lot(s) are eligible for a future administrative or minor subdivision.

b. Application and Approval Procedure

An application for an Administrative Subdivision may be approved under the following procedure:

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

1. The applicant submits an application on a form established by the Engineering Department and includes the supporting documents required for Administrative Subdivisions in Table 3-1. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a State of Nebraska Licensed Surveyor and a Certificate of Title prepared by a Licensed Registered Abstractor verifying the ownership of said property, all lienholders and real estate tax payment status.
2. Following submission, the Administrative Official shall review each application according to the following criteria within fourteen (14) working days:
 - (a) Compliance with the conditions contained in Section 3-2(a) above.
 - (b) Consistency with the Comprehensive Development Plan of the City of Columbus.
 - (c) Potential adverse environmental effects or effects on neighboring properties.
3. Following such review, the Administrative Official may approve the Administrative Subdivision. Such approval shall be denoted by signed certificate of approval. The signed plat must be filed by the Developer with the Platte County Register of Deeds. If the approved plat is not filed within 90 days of the approval by the Developer, such approval shall be null and void
4. The Administrative Official retains the right to disapprove or not act on the Administrative Subdivision application. In the event of such action, the application may proceed through the Minor or Major Subdivision process. If the subdivision complies with the conditions of a Minor Subdivision application, it may be directed to that approval process. Otherwise, the proposed subdivision shall be deemed a Major Subdivision and proceed through the appropriate review and action process.
6. The Administrative Official shall keep a complete and accurate record of all administrative subdivision approvals.
7. Following approval of the Administrative Subdivision, it shall be the duty of the applicant's surveyor/engineer to provide the City with a hard copy and an electronic file in the format required by the City, of the newly formed Administrative Subdivision, including the Platte County Register of Deeds signed and stamped recording information

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

3-3 Minor Subdivisions

a. Scope

The Minor Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:

1. The subdivision adjusts the lot lines of two or more lots without creating additional lots; or creates no more than four lots from any single parcel, tract, block or lot. Minor subdivisions outside of City Limits, but adjacent to will be required to voluntarily annex.
2. The subdivision is served by existing utilities and does not require the creation or extension of streets, utilities, or public improvements and no new dedication of public right of way or easements is involved.
3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the Unified Land Development ordinance as evidenced by a site plan prepared by a licensed surveyor.
4. No part of the parcel, tract, block or lot has been the subject of a previous Administrative Subdivision or Minor Subdivision approval. Once an administrative or minor subdivision has been approved, neither the original nor the resulting parcel(s), tract(s), block(s) or lot(s) are eligible for future administrative or minor subdivision.

b. Application and Approval Procedure

An application for a Minor Subdivision may be approved under the following procedure:

1. The applicant submits an application on a form established by the Engineering Department and includes the supporting documents required for Minor Subdivisions in Table 3-1. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a State of Nebraska Licensed Surveyor and a Certificate of Title prepared by a Licensed Registered Abstractor verifying the ownership of said property, all lienholders and real estate tax payment status.
2. Following submission, the Administrative Official shall review each application according to the following criteria within fourteen (14) working days:
 - (a) Compliance with the conditions for contained in Section 3-3(a) above.
 - (b) Consistency with the Comprehensive Development Plan of the City of Columbus.

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- (c) Potential adverse environmental effects or effects on neighboring properties.
 - (d) Completed Development Agreement.
3. Following such review, the Administrative Official may approve the Minor Subdivision. Such approval shall be denoted by signed certificate of approval. The signed plat must be filed by the Developer with the Platte County Register of Deeds. If the approved plat is not filed within 90 days of the approval by the Developer, such approval shall be null and void
 4. The Administrative Official retains the right to disapprove or not act on the Minor Subdivision application. In the event of such action, the application may proceed through the Major Subdivision process.
 6. The Administrative Official shall keep a complete and accurate record of all Minor Subdivision approvals.
 7. Following approval of the Minor Subdivision, it shall be the duty of the applicant's surveyor/engineer to provide the City with a hard copy and an electronic file in the format required by the City, of the newly formed Minor Subdivision, including the Platte County Register of Deeds signed and stamped recording information

3-4 Major Subdivisions

a. Applicability

The Major Subdivision procedures apply to all subdivisions which are not approved or eligible for approval under the Administrative or Minor Subdivision procedures.

b. Stages in the Approval Process

The approval process for Major Subdivisions consists of three stages: the pre-application stage, the preliminary plat approval stage, and the final plat approval stage. The preliminary plat stage and final plat stage may occur concurrently.

c. Pre-Application Procedures

1. Before filing an application for preliminary plat approval, the applicant shall meet with the Administrative Official and representatives of the Planning Commission regarding general requirements and issues relating to the proposed subdivision.
5. Pre-application meetings will be held on the second Wednesday morning following the first Monday of each month. Applicants must make a written

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

request for a pre-application meeting prior to the first Wednesday following the first Monday of each month.

2. Three days prior to the pre-application meeting, the applicant shall submit an approved electronic format concept plan. The concept plan shall include:
 - (a) An aerial location map showing the relationship of the proposed subdivision to existing and proposed streets, public facilities, special flood hazard areas, waters of the US, wetlands, airport runway protection zones (if applicable) and any other features or areas which may affect the development.
 - (b) A schematic plan illustrating the proposed layout of streets, lots, blocks, public utilities, stormwater treatment facilities and other features and their relationship to existing and proposed site topography for the total proposed development area.
3. Within ten working days of the pre-application meeting, the Administrative Official shall inform the applicant of the consistency of the concept plan with the objectives and policies of the city's Comprehensive Development and Long Range Transportation Plan and Unified Land Development Ordinance.
4. The pre-application meeting does not require a formal application or payment of a fee.

d. Preliminary Plat Application

1. Application Requirements

After the pre-application meeting, the applicant shall prepare and submit an application for preliminary plat approval. The application for preliminary plat approval shall be submitted electronically through the City's website application submittal platform. The application shall consist of a form established by the Engineering Department; the supporting documents required for Major Subdivisions in Table 3-1; a commitment to enter into a subdivision agreement set forth in paragraph 2 hereinafter; a Certificate of Title prepared by a State of Nebraska Licensed Registered Abstractor verifying the ownership of said property, all lienholders and real estate tax payment status; and payment of a fee, the amount of which shall be determined by the City Council. Upon receipt of all items required for said application as set forth herein, the application shall be placed on the next available Planning Commission Agenda.

2. Draft Development Agreement

The preliminary plat application shall include a draft of a development agreement provided by the Administrative Official following a format established by the Engineering Department. The development agreement establishes the mutual

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

responsibilities of City and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; and the maximum amount of bonded indebtedness to be incurred if public improvements are financed through an Improvement District as provided in State Law.

3. Preliminary Plat Review Procedure

- (a) After submission of a complete application for a preliminary plat, the Administrative Official and staff shall review the application. As part of the review, the developer will circulate the application to local utilities, the school district in which the subdivision is located, public safety agencies, and any other applicable provider of public services. The Developer shall furnish the Administrative Official with proof that a copy of the preliminary plat was delivered to the affected school district and local utilities.
- (b) The applicant will be allowed time to provide additional information after staff review of the Preliminary Plat Application. Such additional information must be provided a minimum of 10 calendar days before the Planning Commission Meeting. Failure to provide the required additional information may result in the application being continued to a future meeting.
- (c) The Administrative Official shall submit a written recommendation for action to the Planning Commission.

4. Planning Commission and City Council Action

- (a) The Planning Commission, following at least ten days published notice, shall hold a public hearing on each Major Subdivision and, following such public hearing, shall take action on the application. The Planning Commission may recommend approval, conditional approval, or denial of the preliminary plat to the City Council.
- (b) Following action by the Planning Commission, the Commission shall submit minutes summarizing the Commission's action to the City Council.
- (c) The City Council, upon receipt of the recommendation of the Planning Commission, shall take action on the application.
- (d) Approval of a preliminary plat by the City Council shall not constitute approval of a final plat. The approval shall be considered an expression of conditional approval to guide the preparation of a final plat, to be considered subsequently by approving authorities. The preliminary approval shall confer upon the applicant the following rights:
 - (1) The general terms and conditions under which the plat was approved will not change.
 - (2) The applicant may submit for approval a final plat for the whole or a part of the preliminary plat on or before the expiration date of the preliminary approval.

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(3) The preliminary plat approval shall stay in force for a period of two years from the date of approval by the City Council. The City Council may, at its discretion, establish a longer effective date for the preliminary plat approval. The City Council also may grant extensions to the effective period of a preliminary plat.

(4) Phased Subdivisions: The final plat may be submitted in phases. The initial phase of the final plat must be submitted according to the effective dates established in Section (3) above. In the event of a phased subdivision if indicated by the Developer at the time of submission and included in the initial phase Development Agreement, the initial preliminary plat approval remains effective for a period not to exceed five years, unless otherwise extended by the City Council.

e. Final Plat Application Process

1. Application Requirements

The applicant shall prepare and submit an application for final plat approval within two years of the preliminary plat approval unless an extension has been granted by the City Council. The application for final plat approval shall be submitted through the City's website application submittal platform. Upon receipt of all items required for said application as set forth herein, the application shall be placed on the next available Planning Commission Agenda. In order to attempt for the final application to be considered the next month after the preliminary plat obtained approval, the application submittal shall be at least nineteen (19) calendar days before the Planning Commission meeting. Meeting this submittal deadline does not guarantee placement on the next Planning Commission Agenda as it is subject to receipt of all items. The application shall consist of a form established by the Engineering Department; the supporting documents required for Final Plat Approval of Major Subdivisions Table 3-1; a final subdivision agreement as required by paragraph 2 hereinafter; a final plat of all lots, blocks and parcels that are affected by the application prepared by a State of Nebraska Licensed Surveyor, and payment of a fee, the amount of which shall be determined by the City Council. Upon receipt of all items required for said application as set forth herein, the application shall be placed on the Planning Commission Agenda. The applicant shall notify the Board of Education of each school district in which the subdivision is located of the Planning Commission meeting at which such plat is to be considered and shall further submit a copy of the proposed final plat to the Board of Education at least ten days prior to such meeting. The developer shall furnish the Administrative Official with proof that a copy of the final plat was delivered.

2. Final Development Agreement

The Final Plat application shall include the Final Development Agreement to be executed between the City and the applicant. The terms of this agreement shall be acted upon with the action on the Final Plat. The developers attorney shall work with the City's attorney to obtain approval. Developer signature of the Final Development Agreement must be obtained and to the City no later than 6 calendar days prior to the Planning Commission meeting acting on the Final Plat.

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

3. Final Plat Review Procedures

- (a) After submission of a complete application for a final plat, the Administrative Official and staff shall review the application. This includes the mutual approval of the final development agreement between the developers attorney and city attorney, including the developers signature and notary, resolution and deed of dedication.
- (b) The applicant will be allowed time to provide additional information after staff review of the Final Plat Application. Such additional information must be provided 10 calendar days before the Planning Commission Meeting. Failure to provide the required additional information may result in the application being continued to a future meeting.
- (c) The Administrative Official shall submit a written recommendation for action to the Planning Commission.

4. Performance Bond

The development agreement shall specify the amount of the performance bond for public improvements to be filed prior to receiving final plat approval or, alternatively, shall contain a statement that required improvements have been satisfactorily completed. The performance bond, if required, must be presented in a form satisfactory to the City Attorney prior to final approval of the subdivision.

5. Resolution and Deed of Dedication

The applicant shall be responsible for preparing and furnishing in proper form a Resolution approving said final plat for execution by the City, and if said Addition is being brought into the corporate limits of the City or includes any dedication of public right-of-way or easements, said applicant shall prepare and furnish in proper form a Deed of Dedication for said Addition, along with a Resolution accepting the same, for execution by the City.

6. Final Plat Approval

(a) The Planning Commission, following transmittal of the written recommendation of the Administrative Official, shall hold a public hearing to review the final plat for consistency with the approved preliminary plat and for compliance with the Unified Land Development Ordinance and other applicable local, state or federal statutes and regulations. Unless the Planning Commission agrees to recommend approval of said plat subject to contingencies, all deficiencies or contingencies or changes identified through the Preliminary Plat approval process are required to be made prior to the Planning Commission Meeting or need to be addressed in the Subdivision Agreement. If the final plat meets all requirements of the Unified Land Development Ordinance, has satisfied all requirements of the Engineering Department, has met the conditions, if any, upon which preliminary plat approval was based and is substantially consistent with the terms of the preliminary plat approval, the Commission shall have no recourse but to recommend approval of the final plat. If the Planning Commission finds in its

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

review that the submitted final plat is not substantially consistent with the preliminary plat, it shall take action to recommend approval or denial to the City Council.

(b) Following such public hearing, the Commission shall submit minutes on the final plat to the City Council. If said addition is adjoining or contiguous to the corporate limits, then following said public hearing, the Planning Commission shall hold a separate public hearing for which at least ten days published notice must be given, on the inclusion of the addition within the corporate limits. Following such public hearing, the Planning Commission shall take action to recommend approval or denial thereof to the City Council.

(c) The City Council, following at least ten days published notice, shall hold a public hearing on each final plat and on the development agreement. Following such public hearing shall take final action by way of resolution on the application. Any contingencies, deficiencies or changes attached to the preliminary plat approval and/or requirements of the Engineering Department must be completed prior to the final plat approval. If said addition is adjoining or contiguous to the corporate limits, then following said public hearing on the final plat, if the final plat is approved, the City Council shall hold a separate public hearing for which at least ten days published notice has been given, on the inclusion of the addition within the corporate limits. Following such public hearing, the City Council shall take final action by way of resolution.

(d) The City Council is further empowered to grant waivers of a section of the Subdivision Chapter after a waiver request has received a recommendation from the Planning Commission.

f. Filing the Final Plat

- a. Following City Council approval of a Final Plat that received a prior recommendation from the Planning Commission, the Chair of the Planning Commission and the Mayor of the City of Columbus shall sign the final plat which shall be a reproducible mylar of the subdivision plat.
 - b. Applicant shall provide an electronic version of the final plat in an approved electronic format within four calendar day of the City Council approval.
 - c. Applicant shall provide the City a complete signed original, reproducible final plat within fourteen (14) calendar days of City Council approval.
4. The subdivider must file the plat with the Platte County Register of Deeds along with all applicable covenants and other documents within 90 calendar days of the execution of the plat by the Chair of the Planning Commission and the Mayor in accordance with state statute.

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

TABLE 3-1:: APPLICATION REQUIREMENTS

Submittal Requirements:

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
Plat Information				
Name, email, mailing address of owner and applicant.	X	X	X	X
Name, phone number, email, mailing address, signature, license number, seal and address of engineer, land surveyor, architect, planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X	X
Title block, denoting type of application, legal description in an approved electronic format, and general location.	X	X	X	X
Key map.		X	X	
Present and proposed zoning.		X	X	
North arrow, date, and graphic scale.	X	X	X	X
Proof that taxes are current.		X	X	
Signature blocks for Planning Commission Chair and Mayor.			X	X
Signature block for Administrative Official, and Clerk.	X	X		
Appropriate certification block.	X	X	X	X
Monumentation.	X	X		X
Acreage of tract.	X	X	X	X
Date of original and all revisions.	X	X	X	X
Location, dimensions, and names of existing and proposed streets.	X	X	X	X
All proposed lot lines, lot dimensions, and lot areas in square feet.	X	X	X	X

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative	Minor	Major Subdivision	
	Subdivision	Subdivision	Preliminary	Final
Plat Information				
Existing and proposed easements or land reserved for of dedicated to public use.	X	X	X	X
ENVIRONMENTAL INFORMATION				
All existing waters of the US, floodways and floodplain within 200 feet.	X	X	X	
Loup River Levee or Lost Creek Flood Control within 500 feet.	X	X	X	
Existing ROW's and easements adjoining the subdivision.	X	X	X	X
Topography at one-foot contours in city approved vertical datum		X	X	
Floodplain Development Permit	X	X	X	
IMPROVEMENTS AND CONSTRUCTION INFORMATION				
Proposed utility infrastructure plans including water, sanitary sewer, and storm water management.			X	
Special construction details as required.			X	
Roadway and paving cross-sections.			X	
Proposed street names.			X	X
Block and Lot numbers.	X	X	X	X
Easements as requested or required for all public and private utilities.				X
GRADING AND DRAINAGE PLAN (separate plan sheet)				
Site plan topographic survey		X	X	

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Proposed finish elevations of streets			X	
Proposed finish elevations of ditches/swales		X	X	
Proposed finish grade elevations at each lot building setback		X	X	
Existing site drainage system		X	X	
Proposed site drainage system with elevation at end points		X	X	
Drainage calculations including from off-site area traveling through the proposed system		X	X	
Stormwater treatment post-construction facility including elevations and special construction details		X	X	
Floodplain or floodway from Flood Insurance Rate Maps (FIRM)		X	X	

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
Plat Information				
Identify planned or existing trail locations			X	
Certifications and seals from licensed Professional Engineer, as required by Ordinance	X	X		X
Draft Development Agreement.		X	X	
Final Development Agreement, Resolution and Deed of Dedication		X		X
Additional information if requested by the Administrative Official and/or Planning Commission	X	X	X	X
Proof of submission to the school district		X	X	X
Proof of submission to all applicable utility providers			X	
Written waiver request, if applicable			X	
SUBMITTAL				
Completed Application	X	X	X	X
Payment of Application Fees	X	X	X	X
Electronic Submittals	X	X	X	X
Reproducible Plat	X	X		X
Bonded Copy of Plat			X	

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

4 ARTICLE FOUR

CIRCULATION SYSTEM DESIGN

4-1 Purpose

The purpose of this Article is to assure the development of functional and safe circulation patterns within new subdivisions, in order to encourage economical and effective movement of motor vehicles, bicycles, and pedestrians; provide access for public safety vehicles; and encourage the development of circulation systems that enhance the quality of life within new and existing neighborhoods in the City of Columbus and its planning jurisdiction.

4-2 General Standards

The design of circulation systems should conform to the following general standards and requirements:

a. Roadway System Design

1. The road system shall be designed to permit safe and orderly movement of traffic, to meet but not exceed needs of the present and future served population; to be simple and logical; to respect natural features, topography, and landscape; and to present an attractive streetscape.
2. The system shall conform with the City's Comprehensive Plan, Long Range Transportation Plan, and State of Nebraska Board of Classification and Standards. For streets not shown on the Comprehensive Plan and Long Range Transportation Plan the arrangement of streets shall provide for the logical extension of existing streets, proposed streets with area developments, and access to adjacent area properties.
3. The street network of a subdivision should provide for logical, continuous extensions of streets to subsequent, later developments.

b. Pedestrian and Bicycle Systems

1. A continuous pedestrian system shall be provided within each non-industrial subdivision, designed to conduct pedestrians between every point in the subdivision in a safe manner.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

2. In conventional subdivisions, the pedestrian system will ordinarily be provided by sidewalks placed parallel to and on both sides of each street, with exceptions permitted to preserve natural features or the use of trails to create visual interest.
3. In overlay districts and Non-traditional Residential Parks and Subdivisions, the pedestrian system may be an independent network diverging from streets but providing continuous pedestrian access between all points.
4. All aspects of the pedestrian system, including sidewalks and intersection crossings, must be designed to comply with the Americans with Disabilities Act.
5. Bikeways or recreational trails shall be required only if specifically indicated by the Comprehensive Plan, Long Range Transportation Plan, or Trail Master Plan. Any land dedicated for trail development shall be credited toward the satisfaction of pedestrian system and open space standards set forth by this ordinance.

4-3 Street Hierarchy and Design

a. Characteristics of the Hierarchy

1. Streets shall be classified according to a street hierarchy with design tailored to function with existing and proposed traffic or turning movements.
2. Each residential street shall be classified and designed to meet appropriate standards.
3. The categories, functions, and projected traffic loads of the street hierarchy are set forth in Table 5-1.

b. Cartway Width

1. Cartway width for each street classification is determined by parking and curbing requirements based on form or intensity of adjacent development.
2. To promote economical development of streets, minimum cartway width should generally be used. Minimum cartway widths are set forth in Table 5-2.

c. Curbs, Gutters, and Shoulders

1. Curbing shall be required for the purposes of safety, drainage, and protection of the pavement edge, as set forth in Table 5-3.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

2. Requirements for curbs vary according to street function and the nature of adjacent development and expected future use of the area in accordance with the Future Land Use Map of the Comprehensive Plan. Adjacent development is defined as urban or rural as follows:
 - (a) Rural: Rural Residential or predominately agricultural land.
 - (b) Urban: Residential land use; or adjacent land uses which include commercial, office, industrial, or civic use types.
3. Where curbing is not required, edge definition and stabilization shall be provided.
4. Shoulders, when developed, shall be at least six feet in width, or greater if required by the State of Nebraska Board of Classifications and Standards, on each side for all streets; and located within right-of-way. Swale width is site-specific. Shoulders shall be stabilized with turf or other acceptable material.
5. All curbs shall provide ramps for accessibility by handicapped people consistent with the requirements of the Americans with Disabilities Act.
 - (a) Curb construction shall follow standards established by the City of Columbus.
 - (b) Curb cuts for driveways may be ground smooth to a two-inch drop curb in residential and commercial areas with lots less than 4,500 square feet in total size. Maximum curb cut length as measured along the curb is 40 feet including any radii or wings.
 - (c) Curb cuts in commercial areas with lots greater than 4,500 square feet in total size and in industrial areas shall be sawed straight and removed to a 2-foot lug and a two-inch drop curb to total pavement thickness shall be constructed. Maximum curb cut length as measured along the curb is 50-feet (throat width) plus the length of radii or wings on each side.

d. Sidewalks

1. Sidewalk requirements are determined by road classification and intensity of development, as set forth in Table 5-3.
2. Where sidewalks are not otherwise required by Table 5-3, the City may require their installation if necessary to provide access to generators of pedestrian traffic or major community features; to continue a walk on an adjacent street; to link parts of the city; or to accommodate future development.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

3. In conventional development, shall be placed generally parallel to streets within right-of-way. Exceptions are possible to preserve important natural features or to accommodate topography or vegetation; when applicant shows an alternative for a safe and convenient pedestrian system; or in creative subdivisions.
4. In commercial areas, sidewalks may abut curb. Subject to the approval of the City Engineer.
5. Pedestrian easements at least 12 feet in width may be required through the center of blocks over 600 feet in length if deemed necessary by the approving authorities to provide access to schools or community facilities; or to maintain a continuous pedestrian network within and between subdivisions and districts of the City of Columbus and its jurisdiction.
6. Sidewalks shall provide a clear path of at least four foot in width, free of any obstructions a minimum of one foot on both sides.
7. All sidewalks shall be constructed according to current standards in use by the City of Columbus. Sidewalks shall be of concrete construction a minimum of four inches thick except at points of vehicular crossing where they shall be a minimum of six inches thick.
8. All sidewalks, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

e. Bikeways and Recreational Trail

1. Bikeways and recreational trails shall be required in subdivisions only when specified as part of the comprehensive development plan.
2. All off-street recreational trails shall be a minimum of eight feet in width for two-way traffic and comply with the Americans with Disabilities Act. Surfacing of trails shall be acceptable to the City of Columbus. Gradients for bikeways and recreational trails should not exceed five percent, except for short distances.
3. Recreational trails may satisfy part of the requirements of this ordinance for sidewalks or open space.
4. All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets.

f. Right-of-Way

1. Measurement: The right-of-way of a street shall be measured from lot line to lot line, and shall be wide enough to contain the cartway, curbs or shoulder, sidewalks and sidewalk setbacks, other necessary graded areas, and utilities.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

2. Any right-of-way that continues an existing street shall be no less than that of existing street.
3. The requirements for right-of-ways for functional categories of roads is set forth in Table 5-3.
4. Dedications: Dedications of right-of-way for collector, subcollector, community, or arterial streets shall be made consistent with the comprehensive development plan.

g. Street Design Standards

1. Pavement

(a) All streets shall be paved to current standards utilized in the City of Columbus except:

(1) Local streets in rural intensity residential subdivisions. In these settings, streets may utilize a travel or crushed rock surface of sufficient thickness and with an adequate base to provide a durable surface.

(2) Courts, which may utilize a minimum thickness of six-inch concrete, provided that such courts or lanes remain in private or private cooperative ownership.

(b) Street pavement thickness shall relate to the role of the street in the hierarchy, sub-grade conditions, and pavement type.

2. Continuity of Arterial or Collector Streets

No subdivision shall prevent the extension of arterial or collector streets through and beyond the subdivision. The subdivider may plan and design collector streets not designated in the Comprehensive Development Plan subject to the approval of the City Council.

3. Arterial Street Construction Alternate

Where the condition of the existing arterial roadway is in satisfactory condition, concrete, and constructed in accordance with the State of Nebraska Board of Classification and Standards, the developer may elect to pay a Public Infrastructure Improvement Impact Fee in lieu of improving the roadway, earthwork, storm sewer and other potential impacts of such improvements section at the time of development.

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4. Cul-de-sacs and Street Bulb-Outs

Cul-de-sac streets designed to have one end permanently closed shall not exceed 350 feet in length as measure from the radii points, unless a variance is granted. Cul-de-sacs designed with restricted vision from entrance to end shall be required to place a 'No Outlet' sign at the entrance of the Cul-de-sac road. The terminating end of a cul-de-sac shall have a minimum radius of 50 feet.

Street bulb-outs may be utilized on Local streets if approved by the City Engineer.

4. Street Intersections

(a) Streets shall intersect as nearly at right angles as possible, unless limited by topography, existing street alignments, or other clearly defined constraints. No street shall intersect any other street at less than 60 degrees.

(b) In most cases, no more than two streets should intersect at a single intersection.

(c) Local street intersections with major arterials should be avoided.

(d) New intersections along one side of an existing or proposed street shall align with intersections on the other side of the street. Offsets between adjacent intersections shall measure at least 125 feet between centerlines of any streets, major private road or commercial access. The use of T-intersections is encouraged on local streets within the interior of a subdivision. Mini roundabouts or other traffic calming features are also encouraged.

(e) Street intersections shall be rounded with a minimum radius of 20 feet on Local and Collector roads and a minimum radius of 30 feet on Minor and Other Arterial and Major Arterial roads. Larger radius comparable cutoffs or chords in place of rounded corners may be required on all types of Arterial roads.

(f) Intersections and driveways shall not be within 200-feet of all types of Arterial roadways, major roundabouts, or signalized intersections.

5. Block Size

(a) The length, widths, and shapes of blocks shall be suited to the proposed area land use and design of the proposed subdivision and area properties. Blocks within residential areas should generally not exceed 1200 feet in length, unless necessitated by exceptional topography or other demonstrable (non-financial) constraints.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

h. Street Names

No street names shall be used which will duplicate or be confused with the name of existing streets as approved by the City Engineer. Streets shall be named according to the following system subject to City Engineer and City Council approval:

<u>Street Direction and Type</u>	<u>Name</u>
North-South	Numbered Avenues
East-West	Numbered Streets
Short Streets at Angles	Lanes or Drives
Long Angle Arterial Streets	Parkway or Boulevard
Cul-de-sacs	Places
Intermediate Streets	Named Streets (if E-W) or Avenues (if N-S)
Private Streets	Court (East-West) and Plaza (North-South)

i. Adjacency to Arterials and Railroads

1. Where the subdivision is adjacent to or contains a street designated as a major arterial or expressway, provision shall be made for marginal access streets approximately parallel and adjacent to the boundary of such right-of-way. Design features may be necessary to provide adequate protection of residential property and separation of through and local traffic as determined by the City Engineer.
2. Where the subdivision is adjacent to or contains a railroad right-of-way or limited access highway, the City Engineer may require a street approximately parallel to and on each side of the right-of-way at a distance suitable for appropriate use of the intervening property. These distances shall afford opportunities for safe approach grades and future grade separations.

j. Prohibited Practices

The following design practices shall be prohibited:

1. Privately-owned reserve strips controlling access to streets.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

2. Half-streets.
3. Public alleys, except in a B1 zoning district.

4-4 Alleys

a. Applicability

Private alleys may be provided to supplement public roadways. Such private alleys may only connect to Local roads.

b. Alley Design

1. Minimum width of alleys shall be 20 feet.
2. Alley intersections and sharp changes in alignment shall be avoided.
3. Valley gutters may be used at alley and T-intersections.
4. Dead-end alleys shall be avoided if possible. If necessary, dead end alleys shall be provided with adequate turnaround facilities, as determined by the Planning Commission. All barricading and signage is the responsibility of the Developer.
5. Alley design in Commercial zones shall follow the National Fire Protection Agency requirements as administered by the Nebraska State Fire Marshall's Office.
6. Alley design in Residential zones or for residential uses shall follow the International Fire Code.

4-5 Lighting and Wiring

a. Street Lighting

1. Street lighting shall be provided along all streets in urban residential subdivisions or in any commercial or industrial subdivision, according to an approved lighting plan designed by the local public power utility company, or using guideline standards published in the Lighting Handbook of the Illuminating Engineering Society of North America. Lamps shall be light emitting diode (LED) and of type and manufacturer approved by the local public power utility.
2. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or a nuisance to residents. The design of lighting shall be appropriate to the development and to the City of Columbus.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

3. Lighting within the Airport Runway Protection Zone or Approach Zones may require FAA pre and post approval and Nebraska Department of Transportation Aeronautics Division approval.

b. Underground Wiring

1. All electric, telephone, television, cable TV, data, fiber optics, and other communication lines shall be provided by underground wiring within public easements or public right-of-way, except where in the opinion of the approving authorities, such location is not practical and feasible. Poles for permitted overhead lines shall be placed in rear lot line easements; or in other locations designed to lessen their visual impact.
2. New lots adjacent to existing overhead service may utilize that service; however, new local service connections shall be underground.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

TABLE 4-1: STREET HIERARCHY

Residential Street Type	Function	Guideline Maximum ADT
Private Drive (Private)	Street providing private or controlled access to no more than twelve housing units.	120-150
Local	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed.	250-1,000
Collector	Conducts and distributes traffic between local streets and major streets in the community. Carries larger volume of traffic. Residential collectors interconnect and provide through access between residential neighborhoods. Collector streets should preserve one through traffic lane in each direction, without encroachment by parking. Driveway access shall be minimized. Collectors may be eligible to use the city's Federal Funds Purchase Program funding.	1,000-5,000
Minor and Other Arterials	Provides community wide access between residential neighborhoods and to other activity centers in Columbus, including Downtown and major commercial facilities. Direct access may be provided to other arterial streets. Parking should generally be prohibited. Other arterials should be excluded from residential areas. Driveway access is not allowed. Minor and Other arterials may be eligible to use the city's Federal Fund Purchase Program funding.	5,000-15,000
Major Arterial	Inter-regional road in the street hierarchy. Conveys traffic between activity centers, often at high speeds and with limited access. Should be excluded from residential areas. Driveway access is not allowed. Major Arterials may be eligible to use the city's Federal Funds Purchase Program funding.	15,000+

TABLE 4-2: CARTWAY WIDTH

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

Street Type	Moving Lanes	Parking Restrictions	Total Width Measured back of curb to back of curb	Maximum Grade
Private Street (Private)	Two 12-foot	None, but must meet NFPA standards	24 feet	10%
Local	Two 12-foot	None	33 feet	10%
Collector	Two 12-foot through lanes	None, but must meeting NFPA standards	33 feet	10%
Minor and Other Arterials	Each through land 12-foot and/or Two 12-foot with one 14-foot center lane	No parking	41 feet	7%
Major Arterials	Three or more 12-foot	No parking	Minimum 41 feet	Meet design guidelines

Arterials

Arterial street width, including frontage roads, is determined by state standards, designation of individual street or roadway segment, and design by the City Engineer.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

TABLE 4-3: CURB, SIDEWALK, AND RIGHT-OF-WAY REQUIREMENTS

Street Type	Curb / Shoulder	Sidewalk	Sidewalk Setback	Total ROW
Private Street (Private)	Curb with 2-foot turf shoulder	Required	No Setback. Sidewalk to be located on the private street lot.	Minimum of 32 feet
Local - Rural	Minimum 6-foot turf	May Not be Required	NA	60 or 66 feet*
Local - Urban	Curb	Both sides	4 feet or 2 feet in cul-de-sacs	60 or 80 feet*
Collector	Curb	Required both sides	4 feet	60 or 80 feet
Minor or Other Arterial	Curb	Both Sides	4 feet or greater as approved by City Engineer	100 feet*

Arterials

Arterial right-of-way, design and width, including frontage roads, is determined by state standards, designation of individual street or roadway segment, and as determined by the City Engineer.

Right-of-way

Additional right-of-way triangular and curved at intersections may be required to meeting turning radii, sidewalks with ramps, utilities, traffic signals, and so forth.

CHAPTER 2, ARTICLE 5: IMPROVEMENTS AND INFRASTRUCTURE

5 ARTICLE FIVE

PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

5-1 Purpose

The purpose of this Article is to assure that all subdivisions developed in the City of Columbus and its jurisdiction are adequately furnished with necessary public services. These services include adequate water, waste management, and storm water drainage utilities; and park and open space resources.

5-2 Water

a. Connection

1. All installations shall be properly connected to an approved and functioning community water system and in accordance with any and all design and construction manuals.
2. Where City water is accessible within 300 feet of the final plat, the subdivider shall connect to the system and provide adequate lines and stubs to each lot. When City water is not accessible within 300 feet of the final plat, the subdivider shall make provision for a water supply acceptable to the City Engineer.
3. If a public water supply system is to be provided to an area within a six-year period, as indicated in an officially adopted document of the City, the Rural Water District, or other authorized agency, the City may require installation of a capped system or dry lines. Alternatively, the City may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision to a future public water supply.
4. All proposals for new water supplies, extensions, or main installation shall be approved by the appropriate public agency, including the State of Nebraska Department of Environment and Energy and the City of Columbus.
5. The Developer shall be responsible for the location of the Water and Sanitary Sewer service lines so that the purchaser of the lot can locate them. If the purchaser cannot locate the Water and Sanitary Sewer service lines, the Developer shall be responsible for determining their location including all costs. The Developer shall provide the City with an as-built drawing showing the location of all utility and service lines.
6. City of Columbus final approval of the system, and if applicable, the State Fire Marshall approval of the fire protection system, shall be obtained prior to issuance of building permit or final occupancy permit.

CHAPTER 2, ARTICLE 5: IMPROVEMENTS AND INFRASTRUCTURE

b. Capacity

1. The water supply system shall be adequate to handle the necessary flow, based on complete development of the subdivision.
2. The demand rates for all uses, including emergency fire demand, shall be included in the computation of total water demand.
3. Water mains shall be a minimum of six inches in residential and commercial zones and a minimum of eight inches in industrial zones, subject to a Developer provided study, which may be required by the City Engineer, Comprehensive Plan and/or Citywide Water Study which may increase the sizes required.
4. Hydrants spaced for necessary fire flow and provided with adequate means of drainage. All property shall be within 300 feet of a fire hydrant. Fire hydrants shall be placed at all intersections and ends of mains.
5. Water mains shall be looped to eliminate permanent or long standing dead end lines, including through cul-de-sacs.
6. Installation of water systems shall conform to Nebraska Department of Environment and Energy and community design standards in use within the City of Columbus.
7. All final plats shall include a certification from a registered State of Nebraska Professional Engineer that the water supply system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Nebraska Department of Environment and Energy, to the best of his/her knowledge and belief.

5-3 Sanitary Sewers

a. Connection

1. All installations shall be properly connected to an approved and functioning sanitary sewer system and in accordance with any and all design and construction manuals. .
2. Where City sanitary sewer is accessible within 300 feet of the final plat, the subdivider shall connect to the system and provide adequate lines and stubs to each lot. When City sanitary sewer is not accessible within 300 feet of the final plat, the subdivider shall make provision for a water supply acceptable to the City Engineer.
3. If the City creates a sanitary sewer extension district each benefiting property in accordance with State Statutes will have a special assessment. Special assessments shall be computed on the basis of proportionate costs and benefits of necessary

CHAPTER 2, ARTICLE 5: IMPROVEMENTS AND INFRASTRUCTURE

extensions including sanitary sewer lift stations. Assessments shall be made on an area basis of benefiting property.

4. If system is not in place or cannot be developed, the developer must provide individual subsurface disposal systems where appropriate, with design taking into consideration site density, soil, slope, and other conditions and obtains approval from the Nebraska Department of Environment and Energy. Subsurface or septic systems are not permissible on any lot created if the overall density of the subdivision is greater than one unit per 1.5 acres, if individual lots are smaller than one acre, if restricted by the Nebraska Department of Environment or Energy or any lot which has a property line which is within 300 feet of the public sanitary sewer system.
5. If a sanitary sewer system is to be provided to an area within a six-year period, as indicated in an officially adopted document of the City, the County, the Nebraska Department of Health, or other authorized agency, the City may require installation of a capped system or dry lines. Alternatively, the City may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision of a future sanitary sewer system.
6. All proposals for new public sanitary sewer systems or extensions of existing systems shall be approved by the appropriate public agencies including the State of Nebraska Department of Environment and Energy and the City of Columbus.
7. City of Columbus final approval of the system, and if applicable the State Electrical Inspector for the lift station system, shall be obtained prior to issuance of building permit or final occupancy permits.
8. The Developer shall be responsible for the location of the Water and Sanitary Sewer service lines so that the purchaser of the lot can locate them. If the purchaser cannot locate the Water and Sanitary Sewer service lines, the Developer shall be responsible for determining their location including all costs. The Developer shall provide the City with an as-built drawing showing the location of all utility and service lines.

b. Capacity

1. The sanitary sewer system shall be adequate to handle the necessary flow, based on complete development of the subdivision.
2. Installation of sanitary sewer systems shall conform to community design standards of the Nebraska Department of Environment and Energy and those in use within the City of Columbus.
3. Sanitary sewer mains shall be a minimum diameter of eight inches or as required in a developer provided study as may be required by the City Engineer, the City Comprehensive Plan and/or the Citywide Sewer Study.
4. Sanitary sewer manholes shall be a minimum of 54-inches in diameter and separation shall not be more than 350 feet and shall be placed at bends, main connections, end of mains and all service connections in diameter 6 inches and greater.

CHAPTER 2, ARTICLE 5: IMPROVEMENTS AND INFRASTRUCTURE

5. All final plats shall include a certification from a registered Professional Engineer that the sanitary sewer system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Nebraska Department of Environment and Energy, to the best of his/her knowledge and belief.

5-4 Storm Sewers and Storm Water Management

a. Design

1. All subdivisions shall have a storm water management and treatment system in accordance with the Storm Water Management Plan. This system shall be discussed at the pre-application meeting and shall address routing of storm waters after they leave the subdivision, as well as the available drainage courses or storm sewers in the immediate vicinity of the subdivision.
2. The design of the storm water management and treatment system shall be consistent with general and specific concerns and standards of the Comprehensive Development Plan and the drainage control programs of applicable public agencies. Design shall be based on environmentally sound site planning and engineering techniques.
3. To maximum degree possible, drainage from subdivisions shall conform to natural contours of land and not disturb pre-existing drainage ways.
4. Adjacent properties which may be burdened with surface waters should have the effects ameliorated as much as possible. Peak flow rates out of the subdivision or development shall not exceed pre-development rates.
5. Design shall use the best available technology to minimize off-site runoff, encourage natural filtration, simulate natural drainage, and minimize discharge of pollutants.
6. No surface or point source water may be channeled into a sanitary sewer system.
7. Where possible, a subdivision's drainage system shall coordinate with that of surrounding properties or streets.
8. The pre-application information should include drainage impacts and shall be discussed with the Building Official and members of the Planning Commission.
9. Storm sewer design shall be in accordance with the City's Stormwater Drainage Manual.

CHAPTER 2, ARTICLE 5: IMPROVEMENTS AND INFRASTRUCTURE

5-5 Easements

a. Utility Easements

Public easements for utilities shall be provided for in the subdivision dedication allowing for the construction, maintenance, repair, and replacement of such facilities as required by the utility companies.

b. Drainage or Environmental Easements

Where a subdivision is crossed by a watercourse, drainage way, channel, or stream, a storm water easement or a permanent drainage or environmental easement shall be provided, corresponding generally with the extent of such watercourse, together with any additional construction or expansion necessary to allow it to conduct and treat storm water adequately. Parallel streets or parkways may be utilized to preserve such drainage ways.

c. Other Easements

The subdivision shall provide easements for other public and private utilities that cross through it, in a form acceptable to the City or appropriate public agency.

5-6 Dedications

Before final plat approval is granted to the subdivision, dedications to public use of all streets, alleys, other public right-of-ways, easements, or other parks and public lands shall be completed as required by this Ordinance.

5-7 Public Infrastructure Improvement Impact Fee

a. Purpose

In the event infrastructure present is in a condition adequate to serve a proposed development, as determined by the City Engineer, the developer may elect to pay a public infrastructure improvement impact fee in lieu of making required public improvements.

1. Such fee shall be determined by the City Engineer based on most recent, similar construction type.
2. If an agreement is reached, details shall be included in the Development Agreement.

CHAPTER 2, ARTICLE 6: IMPROVEMENT PROCEDURES

6 ARTICLE SIX

IMPROVEMENT PROCEDURES

6-1 Purpose

The purpose of this Article is to ensure the proper installation and maintenance of required streets, utilities, and other improvements. The agreement for improvements shall be structured to provide adequate assurances to the City while not adding unnecessary costs to the developer.

6-2 Application

- a. This article applies to subdivisions which require the installation of streets, utilities, or other public improvements by the developer.
- b. As a condition of the final approval of the plat and prior to its recording with the Platte County Register of Deeds, the City Council shall require and accept the following:
 1. The furnishing of a performance bond, letter of credit, cash escrow, or other guarantee in a form acceptable to the City, in an amount not to exceed 120% of the estimated cost of the improvement installation.
 2. A specification of the time allowed for the installation of improvements. This period may be extended by the City Council.
 3. The performance guarantee amount and requirement, along with the permitted time for installation, shall be included within the Development Agreement negotiated between the City and the Developer and approved with the Final Plat.
 4. An Ordinance stating the requirements of the City can be used in lieu of Items 1, 2, and 3 above.

6-3 Pre-Construction Conference

- a. Prior to beginning construction the developer shall hold a pre-construction conference.
- b. In addition to the developer, attendance at the pre-construction conference shall include a representative from the design professional, city, general contractor, public and private utilities and others which have a direct or indirect interest in the projects successful completion.
- c. The developer is responsible for taking and providing minutes of the pre-construction conference to the city.

CHAPTER 2, ARTICLE 6: IMPROVEMENT PROCEDURES

6-4 Notification of Completion and Acceptance by City

a. Notification

Upon substantial completion of all required improvements, the developer shall notify the Administrative Official in writing, as well as submitting a certification from the project design professional Engineer, registered in the State of Nebraska, attesting to the adequacy of the installation.

b. Inspection and Acceptance

1. The Administrative Official or his/her designee shall reasonably observe all installations, and shall approve, partially approve, or disapprove of the installation.
2. If the installation is approved, the Administrative Official shall notify the Developer of acceptance in writing. Such acceptance shall release the developer from liability pursuant to the performance guarantee for the installation. The City has the right to retain up to 10% of the value of the performance guarantee for a period of up to one year from the date of acceptance to remedy any deficiencies which appear during that period.
3. If improvements are not accepted or not completed within the specified time, the performance guarantee shall be forfeited and used by the City to complete satisfactory installation of improvements.
4. Prior to acceptance by the City, the developer shall provide to the City an "As-Built Plan" of the infrastructure of the subdivision including, but not limited to, all water, sewer and storm sewer utilities and stormwater treatment facilities. An as-built plan shall include elevations of the post-construction stormwater treatment facility. No building permits or occupancy permits will be approved until such completed record drawing submittal is reviewed and approved.

1. Ordinance No. 20-32 adopting Unified Land Development Ordinance.

ORDINANCE NO. 20-32

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING AND REVISING THE EXISTING LAND DEVELOPMENT ORDINANCE OF THE CITY OF COLUMBUS, NEBRASKA, BY THE ADOPTION OF THE UNIFIED LAND DEVELOPMENT ORDINANCE, AS SET FORTH HEREIN; INCORPORATING CHAPTER 152, SWIMMING POOLS, INTO THE UNIFIED LAND DEVELOPMENT ORDINANCE; INCORPORATING THE UNIFIED LAND DEVELOPMENT ORDINANCE INTO THE COLUMBUS CITY CODE; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA that following the public hearings and recommendation from the Planning Commission:

Section 1. That the Columbus Unified Land Development Ordinance is hereby approved and adopted as follows:

The Unified Land Development Ordinance for the City of Columbus

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CHAPTER 1, ARTICLE 1: GENERAL PROVISIONS

1 ARTICLE ONE

GENERAL PROVISIONS

1-1 Title

Title 11 of the Columbus Municipal Code shall be known as the Unified Land Development Ordinance of the City of Columbus.

1-2 Jurisdiction

The provisions of this Chapter shall be applicable to all property within the corporate limits of the City of Columbus and its extra-territorial jurisdiction as authorized by Section 16-901, Revised Statutes of Nebraska, 1943. Except as limited by §16-901 of Nebraska Revised Statutes, 1943, all existing or future zoning regulations, property use regulations, building ordinances, electrical ordinances, plumbing ordinances and ordinances authorized by §16-240 of Nebraska Revised Statutes, 1943, shall apply to the area two miles beyond and adjacent to the City's corporate boundaries to the extent shown on the Extra-Territorial Jurisdiction Map, the City's official map, with the same force and effect as if such outlying area were within the corporate limits of the City of Columbus. Boundaries of the Extra-Territorial Jurisdiction established by this ordinance shall be shown on the Extra-Territorial Jurisdiction Map maintained by the City Engineer. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of and concurrent with this ordinance. The Extra-Territorial Jurisdiction may be changed from time to time following the extension of City boundaries either by annexation or by additions brought into the City pursuant to the Subdivision Code. Such changes shall be reflected on the Extra-Territorial Map. The City Clerk and Engineer shall keep a complete record of all changes to the Extra-Territorial Jurisdiction Map.

1-3 Purpose

The purposes of the Unified Land Development Ordinance of the City of Columbus are to:

- a. Serve the public health, safety, and general welfare of the city and its jurisdiction.
- b. Classify property in a manner that reflects its suitability for specific uses.
- c. Provide for sound, attractive development within the city and its jurisdiction.
- d. Encourage compatibility of adjacent land uses.
- e. Protect environmentally sensitive areas.
- f. Further the objectives of the Comprehensive Development Plan and Long Range Transportation Plan of the City of Columbus.

CHAPTER 1, ARTICLE 1: GENERAL PROVISIONS

1-4 Consistency with Comprehensive Development Plan and Long Range Transportation Plan

The City of Columbus intends that this Unified Land Development Ordinance and any amendments to it shall be consistent with the City's Comprehensive Development Plan and Long Range Transportation Plan. Should this Ordinance become inconsistent with the adopted Comprehensive Development Plan or Long Range Transportation Plan because of subsequent amendments to that plan, it is the City's intent to amend this Ordinance to bring it into conformance with the plans.

1-5 Conflicting Provisions

The Unified Land Development Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Unified Land Development Ordinance conflicts with any other provision of the Unified Land Development Ordinance, any other Ordinance of the City of Columbus, or any applicable State or Federal law, the more restrictive provision shall apply.

1-6 Relief from Other Provisions

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

1-7 Severability of Provisions

If any chapter, section, subsection, clause, or phrase of this Unified Land Development Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

CHAPTER 1, ARTICLE 2: DEFINITIONS

2 ARTICLE TWO

DEFINITIONS

2-1 Purpose

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Ordinance. The meaning and construction of words as set forth shall apply throughout the Zoning Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

2-2 General Construction of Language

The following general rules of construction apply to the text of the Zoning Ordinance.

a. Headings

Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, intent of any provision of the Zoning Ordinance.

b. Illustration

In the case of any real or apparent conflict between the text of this Ordinance and any illustration explaining the text, the text shall apply.

c. Shall and May

"Shall" is always mandatory. "May" is discretionary.

d. Tenses and Numbers

Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

e. Conjunctions

CHAPTER 1, ARTICLE 2: DEFINITIONS

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items or provisions apply.
2. "Or" indicates that the connected items or provisions may apply singly or in any combination.
3. "Either...or" indicates that the connected items or provisions shall apply singly but not in combination.

f. Referenced Agencies

Unless otherwise indicated, all public officials, bodies, and agencies referred to in this Chapter are those of the City of Columbus.

2-3 Definitions of Terms

For the purposes of this Zoning Ordinance, certain terms and words are hereby defined. Certain sections contain definitions which are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meanings or meanings implied by their context shall apply.

2-4 A

1. **Abutting:** Having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.
2. **Accessory Structure:** A structure which is incidental to and customarily associated with a specific principal use or building on the same site.
3. **Accessory Use:** A use which is incidental to and customarily associated with a specific principal use on the same site.
4. **Addition:** Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
5. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.

CHAPTER 1, ARTICLE 2: DEFINITIONS

6. Alley: A public right of way which is used as a secondary means of access to abutting property.
7. Alteration: Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
8. Apartment: A housing unit within a building designed for and suitable for occupancy by only one family.
9. Attached: Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; or archway.

2-5 **B**

1. Base District: A district established by this Ordinance to prescribe basic regulations governing use and site development. No more than one base district shall apply to the same portion of a site.
2. Basement: A level of a building below street level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.
3. Beginning of Construction: At the time the site is disturbed or altered for the project
4. Blockface: The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street or a major physical barrier, including, but not limited to, railroads, streams, lakes, the corporate limits of Columbus, or the Extra-territorial Jurisdiction of the City of Columbus.
5. Bufferyard: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
6. Building: A structure having a roof and built to provide shelter, support, or enclosure for persons or property.
7. Building Coverage: The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
8. Building Line: The outer boundary of a building established by the location of its exterior walls.
9. Building Official: The Community Development Director is responsible for supervision and operation of the building and land use regulations of the City of Columbus.
10. Business: Activities that include the exchange or manufacture of goods or services on a site.
11. Business Center: A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

2-6 **C**

CHAPTER 1, ARTICLE 2: DEFINITIONS

1. Certificate of Occupancy: An official certificate issued by the Building Official or his/her designee, indicating conformance with the zoning regulations and other applicable ordinances of the city and authorizing legal use of the premises for which it is issued.
2. Change of Use: The replacement of an existing use by a new use.
3. Cluster: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common area, or the preservation of historically or environmentally sensitive features.
4. City: The City of Columbus, Nebraska.
5. City Council: The City Council of Columbus, Nebraska.
6. Collector Street: A street connecting neighborhoods within Columbus and its Extra-territorial jurisdiction, designed to carry traffic from local to arterial streets.
7. Common Area: An area held, designed, and designated for common or cooperative use within a development.
8. Common Development: A development proposed and planned as one unified project not separated by a public street or alley.
9. Compatibility: The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
10. Comprehensive Plan: The duly adopted Comprehensive Development Plan of the City of Columbus.
11. Condominium: A real estate ownership arrangement that combines fee simple title to a specific unit and joint ownership in common elements shared with other unit owners. Types of units may include dwelling units, parking spaces, office spaces, or commercial spaces.
12. County: Platte County, Nebraska.
13. Private access: An approved private access easement which provides access to residential properties and meets the following conditions:
 - (a) Serves twelve or fewer housing units or platted lots.
 - (b) Does not function as a public street because of its alignment, design, or location.
 - (c) Is completely internal to a development.

CHAPTER 1, ARTICLE 2: DEFINITIONS

- (d) Provides approved emergency access to all properties.
- (e) Follow naming requirements (lane/court)

- 14. Courtyard: An open, unoccupied space, bounded on two or more sides by the walls of the building.
- 15. Creative Subdivision: A wholly or principally residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided the remaining land area is used for common area.

2-7 D

- 1. Density: The amount of development per specific unit of a site.
- 2. Drive-in-Services: Uses which involve the sale of products or provision of services to occupants in vehicles.
- 3. Detached: Fully separated from any other building or attached to another building in such a manner as not to constitute an enclosed or covered connection.
- 4. Driveway: A permanently surfaced area providing vehicular access between a street and an off-street parking or loading area.
- 5. Downtown Business District: Area bounded by 10th Street and 15th Street and 21st Avenue and 32nd Avenue, all public rights-of-way or portions thereof located within these boundaries, and all buildings or structures abutting, adjoining, or bordering the same.

2-8 E

- 1. Easement: A privilege or right of use granted on, above, under, or across a particular tract of land by one owner to others.
- 2. Enclosed: A roofed or covered space fully surrounded by walls.

2-9 F

- 1. Family: One (1) or more related persons living together and occupying a single dwelling unit with shared common living, sleeping, cooking, and eating facilities; or a group of non-related persons living together by joint agreement and occupying a single dwelling unit with shared common living, sleeping, cooking, and eating facilities on a non-profit, cost-sharing basis. A group of non-related persons shall consist of not more than three (3) persons in a dwelling unit containing two (2) bedrooms or less or a group of not more than four (4) persons living in a dwelling unit

CHAPTER 1, ARTICLE 2: DEFINITIONS

containing three (3) bedrooms or more. The following person shall be considered related for the purpose of this Ordinance:

- (a) Persons related by blood, marriage, or adoption;
 - (b) Persons residing with a family for the purpose of adoption;
 - (c) Not more than eight (8) persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska;
 - (d) Not more than eight (8) persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska;
 - (e) Person(s) living with a family at the direction of a court..
2. Federal: Pertaining to the Government of the United States of America.
 3. Floor Area Ratio: The quotient of gross floor area divided by gross site area.
 4. Frontage: The length of a property line of any one lot abutting and parallel to a public street or private access.

2-10 G

1. Grade: The elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.
2. Gross Floor Area: The total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, air spaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

2-11 H

1. Height: The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip, shed, or gambrel roofs. Where a building is located on a slope, height shall be measured from the average grade level adjacent to the building.
2. Home Occupation: An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.

CHAPTER 1, ARTICLE 2: DEFINITIONS

3. Housing Unit or Dwelling Unit: A building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.

2-12 I

1. Impervious Coverage: The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

2-13 J

2-14 K

1. Aerial Map: An orthoimage with a scale of not less than 1 inch to 600 feet showing the location of a development project or subdivision in reference to surrounding property. The map shall show existing lots, streets, public facilities, flood plain and floodway zones, natural features, city limit or Extra territorial jurisdiction lines. The area shown shall be sufficient to show how the proposed project or subdivision will fit into existing developments.

2-15 L

1. Landscaped Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, groundcover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily living landscape.

(a) Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site, or common development.

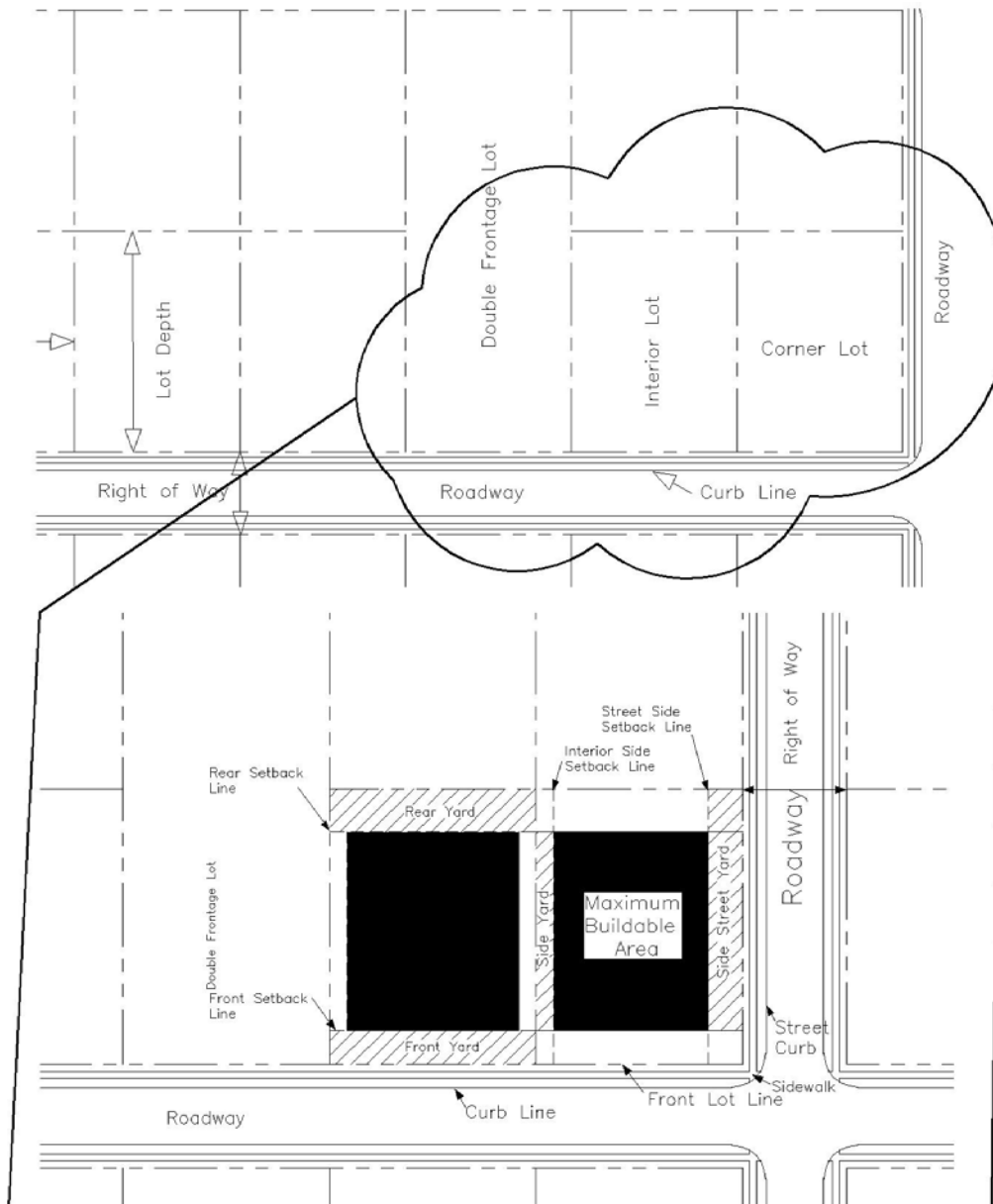
(b) Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.

2. Loading Area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.
3. Long Range Transportation Plan: Transportation Planning Document that discusses how Columbus will grow over the next two decades and identified transportation strategies to enable a more resilient and economically vibrant future.
4. Lot: A parcel of real property with a separate and distinct number or other designation shown on a plat, record or survey, parcel map, or subdivision map recorded in the office of the Platte County Register of Deeds. When a lot is used together with one or more contiguous lots in a common development, all of the lots used, including any lots used for off-street parking, shall be considered a single lot for purposes of these Zoning Regulations. A lot shall have a minimum frontage of 20 feet, except as provided in an approved Planned Unit Development and/or Creative Subdivision. See Figure 2 (a)

CHAPTER 1, ARTICLE 2: DEFINITIONS

- (a) Corner Lot: A lot located at the intersection of two streets, private access or on two segments of a curved street or private access forming an angle of no more than 135 degrees.
- (b) Double Frontage Lot: A lot, other than a corner lot, having frontage on two streets or private access easements.
- (c) Interior Lot: A lot other than a corner lot.

FIGURE 2 (a)



CHAPTER 1, ARTICLE 2: DEFINITIONS

5. Lot Area: The total horizontal area within the lot lines of a lot.
6. Lot Depth: The average horizontal distance between the front and rear lot lines.
7. Lot Line: The lines bounding a lot as herein defined.
 - (a) Front Lot Line: For an interior lot, the lot line separating the lot from the street or private access. For a residential corner lot, the building official may determine which lot line abutting a street or private access shall be the front lot line, or the front lot line may be designated as the front lot line on a subdivision plat or parcel map. For a non-residential corner lot, the lot line abutting a street or private access to which the principal building is oriented, or the line designated as the front lot line on a subdivision plat or parcel map.
 - (b) Rear Lot Line: The lot line which is opposite and most distant from the front lot line.
 - (c) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street or private access easement is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
8. Lot Width: The horizontal distance between the side lot lines, measured at the two points of intersection between the front yard setback line and the side lot lines.

2-16 **M**

1. Manufactured Home Dwelling: A factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axles; bears a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development; and which complies with the following architectural and aesthetic standards:
 - (a) The home shall have at least 900 square feet of floor area;
 - (b) The home shall have an exterior width of at least 18 feet;
 - (c) The roof shall be pitched with a maximum vertical rise of 2.5 inches for each 12 inches of horizontal run;
 - (d) The exterior material is of a color, material, and scale comparable with those existing in the residential site on which the manufactured home dwelling is being permanently installed;

CHAPTER 1, ARTICLE 2: DEFINITIONS

(e) The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile, or rock;

(f) Permanent utility connections shall be installed in accordance with local regulations;

(g) The home shall have all wheels, axles, transporting lights, and towing apparatus removed; and

(h) The home shall be installed upon a permanent foundation that is constructed and built in accordance with local regulations.

2. Mixed Use Building: A building or structure that incorporates two or more use types within it.
3. Mixed Use Development: A single development which incorporates two or more use types within its site boundaries.
4. Mobile Homes: A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Nebraska Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the U. S. Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings. Tiny Homes constructed on a permanent chassis or undercarriage shall be considered a mobile home.

2-17 **N**

1. Nonconforming Development: A building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Zoning Ordinance but which complied with applicable regulations at the time of construction.
2. Nonconforming Use: A lawful use of land, other than a sign, which does not comply with the use regulations for its zoning district set forth by this Zoning Ordinance but which complied with applicable regulations at the time the use was established.
3. Non-Traditional Residential Park: A unified development in which the development is under single ownership, developed, subdivided, planned, and improved for the placement of mobile and/or tiny home units for non-transient use. Mobile or Tiny Home Parks include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.
4. Non-Traditional Residential Subdivision: A unified development in which the development is under common or split ownership, subdivided, planned, and improved for the placement of housing units on lots. Mobile Non-Traditional Residential Subdivisions shall include common areas and facilities for parking, recreation, utility services, enclosed shelter; and may include

CHAPTER 1, ARTICLE 2: DEFINITIONS

facilities for management, laundry, storage and other services. Non-Traditional Residential Subdivisions may not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.

5. Nuisance: An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

2-18 Q

1. Off-Street Parking: Parking which must be provided on a site, but not within public right-of-way or property.
2. Open Space: Area included on any site, subdivision or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials.
3. Outdoor Storage: The storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.
4. Overlay District: A district established by this Ordinance to prescribe special regulations to be applied to a site or subdivision only in combination with a base district.
5. Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

2-19 P

1. Parking Facility: An area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures.
2. Parking Spaces: An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall". Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhome residential uses shall be considered to have a means of access to a public street.
3. Permitted Use: A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.
4. Personal Vehicles: This term includes passenger cars, vans, motorcycles, trucks, pick-up trucks, camper trailers, recreational vehicles, trailers under 40 feet in length and boats, which can be classified as personally owned.

CHAPTER 1, ARTICLE 2: DEFINITIONS

4. **Planned Unit Development:** A development of land which is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
5. **Porch, Unenclosed:** A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.
6. **Premises:** A tract of land consisting of one or more lots or sites which are contiguous and under common ownership or control.
7. **Private Drive or Road:** Access which is privately owned by one or more person, which has not been dedicated to the public but rather established by the property owner(s) for access to and from the drive or road connecting to the public street.
8. **Private Garage:** A building for the storage of motor vehicles where no repair or service facilities are maintained and where no motor vehicles are kept for rental or sale.
9. **Property Line:** The line separating parcels.

2-20 **R**

1. **Recreational Vehicle:** A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers; and van conversions.
2. **Residential convenience services:** Uses that are accessory to the primary residential use in the multi-family or Non-Traditional Residential District such as laundry services, solid waste, open recreational space, shared parking, etc.
3. **Regulation:** A specific requirement set forth by this Zoning Ordinance which must be followed.

2-21 **S**

1. **Screening:** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.
2. **Setback:** A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and setting forth the nearest that a building face may come to that lot line.

CHAPTER 1, ARTICLE 2: DEFINITIONS

3. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
4. Site: The parcel of land to be developed or built upon. A site may encompass a single lot, portion of a lot, or a group of lots developed as a common development. A site must be in one base district, and cannot be separated by a public street or alley. One structure or building may not be divided into more than one site for the purpose of zoning.
5. Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries and topography of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.
6. Special Permit Use: A use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Special permit uses are allowed in a zoning district only at the discretion of and with the explicit permission of the City Council, upon the recommendation of the Planning Commission.
7. State: The State of Nebraska.
8. Street: A right of way, dedicated to public use, which affords a primary means of access to the abutting property.
9. Street Level: First floor, which the floor elevation is at or above sidewalk elevation or adjacent ground.
10. Street, Local: A street which is used primarily for access to the abutting properties.
11. Street, Major: A street carrying traffic between neighborhoods, connecting neighborhoods with major activity centers, or accommodating major through traffic. Major streets are designated as collectors, arterials, or highways by the Comprehensive Development Plan and Long Range Transportation Plan.
12. Structure: That which is built or constructed above or below grade.

2-22 I

1. Tiny Home: A dwelling unit that is 400 square feet or less in floor area excluding lofts.
2. Townhouse: A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.
3. Townhouse Structure: A building formed by at least two and no more than twelve contiguous townhouses with common or abutting walls.

CHAPTER 1, ARTICLE 2: DEFINITIONS

2-23 U

1. Use: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.
2. Utilities: Installations, either above or below ground, necessary for the production, generation, transmission, delivery, collection, treatments, or storage of water, solid or fluid wastes, stormwater, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.

2-24 V

1. Value: The estimated cost to construct or replace a structure in kind, based on current costs.
2. Vehicle: Includes personal vehicles and recreational vehicles.

2-25 W

2-26 X

2-27 Y

1. Yard: A required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by this Zoning Ordinance.
 - (a) Front Yard: A required yard extending the full width of a lot, between the front lot line and the front setback line.
 - (b) Rear Yard: A required yard extending the full width of a lot, between the rear lot line and the rear setback line.
 - (c) Interior Side Yard: A required yard extending the depth of a lot from the front to rear lot lines, between the interior side lot line and the side setback line.
 - (d) Street Side Yard: On a corner lot, a required yard extending the depth of a lot from the front to rear lot lines, between the street side lot line and the street side setback line.

2-28 Z

1. Zoning District: A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Ordinance.

CHAPTER 1, ARTICLE 3: USE TYPES

3 ARTICLE THREE

USE TYPES

3-1 Purpose

Article Three shall be known as the Use Types. The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. The Use Types section also provides a procedure for determining the applicable use type of any activity not clearly within any defined use type.

3-2 Determinations

a. Classification of Uses

In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Building Official of the City of Columbus shall have the authority to determine the appropriate use type. A determination of the Building Official may be appealed to the Board of Adjustment. In making such determinations, the Building Official and the Board of Adjustment shall consider the operational and physical characteristics of the use in question and shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.

b. Records

The Building Official shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

3-3 Agricultural Use Types

Agricultural use types include the on-site production and sale of plant and animal products by agricultural methods.

a. Horticulture

The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

CHAPTER 1, ARTICLE 3: USE TYPES

b. Crop Production

The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

c. Animal Production

The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising or maintaining of animals for recreational use. Typical uses include grazing, ranching, dairy farming, and poultry farming.

d. Commercial Feedlots

The use of a site of more than 15,000 square feet for the confined feeding or holding of livestock or poultry which is not normally used for crop production or where grazing of natural vegetation is not the major feed source.

e. Livestock Sales

Use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns.

3-4 Residential Use Types

Residential use types include uses providing wholly or primarily non-transient living accommodations. They exclude institutional living arrangements providing 24-hour skilled nursing or medical care, forced residence, or therapeutic settings.

a. Single-Family Residential

The use of a site for one dwelling unit, occupied by one family, excluding a mobile home unit.

A single-family residential use in which one dwelling unit is located on one or more lots, with no physical or structural connection to any other dwelling unit. This includes manufactured homes, as defined in Section 2-16.

b. Two-Family Residential: Any residential use that serves two families, including but not limited to a 2-unit townhome, two detached single family units on a single lot or duplex.

CHAPTER 1, ARTICLE 3: USE TYPES

- c. Mixed-Use Residential: Attached residential living unit(s) within a building which includes non-residential use types. Example: Downtown apartments,
- d. Multiple-Family Residential: The use of a site for three or more dwelling units within one or more buildings.
- e. Group Residential: The use of a site for a residence by more than four unrelated persons, not defined as a family, on a weekly or longer basis.
- f. Non-Traditional Residential: Attached or Detached residential living units, such as: mobile homes, modular homes, tiny homes, container homes, etc.
- g. Retirement Residential: A building or group of buildings which provide residential facilities for more than four residents of at least fifty-five years of age, or households headed by a householder of at least fifty-five years of age. A retirement residence may provide a range of residential building types, and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences with more than 100 units may include additional health care supervision or nursing care, provided that the number of beds for such residences shall not exceed 25% of the total number of individual living units.

3-5 Office Use Types

Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

a. General Offices

Use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices.

b. Medical Offices

CHAPTER 1, ARTICLE 3: USE TYPES

Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar practitioners licensed for practice in the State of Nebraska.

3-6 Civic Use Types

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses.

a. Administration

Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.

b. Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

c. Clubs

Uses providing meeting, recreational, or social facilities for a private, non-profit or non-commercial association, primarily for use by members and guests.

d. College and University Facilities

An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.

e. Convalescent Services

A use providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.

f. Cultural Services

CHAPTER 1, ARTICLE 3: USE TYPES

A library, museum, or similar registered non-profit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

g. Day Care Services (Limited)

A facility, or use of a building or portion thereof, for day care of twelve (12) or less individuals and licensed by the State of Nebraska as a family child care home may be established and operated in any residential zone within the exercised zoning jurisdiction. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

h. Day Care Services (General)

A facility licensed by the State of Nebraska, or use of a building or portion thereof, for day care of more than twelve (12) individuals. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities and non-commercial day shelters.

i. Detention Facilities

A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community; or supervision while under program alternative to imprisonment, including but not limited to pre-release, work-release, and probationary programs.

j. Emergency Residential

A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

k. Group Care Facility

A facility licensed or approved by the State of Nebraska or other appropriate agency, which provides for the care and short or long-term, continuous multi-day/night occupancy of more than four unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses defined as group homes. Group Care Facilities include facilities which provide for the following:

CHAPTER 1, ARTICLE 3: USE TYPES

1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability;
2. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder, or of intellectual disability if such facility has an overnight occupancy of more than eight persons;
3. Rehabilitation from the effects of drug or alcohol abuse.

l. Group Home

A facility licensed by the State of Nebraska in which at least four but no more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purpose of adaptation to living with or rehabilitation from cerebral palsy, autism, or intellectual disability.

m. Guidance Services

A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.

n. Health Care

A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to out-patients, employees, or visitors.

o. Hospital

A facility providing medical, psychiatric, or surgical service for sick or injured persons including on an in-patient basis, including, but not limited to emergency treatment, air medical services, diagnostic services, training, administration, and services to patients, employees, or visitors.

p. Maintenance Facilities

A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or utility yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

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q. Non-Commercial Shelters

Facilities which are operated by non-profit organizations and which provide emergency or temporary services and accommodations for people who lack access to permanent housing.

Non-commercial shelters may provide accommodations on a daytime and/or overnight basis. Typical uses include urban missions and shelters for homeless people.

r. Park and Recreation Services

Publicly-owned and operated parks, playgrounds, recreation facilities, and open spaces.

s. Postal Facilities

Postal services, including post offices, bulk mail processing or sorting centers. Does not include distribution or shipping

t. Primary Educational Facilities

A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of Nebraska.

u. Public Assembly

Facilities owned and operated by a public agency or a charitable non-profit organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, incidental sales, and exhibition facilities.

v. Religious Assembly

A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto but excluding private primary or private secondary educational facilities, community recreational facilities, day-care facilities, and incidental parking facilities. A property tax exemption obtained pursuant to Property Tax Code of the State of Nebraska shall constitute *prima facie* evidence of religious assembly use.

w. Safety Services

CHAPTER 1, ARTICLE 3: USE TYPES

Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.

x. Secondary Educational Facilities

A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of Nebraska.

y. Storm Water Treatment Facilities

Drainage and Detention Facilities required at the time of development, such as ditches, wetlands, ponds or similar facilities utilized or constructed to meet requirements established by the City's Storm Water Management Plan.

z. Utilities

Any above ground structures or facilities, , used for the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land.

3-7 Commercial Use Types

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

a. Agricultural Sales and Service

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally-related services with incidental storage on lots other than where the service is rendered. Typical uses include garden or tree nurseries, farm implement dealerships, feed and grain stores, and tree service firms.

CHAPTER 1, ARTICLE 3: USE TYPES

b. Automotive and Equipment Services

Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

1. **Automotive Rental and Sales:** Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
2. **Auto Services:** Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
3. **Body Repair:** Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
4. **Equipment Rental and Sales:** Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
5. **Equipment Repair Services:** Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.
6. **Vehicle Storage:** Long-term storage of operating or non-operating vehicles. Typical uses include storage of private parking towaways or impound yards but exclude dismantling or salvage.

c. Bed and Breakfast

A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition bed and breakfasts are always owned and operated by the resident owner or resident manager of the structure, include no more than eight (8) units, and accommodate each guest or visitor for no more than seven(7) consecutive days during any one (1) month.

CHAPTER 1, ARTICLE 3: USE TYPES

d. Business Support Services

Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.

e. Business or Trade Schools

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

f. Campground

Facilities providing camping or parking areas and incidental services for recreational use for travelers in recreational vehicles or tents for 30 consecutive days or less. No permanent features, such as skirting, permanent hookup, etc, are allowed. .

g. Cocktail Lounge

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant.

h. Commercial Recreation

Private businesses or organizations, which may or may not be commercial in nature, primarily engaged in the provision of sports, entertainment, or recreation for participants and/or spectators. Typical uses include sports and recreation facilities, driving ranges, theaters, private dance halls, or private skating facilities.

i. Communications Services

Establishments primarily engaged in the provision of broadcasting and other services necessary to relay information, accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, or film, broadcasting and sound recording facilities.

CHAPTER 1, ARTICLE 3: USE TYPES

j. Construction Sales and Service

Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials or services used in the construction of buildings. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales; tool and equipment rental or sales; and electrical, plumbing, and mechanical contractors.

k. Convenience Storage

Storage services for goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

l. Crematory

A building or portion of a building which contains a cremation chamber and holding facility pursuant to the Cremation of Human Remains Act, Neb. Rev. Stat. §§71-1355 to 71-1385 along with cremation services as authorized thereunder.

m. Food Sales

Establishments or places of business primarily engaged in the retail sale of food or household products. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

1. Limited Food Sales: Establishments occupying facilities of 10,000 square feet or less; and characterized by sales of specialty foods or a limited variety of general items. Typical uses include convenience stores, delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores.
2. General Food Sales: Establishments selling a wide variety of food commodities, using facilities larger than 10,000 square feet or food sales uses of any size that include the accessory sale of fuel for motor vehicles. Typical uses include supermarkets and convenience stores.

n. Funeral Services

Establishments engaged in undertaking services such as preparing the human dead for burial (excluding crematory services), arranging and managing funerals. Typical uses include funeral homes or mortuaries.

CHAPTER 1, ARTICLE 3: USE TYPES

o. Gaming Facilities

Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities may include the accessory sale of liquor and food, pursuant to licensing regulations of the City of Columbus and the State of Nebraska.

p. General Retail Services

Sale or rental with incidental service of commonly-used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:

automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops. Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).

q. Kennels

Boarding and care services for dogs, cats, and similar small mammals or small birds used as pets; or any premises on which four or more animals included under this definition over six months of age are kept and maintained. Typical uses include boarding kennels, pet motels, or dog training centers.

r. Laundry Services

Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry, cleaning, and linen supply services.

s. Liquor Sales

Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

CHAPTER 1, ARTICLE 3: USE TYPES

t. Lodging

Lodging services involving the provision of room and/or board. Typical uses include hotels and motels. Also includes other rental housing such as Air Bed and Breakfast, Vacation Rental By Owner and other similar uses.

u. Personal Improvement Services

Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a non-professional nature. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

v. Personal Services

Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; or dry cleaning stations serving individuals and households; driving schools; health or physical fitness studios; reducing salons; dance studios; handicraft and hobby instruction.

w. Pet Services

Retail sales, incidental pet health services, and grooming and boarding, when primarily within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.

x. Research Services

Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.

y. Restaurants

A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 percent of the establishment's gross income.

CHAPTER 1, ARTICLE 3: USE TYPES

1. Restaurant (Drive-in or Fast Food): An establishment which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.
2. Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele. Typical uses include cafes, coffee shops, and restaurants.

z. Sexually Oriented Business

An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio or sexual encounter center; all as further defined in Article 14.

aa. Stables

Boarding, breeding or raising of horses, llamas, or other hooved animals which are not owned by the occupants of the premises; or for the purpose of riding animals included in this definition by members of the public other than the occupants of the premises or their non-paying guests. Typical uses include boarding stables and public stables.

bb. Surplus Sales

Businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets, factory outlets and discount businesses with outdoor display.

cc. Vehicle Storage

The use of a site for the medium- to long-term storage of vehicles which are either operable or may be made operable with reasonable repairs. Typical uses include auto storage lots, impound lots, or repair yards.

dd. Veterinary Services

Veterinary services and hospitals for animals. Typical uses include pet clinics, pet cemeteries and crematories, and veterinary hospitals for all animals.

CHAPTER 1, ARTICLE 3: USE TYPES

3-8 Parking Use Types

a. Off-Street Parking

Parking use types include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility.

b. Parking Structure

The use of a site for a multi-level building which provides for the parking of motor vehicles on a temporary basis, other than as an accessory to a principal use on the same site.

3-9 Industrial Use Types

Industrial use types include the on-site extraction or production of goods by non-agricultural methods, and the storage and distribution of products.

a. Construction Yards

Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites.

Typical uses are building contractor's yards.

b. Custom Manufacturing

Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

1. The use of hand tools, or
2. The use of domestic mechanical equipment not exceeding 2 horsepower, or
3. A single kiln not exceeding 8 KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, candle making shops, 3D Printing.

CHAPTER 1, ARTICLE 3: USE TYPES

c. Light Industry

Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops, and publishing houses.

d. General Industry

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.

e. Heavy Industry

Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials; except for those uses defined as Agricultural Industries.

f. Recycling Collection

Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

g. Recycling Processing

Any site which is used for the processing of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

h. Resource Extraction

A use involving on-site extraction of surface or subsurface mineral products or natural resources, including the removal of dirt, but excluding the grading of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, and mining.

CHAPTER 1, ARTICLE 3: USE TYPES

i. Salvage Services

Places of business primarily engaged in the storage, sale, dismantling, or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards, or paper salvage yards.

j. Warehousing

Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, or open storage.

3-10 Transportation Use Types

Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

a. Aviation Facilities

Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

b. Railroad Facilities

Railroad yards, equipment servicing facilities, and terminal facilities.

c. Transportation Terminal

A facility for the loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, and public transit facilities.

d. Truck Terminal

A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

CHAPTER 1, ARTICLE 3: USE TYPES

3-11 Miscellaneous Type Uses

a. Major Alternative Energy Production Devices

The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include ground mounted solar collector fields, geothermal energy installations serving more than one property, or water-powered mills or generating facilities.

Minor Alternative Energy Production Devices

The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include roof mounted solar collector units, geothermal energy installations serving a single property, or other alternative energy production devices that are minimally obtrusive for single property use.

b. Broadcasting/Receiving Tower

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

c. Construction Batch Plant

A permanent or temporary demountable facility used for the manufacturing of concrete, asphalt, or other paving materials intended for specific construction projects.

d. Wind Energy Conservation System (WECS)

Any device which converts wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.

e. Landfill (Non-Putrescible Solid Waste Disposal)

The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials, and ceramic tile.

CHAPTER 1, ARTICLE 3: USE TYPES

f. Landfill (Putrescible and Non-Putrescible Solid Waste Disposal)

The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Nebraska. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage), and manure.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

4 ARTICLE FOUR

ZONING DISTRICT REGULATIONS

4-1 Purpose

Article Four presents the Zoning District Regulations. Zoning Districts are established in the Zoning Ordinance to promote compatible land use patterns and to establish site development regulations appropriate to the purposes and specific nature of each district.

4-2 Establishment of Districts

The following base districts and overlay districts are hereby established. Table 4-1 displays the purposes of these districts.

BASE DISTRICTS

Map Code	District Name
AG	Agricultural District
RR	Rural Residential District
R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-3	Multiple-Family Residential District
NTR	Non-Traditional Residential District
O	Office District
LC	Limited Commercial District
UC	Urban Commercial District
B-1	Central Business District
B-2	General Commercial District
ML/C-1	Light Industrial District
MH	General Industrial District

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

OVERLAY DISTRICTS

Map Code	District Name
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FP/FW	Flood Plain/ Floodway Overlay District
PUD	Planned Unit Development Overlay District
HD	Historic District
ED	Environmental Resources District
A	Agricultural Overlay District

4-3 Application of Districts

A base district designation shall apply to each lot or site within the city and its planning jurisdiction. A site must be in one base district.

The Flood Plain/Floodway, Planned Unit Development, Historic, and Environmental Resources Overlay Districts may be applied to any lot or site or any portion thereof, in addition to a base district designation. The Agricultural Overlay District may be utilized only in combination with the RR or R-1 zoning districts.

4-4 Hierarchy

References in the Zoning Ordinance to less intensive or more intensive districts shall be deemed to refer to those agricultural, residential, commercial, and industrial base zoning districts established in Section 4-2, and shall represent a progression from the AG Agricultural District as the least intensive to the MH General Industrial District as the most intensive. The Overlay Districts shall not be included in this reference.

4-5 Development Regulations

The Development Regulations for each zoning district are set forth in Tables 4-2 and 4-3. Table 4-2 presents the uses permitted in each zoning district. Table 4-3 presents the Site Development Regulations for each zoning district.

Supplemental Regulations may affect specific land uses or development regulations in each zoning district. The applicable Supplemental Regulations are noted in Table 4-2.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

4-6 Zoning Map

a. Adoption of Zoning Map

Boundaries of zoning districts established by this Zoning Ordinance shall be shown on the Zoning Map maintained by the City Engineer. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with this Ordinance.

b. Changes to the Zoning Map

The Zoning Map may be changed from time to time by ordinance, following the procedure set forth by Article Twelve. Such changes shall be reflected on the Zoning Map. The City Clerk and Engineer shall keep a complete record of all changes to the Zoning Map.

4-7 Interpretation of District Boundaries

The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map.

- a. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be considered the district boundaries.
- b. Where district boundaries are indicated as within street or alley, railroad, or other identifiable rights-of-way, the centerline of such rights-of-way shall be considered the district boundary.
- c. Where a district boundary divides a property, the location of the boundary shall be determined by the use of the scale appearing on the Zoning Map if no legal description is available from the zoning action.
- d. The City Council shall determine any other uncertainty regarding district boundaries not covered in this section.

4-8 Vacation of Streets and Alleys

Whenever a public street or alley is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former centerline.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-1: Purposes of Zoning Districts

Symbol	Title	Purpose
AG	Agricultural District	The AG District provides for and preserves the agricultural and rural use of land, while accommodating very low density residential development generally associated with agricultural uses. The district is designed to maintain complete agricultural uses within the Columbus extraterritorial jurisdiction.
RR	Rural Residential	This district provides for very low density residential environments, accommodating developments that merge urban living with rural life and institutions which require a residential environment. It permits limited agricultural uses within these settings. The district's regulations assure that density is consistent with the carrying capacity of infrastructure.
R-1	Single-Family Residential	This district is intended to provide for low-density residential neighborhoods, characterized by single-family dwellings on large lots with supporting community facilities. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-2	Two-Family Residential	This district is intended to provide for medium-density residential neighborhoods, characterized by single-family dwellings and duplexes and two unit townhomes on small to moderately-sized lots with supporting community facilities. It provides special regulations to encourage innovative forms of housing development. It adapts to both established and developing neighborhoods, as well as transitional areas between single-family and multi-family neighborhoods. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-3	Multiple-Family Residential	This district is intended to provide locations for a variety of housing types, including multiple-family housing, with supporting and appropriate community facilities. The district integrates some appropriate non-residential uses by special use permit in order to develop fully urban, mixed use neighborhoods.
NTR	Non-Traditional Residential	This district recognizes that non-traditional residential development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home, tiny home and similar developments within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-1: Purposes of Zoning Districts

Symbol	Title	Purpose
O	Office District	This district reserves appropriately located area for office development and distinguishes office uses from other, more intensive commercial activities and to provide suitable office environments in the city. The office district is also designed to permit a mixture of uses that are compatible with office development and to facilitate planning for traffic generation.
LC	Limited Commercial	This district provides for neighborhood shopping facilities which serve the needs of residents of surrounding residential communities. The commercial and office uses permitted are generally compatible with nearby residential areas. Development regulations are designed to ensure compatibility in size, scale, and landscaping with nearby residences.
UC	Urban Commercial	This district is intended to address the special needs of mixed use neighborhoods that combine residential areas with nearby or adjacent office and commercial development. It permits uses that are mutually compatible. These districts are generally adjacent to major community arterials and, in some cases, include the use of residential properties for office and commercial purposes. The district's regulations recognize the urban and pedestrian character of these environments.
B-1	Central Business District	This district is intended to provide appropriate development regulations for Downtown Columbus. Mixed uses are encouraged within the B-1 District. The grouping of uses is designed to strengthen Downtown's role as a center for trade, service, and civic life.
B-2	General Commercial	This district provides for a variety of commercial, office, and service uses and is adapted to Columbus' largest commercial districts outside of Downtown. Uses and developments in the B-2 District may develop substantial traffic, creating potential land use conflict with adjacent residential neighborhoods. This district is most appropriate along arterials or in areas that can be well buffered from residential districts.
ML/C-1	Light Industrial District	This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.
MH	General Industrial District	This district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-2: Permitted Uses by Zoning District

P = Uses permitted by Right S = Uses permitted by Special Permit

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Agricultural Uses														
Horticulture	P	P												6-2(a)
Crop Production	P	P												6-2(a)
Animal Production	P	S												6-8(a) (6)
Commercial Feedlots	S													6-2(b)
Livestock Sales	P												S	
Residential Uses														
Single-Family Detached	P	P	P	P	P	P	S	S	P	S	S			
Duplex				P	P		P	S	P	S	S			
Two Family				P	P		P	S	P	S	S			6-3(a)
Townhouse				P	P		P	S	P	S	S			6-3(b)
Mixed-Use Residential							P	S	P	P*	P*			
Multiple-Family					P		P	S	P	P	P			6-3(e)
Group Residential					S		P	P	P	P				6-3(e)
Non-Traditional Residential						P								
Retirement Residential				S	P		P	S	P	P	S			
* Only above street level														

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-2: Permitted Uses by Zoning District

P = Uses permitted by Right S = Uses permitted by Special Permit

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Civic Uses														
Administration		S					P	P	P	P	P	P	P	
Cemetery	P	P	S		S									
Clubs	S	S	S	S	S	S	P	P	P	P	P			6-4(a)
College / University		S	S	S	P	S	S	P	P		P			
Convalescent Services					P		P	P	P					
Cultural Services		P	P	P	P	P	P	P	P	P	P	P		
Day Care (Limited)	P	P	P	P	P	P	P	P	P	P	P	S		
Day Care (General)		S/P*	S/P*	S/P*	P	S/P	P	P	P	P	P	S	S	6-4(b)
Detention Facilities	S									S	S	S		
Emergency Residential	P	P	P	P	P	P	P	P	P	P	S	S		
Group Care Facility	S	S	S	S	S	S	P	P	P	P	P	S		6-4(c)
Group Home	P	P	P	P	P	P	P	P	P	P	P			6-4(c)
Guidance Services					P		P	P	P	P	P	P	P	6-8(b)
Hospitals					S		P	S	S	S	P			
Health Care	S				P		P	P	P	P	P	P	P	6-8(b)
Maintenance Facilities	S	S									P	P	P	
Non-commercial Shelters										S	S		S	
Park and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal Facilities					S		P	P	P	P	P	P	P	
Primary Education		P	P	P	P	P	S	P	P	P	S			
Public Assembly							S	S	S	P	P			
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P	P	S	
Safety Services	P	P	P	P	P	P	P	P	P	P	P	P	P	

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Secondary Education		S	S	S	P	S	S	S	S	S	S			
Stormwater Treatment Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	

S/P* - P* is hereby defined as permitted if in compliance with Neb. Rev. Stat. § 43-2616. Neb. Rev. Stat. § 43-2616 provides that any family child care home licensed by the Department of Health and Human Services pursuant to Neb. Rev. Stat.

§ 71-1911 or by the City or County pursuant to Neb. Rev. Stat.

§ 71-1914(2) may be established and operated in any residential zone within the exercised zoning jurisdiction.

Table 4-2: Permitted Uses by Zoning District

P = Uses permitted by Right S = Uses permitted by Special Permit

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
Office Uses														
General Offices					S		P	P	P	P	P	P	P	
Medical Offices							P	S	P	P	P	P		
Commercial Uses														
Agricultural Sales/Service	S										P	P	P	
Automotive Rental/Sales										P	P	S		
Auto Services								S	S	P	P	P	P	6-5(a), 6-5(b)
Body Repair											S	P	P	6-5(a)
Crematory											S	S	P	6-5(f)
Equipment Rental/Sales										S	P	P	P	
Equipment Repair											P	P	P	6-5(a)
Vehicle Storage											S	P	P	
Bed & Breakfast			S	S	P		P	P	P	P	P			6-5(c)
Business Support Services							P	P	P	P	P	P	P	
Business/Trade Schools							S			P	P	P		
Camp Ground	P	S									S			6-5(d)

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Cocktail Lounge									P	P	S		
Commercial Recreation	S							S	P	P	P		
Communication Services						S	P	P	P	P	P	P	
Construction Sales and Service									P	P	P	P	
Consumer Services						S	P	P	P	P	P		
Convenience Storage	S	S								S	P	P	6-5(e)
Food Sales (Limited)				S			P	P	P	P	S		
Food Sales (General)							S	P	P	P	S		
Funeral Services						P	P	P	P	P			
General Retail Services						S	P	P	P	P	S		
Kennels	P	S								S	P		
Laundry Services									S	P	P	P	
Liquor Sales		S							P	P	S		
Lodging				S		S	S	P	P	P			

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-2: Permitted Uses by Zoning District

P = Uses permitted by Right S = Uses permitted by Special Permit

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/ C-1	MH	Supple- mentary Regulation
Commercial Uses														
Personal Services					S		P	P	P	P	P	P		
Pet Services								P	P	P	P	P		
Research Services	S							P	P	P	P	P		
Restaurants (Drive-In)									S		P	S		
Restaurants (General)							P	P	P	P	P	S		
Sexually Oriented Business												S		6-5(g)
Stables	P	S												
Surplus Sales										P	P	P	P	
Veterinary Services	S	S									P	P		
Gaming Facility										P	P			
Parking Uses														
Off-Street Parking			*S	*S	*S		S	S	S	P	P	P	P	Article 9
Parking Structure							S			P	P	P		

*Off-Street Parking in the R-1, R-2 and R-3 Zoning Districts must be in conjunction with Use Types permitted by right and/or in conjunction with Non-Parking Use Types that have been approved by a Special Use Permit.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-2: Permitted Uses by Zoning District

P = Uses permitted by Right S = Uses permitted by Special Permit

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/ C-1	MH	Supple- mentary Regulation
Industrial Uses														
Custom Manufacturing									P	P	P	P	P	
Light Industry										S	S	P	P	
General Industry												P	P	
Heavy Industry													P	
Resource Extraction	S	S											P	6-6(a)
Salvage Services													P	6-6(b)
Warehousing												P	P	
Construction Yards												P	P	
Recycling Collection											P	P	P	
Recycling Processing												P	P	
Transportation Uses														
Aviation	P												P	
Railroad Facilities										S	S	P	P	
Truck Terminal												P		
Transportation Terminal	S									P	P	P	P	
Miscellaneous Uses														
Broadcasting Tower	*S	*S	*S	*S	*S	*S		*S	*S		*S	*S	*S	
Construction Batch Plant	**S	**S										**S	P	
WECS (Wind Energy Conservation System)	P	P			S			S	S		S	P	P	
Landfill (Non-Putrescible)	S												S	

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Landfill (Putrescible)	S											S	
Major Alternative Energy Production Devices	P	P	S	S	S	S		S	S		S	P	P
Minor Alternative Energy Production Devices	P	P	P	P	P	P	P	P	P	P	P	P	P

* See Chapter 13 of the Zoning Code. Towers permitted under Section 5 of Chapter 13 or towers that are eligible for administrative approval under Section 6 of Chapter 13 are exempt from the Special Use Permit requirement. For all other towers, Special Use Permits shall be governed by Chapter 13 of the Zoning Code and, particularly, the procedures and criteria set forth in Section 7 thereof.

**** Temporary Construction Batch Plants Only.**

- Table 4-3(a): Site Development Regulations**

Regulator	AG	RR	R-1	R-2	R-3
Minimum Lot Area (square feet)	10 acres	1 acre	5,500	4,840/ 7,480 (5)	5,500
Minimum Lot Width (feet)	300	100	54	44(2)	50(2)
Minimum Site Area per Housing Unit (square feet)	10 acres	1 acre	5,500	4,840 (1 Family) 3,740 (other)	1,500 (3)
Minimum Yards (feet)					
Front Yard	50	50	20	20	20
Street Side Yard	25	25	20	20	20
Interior Side Yard	25	25	7	7(1)	7(4)
Rear Yard	35	35	25	25	20
Maximum Height (feet)	100	36	36(4,6)	36(4,6)	36(4,6)
Maximum Building Coverage	NA	NA	40%	40% (7)	50%

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Maximum Impervious Coverage	NA	NA	50%	55% (8)	65%
Floor Area Ratio	NA	NA	NA	NA	1.00

Note 1:

See Section 6 for supplemental regulations governing townhouse residential use types. Note 2:

See Section 6- for supplemental regulations regarding modifications of lot width for townhouse residential use type.

Note 3:

Density of multi-family residential may exceed this maximum, subject to approval of a Special Use Permit by the City Council, with the recommendation of the Planning Commission.

Note 4:

Dwellings may exceed the height limit by up to ten feet if the side yard is increased by the same amount as the added height.

Note 5:

5,500 square feet for single-family lots; 8,500 square feet for duplex or other residential lots.

Note 6:

Accessory buildings cannot be over 17.5 feet in height.

Note 7:

Maximum building coverage may be increased to 50%, subject to approval of a Special Use Permit by the City Council, with the recommendation of the Planning Commission.

Note 8:

Maximum impervious coverage may be increased to 65%, subject to approval of a Special Use Permit by the City Council, with the recommendation of the Planning Commission.

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Table 4-3(b): Site Development Regulations

Regulator	NTR Park	NTR Subdivision
Minimum Area to be developed	2 acres	2 acres
Minimum Lot Area (square feet)	1,000	2,000
Minimum Lot Width (feet)	20	24
Minimum Yards (feet)		
Front Yard	10	20
Street Side Yard	10	10
Interior Side Yard	5	5
Rear Yard	10	15
Maximum Height (feet)	14'8"	36
Maximum Building Coverage	50%	50%
Maximum Impervious Coverage	55%	65%
Shared Parking	1 space per lot	
Minimum Common Open Space (1)	20%	15%

Note 1: Stormwater treatment facilities may be included in Common Open Space provided required recreation space is still provided.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3(a): Site Development Regulations

Regulator	O*	LC*	UC*	B-1	B-2*
Minimum Lot Area (square feet)	5,000	5,000	5,000	NONE	5,500
Minimum Lot Width (feet)	50	50	50	NONE	50
Site Area per Housing Unit (square feet)	2,000(3)	2,000(3)	2,000(3)	500	2,000(3)
Minimum Yards (feet)					
Front Yard	20	20	15	0	10
Street Side Yard	20	20	10	0	10
Interior Side Yard	10	10	10	0	0
Rear Yard	20	20	20	0	20
Maximum Height (feet)	48	36	36	NO LIMIT	60
Maximum Building Coverage	50%	50%	50%	100%	70%
Maximum Impervious Coverage	70%	70%	80%	100%	90%
Floor Area Ratio	0.50	0.50	0.50	5.0	1.0

*Uses in the O, LC, UC, B-2, ML/C-1, and MH Districts are subject to landscape and screening provisions contained in Article 8.

Note 3:

Density of multi-family residential may exceed this maximum, subject to approval of a Special Use Permit by the City Council with the recommendation of the Planning Commission.

CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

Table 4-3(b): Site Development Regulations

Regulator	ML/C-1*	MH*
Minimum Lot Area (square feet)	5,000	5,000
Minimum Lot Width (feet)	50	50
Site Area per Housing Unit (square feet)	NA	NA
Minimum Yards (feet)		
Front Yard	15	0
Street Side Yard	10	0
Interior Side Yard	0	0
Rear Yard	10	10
Maximum Height (feet)	72	NONE
Maximum Building Coverage	70%	85%
Maximum Impervious Coverage	90%	100%
Floor Area Ratio	1.0	2.0

CHAPTER 1, ARTICLE 5: SPECIAL AND OVERLAY DISTRICTS

5 ARTICLE FIVE

OVERLAY DISTRICTS

5-1 General Purpose

Overlay Districts are used in combination with base districts to modify or expand base district regulations. Overlay Districts are adapted to special needs of different parts of the City of Columbus.

The Overlay Districts are designed to achieve the following objectives:

- a. To recognize special conditions in specific parts of the City which require specific regulation;
- b. To provide flexibility in development and to encourage innovative design through comprehensively planned projects.

PUD: PLANNED UNIT DEVELOPMENT DISTRICT

5-2 Purpose

The PUD Planned Unit Development Overlay District is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment. The PUD District may be used in combination with any base district specified in this Ordinance. The PUD District, which is adopted by the City Council with the recommendation of the Planning Commission, assures specific development standards for each designated project.

5-3 Permitted Uses

- a. Uses permitted in a PUD Overlay District are those permitted in the underlying base district.

5-4 Site Development Regulations

Site Development Regulations are developed individually for each Planned Unit Development District but must comply with minimum or maximum standards established for the base district, with the following exceptions:

CHAPTER 1, ARTICLE 5: SPECIAL AND OVERLAY DISTRICTS

- a. Lot area and lot width are not restricted, provided that the maximum density allowed for each base district is not exceeded;
- b. Maximum building coverage shall be the smaller of the allowed building coverage in the base district, or 60 percent.

5-5 Access to Public Streets

Each PUD District must abut a public street for at least 60 feet and gain access from that street.

5-6 Application Process

a. Development Plan

The application for a Planned Unit Development District shall include a Development Plan containing the following information:

1. A tract map, showing site boundaries, street lines, lot lines, easements, and proposed dedications or vacations; and a key map;
2. A land use plan designating specific uses for the site and establishing site development regulations, including setback height, building coverage, impervious coverage, density, and floor area ratio requirements;
3. A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans;
4. A circulation plan, including location of existing and proposed vehicular and pedestrian, facilities and location and general design of parking and loading facilities;
5. Schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, and general architectural design;
6. A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.

5-7 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each Planned Unit Development application. The City may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.

CHAPTER 1, ARTICLE 5: SPECIAL AND OVERLAY DISTRICTS

- c. The Planning Commission may recommend amendments to PUD district applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a PUD Planned Unit Development Overlay District. Proper notice shall mean the same notice established for any other zoning amendment.
- f. Upon approval by the City Council, the Development Plan shall become a part of the Ordinance creating or amending the PUD District. All approved plans shall be filed with the City Clerk.

5-8 Amendment Procedure

- a. Major amendments to the Development Plan must be approved according to the same procedure set forth in Section 5-7.

5-9 Building Permits

The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a PUD District unless it is in compliance with the approved Development Plan or any approved amendments.

5-10 Termination of PUD District

If no substantial development has taken place in a Planned Unit Development District for three years following approval of the District, the Planning Board shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

CCD: CREATIVE CLUSTER DEVELOPMENT

5-11 Purpose

The CCD Creative Cluster Development provides a design alternative that provide greater flexibility in subdivision design and design and build developments that are considerate of special natural or artificial features.

5-12 Permitted Uses

- a. Residential uses permitted in a CCD Overlay District are those permitted in the underlying base district.

CHAPTER 1, ARTICLE 5: SPECIAL AND OVERLAY DISTRICTS

5-13 Site Development Regulations

Site Development Regulations comply with the overall density requirements of a zoning district, but allow internal variations of such standards as lot size, and setbacks in order to encourage innovative or economical development or protect natural features and open space without loss of economic yield to the developer.

- a. Cluster subdivisions allow the clustering or grouping of residential lots in order to provide common open space.
- b. Cluster Subdivisions may be developed and approved subject to the following standards and variations:
 - (1) The overall density of subdivision complies with the zoning district that contains the final subdivision. A subdivider may apply for a rezoning simultaneously with the plat approval process.
 - (2) Individual lot size dimensions, including lot width, may be reduced to 60% of requirement of zoning district. Any savings on lot size shall be devoted to common open space or other approved community facilities.
 - (3) Lot setbacks may be varied from those otherwise specified for the zoning district. Setback limits must be established on the preliminary and final plat. The setback from any garage entrance to any circulation way must be at least 20 feet.
 - (4) Street or right-of-way widths set forth in Article Five may be varied within for local streets within Cluster Subdivisions, subject to the sole discretion of the approving authorities.
 - (5) Articles of incorporation or covenants for a homeowners' association or other provision assuring maintenance or operation of all common spaces shall be submitted with subdivision application.

5-14 Access to Public Streets

Each CCD District must abut a public street for at least 60 feet and gain access from that street.

5-15 Application Process

a. Development Plan

The application for a Creative Cluster Development District shall include a Development Plan containing the following information:

1. A tract map, showing site boundaries, street lines, lot lines, easements, and proposed dedications or vacations; and a key map;

CHAPTER 1, ARTICLE 5: SPECIAL AND OVERLAY DISTRICTS

2. A land use plan designating specific uses for the site and establishing site development regulations, including setback height, building coverage, impervious coverage, density, and floor area ratio requirements;
3. A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans;
4. A circulation plan, including location of existing and proposed vehicular and pedestrian, facilities and location and general design of parking and loading facilities;
5. Schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, and general architectural design;
6. A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.

5-16 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each Creative Cluster Development application. The City may impose reasonable conditions, as deemed necessary to ensure that a CCD shall be compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to CCD district applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a CCD Creative Cluster Development Overlay District. Proper notice shall mean the same notice established for any other zoning amendment.
- f. Upon approval by the City Council, the Development Plan shall become a part of the Ordinance creating or amending the CCD District. All approved plans shall be filed with the City Clerk.

5-17 Amendment Procedure

- b. Major amendments to the Development Plan must be approved according to the same procedure set forth in Section 5-7.

CHAPTER 1, ARTICLE 5: SPECIAL AND OVERLAY DISTRICTS

5-18 Building Permits

The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a CCD District unless it is in compliance with the approved Development Plan or any approved amendments.

5-19 Termination of CCD District

If no substantial development has taken place in a Creative Cluster Development District for three years following approval of the District, the Planning Commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

ED: ENVIRONMENTAL RESOURCES DISTRICT

5-20 Purpose

The ED Environmental Resources Overlay District enables the adoption of special performance standards in combination with site development regulations of a base district for areas of special environmental significance or sensitivity. These areas include hill environments; wetlands; forested areas; areas with unique soil or drainage characteristics; lake, river, or creek districts; and other areas with special environmental characteristics.

5-21 Procedure for Adoption

a. Proposal

The creation of an ED Environmental Resources Overlay District may be initiated by the Planning Commission or the City Council.

b. Requirements for Application

An application for the creation of an ED Overlay District must include:

1. A statement describing the proposed district's special environmental characteristics and stating the reasons for proposal of the district;
2. A map indicating the boundaries of the proposed ED Overlay District, specifying the base district(s) included within these boundaries;
3. Supplemental site development regulations and performance standards that apply to the proposed district.

5-22 Adoption of District

CHAPTER 1, ARTICLE 5: SPECIAL AND OVERLAY DISTRICTS

- a. The Planning Commission and City Council shall review and evaluate each ED Overlay District application.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to ED District applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing an ED Environmental Resources Overlay District.
- f. The Ordinance adopting the ED District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.
- g. Upon approval by the City Council, each ED Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.
- h. Any protest against an ED Overlay District shall be made and filed as provided by Section 14-405, Revised Statutes of Nebraska, 1943, and amendments thereto.

5-23 Building Permits

Building or other development permits issued by the City in an ED District shall be consistent with the adopted ED District Ordinance.

HD: HISTORIC DISTRICT

5-24 Purpose

The HD Historic Overlay District enables the adoption of special performance and development standards in combination with site development regulations of a base district for areas of special historical or architectural significance within the City of Columbus. The District recognizes the importance of historically and architecturally significant districts to the character of Columbus and provides for their conservation.

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5-25 Procedure for Adoption

a. Proposal

The creation of an HD Historic Overlay District may be initiated by the Planning Commission; the City Council; or by petition of the owner or owners of 51% of the property area within the proposed district.

b. Requirements for Application

An application for the creation of an HD Overlay District must include:

1. A statement describing the proposed district's special historical or architectural characteristics and stating the reasons for proposal of the district;
2. A map indicating the boundaries of the proposed HD Overlay District, specifying the base district(s) included within these boundaries;
3. An inventory of the buildings or historically important sites located within the boundaries of the proposed district;
4. Supplemental site development regulations, design criteria, and performance standards that apply to the proposed district.

5-26 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each HD Overlay District application.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to HD District applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing an HD Historic Overlay District.
- f. The Ordinance adopting the HD District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.

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- g. Upon approval by the City Council, each HD Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.
- h. Any protest against an HD Overlay District shall be made and filed as provided by Section 14-405, Revised Statutes of Nebraska, 1943, and amendments thereto.

5-27 Building Permits

Building or other development permits issued by the City in an HD District shall follow procedures for review and approval established within the City's Landmarks Preservation Ordinance.

5-28 Statutory Authorization, Finding of Fact and Purposes

a. Statutory Authorization

The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety, general welfare, and property of the people of the state. The Legislature, in *Nebraska Revised Statutes* Sections 31-1001 to 31-1023 (as amended), has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city, or village with zoning jurisdiction over the flood prone area. Therefore the City Council of Columbus, Nebraska ordains as follows:

b. Finding of Fact

1. Flood Losses Resulting from Periodic Inundation

The flood hazard areas of Columbus, Nebraska are subject to inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. General Causes of the Flood Losses

These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities as well as the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise unprotected from flood damages.

c. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 1.2 by applying the provisions of this ordinance to:

- 1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- 2. Require that uses vulnerable to floods, including public facilities that service such uses, be provided with flood protection at the time of initial construction.
- 3. Reduce financial burdens from flood damage borne by the community, its governmental units, its residents, and its businesses by preventing excessive and unsafe development in areas

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subject to flooding.

4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance from the National Flood Insurance Program.

d. Adherence to Regulations

The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the Nebraska Minimum Standards for Floodplain Management Programs as published in the Nebraska Administrative Code Title 455, Chapter 1.

5-29 General Provisions

a. Lands to which Ordinance applies

This ordinance shall apply to all lands within the jurisdictions of the City of Columbus, Nebraska, identified on the Flood Insurance Rate Map (FIRM) panels 3114C0310E, 3114C03020E, 3114C0330E, 3114C0335E, 3114C0340, and 3114C0345E dated April 19, 2010, as Zones A, A1-30, AE, AO, or AH and within the Zoning Districts FW and FF established in Section 3.0 of this ordinance. In all areas covered by this ordinance, no development shall be allowed except upon the issuance of a floodplain development permit to develop, granted by the floodplain administrator or the governing body under such safeguards and restrictions as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections 4.0 and 5.0.

b. Rules for Interpretation of District Boundaries

The boundaries of the floodway and the flood fringe overlay districts shall be determined by scaling distances on the official zoning map of the effective Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the zoning or other community map, the floodplain administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit their own technical evidence, if so desired.

c. Compliance

Within identified floodplains of this community, no development shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

d. Abrogation and Greater Restrictions

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This ordinance does not intend to repeal, abrogate, or impair any existent easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

e. Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

f. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This ordinance shall not create liability on the part of City of Columbus or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

g. Severability

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

5-30 Establishment of Zoning Districts

Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: a floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study dated April 19, 2010, and on accompanying FIRM panels as established in Section 2.1. The flood fringe overlay district shall correspond to flood zones A, AE, A1-30, AH, AO, AR, A99, and floodway areas in Zone AE that are identified on FIRM panels. The floodway overlay district shall correspond to the floodway areas in Zone AE that are identified on the FIRM panels. Within these districts, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

5-31 Floodplain Management Administration

Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe

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overlay district (FF) as identified by the Flood Insurance Study [and accompany map(s)]. The floodway overlay district (FW) is identified by the flood insurance rate map dated April 19, 2010. Within these districts, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

a. Designation of Floodplain Administrator

The City Engineer of the community is hereby designated as the community's local floodplain administrator. The floodplain administrator is authorized and directed to administer, implement, and enforce all provisions of this ordinance. If the local floodplain administrator position is unfilled, the community CEO shall assume the duties and responsibilities herein.

b. Permits Required

A floodplain development permit shall be required before any development, construction, or substantial improvement is undertaken. No person, firm, corporation, government agency, or other entity shall initiate any floodplain development without first obtaining a floodplain development permit.

c. Duties of Floodplain Administrator

Duties of the City Engineer shall include, but not be limited to the following:

1. Review, approve, or deny all applications for floodplain development permits.
2. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
3. Review applications for proposed development to assure that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.
4. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
5. Notify adjacent communities and the Nebraska Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
6. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.
7. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures in the floodplain.
8. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) to which all new or substantially improved structures have been floodproofed.
9. Verify, record, and maintain record of all improved or damaged structures to ensure compliance with standards in applicable sections. Track value of improvements and market value with permits. Also, ensure consistent market value estimations to evaluate against damaged or improved values.
10. Ensure comprehensive development plan as amended is consistent with this ordinance.
11. In the event the floodplain administrator discovers work done that does not comply with applicable laws or ordinances, the floodplain administrator shall revoke the permit and work

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to correct any possible violation in accordance with this ordinance.

- d. Application for Permit and Demonstration of Compliance
 1. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
 - (a) Identify and describe the proposed development and estimated cost to be covered by the floodplain development permit.
 - (b) Describe the land on which the proposed development is to be done by lot, block, tract, and house and streets address, or similar description that will readily identify and definitely locate the proposed building or development.
 - (c) Indicate the use or occupancy for which the proposed development is intended.
 - (d) Be accompanied by plans and specifications for proposed construction.
 - (e) Be signed by the permittee and authorized agent who may be required to submit evidence to indicate such authority.
 2. If any proposed development is located entirely or partially within a floodplain, applicants shall provide all information in sufficient detail and clarity to enable the floodplain administrator to determine that:
 - (a) All such proposals are consistent with the need to minimize flood damage;
 - (b) All utilities and facilities such as sewer, gas, water, electrical, and other systems are located and constructed to minimize or eliminate flood damage;
 - (c) Structures will be anchored to prevent flotation, collapse, or lateral movement;
 - (d) Construction materials are flood resistant;
 - (e) Appropriate practices to minimize flood damage have been utilized; and
 - (f) Electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities have been designed and located to prevent entry of floodwaters.
 3. For all new and substantially improved structures, an elevation certificate based upon the finished construction certifying the elevation of the lowest floor, including basement, and other relevant building components shall be provided to the floodplain administrator and be completed by a licensed surveyor, engineer, or architect.
 4. When floodproofing is utilized for an applicable structure, a floodproofing certificate shall be provided to the floodplain administrator and be completed by a licensed professional engineer or architect.
 5. For all development proposed in the floodway, no-rise certification shall be provided to the floodplain administrator and be completed by a licensed professional engineer.
 6. Any other such information as reasonably may be required by the City Engineer shall be provided.
 7. Letters of Map Revision: Federal regulations in Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.5 and 65.6 allow for changes to the special flood hazard area through a Letter of Map Revision (LOMR) or a Letter of Map Revision Based on Fill (LOMR-F), provided the community determines that the land and any existing or proposed structures that would be removed from the floodplain are "reasonably safe from flooding." The community acknowledgement form asserting this is required for LOMR and LOMR-F applications and must be signed by the floodplain administrator. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
 - (a) Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.
 - (b) Applicant shall demonstrate that the property and any existing or proposed structures will be "reasonably safe from flooding," according to the minimum design standards in FEMA Technical Bulletin 10-01.
 - (c) All requirements listed in the Simplified Approach in FEMA Technical Bulletin 10-01 shall be met and documentation from a registered professional engineer shall be provided. If all of these requirements are not met, applicant must provide documentation in line with the Engineered Approach outlined in FEMA Technical Bulletin 10-01.]

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e. Flood Data Required

1. All Zone A areas on the FIRM are subject to inundation of the base flood; however, the base flood elevations are not provided. Zone A areas shall be subject to all development provisions of this ordinance. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state, or other sources, including from a study commissioned by the applicant pursuant to best technical practices.
2. Until a floodway has been designated, no development or substantial improvement may be permitted within the floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown in the Flood Insurance Study or on base flood elevation determinations.

f. Variances and Appeals

1. Variance and Appeals Procedures

- (a) The Board of Adjustment as established by City of Columbus shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (b) The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Engineer in the enforcement or administration of this ordinance.
- (c) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided in *Nebraska Revised Statutes* Section 23-168 (for counties) and *Nebraska Revised Statutes* Section 19-192 (for municipalities).
- (d) In evaluating such appeals and requests, the Board of Adjustment shall consider technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:
 - i. The danger to life and property due to flooding or erosion damage;
 - ii. The danger that materials may be swept onto other lands to the injury of others;
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner, future owners, and neighboring properties;
 - iv. The importance of the services provided by the proposed facility to the community;
 - v. The necessity of the facility to have a waterfront location, where applicable;
 - vi. The availability of alternative locations that are not subject to flooding or erosion damage for the proposed use;
 - vii. The compatibility of the proposed use with existing and anticipated development;
 - viii. The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;
 - ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
 - xi. The costs of providing government services during and after flood conditions including emergency management services and maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

2. Conditions for Variances

- (a) Variances shall only be issued upon a showing of good and sufficient cause and also upon a determination that failure to grant the variance would result in an exceptional hardship to the

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applicant.

- (b) Variances shall only be issued based upon a determination that the granting of a variance will not result in increased flood heights.
- (c) Variances shall only be issued based upon a determination that the granting of a variance will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (d) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items E-I below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (e) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure on the National Register of Historic Places and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (f) Variances shall not be issued within any designated floodway if any increase in water surface elevations along the floodway profile during the base flood discharge would result.
- (g) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (h) The applicant shall be given a written notice over the signature of a community that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and also that such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
- (i) All requests for variances and associated actions and documents, including justification for their issuance, shall be maintained by the community.

g. Enforcement

1. Violations

Failure to obtain a floodplain development permit or the failure of a structure or other development to be fully compliant with the provisions of this ordinance shall constitute a violation. A structure or other development without a floodplain development permit, elevation certificate, certification by a licensed professional engineer of compliance with these regulations, or other evidence of compliance is presumed to be in violation until such time as documentation is provided.

2. Notices

When the floodplain administrator or other authorized community representative determines, based on reasonable grounds, that there has been a violation of the provisions of this ordinance, the floodplain administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

- (a) Be in writing;
- (b) Include an explanation of the alleged violation;
- (c) Allow a reasonable time for the performance of any remedial act required;
- (d) Be served upon the property owner or their agent as the case may require; and

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- (e) Contain an outline of remedial actions that, if taken, will bring the development into compliance with the provisions of this ordinance.

3. Penalties

- (a) Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person, firm, corporate, or other entity that violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 , and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- (b) The imposition of such fines or penalties for any violation or non-compliance with this ordinance shall not excuse the violation or non-compliance or allow it to continue. All such violations or non-compliant actions shall be remedied within an established and reasonable time.
- (c) Nothing herein contained shall prevent the City of Columbus or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

5-32 Standards for Floodplain Development

a. General Provisions

1. Alteration or Relocation of a Watercourse

- (a) A watercourse or drainway shall not be altered or relocated in any way that in the event of a base flood or more frequent flood will alter the flood carrying characteristics of the watercourse or drainway to the detriment of upstream, downstream, or adjacent locations.
- (b) No alteration or relocation shall be made until all adjacent communities that may be affected by such action and the Nebraska Department of Natural Resources have been notified and all applicable permits obtained. Evidence of such notification shall be submitted to the Federal Emergency Management Agency.

2. Encroachments

- (a) When proposing to permit any of the following encroachments, the standards in Section 5.1 (B) (ii) shall apply:
 - i. Any development that will cause a rise in the base flood elevations within the floodway; or
 - ii. Any development in Zones A, A1-30, and Zone AE without a designated floodway that will cause a rise of more than one foot in the base flood elevation; or
 - iii. Alteration or relocation of a stream; then
- (b) The applicant shall:
 - i. Apply to FEMA for conditional approval of such action via the Conditional Letter of Map Revision process (as per Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.12) prior to the permit for the encroachments; and
 - ii. Supply the fully approved package to the floodplain administrator including any required notifications to potentially affected property owners.

3. Floodway Overlay District

- (a) Standards for the Floodway Overlay District
 - i. New structures for human habitation are prohibited.
 - ii. All encroachments, including fill, new construction, substantial improvements,

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and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during the occurrence of the base flood discharge. These developments are also subject to all the standards of Section 5.

- iii. In Zone A areas, obtain, review, and reasonably utilize any flood elevation and floodway data available through federal, state, or other sources, including studies done under Section 5.3 (H) "Subdivisions", in meeting the standards of this section.
- (b) Only uses having a low flood-damage potential and not obstructing flood flows shall be allowed within the Floodway Overlay District to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway Overlay District:
 - i. Agricultural uses such as general farming, pasture, nurseries, and forestry
 - ii. Residential uses such as lawns, gardens, parking, and play areas
 - iii. Nonresidential uses such as loading areas, parking, and airport landing strips
 - iv. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, and wildlife and nature preserves.

b. Elevation and Floodproofing Requirements

1. Residential Structures

- (a) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.
- (b) In Zone AO, all new construction and substantial improvements shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet.
- (c) In the floodway, new structures for human habitation are prohibited.

2. Nonresidential Structures

- (a) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:
 - i. The structure is watertight with walls substantially impermeable to the passage of water and
 - ii. The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A floodproofing certificate shall be provided to the floodplain administrator as set forth in Section 4.
- (b) In Zone AO, all new construction and substantial improvements shall have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet; or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:
 - i. The structure is watertight with walls substantially impermeable to the passage of water and
 - ii. The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

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A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A floodproofing certificate shall be provided to the floodplain administrator as set forth in Section 4.

3. Space Below Lowest Floor

- (a) Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be used solely for the parking of vehicles, building access, or limited storage of readily removable items.
- (b) Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - i. A minimum of two openings having a net total area of not less than one (1) square inch for every one (1) square foot of enclosed space,
 - ii. The bottom of all openings shall not be higher than one (1) foot above grade, and
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.

4. Appurtenant Structures

- (a) Structures accessory to a principal building may have the lowest floor below one foot above base flood elevation provided that the structure complies with the following requirements:
 - i. The structure shall not be used for human habitation.
 - ii. The use of the structure must be limited to parking of vehicles or storage of items readily removable in the event of a flood warning.
 - iii. The floor area shall not exceed 400 square feet.
 - iv. The structure shall have a low damage potential.
 - v. The structure must be adequately anchored to prevent flotation, collapse, or other lateral movement.
 - vi. The structure shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - 1. A minimum of two openings having a net area of not less than one (1) square inch for every one (1) square foot of enclosed space,
 - 2. The bottom of all openings shall not be higher than one (1) foot above grade, and
 - 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.
 - vii. No utilities shall be installed in the structure, except electrical fixtures which must be elevated or floodproofed to one (1) foot above base flood elevation.
 - viii. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
 - ix. If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.

5. Manufactured Homes

- (a) Require that all manufactured homes to be placed or substantially improved within floodplains on sites:
 - i. Outside of a manufactured home park or subdivision,

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- ii. In a new manufactured home park or subdivision,
 - iii. In an expansion to an existing manufactured home park or subdivision, or
 - iv. In an existing manufactured home park or subdivision on which a manufactured home as incurred substantial damage as the result of a flood,
Be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this Section.
 - (b) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas that are not subject to the provisions of Section 5.2 (D) (b) be elevated so that either;
 - i. The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or
 - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 5.2 (F) (iv).
 - (c) New manufactured home parks of five (5) acres or fifty (50) lots, whichever is less, shall follow the standards of Section 5.3 (H) "Subdivisions".
 - (d) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - i. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;
 - ii. Frame ties be provided at each corner of the manufactured home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
 - iii. Any additions to the manufactured home be similarly anchored.
6. Existing Structures
- (a) The provisions of this ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to a structure in the floodplain, a floodplain development permit is required and the provisions of 5.2 (G) (ii-iv) shall apply.
 - (b) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure where the costs of which would equal or exceed fifty (50) percent of the pre-improvement market value shall constitute a substantial improvement and shall fully comply with the provisions of this ordinance.
 - (c) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure in the floodway shall comply with the provisions of 5.1 (C).

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- (d) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure that will change the compliance requirements of the building shall require applicable documentation including an elevation certificate, floodproofing certificate, or no rise certification.
- c. Design and Construction Standards
- 1. Anchoring

All buildings or structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - 2. Building Materials and Utilities
 - (a) All buildings or structures shall be constructed with materials and utility equipment resistant to flood damage. All buildings or structures shall also be constructed by methods and practices that minimize flood and flood-related damages.
 - (b) All buildings or structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - 3. Drainage
 - (a) Within Zones AO and AH, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
 - 4. Water Supply and Sanitary Sewer Systems
 - (a) All new or replacement water supply and sanitary sewer systems shall be located, designed, and constructed to minimize or eliminate flood damages to such systems and the infiltration of floodwaters into the systems.
 - (b) All new or replacement sanitary sewage systems shall be designed to minimize or eliminate discharge from the system into floodwaters.
 - (c) On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during flooding.
 - 5. Other Utilities

All other utilities such as gas lines, electrical, telephone, and other utilities shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities.
 - 6. Storage of Materials
 - (a) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - (b) The storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
 - 7. Recreational Vehicles

Within any floodway, recreational vehicles and recreational vehicle parks shall be prohibited.

Recreational vehicles to be placed on sites within the floodplain shall:

- (a) Be on site for fewer than 180 consecutive days;

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- (b) Be fully licensed and ready for highway use, which shall mean it is on its wheels or jacking system, is attached to the site by only quick-disconnect type utilities and security devices, and no permanently attached additions; or
- (c) Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this ordinance.

8. Subdivisions

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall require assurance that:

- (a) All such proposals are consistent with the need to minimize flood damage;
- (b) All public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage;
- (c) Adequate drainage is provided so as to reduce exposure to flood hazards; and
- (d) Proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is less, where base flood elevation data are not available, shall be supported by hydrologic and hydraulic analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for Conditional Letters of Map Revision and a Letters of Map Revision.

5-33 Nonconforming Use

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

(a) If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the City Engineer in writing of instances of nonconforming uses where utility services have been discontinued for a period of six (6) months.

(b) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

b. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50% of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, or safety code or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

5-34 Amendments

a. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in federal, state, or local

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regulations provided, however, that no such action may be take until after a public hearing in relation thereto, at which citizens and parties in interest shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Columbus. At least 15 days shall elapse between the date of this publication and the public hearing.

b. A copy of such amendments will be provided to the Nebraska Department of Natural Resources and the Federal Emergency Management Agency for review and approval before being adopted.

5-35 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application:

0.2% Annual Chance Floodplain means the floodplain that would be inundated by the 0.2% annual chance flood and delineated on the Flood Insurance Rate Maps.

Appurtenant Structure shall mean a structure on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure. Also shall be known as "accessory structure."

Area of Shallow Flooding means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood means the flood having one (1) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation means the elevation to which floodwaters are expected to rise during the base flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building means "structure." See definition for "structure."

Development means any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; or obstructions.

Existing Manufactured Home Park or Subdivision means 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

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or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision means 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).

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas.

Flood Fringe is that area of the floodplain, outside of the floodway, that has a one percent chance of flood occurrence in any one year.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Flood Insurance Study has delineated the special flood hazard area boundaries and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

Floodplain means any land area susceptible to being inundated by water from any source (see definition of "flooding"). Floodplain includes flood fringe and floodway. Floodplain and special flood hazard area are the same for use by this ordinance.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

Floodway or Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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Historic Structure means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built or modified so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home means 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".

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction for floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision means 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 completed on or after the effective date of floodplain management regulations adopted by a community.

Obstruction means any wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation (including the alteration or relocation of a watercourse or drainway), channel rectification, bridge, conduit, culvert, building, stored equipment or material, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry such structure or matter downstream to the damage or detriment of either life or property. Dams designed to store or divert water are not obstructions if permission for the construction thereof is obtained from the Department of Natural Resources pursuant to the Safety of Dams and Reservoirs Act (*Nebraska Revised Statutes* 46-1601 to 46-1670 as amended).

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Overlay District is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

Post-FIRM Structure means a building that was constructed or substantially improved after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map dated April 19, 2010, whichever is later.

Pre-FIRM Structure means a building that was constructed or substantially improved on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map dated April 19, 2010, whichever is later.

Principally Above Ground means that at least 51 percent of the actual cash value of the structure is above ground.

Recreational Vehicle means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation means the base flood elevation (BFE) plus a freeboard factor as specified in this ordinance.

Special Flood Hazard Area (SFHA) is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

Start of Construction means the date the floodplain development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. "Start of construction" also includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 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, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Structure means 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.

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Subdivision means the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development.

Substantial Damage means damage of any origin sustained by a structure whereby the cumulative cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

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

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

5-36 to 5-39 RESERVED FOR FUTURE USE

CHAPTER 1, ARTICLE 5: SPECIAL AND OVERLAY DISTRICTS

5-40 A: AGRICULTURAL OVERLAY DISTRICT

5-41 Purpose

This district is intended to permit the use of limited agricultural activities in combination with residential land uses. It recognizes the existence in Columbus of specific neighborhoods that, while developed to urban densities, also include certain farm uses, including the raising of both crops and animals. It further recognizes that such uses should be strictly controlled in order to minimize effects on neighboring properties.

5-42 Application of District

This district may be used only in combination with the RR, R-1, or R-2 zoning districts.

5-43 Permitted Uses

In addition to those uses permitted by the base district, the following additional uses are permitted in the Agricultural Overlay District:

- a. Horticulture
- b. Crop Production
- c. Animal Production, subject to the following additional conditions:
 1. Any new animal shelter, confinement facility, or animal unit shall require approval by the City Council through the special use permit procedure;
 2. Any accessory facilities or shelters must be located at least 50 feet from any residences other than the principal residence on the property where such facilities or shelters located; and at least 50 feet from any lot line of a property under different ownership.

5-44 Pre-Existing Zoning

Any property zoned R-2b on the effective date of this Ordinance shall be considered to be zoned R-2 with an Agricultural Overlay District.

5-45 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each A Overlay District application.

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- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to A District applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing an A Agricultural Overlay District.
- f. The Ordinance adopting the A District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.

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6 ARTICLE SIX

SUPPLEMENTAL USE REGULATIONS

6-1 Purpose

The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Article Four of this Ordinance.

6-2 Supplemental Use Regulations: Agricultural Uses

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

a. Horticulture and Crop Production: Retail Sales

Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the AG District, subject to the following requirements:

1. Garden Centers

(a) A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.

(b) Garden centers must conform to all site development regulations for the zoning district.

(c) Any garden center adjacent to a residential district must maintain a 20-foot landscaped bufferyard, consistent with the standards established in Sections 8-4 and 8-5.

2. Roadside Stands

(a) A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.

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(b) A roadside stand may be located within a required front yard but no closer than 40 feet to the edge of a traveled roadway.

(c) A roadside stand may operate for a maximum of 180 days in any one year.

b. Commercial Feedlots

1. No new commercial feedlots shall be established within the zoning jurisdiction of the City of Columbus.

6-3 Supplemental Use Regulations: Residential Uses

a. Townhouse Residential

Where permitted, townhouse residential is subject to the following regulations:

1. The site area per unit must be 4,250 square feet in the R-2 District and 3,000 square feet in all other districts where permitted;
2. The minimum width for any townhouse lot sold individually shall be 25 feet, except within an approved creative subdivision;
3. Coverage percentages are computed for the site of the entire townhouse common development.

b. Two Single Family Residential

1. The two single family units shall be separated by a minimum of 14 feet.
2. The second dwelling unit shall be served by a driveway at least ten feet in width, leading from a public street adjacent to the lot.

e. Multi-Family and Group Residential in B-1 District

Multi-family and Group Residential uses are permitted in the B-1 District only on levels above street level except that a unit specifically designed for occupancy by disabled residents may be developed at street level, subject to approval of a special permit by the City Council with the recommendation of the Planning Commission.

f. Non Traditional Residential Parks in NTR District

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In the NTR Residential District, which permits mobile home, tiny home and other non traditional residential use, such use may be configured in a Non Traditional Residential Park or Non Traditional Residential Subdivision. A Non Traditional Residential Park or Subdivision may be approved administratively once all the following regulations are met:

1. Property is properly zoned, Non Traditional Residential.
2. Completed Development Agreement
3. Density Requirements as defined in Table 4-3(b)
4. Site Development Minimum Standards.
 - (a) Setbacks: Each Non Traditional Residential Park and Subdivision shall have a minimum perimeter setback of 35 feet from adjacent non-residential uses and 50 feet from adjacent residential uses. No space for a dwelling unit or any other structure shall be permitted in the required setback.
 - (b) Setback Landscaping: All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Section 8 of this Ordinance. Screening shall be provided in conformance with Section 8-5 for any common property line with another non-residential use.
 - (c) Open Space Requirements, table 4-3(b): Each Non-Traditional Residential Park shall provide a minimum of 250 square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians.
 - (d) Parking Minimum Requirements, table 9-1.
 - (e) Parking: Park requires common parking. Subdivision requires on-site parking.
5. Street Access and Circulation Requirements
 - (a) Access to Public Street: Each NTR Park and Subdivision must abut and have access to a dedicated public street with a right-of-way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.
 - (b) Vehicular Circulation: The NTR Parks and Subdivisions must provide interior vehicular circulation on a private internal street system.
 - i. One side on Street Parking Minimum interior street width shall be a minimum of 27 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 300 feet in length without a variance.

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- ii. No on street parking. Minimum interior street width shall be a minimum of 24 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 300 feet in length without a variance.

(c) Sidewalks or Path: Each NTR Park and Subdivision shall provide a sidewalk or path system to connect each lot to common buildings or open space constructed for the use of its residents; and to the fronting public right-of-way. Sidewalk and path width shall be at least four feet. Public sidewalk connectivity must be provided.

(d) Street and Sidewalk Standards: All internal streets and sidewalks shall be hard-surfaced. Electric street lighting is required along all internal streets.

6. Utilities: All living units shall have piped supply of hot and cold water for both drinking and domestic purposes; domestic sewer service; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each living unit.
7. Financial Responsibility: Each application for a NTR Park and Subdivision shall include a demonstration by the developer of financial capability to complete the project; and a construction schedule.
8. Completion Schedule: Construction must begin on any approved Non Traditional Parks and Subdivisions within one year of the date of approval. Such construction shall be completed within two years of approval, unless otherwise extended by the Administrator.

6-4 Supplemental Use Regulations: Civic Uses

a. Clubs

Clubs located adjacent to residential uses shall maintain a bufferyard of not less than seven feet along the common boundary with such residential use.

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b. Day Care

Day care facilities are permitted by Special Use permit in the MH General Industrial Zoning District only if incidental to a permitted primary use.

c. Group Care Facilities and Group Homes

1. Each group care facility or group home must be validly licensed by either the State of Nebraska or the appropriate governmental subdivision.
2. Group homes are permitted in the B-1 District only on levels above street level except that a facility specifically designed for occupancy by disabled residents may be developed at street level, subject to approval of a special permit by the City Council with the recommendation of the Planning Commission.

6-5 Supplemental Use Regulations: Commercial Uses

a. Auto Repair, Equipment Repair, and Body Repair

1. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building.
2. Any spray painting must take place within structures designed for that purpose and approved by the Building Official.

b. Auto Washing Facilities

1. Each conveyor operated auto washing facility shall provide 100 feet of stacking capacity per washing lane on the approach side of the washing structure and stacking space for two vehicles on the exit side.
2. Each self-service auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.

c. Bed and Breakfasts

Bed and Breakfasts permitted in the B-1 District must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by people with physically disabilities may be located on the street level.

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d. Campgrounds

1. Minimum Size: Each campground shall have a minimum size of one acre.
2. Setbacks: All campgrounds shall maintain a 50-foot front yard setback and a 25-foot bufferyard from all other property lines.
3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances, state and federal regulations; or, alternatively, be limited to use by self-contained campers, providing their own on-board water and disposal systems.

e. Convenience Storage

When permitted in the AG, RR, and B-2 Districts, convenience storage facilities shall be subject to the following additional requirements:

1. The minimum size of a convenience storage facility shall be 8,712 square feet of lot area;
2. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.

f. Crematory

When permitted in the MH Zoning District or for a Special Use Permit in a B2 or ML/C-1 Zoning District, a crematory shall be subject to the following additional requirements:

1. Shall only be allowed if licensed by the State of Nebraska and in compliance with any applicable regulatory agency(ies).
2. A plan of operation shall be submitted to the City building department and is required to meet all environmental requirements and accompanied by a site plan showing all existing and future or planned facilities on the site. The plan of operation shall address hours of operation, number of licensed persons on site trained to operate the crematory unit, procedures to be followed in processing the remains, including required permits and authorizations to be obtained from doctors and county coroner as the case may require. Said plan of operation is subject to periodic review which will address all life safety codes.
3. The following setback shall be complied with: a 20 foot setback unless a greater setback is otherwise required under this Code. Landscaping and buffer yards as required under this Code.
4. All services and activities associated with said crematory must take place within a completely enclosed building, including the unloading of human remains from the transporting vehicle and must maintain the integrity of the surrounding area.

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5. All driveway approaches at least 20 feet outward from the crematory toward the City street must be paved with either concrete or asphalt.

g. Sexually Oriented Business

When permitted in an ML/C-1 Zoning District with a Special Use Permit, a sexually oriented business shall be subject to the following additional requirement:

1. Shall not be operated within 300 feet of:
 - (a) A church;
 - (b) A public or private elementary or secondary school;
 - (c) A boundary of a residential or historic district;
 - (d) A park or recreational trail;
 - (e) A property line of a lot devoted to a residential use;
 - (f) A hospital; or
 - (g) A fairgrounds.

6-6 Supplemental Use Regulations: Industrial Uses

a. Resource Extraction

Resource extraction, where permitted, is subject to the following additional requirements:

1. Erosion Control: A resource extraction use may not increase the amount of storm runoff onto adjacent properties. Erosion control facilities, including retention or detention and sediment basins, are required of each facility if necessary to meet this standard.
2. Ponding of Water: The site may be used as a lake or body of water, subject to approval by the City Council with the recommendation of the Planning Commission and the Lower Loup Natural Resources District.
3. Storage of Topsoil: Topsoil shall be collected and stored for redistribution at the site where mining took place following the end of the operation, except where ponding is approved
4. Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:
 - (a) Restoration of slopes to a gradient not exceeding 33% as soon as possible;
 - (b) Installation of perimeter safety fencing of at least 6 feet in height; when located within 300 feet of any residential or public use district. Acceptable fencing types

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include chain link, wood, metal or vinyl with no opening which would allow a 4 inch sphere to pass through.

- (c) Installation of visual screening adjacent to any property within a residential or public use district. If fencing required in above (b) is solid, it may be used to fulfill this requirement.
5. Restoration of Landscape: The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion.
 6. Topographic & Site Plan: Submittal must include a proposed topographic plan and, if applicable, a subdivision layout of the completed project.

b. Salvage Services

1. Screening:
 - (a) The perimeter of each new facility shall be fully enclosed by opaque, free-standing fencing, or screen walls. Minimum height of this enclosure shall be ten feet. Any such enclosure shall be constructed behind required landscaped bufferyards.
 - (b) Each existing salvage services facility shall be screened as provided above within one year of the effective date of this Ordinance.
2. Storage of materials within any salvage services facility may not be higher than the height of the surrounding screen fence or wall.
3. No Salvage Services use may be established within 300 feet of the nearest property line of a residential or public use zoning district.

c. Development within County Designated Industrial Areas

1. All applications for Industrial Areas proposed for designation by Platte County under Sections 13-11 through 13-1121 shall be referred by the City of Columbus to the Planning Commission for review and recommendations. Following Planning Commission action, the City Council shall act on the request.
2. Any agreement between Columbus and Platte County involving approval of such a designation may include, but not be limited to, the following conditions:
 - (a) The proposed Industrial Area designation is consistent with the principles and objectives of the Comprehensive Plan;

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(b) The City reserves the right to request and receive an annual report from any owner or renter of property within the designated Industrial Area, accurately indicating the current and proposed use of any land, buildings, or facilities within the area. The annual report may be requested in January of each year is due on or before March 1 of that year. Failure to submit an acceptable annual report within this schedule shall result in revocation of occupancy permits and zoning privileges granted by the City;

(c) Any newly created Industrial Area shall be designated for a period not to exceed 10 years. The City Council, after recommendation by the Planning Commission, may extend this term in two-year increments, up to a maximum term of twenty years;

(d) These provisions do not apply to Industrial Areas designated before December 5, 1983. However, the City may request the Platte County Board to review existing Industrial Areas within the city's jurisdiction from time to time.

6-7 Home-Based Businesses

The intent of this section is to allow residents the opportunity to use their residence as a place to produce or supplement their personal and family income, while protecting residential areas from adverse effects associated with a home-based business and to achieve and maintain an attractive and efficiently functioning community. Home-based businesses are permitted in residential units subject to the conditions set forth in this section.

a. Violations

1. A home-based business shall comply with all City Codes.
2. If a violation of the City Code exists, the zoning administrative officer or his/her designee shall, in writing, note the specific area of noncompliance and the home-based business shall have a ten (10) day period in which to achieve compliance. Failure to comply with City Codes shall constitute an offense.

b. Building Use

The home-based business shall be incidental to the residential use of the property where it is operated. No more than 30% of the total first floor area of the primary residential structure on the premises shall be used for the operation of home-based businesses. To be considered a home-based business, at least one owner of such business must live on the premises.

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c. External Activities

Any outdoor activities carried out in conjunction with the home-based business must be in keeping with, and maintain the integrity of, the surrounding residential area.

1. The growing, in an unobtrusive manner, of plants, flowers, vegetables, fruit, and similar materials utilized in the operation of the home-based business need not be screened.
2. Other activities not consistent with the character of the surrounding residential area must be screened from view.

d. External Effects

The home-based business shall not constitute a hazard or nuisance to neighboring properties.

1. Outdoor storage of any equipment, machinery, parts, goods, materials, or other appurtenances of the business shall not be permitted.
2. The home-based business shall not involve the parking or storage of tractor-trailers, semi-trucks, or heavy equipment, such as construction equipment, used in a business.
3. Welding, vehicle body repair, vehicle painting, mechanical repair, rebuilding or dismantling of vehicles, or other like businesses are not allowed as home-based businesses.
4. Businesses which involve the production, storage, distribution, or collection of hazardous chemicals, toxic materials, fireworks, or similar materials, or other like businesses, are not allowed as home-based businesses.
5. The home-based business shall not cause glare, noise, odors, or electronic interference to the residents of surrounding properties.
6. The home-based business shall not require additional on- or off-street parking.

e. Employees

A home-based business may employ individuals under the following conditions:

1. At any given time, a home-based business may employ no more than two (2) individuals that are not a resident of the primary home.

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2. If more than one home-based business is operated from the same residential property, the maximum number of employees applies to all businesses taken together, not to each business separately.

f. Signage

Signage designating a home-based business shall be limited to one non-illuminated and non-reflective sign.

1. Signage may include at most the name of the home-based business, a logo symbol, contact information, address, and indication of the appropriate public entrance. The sign may contain less information. The sign may not exceed four square feet and must be attached to the building.
2. The presence or design of the sign shall not detract from the property or the surrounding residential area; neither shall its size constitute a visual hazard. Signage must be contained entirely on the property and must maintain appropriate distances from the boundaries of neighboring properties.

6-8 Supplemental Use Regulations: Accessory Uses

a. Permitted Accessory Uses: Residential Uses

Residential uses may include the following accessory uses, activities, and structures on the same lot.

1. Private garages and accessory buildings for the residential use shall not be allowed on more than 50% of the allowable lot coverage and no single detached accessory building shall exceed 35% of the allowable lot coverage
2. Recreational activities and uses by residents.
3. Home occupations, subject to Section 6-7 of these regulations.
4. Residential convenience services for multi-family uses and Non Traditional Residential.
5. Garage sales, provided that the frequency of such sales at any one location shall not exceed one during a continuous two month period or four sales during any twelve month period.
6. Automobile sales are prohibited except those automobiles which are for sale by the owner of the residence on a temporary basis not to exceed two (2) months in any calendar year.
7. Within the RR Rural Residential District only, any lot of two acres and over may maintain one horse, llama, other hooved animal, or large bipedal bird. Such a lot may have one additional animal for each additional full acre of lot area over two acres, up to

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a maximum total of five animals. The animal or animals provided for in this paragraph shall be subject to the approval of a Special Use Permit.

Animal production as defined in 3-3(c) shall be subject to a special use permit within the RR Rural Residential District.

b. Permitted Accessory Uses: Civic Use Types

Guidance Services and Health Care use types are permitted in the MH General Industrial zoning districts only as accessory uses to a primary industrial use.

d. Permitted Accessory Uses: Agricultural Use Types

1. Garden centers and roadside stands, subject to the regulations set forth in Section 6-2(a)(2).
2. Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.

6-9 Supplemental Use Regulations: Outdoor Storage

Outdoor storage is prohibited in all zoning districts except the MH General Industrial zoning district, except as provided in this section.

a. Agricultural Use Types

Outdoor storage is permitted where incidental to agricultural uses.

b. Civic Use Types

Outdoor storage is permitted where incidental to Maintenance Facilities.

c. Commercial Use Types

1. Outdoor storage is permitted where incidental to Agricultural Sales and Service; Auto Rentals and Sales; Construction Sales; Equipment Sales and Service; Stables and Kennels; and Surplus Sales.

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2. Outdoor storage is permitted where incidental to Body Repair, provided that such storage is completely screened at property lines by an opaque barrier, as set forth in Section 8-5. This provision shall apply to any Body Repair use established after the effective date of this Ordinance.

d. Industrial and Miscellaneous Use Types

1. Light Industry within the B-1 Central Business District zoning district may not include outdoor storage.
2. Outdoor storage is permitted where it is incidental to Light Industry outside of the B-1 Central Business District. . Any such outdoor storage within General Industry; Heavy Industry; Resource Extraction; Salvage Services; Warehousing; and Construction Yards is subject to screening requirements set forth in Section Eight.
3. Outdoor storage is permitted where incidental to landfills.

6-10 Supplemental Use Regulations: Swimming Pools

GENERAL PROVISIONS

§ 152.01 DEFINITION.

The term PRIVATE RESIDENTIAL SWIMMING POOL is hereby defined as a receptacle for water, or an artificial pool of water having a depth at any point of more than two feet, intended for the purpose of immersion or partial immersion therein of human beings and including all appurtenant equipment, constructed, installed and maintained in or above the ground outside of a building used for family dwelling units; provided the PRIVATE RESIDENTIAL SWIMMING POOL is maintained by an individual primarily for the sole use of the individual's household and guests and not for the purpose or in connection with any business operated for profit.

('63 Code, § 4-3-2)

§ 152.02 COMPLIANCE REQUIRED.

Every private residential swimming pool constructed, installed and maintained hereafter shall comply with all applicable provisions of this Code.

('63 Code, § 4-3-1) Penalty, see § 10.99

§ 152.03 PERMIT REQUIRED.

It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool and appurtenances within the City unless a permit therefor shall have first been obtained from the Community Development Department.

('63 Code, § 4-3-4) Penalty, see § 10.99

§ 152.04 PERMIT FEES.

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The fee for a permit for the erection or construction of a swimming pool shall be as set by resolution.

('63 Code, § 4-3-21)

§ 152.05 DRAWINGS, PLANS AND PERMITS.

(A) All drawings and plans for the construction, installation, enlargement or alteration of any private residential swimming pool and appurtenances for which a permit is required shall first be presented to the Engineer for examination and approval as to the proper location, construction and use.

(B) All plans and drawings shall be drawn to a scale of not less than one-eighth of an inch to the foot, on paper or cloth, in ink or by some process that will not fade or obliterate. All distances and dimensions shall be accurately figured and drawings made explicit and complete, showing the lot lines, and including information pertaining to the pool, walk and fence construction, water supply system, drainage and water disposal systems and all appurtenances pertaining to the swimming pool.

(C) All private residential swimming pools, appurtenances, water supply and drainage systems shall be constructed in conformity with the approved plans. If any deviations from the plans are desired, a supplementary plan covering that portion of the work involved shall be filed for approval and shall conform to the provisions of this chapter.

('63 Code, § 4-3-5) Penalty, see § 10.99

REGULATIONS

§ 152.20 LOCATION.

Private residential swimming pools shall be permitted in residential zones only. No portion of a private residential swimming pool shall be located at a distance less than eight feet from any side or rear property line or building line. Pumps, filters and pool water disinfection equipment installations shall be located at a distance not less than eight feet from any side property line. Pools and appurtenant equipment shall not be permitted in the side yard between dwellings.

('63 Code, § 4-3-3) Penalty, see § 10.99

§ 152.21 RECIRCULATION POOLS.

All private residential swimming pools shall be of the recirculation type in which circulation of the water is maintained through the pool by pumps; the water drawn from the pool being clarified and disinfected before being returned to the pool.

('63 Code, § 4-3-6) Penalty, see § 10.99

§ 152.22 MATERIALS.

(A) Private residential swimming pool walls and floor shall be constructed of any impervious material which will provide a tight tank with white or light colored finished easily cleaned

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surfaces. The floor or bottom surface of the pool shall have a nonslip finish as smooth as possible. The side and end walls of a pool shall present a smooth finish and shall be vertical to a depth of at least six feet or shall have a slope or curvature meeting one of the following conditions.

(1) The pool wall may be vertical for 30 inches from the water level below which the wall may be curved to the bottom with a radius at any point equal to the difference between the depth at that point and 30 inches.

(2) To a depth of six feet, except as in division (A)(1), the wall's slope shall not be less than one foot horizontal in six feet vertical.

(B) Pool walls that are to be lined with a plastic liner shall be constructed of masonry or reinforced concrete.

('63 Code, § 4-3-7) Penalty, see § 10.99

§ 152.23 WALK AREAS.

Unobstructed walk areas not less than 36 inches wide shall be provided to extend entirely around the pool. The walk areas shall be constructed of impervious material and the surfaces shall be of such as to be smooth and easily cleaned and of nonslip construction. The slope of the walks shall have a pitch of at least one-fourth inch to the foot designed so as to prevent back drainage from entering the pool.

('63 Code, § 4-3-9) Penalty, see § 10.99

§ 152.24 FENCES.

All private residential swimming pools shall be completely enclosed by a fence erected along the periphery of the pool walks. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. The fence and gates shall be four feet six inches in height above the walk grade level and shall be constructed of a minimum number nine gauge woven wire mesh corrosion-resistant material or material approved by the Engineer. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate and made inaccessible to small children. All fence posts shall be decay or corrosion-resistant and shall be set in concrete bases.

('63 Code, § 4-3-10) Penalty, see § 10.99

§ 152.25 STEPS OR LADDERS.

Two or more means of egress in the form of steps or ladders shall be provided for all private residential swimming pools. At least one such means of egress shall be located on a side of the pool at both the deep end and shallow end of the pool. Treads of steps and ladders shall be constructed of nonslip material and at least three inches wide for their full length. Steps and ladders shall have a handrail on both sides.

('63 Code, § 4-3-11) Penalty, see § 10.99

§ 152.26 WATER SUPPLY.

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No source of water other than that secured from the City waterworks distribution system shall be used in private residential swimming pools unless City water is not available.

('63 Code, § 4-3-13) Penalty, see § 10.99

§ 152.27 ELECTRICAL REQUIREMENTS.

All electrical installations provided for, installed and used in conjunction with private residential swimming pools shall be in conformance with the Electrical Code.

('63 Code, § 4-3-17) Penalty, see § 10.99

§ 152.28 SAFETY PRECAUTIONS.

(A) A skilled swimmer shall be present at all times that private residential swimming pools are in use.

(B) Every private residential swimming pool shall be equipped with one or more throwing ring buoys not more than 15 inches in diameter and having 60 feet of three-sixteenths inch manila line attached and one or more light but strong poles with blunted ends and not less than 12 feet in length for making reach assists or rescues.

(C) No diving board or platform more than three feet above the water level shall be installed for use in connection with any private residential swimming pool.

('63 Code, § 4-3-18) Penalty, see § 10.99

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7 ARTICLE SEVEN

SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7-1 Purpose

The Supplemental Site Development Regulations recognize the existence of special conditions that cannot comply literally with the site development regulations set out for each zoning district. Therefore, these regulations qualify or modify the district regulations of this title and provide for specific areas of exception.

7-2 Setback Adjustments

a. Lots Adjoining Alleys

In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. However, no residential structure may be nearer than ten feet to the near side of the alley.

b. Exceptions to Openness of Required Yards

Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.

1. Window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental feature may project two feet into a required yard.
2. Terraces, patios, uncovered decks, and ornamental features which have no structural element more than two feet above or below the adjacent ground level may project ten feet into a required yard. However, all such projections must be set back at least three feet from an adjacent side lot line; or twenty feet from any street property line.
3. Uncovered deck may be attached to the rear of a house, and constructed so that it is no closer than 15' from the rear lot line of said property. (*Ordinance 94-28*)
4. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 1/2 feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.

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5. For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of four feet or five percent of the right-of-way width.
6. In commercial and business districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
7. Accessory buildings in residential districts, including private and community garages, may be located a minimum of two feet from the side lot line and ten feet from the rear lot line. The rear yard setback may be reduced to two feet if bounded by an alley if set back is sixty feet or more from the front lot line. An accessory building must have an additional rear and side setback of one foot for every two feet or portion thereof of height over 15 feet. Any such accessory building must be located at least six feet from the main structure. No accessory building in an R-1, R-2 or R-3 district shall not exceed 20 feet in height at the peak. No residential accessory buildings permitted on NTR Park or Subdivision lots.
8. Lamp posts with a maximum height of ten (10) feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five (5) feet from property lines.

c. Setback Adjustments

1. Setbacks on Built-Up Blockfaces

These provisions apply if any of the buildings on that blockface have front yard setbacks less than those required for the specific district.

- (a) If a building is to be built on a parcel of land within 100 feet of existing buildings on both sides within the same blockface, the minimum front yard shall be equal to the setbacks of the adjacent buildings with the least setback.
- (b) If a building is to be built on a parcel of land within 100 feet of an existing building on one side only, the minimum front yard shall be the setback of the adjacent building.
- (c) If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, then the minimum front yard shall be the mean setback of all existing buildings on the blockface.

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

2. Corner Lots

Required setbacks shall not reduce the buildable width of any corner lot to less than 24 feet. Appropriate setback adjustments shall be allowed to maintain this minimum width.

d. Double Frontage Lots

In Rural Residential zoned double frontage lots on a major street, and with no access to that street, may have a 25-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.

e. Antennas

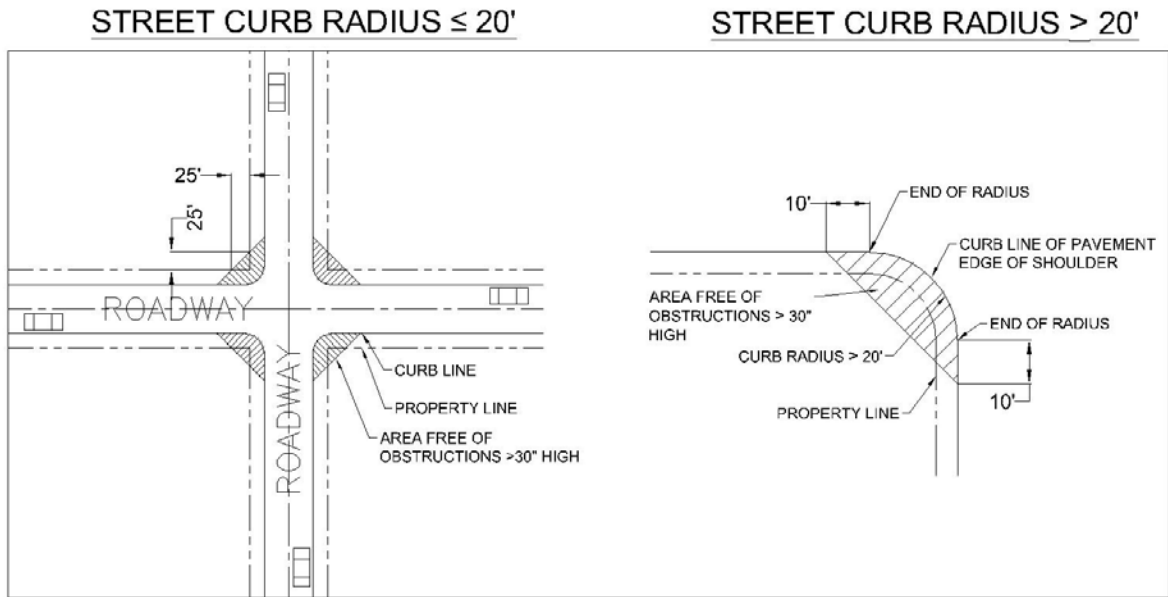
1. No antennas are permitted in the front yard.

f. Vision Clearance Zones

No structures, plantings to maturity, landscaping, or fences shall be built or placed above a maximum height of 30-inches above the established curb grade within a triangle formed by a line connecting points twenty-five feet along each leg from the property lines from their point of intersection and as extended to the public or private street or driveway, trail, or traveled way which may obstruct the line of sight of drivers and/or pedestrians approaching the intersection as show in figure 7-2 (a). Vision clearance where private driveways and streets or courts meet shall be subject to approval of the Building Official.

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FIGURE 7-2 (a)



g. Attached structures extending into public rights-of-way within the Downtown Business District, excluding roadways.

Attached structures, such as awnings, canopies and signs may extend no more than 48 inches from the façade or facewall of the building to which it is attached. These structures must maintain a vertical clearance of at least 7 feet and 6 inches.

7-3 Height Exceptions

These provisions allow exceptions to the height limit of any zoning district in certain situations.

a. Vertical Projection

Chimneys, cooling towers, building mechanical equipment, elevator bulkheads, fire towers, grain elevators, non-parabolic receiving antennas, tanks, solariums, steeples, penthouses not exceeding 25 percent of total roof area, flag poles, stage towers or scenery lofts, City owned towers used for emergency communications and water towers may be built to any height in accordance with existing ordinances.

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

b. Radio Towers

1. Radio towers, operated by licensed amateur radio operators, may be built to a height as set forth in paragraph 2 below provided such towers do not exceed the height limitations set by Table 4-3. This exception does not apply to parabolic antennas, designed to receive signals from satellites.
2. Such radio towers shall not be located within a street yard of the primary use, and shall be located no less than 110 percent of the tower's height from a property line of an adjacent property within any zoning district.

c. Dwellings

Dwellings may exceed the height limit of their zoning districts by a maximum of ten feet, provided that each such building shall have a side yard setback of one foot in addition to required setbacks from each property line for each foot of height over the maximum height of the zoning district.

d. Wind Energy Conservation Systems (WECS)

Wind Energy Conservation Systems are exempt from the height restrictions of the base district in accordance with existing ordinances.

e. Federal Aviation Administration Rules

No structure may be built in any zoning district which exceeds the maximum height permitted under the rules of the Federal Aviation Administration. These rules describe the glide angles and operational patterns for any airport within the planning jurisdiction of the City of Columbus.

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7-4 Allowable Adjustments to Site Development Regulations for Creative Subdivisions

a. Purpose

Section 4-3 of the Subdivision Chapter of the Land Development Ordinance provides for creative subdivisions. Creative subdivisions allow for greater flexibility in the design and development of subdivisions, in order to produce innovative residential environments, provide for more efficient use of land, protect topographical features, and encourage the preservation of common area and open space. These special regulations and exceptions apply only to creative subdivisions.

b. Site Area Per Unit

1. Unless otherwise provided, the site area per unit for a creative subdivision as a whole shall be that of the zoning district in which such subdivision is located. For the purpose of computing site area per unit, the area of public streets and private ways within the subdivision must be excluded. Residential use types may be combined within the creative subdivision provided that the subdivision as a whole complies with the required maximum density of the zoning district.
2. In the AG or RR Districts, the minimum site area per unit may be reduced by 50 percent in creative subdivisions.

c. Perimeter Yards

1. The required setback for any structure within a creative subdivision from a perimeter public street shall be the required setback for the zoning district.
2. The required setback for any structure within the subdivision from any property line which forms the boundary of the subdivision shall be at least 20 feet.

d. Area and Yards for Individual Lots

1. Minimum lot areas may be reduced by a maximum of 50%. Street Side yards may be reduced by a maximum of 25%. Interior and Back yards may be reduced by a maximum of 50%, provided a minimum separation of ten feet shall be established for all residential structures not attached to one another. A creative subdivision must be planned and developed as a common development.

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

e. Coverage and Landscaping Requirements

Individual lots in a creative subdivision may increase maximum building and impervious coverage limitations by 20%.

7-5 Fence Regulations

a. Location Restriction

Unless otherwise provided by this title or other sections of the Columbus Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines.

b. Sight Obstruction

No solid fence permitted or required by this title or other sections of the Columbus Municipal Code shall be built or placed above a maximum height of 30-inches above the established pavement surface or shoulder grade within a triangle formed by a line connecting points twenty-five feet along each leg from the property lines from their point of intersection and as extended to the public or private street, driveway, trail, or traveled way which may obstruct the line of sight of drivers and/or pedestrians approaching the intersection.

c. Residential Fences

Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.

1. Height: The maximum height of a fence within a required front yard or street side yard setback shall be four feet. The maximum height for any fence outside of a required front yard may be up to six feet.
3. Exception for Back Yards of Double Frontage Lots: A fence built within the required back yard of a double frontage lot, provided no residential access is provided to the back yard street, may be a maximum of six feet in height.

d. Office, Commercial, and Industrial Fences

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

Fences constructed in commercial and industrial districts are subject to the following special provisions:

1. LC, UC, and B-1 Districts: The maximum height of a fence may not exceed six feet if located outside of the required front or street side yards. Fences within the front and street side yards may not exceed four feet.
2. B-2, ML/C-1, MH Districts: The maximum height of a fence within a required front yard or street side yard setback may not exceed six feet. The maximum height for a fence outside of required front yard or street side yard setbacks may not exceed ten feet.

7-6 Appeals

Denial, revocations, or cancellations of a building permit based on the provisions of this Section may be appealed to the Board of Adjustment, as set forth in Sections 12-8 and 12-9.

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

8 ARTICLE EIGHT

LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

8-1 Purpose

The Landscaping and Screening Regulations provide additional guidance on the development of sites within Columbus by addressing landscaping and screening requirements. They are designed to improve the appearance of the community; buffer potentially incompatible land uses from one another; and conserve the value of properties within the City of Columbus.

8-2 Applicability

The provisions of Section 8-3, Landscaping Requirements, shall apply to all new development on each lot or site upon application for a building permit, except for the following:

a.

b. Remodeling, rehabilitation or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements;

c. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20 percent. Where such additions or enlargements are 20 percent or greater..

8-3 Landscaping Requirements

Landscaping shall be required adjacent to each street property line and within street yards as set forth in Table 8-1.

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

TABLE 8-1

REQUIRED LANDSCAPING DEPTH

Zoning District	Depth of Landscaping Adjacent to Street Property Line
AG	35 feet
RR	50 feet
R-1	20 feet
R-2	20 feet
R-3	20 feet
NTR Park	10 feet
NTR Subdivision	20 feet
O	20 feet
LC	20 feet
UC	15 of the depth of the street yard. Landscaped area between curb to sidewalk may be counted toward this requirement.
B-1	No Requirement
B-2	10 feet
ML/C-1	No Requirement
MH	No Requirement

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

8-4 Bufferyard Provisions

These provisions apply when a use is established in a more intensive zoning district (District A) which is adjacent to a less intensive zoning district (District B). The owner, developer, or operator of the use within District A shall install and maintain a landscaped bufferyard on his/her lot or site, as set forth in this section. Bufferyard requirements apply only to those districts indicated in Table 8-2.

- a. The bufferyard dimensions set forth in Table 8-2 apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley.
- b. When a street separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard set forth in Table 8-2.
- c. Each required bufferyard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.
- d. The Plan Administrator may waive bufferyard and screen requirements when adjacent to City owned property, excluding right-of-way and property used for recreational purposes.

**TABLE 8-2
BUFFERYARD REQUIREMENTS
(FEET)**

More Intensive District	Less Intensive District						
		AG*	RR	R-1	R-2	R-3	RMH
	O,LC,UC**	10	10	10	10	10	10
	B-2**	30	30	20	20	20	20
	ML/C-1	30	30	30	30	30	30
	MH	50	50	50	50	50	50
* For residential uses only.							
** No buffer required when use is entirely residential use.							

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

8-5 Screening Standards

a. Application

Screening is required between adjacent zoning districts indicated in Table 8-2 when one or more of the following conditions in the more intensive zoning district is directly visible from and faces toward the boundary of the less intensive zoning district.

1. The rear elevation of buildings.
2. Outdoor storage areas or storage tanks, unless otherwise screened.
3. Loading docks, refuse collection points, and other service areas.
4. Major machinery or areas housing a manufacturing process.
5. Major on-site traffic circulation areas or truck and/or trailer parking.
6. Sources of glare, noise, or other environmental effects.

b. Opaque Barrier

A six-foot opaque barrier shall be provided which visually screens the conditions listed in Section 8-5 (a) from less intensive uses as follows:

1. A solid wood, vinyl and/or masonry fence or wall at least six feet in height;
2. A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque hedge-like barrier and attaining a minimum height of six feet within three years of planting;
3. A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts;
4. Any combination of these methods that achieves a cumulative height of six feet.

c. Location of Screening Wall

1. A screening wall or fence shall be installed within the required buffer yard.

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

d. Screening: Effect on Drainage

Screening shall not adversely affect surface water drainage.

8-6 General Provisions

a. Time of Application

The provisions contained in this Article shall be applied for each individual lot or site when an application for a building permit on such lot is made.

b. Maintenance of Required Landscaping

Upon installation of required landscape materials, each owner shall take appropriate actions to insure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this Article.

c. Obstruction of View

Landscaping installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, trail or sidewalk.

d. Area between sidewalk and curb/edge of pavement

The area between the sidewalk and street curb or edge of pavement shall be grass turf. A maximum of ten (10) percent of this area may be used for mailboxes, paving, or other ground cover.

e. Exceptions

A development may continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with bufferyard or screening provisions.

8-7 Grade Elevation at Residential Building Setback

The maximum grade elevation at the residential building setback line shall be the slope not exceed 3 percent as calculated from the top of the pavement curb or edge of roadway to the building setback. Buildings or structures placed further back from the setback, setback larger than 20-feet, roadway right-of-way greater than 60 feet, or other uncommon situations shall have the maximum elevation set by the Building Official.

CHAPTER 1, ARTICLE 8: LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS

8-8 Performance Standards in the B-2 and ML/C-1 Zoning Districts

a. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts

Table 8-3 displays the maximum permitted sound levels that may be generated by uses in the LC, UC, B-2 or ML/C-1 zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

**TABLE 8-3
MAXIMUM PERMITTED SOUND LEVELS AT RESIDENTIAL BOUNDARIES**

Originating Zoning District	Time	Maximum One Hour Leq* (dbA)
LC,UC,B-2	7:00 a.m. – 10:00 p.m.	65
	10:00 p.m. – 7:00 a.m.	55
ML/C-1	7:00 a.m. – 10:00 p.m.	70
	10:00 p.m. – 7:00 a.m.	55

* Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.

b. Lighting Performance Standards

1. Area lighting shall be conducted so that the light source is directed away from areas in residential use or shall be controlled so that candlepower per 1,000 lamp lumens does not numerically exceed 50 lamp lumens (5%) above the vertical angle of 78 degrees above nadir; or emit more than 500 foot-lamberts per unit projected surface area of the luminaire above a 78 degree vertical angle.
2. Luminous element signs shall not exceed 300 foot-lamberts. Luminous building fronts shall not exceed 100 foot-lamberts in average surface luminance. Flood lighted signs shall not exceed 75 foot-lamberts in average surface luminance. Exposed lamp signs and luminous tube signs shall not exceed 400 foot-lamberts in average surface luminance.
3. Illumination resulting from outdoor lighting shall be conducted so that direct or indirect illumination does not exceed 0.5 horizontal foot candles at a boundary line with an adjacent residential zoning district.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

9 ARTICLE NINE

OFF-STREET PARKING

9-1 Purpose

The Off-Street Parking Regulations require that developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

9-2 General Applications

a. Applicability

Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing buildings; or for enlargements of existing structures.

b. Exemptions

Any use within the B-1 Central Business District is exempt from the off-street parking requirements provided by Section 9-3. Any off-street parking facility constructed in the B-1 District after the effective date of this Ordinance must comply with the design standards set forth in this Article.

9-3 Schedule of Off-Street Parking Requirements

Parking facilities for each use shall be provided in accord with the minimum requirements set forth in Table 9-1.

a. Computation

1. When a computation of required parking results in a fraction of .5 or greater, the requirement should be rounded up to the next whole number.
2. Unless otherwise indicated, parking requirements are based on gross floor area. Gross floor areas for the purpose of this calculation exclude any interior space used for the parking or loading of vehicles.
3. When parking requirements are computed on the basis of capacity, capacity shall be determined by the building code in effect for the City of Columbus at the time the use is established.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1

OFF-STREET PARKING REQUIREMENTS

Agricultural Use Types	
Horticulture	1 space per 1,000 square feet of sales area.
Crop Production	No requirement.
Animal Production	No requirement.
Commercial Feedlots	No requirement.
Residential Use Types	
Single-Family Residential	2 spaces per dwelling unit.
Duplex Residential	2 spaces per dwelling unit.
Two-Family Residential	2 spaces per dwelling unit.
Multi-Family Residential	2 spaces per dwelling unit with 2 or more bedrooms, 1.5 spaces for 1 bedroom dwelling units, and 1 space per 2 dwelling units for elderly housing.
Downtown Living Units	0 spaces per dwelling unit. Within existing structures only.
Group Residential	1 space for each two residents.
Non Traditional Residential Park	1 space per dwelling provided in shared parking facility.
Non Traditional Residential Subdivision	1 space per dwelling unit.
Civic Use Types	
Administration	1 space per 500 square feet.
Cemetery	No requirement.
Clubs	1 space per 4 person capacity.
Convalescent Services	1 space per 4 beds.
Cultural Services	1 space per 1,000 square feet.
Day Care Services	1 space per 5 person capacity + 1 space per employee of largest shift.
Group Care Facility	1 space per 4 person capacity + 1 space per employee of largest shift.
Group Home	1 space per 4 person capacity + 1 space per employee of largest shift.
Guidance Services	1 space per 300 square feet.
Health Care	1 space per 300 square feet + 1 space per employee of largest shift.
Maintenance Facilities	See Schedule A.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

Parks and Recreation	No requirement.
Postal Facilities	See Schedule A.
Primary Education	1 space per employee of largest shift + 10 stalls for visitors.
Public Assembly	1 space per 4 person capacity.
Religious Assembly	1 space per 4 person capacity in largest assembly area.
Safety Services	1 space per employee of maximum shift + 1 stall per 1,000 square feet.
Secondary Education	1 space per employee of maximum shift + 1 space for each 4 11th and 12th grade student.
Utilities	1 space per employee of maximum shift.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1

OFF-STREET PARKING REQUIREMENTS

Commercial Use Types	
Agricultural Sales/Service	See Schedule A.
Auto Rental and Sales	See Schedule A.
Auto Service	Three times service capacity.
Body Repair	Four spaces per repair stall.
Business Support Services	1 space per 500 square feet.
Campground	1 space per camping unit.
Cocktail Lounge	1 space per 200 square feet.
Commercial Recreation	1 space per 4 person capacity.
Communications Services	1 space per 500 square feet.
Construction Sales	See Schedule A.
Consumer Services	1 space per 300 square feet.
Convenience Storage	1 space per 10 storage units.
Equipment Sales/ Service	See Schedule A.
Food Sales	1 space per 300 square feet.
General Retail Services	1 space per 500 square feet.
Liquor Sales	1 space per 300 square feet.
Lodging	1 space per unit.
Personal Improvement	1 space per 500 square feet.
Personal Services	1 space per 500 square feet.
Pet Services	1 space per 500 square feet.
Restaurants (Drive-in)	1 space per 50 square feet of customer service area.
Restaurants (General)	Greater of 1 space per 4 person capacity or 1 space per 50 square feet in dining area.
Stables/ Kennels	1 space per employee + 1 stall per 5,000 square feet of site area.
Surplus Sales	See Schedule A.
Veterinary Services	1 space per 500 square feet.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

TABLE 9-1.

OFF-STREET PARKING REQUIREMENTS

Office Use Types	
General Offices	1 space per 500 square feet.
Miscellaneous Use Types	
Broadcasting Tower	No requirement.
Non-Putrescible Landfill	No requirement.
All Landfills	No requirement.
Industrial Use Types	
Agricultural Industries	See Schedule A.
Light Industry	See Schedule A.
General Industry	See Schedule A.
Heavy Industry	See Schedule A.
Railroad Facilities	See Schedule A.
Resource Extraction	1 space per employee on largest shift.
Salvage Services	See Schedule A.
Warehousing	See Schedule A.
Construction Yards	See Schedule A.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

SCHEDULE A

This schedule sets forth minimum off-street parking requirements for uses with elements that have different functions and operating characteristics.

Function of Element	Requirement
Office or Administration	1 space per 400 square feet.
Indoor Sales, Display or Service Area	1 space per 500 square feet.
Outdoor Sales, Display or Service Area	1 space per 2,000 square feet.
Equipment Servicing or Manufacturing	1 space per 1,000 square feet.
Indoor or Outdoor Storage or Warehousing	1 space per 5,000 square feet.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

9-4 Parking Facility Location

a. Residential Parking

1. Off-street parking for residential uses shall be located on the same lot or site as the use.
2. Off-street parking areas for multi-family or group residential uses shall be at least ten (10) feet from any main building.

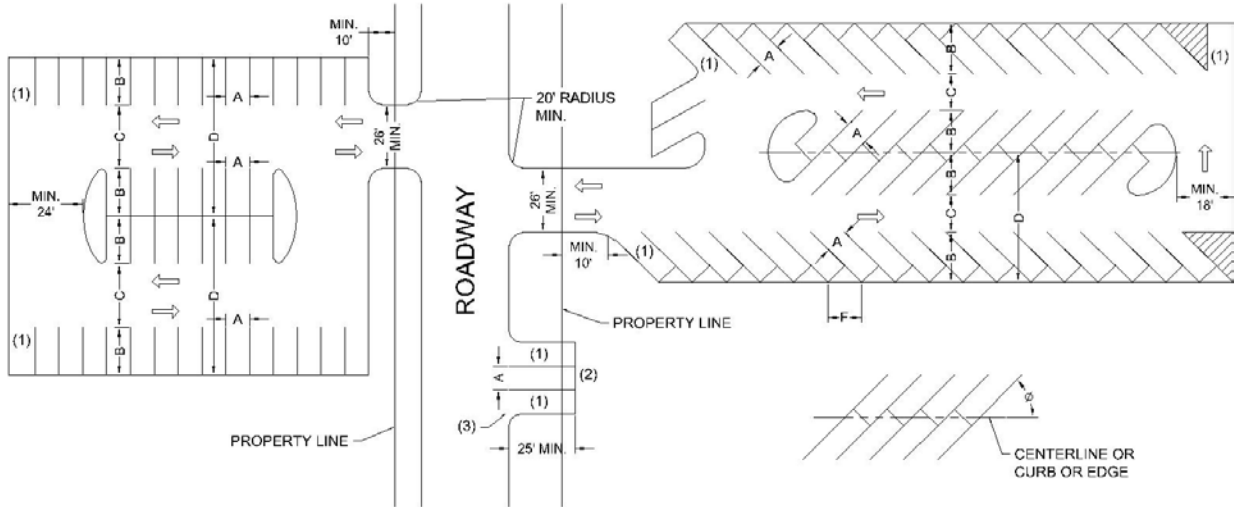
b. Non-Residential Parking

Off-street parking for non-residential uses shall be located on the same lot or site as the use or within 300 feet of that use if the parking site is zoned for such parking.

9-5 Off-Street Parking Design Standards

Off-Street Parking in all zones must meet the following minimum requirements.

FIGURE 9-5: Off-Street Parking Standards



ANGLE (°)	STALL WIDTH (A)	STALL DEPTH (B)	AISLE WIDTH (C)	TYPICAL MODULE (D)
45°	9.0'	18.0'	13.0'	49.0'
60°	9.0'	19.0'	14.0'	52.0'
90°	9.0'	18.0'	24.0'	60.0'

(1) PARKING STALLS ADJACENT TO CLOSED END OF THE AISLE SHALL BE A MINIMUM OF 10 FEET WIDE

(2) 6' SIDEWALK. PUBLIC SIDEWALK EASEMENT MAY BE REQUIRED.

(3) NON-ARTERIAL ROADWAYS ONLY. SUBJECT TO CITY ENGINEER APPROVAL

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

a. Dimensions

1. Parking stalls and aisles shall be provided in accordance with the design standards provided in Figure 9.5: Off-Street Parking Standards and Figure 9.5.c: Parking Lot Internal Island Diagram.

b. Pavement and Drainage

Off-street parking facilities shall be designed and built to the stormwater management program requirements.

Pavement shall be a minimum of 6-inch thick concrete, equivalent depth asphaltic concrete with subgrade, or pervious concrete a minimum of 6-inch thickness with an aggregate base and underdrain system. Additional thickness may be required depending on the use and design vehicle.

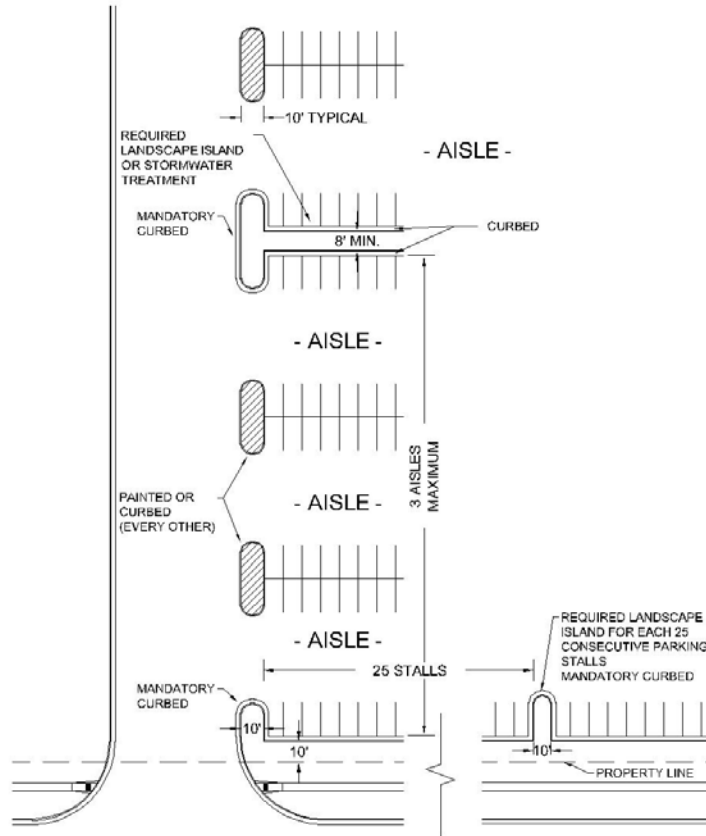
c. Landscape and Screening Requirements

Unless otherwise noted, each unenclosed parking facility of over 3,000 square feet shall comply with the following regulations:

1. Each unenclosed parking facility shall provide a minimum buffer of ten feet along any street property line;
2. Each parking facility that abuts a residential district shall provide a ten foot landscaped buffer along its common property line with the residential district;
3. Any parking facility which abuts property in a residential district shall provide a grade change, fence, terrace, or other site feature which blocks the sight line of headlights into a residential property, subject to the determination of the Building Official;
4. Each parking facility over 4,500 square feet shall have internal landscape islands as shown in Figure 9.5 (c). Internal landscape island area shall be equal or greater to the (10) percent of the total parking and aisle pavement area. Non-visitor or employee parking lots in MH districts shall be exempt.
5. Internal landscape islands shall be planted with a combination of turf, trees, and understory landscaping such as shrubs, ornamental grasses, and flowering perennials. In islands with trees, rock cover may be allowed as an alternative to turf groundcover or understory landscaping.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

FIGURE 9-5 (c): Parking Lot Internal Island



d. Entrances and Exits

1. Adequate access to each parking facility shall be provided by means of clearly defined and limited driveways or access points. Such driveways shall be designed to direct nonresidential traffic away from residential areas.
2. Parking facilities other than driveways for single-family, duplex, two-family, or mobile home residential uses must permit vehicles to enter streets in a forward position.
3. Minimum width of access driveways shall be 26-feet with minimum radii of 20-feet on each side.

e. Safety Features

1. Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility; and shall not create blind, hidden, or hazardous areas.
2. Circulation patterns shall be approved by the Building Official.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

f. Adjustment

For uses subject to Special Use Permit approval, the City Council, with the recommendation of the Planning Commission, may adjust the minimum requirements of this section, in order to provide design, usability, attractiveness, or protection to adjoining uses in a manner equal to or greater than the minimum requirements of this Article.

9-6 Off-Street Loading

a. Loading Requirement

Any use which involves the receipt or distribution of freight, merchandise, supplies, vehicles, or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading and circulation. Loading dock areas shall be designed to avoid undue interference with the public use of streets and sidewalks.

b. Design Standards

1. Each loading dock space shall be at least 10 feet wide by 50 feet long, with a vertical clearance of at least 14 feet.
2. Loading dock spaces and access to those spaces, must be entirely paved with concrete or asphalt.
3. Off-street loading areas are subject to the landscaping and buffering requirements for parking facilities set forth in this Article.
4. Loading docks which will catch water, by design, must provide a drain to storm sewer. Must include a sand and oil separator.

9-7 Parking for Personal and Recreational Vehicles

a. Applicability

This section permits the parking of personal vehicles on a single lot in a residential district subject to specific conditions. Personal vehicles include passenger cars, vans, pick-up trucks, camper trailers, recreational vehicles, trailers under forty feet in length, and boats.

b. Location of Parking

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

1. Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.

2. Parking is permitted outside of an enclosed structure subject to Chapter 1, Article 9 of the Unified Land Development Ordinance, the following conditions and in compliance with the City Code:
 - (a) The parking space is provided on a paved, hard-surfaced or graveled driveway or paved pad adjacent to the driveway;

 - (b) The vehicle is parked perpendicular to the front curb;

 - (c) The vehicle does not encroach on public right-of-way.

c. Special Provisions for Recreational Vehicles

Parking and storage of recreational vehicles, campers, trailers, and boats is subject to the following additional conditions:

1. The vehicle is maintained in a clean, well-kept state;

2. The vehicle may be used only by non-paying guests for a maximum of three consecutive days or fourteen days during any calendar year;

3. The vehicle may not be permanently connected to utility lines;

4. The vehicle may not be used for the storage of goods, materials, or equipment other than those items that pertain to the use of the vehicle.

5. The length of the vehicle shall not exceed twenty feet if the vehicle is parked or stored in a required front yard or street side yard. Longer vehicles may be parked or stored within rear yards or interior side yards behind the required front year setback

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

10 ARTICLE TEN

SIGN REGULATIONS

10-1: PURPOSE AND INTENT

It is the purpose and intent of Article 10 to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. The sign regulations in this Chapter are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics, traffic and pedestrian safety.

In order to preserve and promote the City of Columbus as a desirable community in which to live visit, work, and play and do business, a pleasing, visually attractive and safe environment is of foremost importance. Further, it continues to be the purpose of Article 10 to promote optimum conditions for serving sign owners' needs and respecting their rights to identification while balancing the aesthetic and safety interests of the community. The regulation of signs within the City of Columbus and its zoning jurisdiction is necessary and in the public interest, and these regulations have been prepared with the intent of enhancing the visual environment of the City and promoting its continued well-being, and are intended more specifically to:

- A. Provide for the registration of permanent sign installers, construction and design standards for permanent signs, and permit requirement for permanent signs and applicable temporary signs.
- B. Accommodate the rights of individuals to freedom of speech, promote equity among businesses and other typical sign users, and enable the fair and consistent enforcement of sign standards;
- C. Recognize the legitimate signage needs of businesses and other interests to communicate messages provide identification, and enable wayfinding throughout the City for tourists and residents;
- D. Ensure that signage contributes to the maintenance of an aesthetically pleasing visual environment by exercising reasonable regulations over type, size, number, appearance, and location;
- E. Protect property values by minimizing the possible adverse effects of signs on nearby public and private property;
- F. Promote public safety and general welfare by ensuring that signs are properly constructed and maintained to protect the general public from property damage and personal injury;

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

- G. Facilitate traffic flow and safety of pedestrians, bicyclists, and motorists through enforcement of sight lines and other appropriate sign placement regulations; and
- H. Preserve and promote retention of local businesses and further the economic development goals of the City.

10-2: APPLICABILITY, INTERPRETATION, SEVERABILITY, AND NON-COMMERCIAL SPEECH SUBSTITUTION

- A. *Applicability.* Each sign or part of a sign erected within the zoning jurisdiction of the City of Columbus must comply with the provisions of this chapter, other relevant provisions of the City of Columbus' Municipal Code, and applicable building codes. The regulations in this article are applicable to all signs in the City's jurisdiction, except as noted in Article 10-5. B, unless otherwise stated.
- B. *Interpretation.* The City shall interpret and apply the sign regulations of Article 10 of the Unified Land Development Ordinances (ULDO).
- C. *Severability and Non-Commercial Speech Substitution.* Any provision of the sign standards that imposes a limitation on freedom of speech shall be construed in a manner that is viewpoint neutral and treats expressive speech either the same as or less restrictive than commercial speech. Any provision of the sign standards that is found to be an unconstitutional limitation on freedom of speech by any court shall be severed from the sign standards in a manner that preserves the standards and protects freedom of speech.

10-3: DEFINITION OF TERMS

The following definitions shall be used for terms contained in this Article. Terms not defined in this section may be defined in other areas of City Code.

- A. *SIGN:* Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which may be viewed from the private property of another or from any public street, road, highway, right-of-way or parking area (collectively referred to as a "public area"). For the purposes of these regulations, the term "sign" shall include all structural members. The term "sign" for regulatory purposes shall not include the following objects: Grave yard and cemetery markers, vending machines, express mail and donation drop-off boxes, drive-thru menu boards, seasonal decorations visible, a building's architectural features visible, or a manufacturer's or seller's markings on machinery or equipment visible.
- B. *SIGN RELATED TERMS:*
 - 1. *ARCHITECTURAL DETAIL/FEATURE/ELEMENT:* Prominent or significant parts or elements of a building or structure including but not limited to; cornices, belt courses, lintels, sills, pediments, columns or pilasters, rustications, or base courses.

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

2. *AUXILIARY DESIGN ELEMENTS*: Terms which describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.
3. *AWNING*: An architectural projection that provides weather protection, identity, or decoration and is partially or wholly supported by the building to which it is attached. An awning is typically comprised of a lightweight frame structure over which a covering is attached.
4. *BACKGROUND PANEL*: An area distinctively painted, textured, or constructed as a background for the sign copy or a distinctive background area which is used to differentiate such sign copy from where the sign is mounted, affixed, or painted in a different color, material, etc. from the structure it's attached.
5. *BALLOON*: Any lighter than air, gas filled inflatable object attached by a tether to a fixed place or mounted on the ground or a building.
6. *CABINET*: A sign structure comprised of a frame and a sign face or faces. Though a cabinet sign may include electrical components or support structure, the cabinet refers only to the frame housing the sign face.
7. *CANOPY*: A permanent structure of rigid construction which a covering is attached that provides weather protection, identity, or decoration. A canopy is structurally independent.
8. *CLEARANCE*: The distance between grade and the bottom edge of a sign.
10. *COMMERCIAL BUILDING, MULTIPLE TENANT*: A commercial building with two (2) or more separate tenants having individual entrances and shared parking.
11. *COMMERCIAL CENTER*: A group or cluster of retail shops, offices, or employment buildings which share common parking, landscaping, and/or frontage, and may have a property owners association and have a name which is generally understood by the public to refer to the group or cluster.
12. *FRONTAGE*: The length of a property line of any one (1) premise abutting and parallel to a public street, private way, or court.
13. *ILLUMINATION*: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs.
 - a. *DIRECT ILLUMINATION*: An external source of illumination that is not part of or attached to a sign, which directly illuminates the sign.
 - b. *INDIRECT ILLUMINATION*: A source of illumination, not directly visible, which lights only the background upon which the sign or individual letter is mounted.
 - c. *INTERNAL ILLUMINATION*: A light source entirely within a sign where the source of the illumination is not directly visible.
 - d. *NEON ILLUMINATION*: Any illumination effects using neon or any other inert gas under low pressure, which glows in a distinctive color when exposed to a high voltage electrical current.
14. *INDIVIDUAL LETTERS*: A cutout or etched letter or logo which is individually placed on a wall or freestanding sign.
15. *LOGO*: A graphic symbol representing an activity, use, or business. Logos are registered trademarks or symbols commonly used by a business and may include lettering in addition to graphic designs.

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

16. *MASTER SIGN PLAN*: A set of sign design standards established for a multi-tenant building, non-residential complexes with multiple buildings, multi-family building complexes, hospitals, or large-scale mixed-use developments.
17. *MARQUEE*: A permanent roofed structure attached to and supported by a building and typically extends over public right-of-way.
18. *PAN-CHANNEL LETTER*: An individual three-dimensional letter constructed by means of a three-sided metal channel.
19. *PERMITTED SIGN BUDGET*: The permitted square feet of sign area allowed for signage on a premise.
20. *PREMISES*: A tract of one (1) or more lots or sites which are contiguous and under common ownership or control.
21. *RACEWAY*: A structure used for wall-mounted signage with individual letters or characters, located upon the exterior wall surface between the wall and the letters or sign characters. Raceways contain wiring, conduit, transformers, and other electrical components.
22. *SIGN COPY*: Any combination of letter or numbers which is intended to inform, direct, or otherwise transmit information.
23. *SIGN FACE*: The area of a sign on which words and images are placed.
24. *SIGN STRUCTURE*: The structural supports, monument base, foundation, uprights, braces, guides, anchors, and framework of a sign.
25. *VISION CLEARANCE TRIANGLE*: The vision clearance triangle is described in 7-2. (f) for all intersections and intersections of arterial streets.

C. *SIGN TYPES*:

1. *ABANDONED SIGN*: A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of 6 months.
3. *ATTACHED SIGN*: A sign which is structurally connected to a building or depends upon that building for support
4. *AWNING SIGN*: A sign painted, installed, attached, or otherwise applied to or located directly on an awning.
5. *BANNER SIGN*: A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, non-rigid material that is attached to a structure, building, or fence with cord, rope, cable, or similar method. Detached banner signs are defined as Freestanding Yard Signs.
6. *BALLOON SIGN*: A sign supported by a balloon.
8. *BILLBOARD*: See Outdoor Advertising Signs.
9. *BLADE SIGN*: A portable, stand-alone sign comprised of light fabric that moves with the wind and is supported by a pole structure and a base.
10. *BLINKING SIGN*: See Flashing Sign.
11. *BUILDING MARKER*: See Integral Sign.

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

12. *BUSINESS IDENTIFICATION SIGN:* A sign which pertain to the business, service, and/or retail uses and may also include multi-tenant residential uses and other information relative to the conduct of the use located on the premises.
13. *COMMERCIAL CENTER IDENTIFICATION SIGN:* A sign which identifies the name of a commercial center or commercial building with multiple tenants in single ownership or control, sharing parking and access.
14. *CANOPY SIGN:* A sign painted, installed, attached, or otherwise applied to or located directly on a canopy.
15. *CHANGING MESSAGE SIGN:* A sign designed to permit change of copy manually.
16. *DETACHED SIGN:* A sign which is self-supporting and structurally independent from any building.
17. *DIRECTORY SIGN:* A sign showing the locations of tenants in a multi-tenant commercial, office, or employment complex, or tenants in a multi-family residential project.
18. *DOUBLE-FACED SIGN:* A sign consisting of no more than two (2) parallel or near parallel faces supported by a single structure. The angle created by the two (2) faces of a double-faced sign shall not exceed fifteen (15) degrees.
19. *DRIVE-THROUGH LANE SIGN:* A sign oriented to occupants of vehicles utilizing a drive-through lane at an establishment that offers transactions through a window, with or without ordering capability.
20. *ELECTRONIC INFORMATION SIGNS:* On-Premise signs which use an array of electrically illuminated lights, generally controlled by a computer or other electronic programming device, to display information or supporting graphics. Information may include news, events, or information about businesses or attractions.
21. *ELECTRONIC CHANGEABLE MESSAGE SIGN (ECMS):* An Outdoor Advertising Sign that changes the message, advertisement, or copy on the sign face by electronic or mechanical device or process, either automated or remote, regardless of the process used.
22. *FLAG SIGN:* Signs which are emblazoned on a flag, with non-commercial emblems or insignias and are intended to be displayed in a free-flowing manner.
23. *FLASHING SIGN:* Any illuminated sign, on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign.
24. *FREESTANDING YARD SIGN:* Any temporary detached sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building and not placed on sidewalks, driveways, or parking lots.
25. *GROUND SIGN:* A detached on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than three (3) feet.
26. *HANDHELD SIGN:* A sign carried by persons, which may include persons dressed in costume, for the purpose of advertising a business, service, product, event, or activity.
27. *HISTORIC MARKER:* A marker commemorating a recognized historic person or event, or identifying a historic place, structure, or object.
28. *INFLATABLE SIGN:* A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

portable blower motor that provides a constant flow of air into the device. Inflatable signs are restrained, attached, or held in place by a cord, rope, cable, or similar method. May also be referred to as Air-Activated Sign.

29. *INTEGRAL SIGN:* A sign which includes the name of a building, date of erection, monumental citation, commemorative tablet, or other similar sign when carved into stone, concrete, or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.
30. *MARQUEE SIGN:* A sign painted, installed, attached or otherwise applied to or located directly on a Marquee.
31. *MONUMENT SIGN:* An on premise freestanding sign with the appearance of a solid base.
32. *MOVING SIGN:* A sign designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device.
33. *MURAL-ADVERTISING:* See Painted Wall Sign.
34. *NONCONFORMING SIGN:* A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
35. *NUMERIC DISPLAY SIGNS:* On premise signs which display numeric information only. Typical examples include time and temperature displays and fuel price displays. The numeric information may be changed electronically or manually.
36. *OBSOLETE SIGN:* Sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located.
37. *OFF-PREMISE SIGN :* A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.
38. *ON-PREMISE SIGN:* A sign that advertises or otherwise directs attention to a business, person, organization, activity, event, place, service, or product that occurs on the same parcel where the sign is located.
39. *OUTDOOR ADVERTISING SIGNS:* A panel for the display of information relating to a business, product, event, or other subject of advertising or publicity. Outdoor advertising signs may advertise on premise or off-premise businesses or products, also referred to as a Billboard.
40. *PAINTED WALL SIGN:* A sign painted directly onto the exterior wall of a building containing a logo, business name, or advertisement. May also be referred to as a Mural-Advertising.
41. *PERMANENT SIGN.* A sign constructed of durable materials, attached to the ground or a building in a manner provided by the building code.
42. *POLE SIGN:* An on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance greater than three (3) feet.
43. *PORTABLE SIGN:* A sign not permanently attached to, mounted upon, or affixed to a building, structure, or the ground, and which is easily moved. Examples include A-Frame Signs, T-Frame Signs, and signs on wheels. Portable Sign does not include a Temporary Sign carried by a person or animal.
44. *PORTABLE MESSAGE CENTER SIGN:* A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

limited to, signs designed to be transported by means of wheels. Such signs may include changeable copy.

45. *PROJECTING SIGN*: A sign other than a wall sign that is attached to and projects from a building face.
46. *PUBLIC SIGN*: A sign of a noncommercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his/her public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, and other similar signs, including signs designating hospitals, libraries, schools, and other institutions or places of public interest or concern. This includes all signs erected by the City for government purposes.
47. *ROOF SIGN*: Any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
 - a. *INTEGRAL ROOF SIGN*: A roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.
 - b. *ABOVE-PEAK ROOF SIGN*: A roof sign positioned above the peak of a roof or above a parapet or cornice.
48. *ROTATING SIGN*: A sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.
49. *SIDEWALK SIGN*: A portable, stand-alone sign comprised of panel(s) or face(s) that act as a frame or stand on a base. May also be referred to as Sandwich Board Sign, A-Frame Sign, or T-Frame sign.
50. *SNIPE SIGN*: A sign made of any material when such sign is tacked, taped, nailed, posted, pasted, glued, or otherwise attached to or placed on public property or in the public right-of-way such as, but not limited to, a utility pole, street sign, utility box, fire hydrant, tree, street furniture, or items located on public property; except for A-frame and T-frame signs.
51. *STREET POLE BANNER SIGN*: A display containing changeable copy which is mounted from brackets perpendicular to a street light pole or other freestanding armature structure.
52. *TEMPORARY SIGNS*: Any sign constructed of cloth, canvas, fabric, plywood, or other light materials and intended for display for a short period of time.
53. *TRAFFIC CONTROL DEVICE SIGN*: Any Government Sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those Government Signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).
54. *UNLAWFUL VEHICLE SIGN*: A sign which covers more than twenty (20) square feet of the vehicle and/or equipment which identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized vehicle or piece of equipment, and is parked and visible from the public right-of-way; unless said

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vehicle or piece of equipment is used for transporting people or materials in the normal day-to-day operation of the business.

55. **WALL SIGN:** A sign permanently fastened to a wall or parapet of a building or structure in such a manner that the wall or vertical surface of the structure is the supporting structure. For a sign that is painted on a wall, see Painted Wall Sign.
56. **WINDOW SIGN:** A sign applied or attached to a window or visible through a window from the public right-of-way. Window Signs do not include merchandise in a window display.

Illustration 10-1: Permanent Signs Example

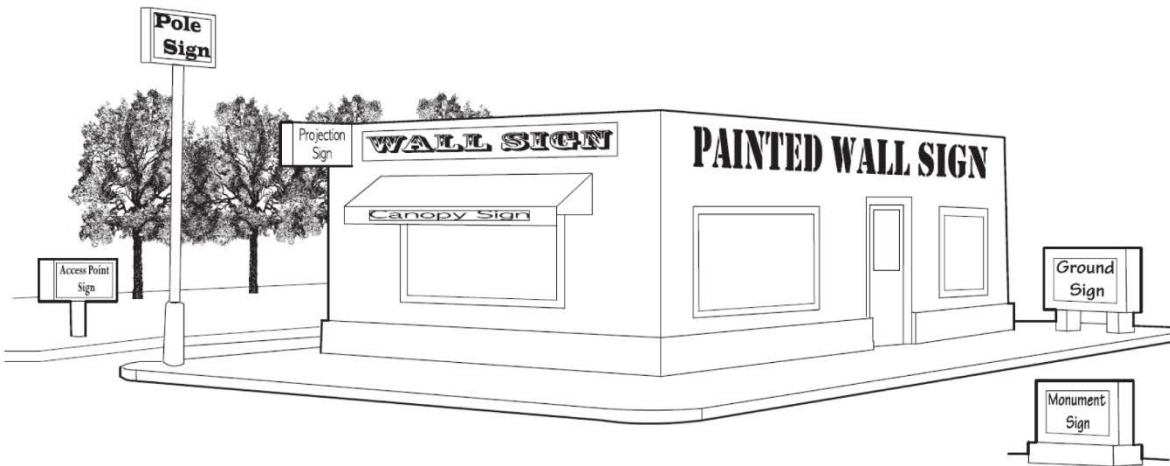
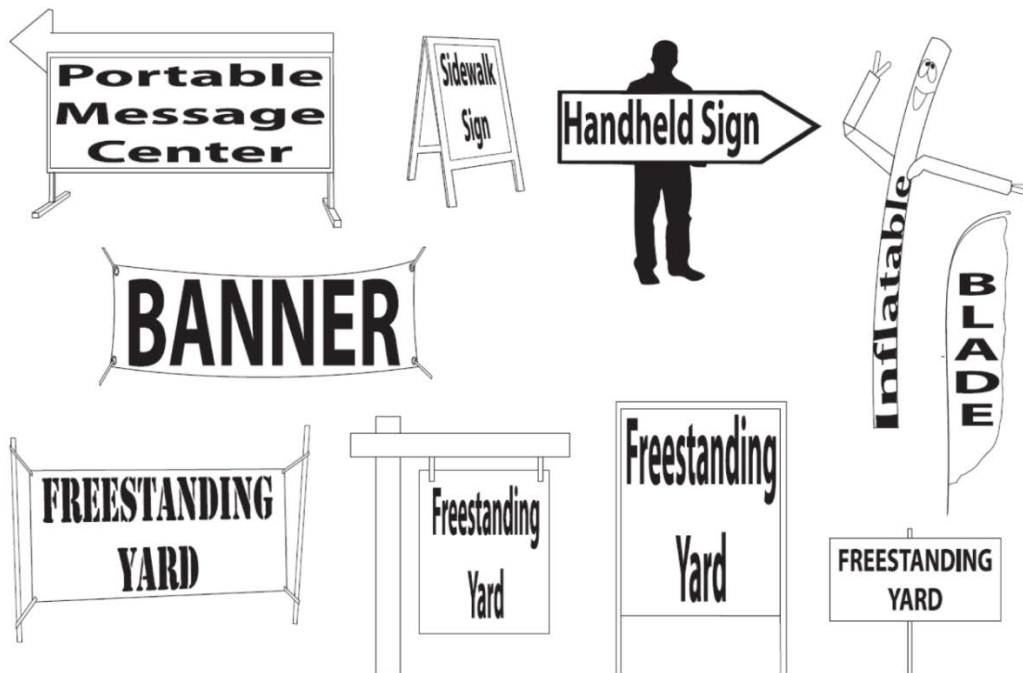


Illustration 10-2: Temporary Signs Example



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10-4: GENERAL SIGN REGULATIONS

- A. *Construction, Permits, Clearances and Projections, Inspections, Maintenance, Fees, Violations, and Enforcement.* All signs shall be erected, reinstalled, altered, repaired, relocated, permitted, and inspected in compliance with this Article.
1. *Permanent Sign; Registration of Installers*
 - a. No person, firm, or corporation shall engage in the business of installing, altering, repairing, or removing any sign within the corporate limits of the City, unless he/she is registered as Contractor with the City.
 2. *Revocation of Registration; Sign Installers*
 - a. The City Council, by a majority vote, shall have the power to revoke the registration of any sign installer pursuant to this article, upon recommendation of the Building Official, if such registration was fraudulent, or if the sign installer is shown to be grossly incompetent or has twice, within a 12-month period, been found in violation of any provisions of this article. This penalty shall be cumulative and in addition to any and all penalties prescribed for the violation of the provisions of this article.
 - b. Before registration can be revoked, notice shall be issued in writing enumerating the charges against him/her, and he/she shall be entitled to a hearing before the City Council, by appealing in writing no later than five (5) business days from the date of receipt of the notice. The registrant shall be given an opportunity to present testimony, oral or written, and shall have the right of cross-examination. All such testimony before the City Council shall be given under oath. The City Council shall have the power to administer oath, issue subpoenas, and compel the attendance of witnesses in such cases.
 3. *Certificate of Insurance*

Every person applying for registration as a Registered Sign Installer shall present evidence to the Building Official that he/she has an insurance policy providing:

 - a. Worker's compensation insurance.
 - b. Minimum public liability and property damage insurance for the general public in the amounts of: one million dollars (\$1,000,000. 00) for each person, one million dollars (\$1,000,000. 00) each accident, and one hundred thousand dollars (\$100,000. 00) property damage, executed by an insurance company authorized to do business in the State of Nebraska and acceptable to the City.
 - c. The City of Columbus shall be named a Certificate Holder, on the above liability and property damage insurance.
 - d. A thirty (30) day written notice shall be given to the Building Official in the event of expiration or of proposed cancellation of the insurance policy.
 4. *Permit Procedures*
 - a. *Applicability.* A sign permit, approved by the Building Official, shall be required before the erection, construction, alteration, placing, or locating of all applicable signs and/or sign parts within corporate limits of the City or the extra-territorial

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jurisdiction conforming to this title. A change of sign copy within an unaltered cabinet or on an unaltered outdoor advertising sign is exempt from requiring a permit.

- b. *Plans Submittal.* A copy of plans and specifications shall be submitted to the Building Official for each sign regulated by this title. When requested by the Building Official, the applicant shall furnish a certification of the structural integrity of the sign, the reuse of existing elements, and its installation by a Nebraska registered professional engineer or architect with specialization in structures.
- c. *Incomplete Applications.* In the event insufficient information is received to issue a permit, the Community Development Department will request the balance of required information. If no response is received within thirty (30) calendar days of the request, said application will become null and void and information will no longer be kept on file. Any fees paid will be forfeited by applicant.
- d. *Expiration.* If the work authorized by a permit issued under the provisions of the Community Development Department has not been completed within six (6) months after the date of issuance, the permit shall become null and void.
- e. *Appeals.* Any person or persons aggrieved by the decision of the Building Official to approve or disapprove a sign permit, as provided by this Code section, may appeal such decision to the Board of Adjustment.
- f. *Application Fees.* Fees as prescribed in this article are set forth in the City of Columbus Comprehensive Fee Schedule.
 - 1. Where work, for which a permit is required, for this article, is started prior to obtaining the prescribed permit, the fee specified in the City of Columbus Comprehensive Fee Schedule shall be doubled. The payment of such double fees shall not relieve any person from fully complying with the requirements of this article in the execution of the work or from any other penalties prescribed herein.
 - 2. A separate electrical permit is required for the hook-up of an electric sign. Fees are set forth in the City of Columbus Comprehensive Fee Schedule.

5. *Design Standards*

- A. *Design; General Requirements.* Signs shall be designed and constructed to comply with the provisions of the City of Columbus code for use of materials, loads, and stresses.
- B. *Design; Drawings and Specifications.* Where a permit is required, as provided in the adopted edition of the International Building Code, construction documents shall be required. These documents shall show the location, dimensions, materials, and required details of construction, including loads, stresses, and anchors
- C. *Design; Clearances and Projections.* All signs must maintain the following clearances and projections as well as any clearances and projections outlined in this Article.
 - 1. *Clearances.* The lowest point of a sign must maintain the following minimum vertical clearances, unless otherwise stated in this Article:

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- a. Seven (7) feet, six (6) inches over sidewalks;
 - b. Fifteen (15) feet over parking lots;
 - c. Eighteen (18) feet over driveways.
2. *Projections.* The projection regulation below shall stand, unless otherwise stated in this Article.
 - a. No sign or sign structure shall project into any street right-of-way.
 - b. No sign or sign structure shall project into any public alley right-of-way.
 - D. *Design; Wind Load.* Signs and sign structures shall be designed and constructed to resist wind forces as specified in the City adopted edition of the International Building Code.
 - E. *Design; Seismic Loads.* Signs and sign structures shall be designed and constructed to resist seismic forces as specified in the City adopted edition of the International Building Code.
 - F. *Design; Working Stresses.* In outdoor signs, the allowable working stresses shall conform to the requirements in the City adopted edition of the International Building Code. The working stresses of wire rope and its fastenings shall not exceed twenty-five percent (25%) of the ultimate strength of the rope of fasteners.

Exceptions:

 1. The working strength of chains, cables, guys, or steel rods shall not exceed one-fifth ($\frac{1}{5}$) of the ultimate strength of such chains, cables, guys, or steel.
 - 2.
 - G. *Design; Footing Design and Loading.* The footing design and/or loading of signs shall be certified by an architect or engineer registered in the State of Nebraska with specialization in structures.
 - H. *Design; Identification.* Every sign and awning erected in the City shall be plainly marked with the name of the person/company erecting such sign or awning, including the permit number under which it was erected. Every electric sign and awning shall have plainly marked thereon the voltage, amperage, rating, and the name of the person/company manufacturing such sign or awning. It shall be unlawful for any person to remove from any sign or awning the identification tag. However, whenever a sign or awning company assumes the maintenance of a sign or awning erected by another, he/she shall place his/her identification thereon. The identification tag shall be maintained so it is legible at all times.

6. *Construction Standards*

- A. *Construction; General.* A sign shall not be erected in a manner that would confuse or obstruct the view of or interfere with building exit signs, required by the International Building Code, or with official traffic signs, signals, or devices.

Signs shall not be erected, constructed, or maintained so as to obstruct any fire escape or any window, door, or other opening used as a means of egress, or so as to prevent free passage from one part of a roof to other part thereof. A sign shall not be attached in any way, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for ventilation.

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The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this Code.

- B. *Construction; Materials.* Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the City adopted edition of the International Building Code.
1. Awnings and Canopies: Shall comply with the requirements of the City adopted International Building Code.
- C. *Construction; Anchorage.* Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pullout amounting to a force twenty-five percent (25%) greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line.

Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to safely support the loads applied.

No wooden blocks, plugs, or anchors used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.

No anchor or support of any sign shall be connected to, or supported by, an unbraced parapet wall, unless such wall is designed in accordance with the requirements of parapet walls, specified for seismic zones as defined in the City adopted edition of the International Building Code.

- D. *Construction; Display Surfaces.* Display surfaces in all types of signs may be made of metal, glass, approved plastics, or wood where permitted elsewhere by this article. Glass thickness and area limitations shall be as set forth in Table No. 3-A. Sections of approved plastics on wall signs shall not exceed two hundred twenty-five (225) square feet in area.

Exceptions:

1. Section of approved plastics on signs other than wall signs may be of unlimited area if approved by the Building Official.
 2. Sections of approved plastics on wall signs shall be separated three (3) feet laterally and six (6) feet vertically by the required exterior wall construction.
 - a. Sections of approved plastics on signs other than wall signs may be contiguous if approved by the Building Official.
- E. *Construction; Approved Plastics.* Notwithstanding any other provisions of this Code, plastics that burn at a rate not faster than two and a half (2 ½) inches per minute when tested in accordance with ASTM D635 shall be approved for use as

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the display surface material and for the letters, decorations, and facings on signs and outdoor display structures. Signs erected within five (5) feet of an exterior wall in which there are openings shall be constructed of noncombustible material.

- F. *Construction; Electrical.* Clearance from overhead power lines. When installed, signs shall maintain clearance from overhead power lines as follows:
1. Less than seventy hundred fifty (750) volts: Seven (7) feet horizontally and vertically
 2. Over seven hundred fifty (750) volts: Ten (10) feet horizontally and vertically
- The term "overhead conductors" as used in this article means any electrical conductor, bare or insulated, installed above the ground, except such conductors as are enclosed in iron pipe or other material covering of equal strength.
- G. *Construction; Illumination.* A sign shall not be illuminated by means other than electrical and electrical devices and wiring shall be installed in accordance with the requirements of NFPA 70. An open spark or flame shall not be used for display purposes unless specifically approved.
- Signs that require electrical service shall comply with NFPA 70. Every electric sign installed in the City shall bear the label of an approved testing agency and shall meet the applicable articles of the National Electric Code as adopted by the City.
- H. *Construction; Inspection.* All ground, monument, and pole signs must have a footing inspection approved prior to the placement of the footing and foundation materials. The City requires property lines to be clearly marked at the time of footing inspection, by identified corner pins with string line or survey markers. All signs must have a footing inspection approved by the Community Development Department. It shall be the responsibility of the permit holder to call for these required inspections.
- I. Maximum Size of Exposed Glass Panel

Table No. 10-1, Size, Thickness, and Type of Glass Panels in Signs			
Any Dimension (inches)	Area (square inches)	Minimum Thickness of Glass (inches)	Type of Glass
30	500	1/8	Plain, plate, or wired
45	700	3/16	Plain, plate, or wired
144	3600	¼	Plain, plate, or wired
Over 144	Over 3600	¼	Wired

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7. *Maintenance and Alterations*

- A. *Maintenance.* Sign and sign support structures, together with their braces, guys, supports and anchor, shall be kept in repair and in proper state of preservation. The display surfaces of signs shall be kept neatly painted or posted at all times. Any sign or component thereof which is found to be defective must be repaired or replaced in accordance with the current requirements of this Code. The changing of moveable parts of an approved sign that is designed for such changes, or repainting of display matter shall not be deemed an alteration.
- B. *Alterations.* No such sign may be enlarged, modified, or altered in any way; however, reasonable repairs may be permitted. Alterations also include the removal and replacement of the sign housing, cabinet, or decorative elements. Any alteration shall require a permit. A change of sign copy within an unaltered cabinet or on an unaltered outdoor advertising sign is not considered an alteration.

8. *Nonconformance*

- A. *Nonconformance of Signs.* Where a sign exists at the effective date of adoption or amendment of the ordinance codified in this title or at the effective date of this Article, such sign shall be deemed a lawful nonconforming sign as it remains, subject to the following provisions:
 - 1. No such sign may be enlarged or altered in a way which increases its nonconformity; however, reasonable repairs and alterations may be permitted.
 - 2. Should such a sign be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Article.

9. *Violations and Enforcement*

- A. *Violation a Public Nuisance.* If any person erects, alters, relocates, or maintains a sign in violation of the provisions of the sign standards, it is declared a public nuisance, and the City Attorney is authorized to bring an action in a court of competent jurisdiction to enjoin such person from continuing the violation.
- B. *Violation Declared a Civil Infraction.* It shall be a civil infraction for any person to violate any of the provisions of the sign standards.
- C. *Discontinuance of Signs.* If a sign or sign structure is in disrepair to a point of over fifty percent (50%) of the sign's total replacement value, the City Manager or designee may order the structure removed, at the owner's expense.
- D. *Removal of Abandoned, Prohibited, and Illegal Signs by the Building Official.* The Building Official shall enforce the sign standards in accordance with one or more of the following procedures:
 - 1. *Administrative Enforcement.*
 - a. For any abandoned, discontinued, prohibited, or illegal sign, the Building Official or designee may send notice, via certified mail, to the record

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owner or occupier of the property to abate the nuisance within a reasonable time.

- b. The Building Official shall specify in the notice the nature of the complaint and penalties and abatement remedies for the violation. Abatement remedies shall consist of one or both of the following remedies:
 - i. Removal of the sign; or
 - ii. Obtaining the required permits and bringing the sign into compliance with the sign standards.
2. *Summary Abatement.* The Building Official or designee may immediately remove any dangerous sign or sign that creates an imminent threat to public safety. The Building Official may immediately remove any prohibited sign or illegal sign that is located within the public right-of-way. Illegal signs located within the public right-of-way are hereby determined to create an imminent threat to public safety.
3. *Civil Citation.* The Building Official or designee may issue or cause to be issued a civil citation or civil complaint to any person violating the provisions of the sign standards.

B. *Location.*

1. *Right-of-Way.* Signs are prohibited in any public right-of-way or public property, including streets, sidewalks, parks, and public facilities unless otherwise stated in this Article or approved by the City of Columbus.
2. *Ingress/Egress Clearance.* No sign shall interfere with any driveway or access way or any means of ingress or egress to any building.
3. *Vision Clearance Triangle.* Signs shall not be located within the vision clearance triangle as defined: No sign shall be built to a height of more than 30 inches above the established curb grade on the part of the lot within a vision clearance triangle where the street curb or edge of pavement radius is less than or equal to 20 feet. The vision clearance triangle shall be a triangle measured from the property line to a point 25 feet in each direction from the intersection along the property line. Where the street curb or edge of pavement is greater than 20 feet, the vision clearance triangle shall extend 10 feet from the end of the radius point along the curb or pavement edge. No sign shall be placed in such area which will materially obstruct the view of drivers approaching the street intersection at the discretion of the Building Official. See Figure 7-2 (a) Vision Clearance Zone for a depiction of Vision Clearance measurement.

10 - 5: PROHIBITED AND EXEMPT SIGNS

- A. *Prohibited Signs.* The following signs are prohibited in all zoning districts:
1. Abandoned or Obsolete Signs, if present for a continuous period of six (6) months.
 2. Balloon Signs.
 3. Blinking Signs.
 4. Flashing Signs.

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5. Moving Signs.
 6. Off-Premise Signs on Public Property, unless approved by the City.
 7. Off-Premise Permanent Signs on Private Property. Other than Outdoor Advertising Signs, see Section 10-14 Outdoor Advertising Signs; Regulations for New Installations.
 8. Roof Signs.
 9. Signs with exposed raceways or pan-channels.
 10. Snipe or Bandit Signs.
- B. *Exempt Signs.* The following signs are exempt from regulation of Article 10. No exempt signs shall be erected within the vision clearance triangle and must meet all other applicable building codes.
1. City of Columbus Special Event Sign. A sign advertising a public event, providing that specific approval for the event, and associated signage, is granted by the City of Columbus.
 2. Historic Markers.
 3. Integral Signs.
 4. Public Signs.
 5. Seasonal Decorations. Signs pertaining to recognized national holidays and national observances.
 6. Signs, which are not visible from a public right-of-way, private way, court, or from a property, other than that on which the sign is installed.
 7. Signs located entirely inside the premises of a building or enclosed space, other than Window Signs.
 8. Signs on a vehicle, other than an Unlawful Vehicle Sign.
 9. Signs protected by Federal/State law.
 10. Traffic Control Device Signs.
 11. Works of graphic art painted or applied to building walls which contain no logos, advertising, or business identification messages.

10 - 6: METHOD OF MEASUREMENT FOR REGULATIONS

- A. *Permitted Sign Budget.* The permitted sign budget is the square footage of the area allowed for permanent signage on the premises. The permitted sign budget is a function of the property's frontage on a street or private way. To calculate the permitted sign budget of a property follow the instructions below:
1. Identify the zoning of the premises.
 2. Measure the total street frontage as the length of a premise fronting a public or private street (excluding alleys). See Illustration 10-4. For multiple frontage properties, the total street frontage shall be calculated as the longest street frontage, plus one-half the length of all additional street frontages.
 3. Determine the Calculated Permitted Sign Budget by multiplying the total street frontage length by the zoning district multiplier found in Table 10-1.
 4. Find the permitted sign budget by using the lesser of the Calculated Permitted Sign Budget or Maximum Permitted Sign Budget shown in Table 10-2. Compare the

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Calculated Permitted Sign Budget in step 3 to the Maximum Permitted Sign Budget for the premise's zoning district:

- a. If the Calculated Permitted Sign Budget, in step 3, is over the Maximum Permitted Sign Budget shown in Table 10-2 than the permitted sign budget is limited to the Maximum Permitted Sign Budget.
- b. If the Calculated Permitted Sign Budget, in step 3, is under the Maximum Permitted Sign Budget shown in Table 10-2 than the permitted sign budget is greater of the Calculated Permitted Sign Budget or the allowable minimum.

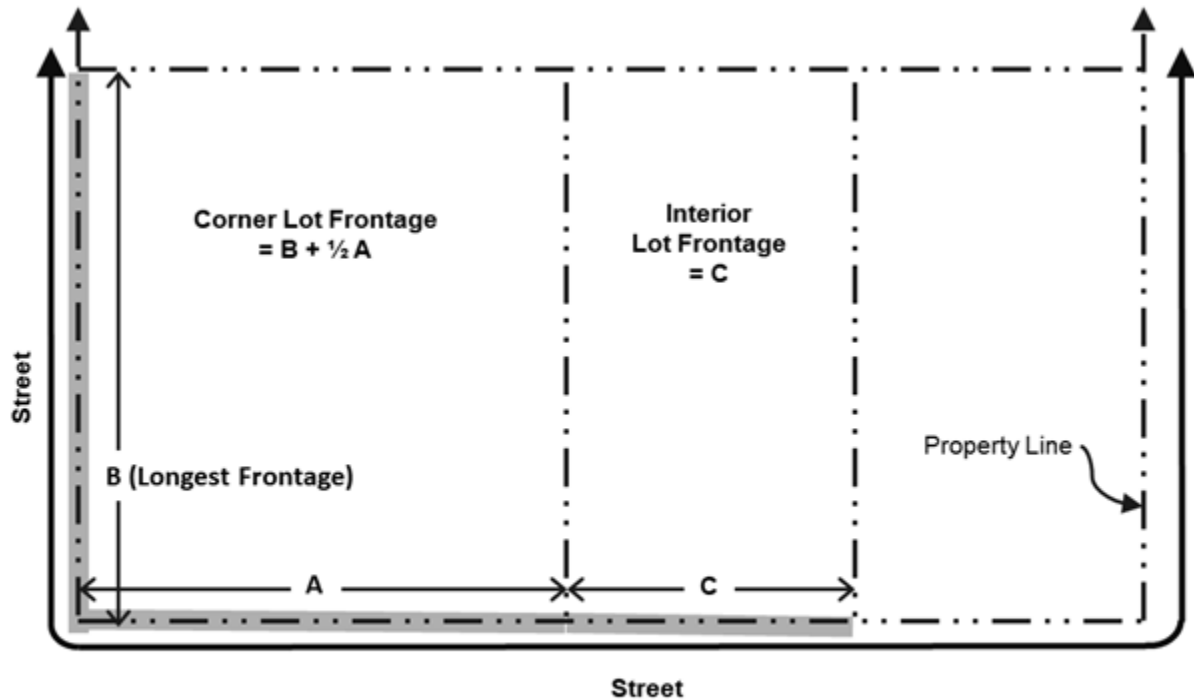
Table 10 - 2: Permitted Permanent Sign Budget by District									
	Zoning Districts								
	AG	RR	R1, R2	R3, NTR	O, LC	UC	Downtown Business District	B1, B2	ML/C-1, MH
Multiplier for Calculated Permitted Sign Budget	0.5	1	1	1	0.5	0.75	1.5	1.5	2
Allowable Minimum Permitted Sign Budget (sq. ft.)	4 RU, 100 NRU	4 RU, 25 NRU	4 RU, 25 NRU	150	200	400	250	400	400
Maximum Permitted Sign Budget (sq. ft.)	4 RU, 100 NRU	4 RU, 25 NRU	4 RU, 25 NRU	150 RU, 300 NRU	400	800	500	800	800

RU: Residential Uses includes all residential uses plus permitted home based businesses and excludes multi-family and non-traditional residential use types.

NRU: Non-Residential Uses includes all non-residential uses plus multi-family and non-traditional residential use types.

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Illustration 10 - 4: Lot Frontage Determination



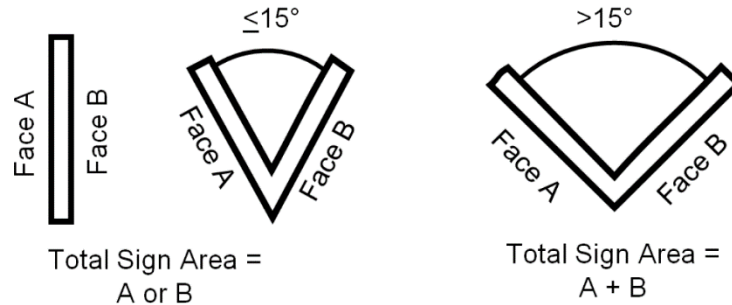
**Lot with Multiple Street Frontages
= Longest Street Frontage + $\frac{1}{2}$ of the Sum of All the Additional Street Frontages**

- B. *Sign Area.* Sign area is measured or calculated as follows:
1. *Wall Sign with Background Panel.* The background panel area shall be calculated by measuring the area contained within the sum of the smallest rectangles, squares, triangles, parallelograms, circles, or ellipses that comprises the background panel.
 2. *Wall Sign without Background Panel.* The area of a sign consisting of copy mounted as individual letters or graphics against a wall, fascia, or parapet of a building surface or another surface, which has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy. This area shall be measured as the sum of the smallest rectangles, squares, triangles, parallelograms, circles, or ellipses that will enclose each letter, word, graphic, or discrete visual element in the total sign.
 3. *Sign with Illuminated Background.* The area of a sign with copy mounted, affixed, or painted on an illuminated surface, illuminated element, or a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy.
 4. *Signs with Two (2) or More Faces.* Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that only one (1) face of a double-faced sign shall be considered in determining the sign area when both faces are parallel and the farthest distance between faces does not exceed four (4) feet, or

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when the interior angle of the sign faces does not exceed fifteen (15) degrees if the boards are in a "V". See Illustration 10-5, below, for a graphic representation.

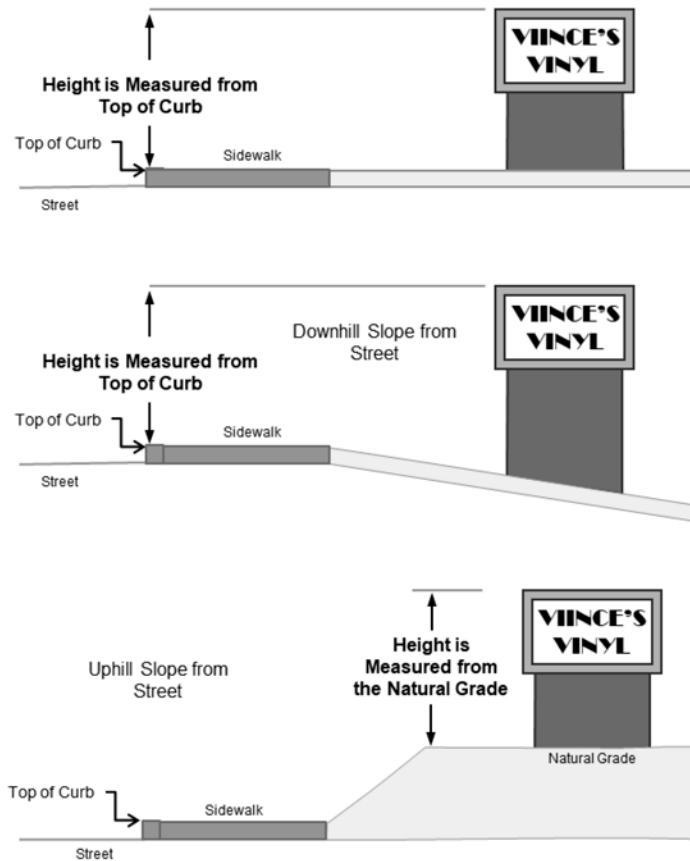
Illustration 10 - 5: Formulas for Determining Sign Area for Signs with Two or More Faces



- C. *Measurement of Sign Height.* The height of a detached sign shall be measured as the vertical distance from the average finished grade of the ground below the sign, excluding any filling, berming, mounding, or excavating for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. The maximum height allowed for a detached sign is shown in Table 10-5. For the purposes of this section, average finished grade shall be considered the lower of: (a) the lowest elevation where the base of the sign meets ground level; or (b) the top of the curb of the nearest public street adjoining the property upon which the sign is erected; or (c) the grade of the land at the principal entrance to the lot on which the sign is located. See Illustration 10-6 for Measurement of Sign Height graphic.

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Illustration 10 - 6: Measurement of Sign Height



- D. *Setback.* The setback of a sign is measured from the property line to the line projected to the ground plane of the nearest portion of the sign.

10 - 7: PERMITTED PERMANENT SIGN TYPE BY ZONING DISTRICT

Table 10 - 3: Permitted Permanent Signs by Type and Zoning District

	AG	RR	R1, R2	R3, NTR	O	LC	UC	Downtown Business District	B1	B2, outside of DBD	ML/C- 1, outside of DBD	MH
Detached Signs												
Ground	NR U	NR U	N	P	P	P	P	P	P	P	P	P
Monument	NR U	NR U	N	P	P	P	P	P	P	P	P	P
Pole	NR U	N	N	N	N	N	N	N	N	P	P	P
Billboard	N	N	N	N	N	N	N	P(A)	P(A))	P(A)	P(A)	P(A))
Attached Signs												

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Awning	N	N	N	P	P	P	P	P	P	P	P	P
Canopy	N	N	N	P	P	P	P	P	P	P	P	P
Marquee	N	N	N	N	P	P	P	P	P	P	P	P
Painted Wall	N	N	N	N	N	N	N	P	P	N	N	N
Projecting	N	N	N	N	N	N	P	P	P	P	P	P
Wall	NR U	NR U	NR U	P	P	P	P	P	P	P	P	P
Other Regulated Signs												
Access Point	P	N	N	P	P	P	P	P	P	P	P	P
Commercial Center Identification	P	N	N	N	P	P	P	P	P	P	P	P
Electronic Information	N	N	N	NR U	P	P	P	P	P	P	P	P
Numeric Display	N	N	N	NR U	P	P	P	P	P	P	P	P

N: Not Permitted

P: Permitted

NRU: Permitted for Non-Residential Uses includes all non-residential uses plus multi-family and non-traditional residential use types.

P (A): Permitted along expressways.

10 - 8: ILLUMINATION/LIGHTING SIGN ELEMENTS

Lighting, when installed, must be positioned in such a manner that light is not directed onto an adjoining property or onto a public street or highway, and in accordance with the Outdoor Lighting provisions. No sign illumination shall impair vehicular or pedestrian circulation on the same premise or adjoining properties. Permitted illumination/lighting elements for signs is outlined in Table 10-4 below.

Table 10 - 4: Permitted Permanent Signs by Type and Zoning District

Illumination Type												
	AG	RR	R1, R2	R3, NTR	O	LC	UC	Downtown Business District	B1	B2, outside of DBD	ML/C-1, outside of DBD	MH
Indirect	P	N	NRU	NRU	P	P	P	P	P	P	P	P
Direct	P	N	NRU	NRU	P	P	P	P	P	P	P	P
Internal	P	NRU	N	NRU	P	P	P	P	P	P	P	P
Neon	N	N	N	NRU	N	N	P	P	P	P	P	P
Flame	N	N	N	N	N	N	N	N	N	N	N	N
Bare Blub	N	N	N	N	N	N	N	P	P	N	N	N

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N: Not Permitted

NRU: Permitted for Non-Residential Uses includes all non-residential uses plus multi-family and mobile home park development use types.

(A/L): Permitted along arterial and local collector streets.

10-9: SIGN TYPE SUPPLEMENTAL REGULATIONS: PERMANENT SIGNS

- A. *Detached Signs.* Ground, Monument, and Pole signs. Table 10-5 below regulates detached signs.

Table 10-5: Permitted Site Development Standards for Detached Signs by Zoning Districts

Regulation Item (All Detached Signs, Except Where Noted)	Zoning Districts								
	AG	RR R-1 R-2	R-3 NTR	O	LC UC	DBD	B-1	B-2	MLC-1 MH
# Permitted Per Premise	1	1	1 per Street Frontage, Maximum of 2	1	1 per Street Frontage, Maximum of 2	1	1 per Street Frontage, Maximum of 2	1 per Street Frontage, Maximum of 2	1 per Street Frontage, Maximum of 2
Separation of Signage Per Linear Foot of Premise Street Frontage	NA	NA	1 per 150	NA	1 per 300	NA	1 per 200	1 per 300	1 per 300
Maximum Sign Area per Sign (sq. ft.)	32	32	32	100	150	100	150	200	200
Maximum Height (ft.) Above Natural Grade									
Ground	15	6	6	15	15	15	15	15	15
Monument	15	6	6	15	25	15	25	15	25

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Pole	N	N	N	30	45	30	45	N	45
Front Yard Setback (ft.)	25	5	2	2	2	0	2	2	2
Side Yard Setback (ft.)	10	10	2	2	2	0	2	2	2

NA - Not Applicable
N - Not Permitted

- B. *Attached Signs.* Awning, Canopy, Marquee, Painted Wall, Projecting, and Wall signs. Table 50-5, below, regulates all attached signs, unless otherwise stated in the supplemental regulations. Table 50-5 outlines the maximum size allowed for an attached sign, based on the zoning district as well as the maximum percentage of street façade coverage, per premise, for all attached signs. No premise may exceed either criterion. The street façade shall be measured, as shown in Illustration 50-7, below, in order to determine the maximum percentage of street façade coverage.

Table 10-6: Permitted Site Development Standards for Attached Signs by Zoning Districts

Regulation Item	Zoning Districts								
	AG	RR R-1 R-2 R-3 NTR	O	LC UC	DBD	B-1	B-2	MLC-1 MH	
Maximum Size of Attached Sign (sq. ft.)	100	32	50	150	150	300	300	300	
Maximum % of Street Façade	15%	15%	15%	20%	20%	25%	20%	25%	

Illustration 10-7: Measurement of Street Façade and Awning Percentage Illustration

Awnings and Awning Signs. Awnings and awning signs, where permitted, are subject to the following regulations:

- a. The copy area of an awning sign shall not exceed twenty-five (25%) of the total face area of the awning. The combined area of all front-facing awning panels, as shown in Illustration 10-7, above, shall not exceed thirty-five percent (35%) of the total wall area, per side of building.
- b. Awnings shall not extend above the eave or parapet of the building facade and shall be a minimum of seven (7) feet six (6) inches above the sidewalk or grade, whichever is higher.

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- c. Awnings may project no more than nine (9) feet from the building facade to which they are mounted and shall not extend over any area utilized by motor vehicles. Within the DBD District, an awning sign shall not be within five (5) feet of the back of curb line's vertical plane.
 - d. Any awning extension beyond six (6) feet shall have plans stamped by a Nebraska licensed architect or professional engineer, certifying the structural integrity of the wall and associated structures to carry all imposed loads.
2. *Canopy Signs.* Canopy signs, where permitted, are subject to the following regulations:
 - a. The copy area of a canopy sign shall not exceed twenty-five (25%) of the total face area, per side of the canopy.
 - b. All canopies and canopy signs must maintain the minimum clearances, projections, design, and construction standards outlined in the City Code.
 3. *Marquees and Marquee Signs.* Marquee signs, where permitted, are subject to the following regulations:
 - a. The maximum projection of any marquee or marquee sign shall be as follows:
 - i. Three (3) feet over sidewalks less than twelve (12) feet wide.
 - ii. Eight (8) feet over sidewalks twelve (12) feet wide or more.
 - b. All marquee and marquee signs must maintain the minimum clearances and projections and design and construction standards outlined in the of City Code.
 4. *Projecting Signs.* Projecting signs are subject to the following general regulations.
 - a. The maximum projection of any projecting sign shall be as follows:
 - i. Three (3) feet over sidewalks less than twelve (12) feet wide.
 - ii. Five (5) feet over sidewalks twelve (12) feet wide or more.
 - b. Within the DBD District, a projecting sign shall not be within five (5) feet of the back of curb line's vertical plane. Each projecting sign must maintain at least a twelve (12) foot vertical clearance over sidewalks.
 - c. Projecting signs must minimize the visible support structure.
 5. *Wall Signs and Painted Wall Signs.* Wall signs are subject to the following general regulations:
 - a. A wall sign must be parallel to the wall to which it is attached.
 - b. A wall sign shall not extend more than eighteen (18) inches from the wall to which it is attached.
 - c. A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign, it may extend to provide for the attachment.
 - d. A wall sign may not extend beyond its building's roof line.
 - e. A wall sign in the DBD District attached to a building on its front property line may encroach upon public right-of-way by no more than eighteen (18) inches. Such a wall sign shall provide minimum clearance of eight (8) feet, six (6) inches.

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- C. *Other Regulated Signs.* Access Point, Commercial Center Identification, Electronic Information, and Numeric Display signs, where permitted, are subject to the following supplemental regulations.
1. *Access Point Signs.* Access Point Signs, where permitted, are subject to the following supplemental regulations based on the level of permission. An access point sign shall be constructed as a detached ground or monument sign type and does not count against the Permitted Sign Budget.
 - a. *NRU Access Point Signs:*
 - i. Limited to one (1) sign at each on-property driveway or access point off of a public street or access road, and one (1) additional sign at any critical decision point internal to the premise.
 - ii. Shall not exceed four (4) sq ft. in maximum size and three (3) ft. in maximum height.
 - b. *In R3 and NTR:*
 - i. Limited to one (1) sign denoting the entrance for a residential subdivision at each major access point off of an arterial or local collector.
 - ii. Shall not exceed thirty-two (32) sq. ft. in maximum size and four (4) ft. in maximum height.
 2. *Commercial Center Identification Signs.* Commercial Center Identification Signs, where permitted, are subject to the following regulations:
 - a. A Commercial Center Identification Sign shall only be a wall sign, painted wall sign, or detached sign type.
 - b. The sign shall display no more than the name and location of the commercial center.
 - c. Each sign shall be subject to all other regulations for attached and detached signs set forth in this Article.
 3. *Electronic Information Signs.* Electronic Information Signs, where permitted, are subject to the following regulations:
 - a. Electronic Information Signs shall be set back a minimum of two (2) feet from any property line.
 - b. No more than one (1) Electronic Information Sign is permitted per premise.
 - c. The closest point of any Electronic Information Sign shall be a minimum of one hundred (100) feet from the closest point of any residential use structure.
 - d. No Electronic Information Sign shall be programmed in a way that suggests or resembles a traffic control device, such as a traffic signal.
 - e. Electronic Information Signs shall be programmed in a way that no sign shall flash or blink and the image, message, or lighting pattern shall hold for a minimum of two (2) seconds, however, full animation video is allowable provided such video does not flash or blink.
 - f. The surface/face illumination of any sign shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with the standard set herein.

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- g. Electronic Information Signs shall be deducted from the total sign budget allowed for the premise.
- 4. *Numeric Display Signs.* Numeric Display Signs, where permitted, are subject to the following regulations:
 - a. Numeric Display Signs shall be set back a minimum of two (2) feet from any property line.
 - b. Numeric Display Signs shall not be located within the vision clearance triangle.
 - c. Numeric Display Signs shall be no larger than twenty-five (25) square feet in area, and if illuminated, shall not flash or blink.
 - d. All illuminated Numeric Display Signs shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated signs shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night intensity level in accordance with the standards set herein.
- e. Numeric Display Signs shall be deducted from the total sign budget allowed for the premise.

10-10: MASTER SIGN PLAN; PERMANENT SIGNS

- A. *Purpose.* The purpose of this section is to provide flexibility, encourage development in accordance with adopted plans and policies, and promote superior sign design and a well-organized visual environment. The Master Sign Plan process will be submitted, reviewed, and approved at an administrative level through the Community Development Department. The Master Sign Plan process was created for mixed-use, larger-scale, and/or unique developments. A Master Sign Plan may be submitted to the City for review and approval for the uses and/or developments listed below:
 - 1. Multiple-tenant commercial, office, employment, or multi-family residential uses.
 - 2. A multiple-building complex for a single commercial or employment use in a project exceeding eight (8) net acres.
 - 3. Stand-alone office/employment buildings exceeding one hundred thousand (100,000) square feet.
 - 4. Indoor or Outdoor Entertainment and Recreation uses.
 - 5. Hospitals.
 - 6. Schools.
 - 7. Hotels and Commercial Lodging having at least one hundred twenty-five (125) guest rooms and a full service restaurant or conference and meeting rooms.
 - 8. Regional retail shopping malls.
 - 9. Religious assemblies exceeding one and a half (1.5) acres of total lot area.
 - 10. Other similar uses may request to be approved for the Master Sign Plan submission. It is the discretion of the building official to accept or deny this request.
- B. *Conditions.* Development Services Staff may attach conditions, requirements, or standards necessary to assure that the signs covered by the Master Sign Plan will not be materially detrimental

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to persons or property in the vicinity. In making its determination, the City shall not base any condition on the message content of a sign. Outdoor Advertising Signs shall not be included in a Master Sign Plan.

- C. *Evaluation Criteria.* Master Sign Plans shall be evaluated based on all of the following criteria:
1. *Placement.* All signs shall be placed where they are visible and legible. Factors to be considered include its location relative to traffic movement, access points, site features, and other structures; orientation relative to viewing distances and viewing angles; spacing; and pedestrian and traffic safety considerations. Wall Signs may be approved on building walls, other than the wall of the space occupied by the tenant in commercial centers in which some tenants have little or no visibility from the street.
 2. *Quantity.* The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and way finding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety and land development character considerations such as the size of the development and the number of development sub-areas.
 3. *Size.* All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display. In no event shall a Master Sign Plan contain a detached sign that exceeds the maximum height standard permitted by this Article.
 4. *Design Features and Materials.* Sign design themes and materials shall be compatible with the architecture, colors, materials of the project, and compatible with surrounding development.
 5. *Site Development Standards.* The City may not reduce any site development standard to less than fifty (50) percent of any minimum standard, nor may any site development standard be allowed to be more than one hundred fifty (150) percent of the maximum standard. For safety purposes, no sign shall be permitted to reduce the setback, or be placed within the vision clearance triangle.
 6. *Permitted Sign Budget.* An applicant may request use of the Calculated Permitted Sign Budget or Maximum Permitted Sign Budget, whichever is larger for the site.
- D. *Review of Master Sign Plan.* Applicant shall submit the completed Master Sign Plan application and submit all required documentation to the Community Development Department. All applications for a Master Sign Plan shall be considered and approved by the building official. In no event does the submittal of a Master Sign Plan guarantee an applicant's approval of all requests.
- E. *Master Sign Plan Approval.*
1. *Action.* The City shall approve or approve with modifications and/or conditions, an application for a Master Sign Plan subject to the requirements of this Chapter and based on compliance with the Purpose and Evaluation Criteria, outlined previously in this Section. An action of the City shall be accompanied by "findings of fact", giving the reasons for the action. The City may request additional information to assist in the review process.
 2. *Limitations of Administrative Approval.* This Section sets the parameters of the Master Sign Plan process; anything beyond these parameters is outside the boundary for administrative review.

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3. *Permitting.* After approval of a Master Sign Plan, the applicant is responsible for applying for a sign permit for each sign or group of signs.
- F. *Modifications/Amendments to Master Sign Plan.* Minor amendments to a Master Sign Plan may be approved administratively. Minor amendments include such changes which are determined to have little to no visual impact or improved visual impact and are consistent with the intent of the original approval.
- G. *Noncompliance.* The applicant shall follow the approved Master Sign Plan. Any violation or noncompliance will result in a written notification of violation or noncompliance. The applicant shall be required to bring signage into compliance, at applicant's expense within the time specified in the written notification.
- H. *Termination.* If no substantial signage development has taken place for three (3) years following approval of the Master Sign Plan, the Master Sign Plan shall be considered null and void. If a premise with an approved Master Sign Plan becomes compliant with the current standards of this Article, the property owner may request, in writing to the Community Development Department, the termination of the Master Sign Plan.

10-11: PERMITTED TEMPORARY SIGN TYPE BY ZONING DISTRICT

- A. *General Regulations.* All temporary signs shall follow the regulations set forth in Section 10-11. Temporary signs are permitted by type and zoning district as outlined in Table 10-6, below.
 1. *Location.* For any off-premise, temporary sign, the sign owner shall have written approval from the property owner of where such sign will be located.
 2. *Maintenance.* All temporary signs shall be maintained in sound condition. Any sign that exhibits deterioration of structure or materials may be removed subject to the provisions of this Section.
 3. *Removal.* The building official or his/her designee shall order the removal of any sign not in compliance with any provisions of this Section. If the owner of the premise on which such sign is located, or the owner of the sign if unlawfully located on public property, fails to remove such sign, the building official or his/her designee shall be authorized to remove the sign. Any costs associated with the removal of a sign may be assessed to the owner of the property.

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Table 10-7: Permitted Temporary Signs by Type and Zoning District

Sign Types	Permit Required	Sign Types								
		AG	RR	R-1 R-2 R-3 NTR	O LC UC	B-1	B-2	DBD	ML/C-1	MH
Banner	Yes*	P	P	P	P	P	P	P	P	P
Blade	No	P	N	N	P	P	P	P	P	P
Flag	No	P	P	P	P	P	P	P	P	P
Freestanding Yard	Yes*	P	P	P	P	P	P	P	P	P
Handheld	No	N	N	N	N	P	P	P	P	P
Inflatable/ Air-Activated	No	N	N	N	N	P	P	P	P	P
Portable Message Center	Yes	P	N	N	N	P	P	P	P	P
Sidewalk	Yes	N	N	N	N	N	N	P	N	N
Window	No	P	P	P	P	P	P	P	P	P

*Banner and Freestanding Yard Signs thirty-two (32) square feet or larger require a Sign Permit.

N - Not Permitted

P - Permitted

10-12: SIGN TYPE SUPPLEMENTAL REGULATIONS: TEMPORARY SIGNS

A. *Banner Signs.* Banner Signs, where permitted, are subject to the following supplemental regulations.

1. Banner Signs may be an on-premise sign and must comply with all applicable building codes.
2. Banner Signs shall be attached to a street facing, vertical façade. No Banner Sign shall be attached to a roof.
4. Non-Residential Uses: Includes all non-residential uses plus multi-family and Non-Traditional Residential use types. Number permitted, total sign area of premise, and maximum area is dependent on the street frontage of the lot as shown in Table 10-7 below.

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Table 10-8: Permitted Banner Sign Number and Size by Street Frontage

Street Frontage (feet)	Number Permitted	Total Sign Area of Premise (square feet)
Less than 75	2	16
75-300	2	36
Greater than 300	3	64

5. Banner Signs are allowed on a temporary-basis of no more than thirty (30) days per occurrence, with a limit of two (2) occurrences per calendar year per premise.
- B. *Blade Signs.* Blade Signs, where permitted, are subject to the following supplemental regulations.
1. Blade Signs are restricted to on-premise signage, and may be placed within the required depth of landscaping with one (1) Blade Sign allowed per fifty (50) feet of street frontage with a maximum of five (5) per premise. Lots with less than fifty (50) feet of street frontage are allowed one (1) Blade Sign. Blade Signs are allowed within the public right-of-way, only within the DBD District
 2. Any Blade Sign must be anchored into the ground or secured in a portable based design for such function.
 3. For safety purposes, any Blade Sign must be setback a minimum of fifteen (15) feet from any overhead utilities and outside of the vision clearance triangle as defined in 10-5. B (3).
 4. No Blade Sign shall be wider than three and a half (3.5) feet, at the widest point. No Blade Sign shall have a height higher than eighteen (18) feet. The height of a Blade Sign is measured from grade and includes the full length of the supporting pole.
 5. Blade Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
- C. *Flag Signs.* Flag Signs, where permitted, are subject to the following supplemental regulations.
1. All Flag Signs shall meet clearance standards found this article.
 2. Flag Signs, when fully extended, shall not extend into the public right-of-way.
 3. Any Flag Sign on a flag pole shall comply with the setback and height regulations found in 7-2(7).
- D. *Freestanding Yard Signs.* Freestanding Yard Signs, where permitted, are subject to the following supplemental regulations.

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1. Freestanding Yard Signs may be an on-premise or off-premise sign and may be placed within the landscaping depth, but are not permitted in public right-of-way.

Table 10-9: Permitted Freestanding Yard Sign Number and Size by Street Frontage

Street Frontage (feet)	Number Permitted	Total Sign Area of Premise (square feet)	Maximum Height (feet)
Less than 75	2	16	6
75-300	3	36	8
Greater than 300	4	64	10

2. Freestanding Yard Signs which are larger than thirty-two (32) square feet are allowed on a temporary-basis of no more than thirty (30) days per occurrence, with a limit of two (2) occurrences per calendar year per premise.
 3. For safety purposes, any Freestanding Yard Sign must be out of the vision clearance triangle as defined in 10-5. B (3).
- E. *Handheld Signs.* Handheld Signs, where permitted, are subject to the following supplemental regulations.
1. Handheld Signs are restricted to be on the same premise as the business, service, activity, or event that is being advertised.
 2. Any person carrying a Handheld Sign is prohibited from obstructing the sidewalk or standing in the right-of-way.
 3. Handheld Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
 4. Lighting, bullhorns, amplified sounds, and mannequins are prohibited as display aspects of Handheld Sign.
- F. *Inflatable Signs/Air-Activated Signs.* Inflatable or Air-Activated Signs, where permitted, are subject to the following supplemental regulations.
1. Inflatable Signs and Air-Activated Signs are restricted to on-premise and must comply with all applicable building and electrical codes.
 2. For safety purposes, any Inflatable Sign or Air-Activated Sign must be fastened to the ground or a structure so that it cannot shift more than three (3) feet, horizontally, under any condition.
 3. The minimum setback for any Inflatable Sign or Air-Activated Sign is equal to or greater than the height of the sign, from all property lines and overhead utility lines and shall remain outside of any vision clearance triangle as defined in 10-5. B (3).
 4. Maximum Height: Twenty-five (25) feet.

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5. Only one (1) Inflatable Sign or Air-Activated Sign shall be allowed on a premise at any time.
 6. Inflatable Signs and Air-Activated Signs may only be displayed during the hours of operation for the on premise business services. . .
- G. *Portable Message Center Sign.* Portable Message Center Signs, where permitted, are subject to the following supplemental regulations.
1. Portable Message Center Signs are restricted to on-premise advertisement and must comply with all applicable building and electrical codes and shall be anchored securely to the ground.
 2. Portable Message Center Signs with any electronic message shall comply with all supplemental regulations of Electronic Information Signs, Section 10-9.C (3).
 3. No Portable Message Center Sign shall exceed six (6) feet in height.
 4. No Portable Message Center Sign shall be larger than thirty-two (32) square feet.
 5. Only one (1) Portable Message Center Sign shall be allowed on a premise at any time.
 6. Portable Message Center Signs are allowed on a temporary-basis of no more than ten (10) days per occurrence, with a limit of six (6) occurrences per calendar year per premise.
- H. *Sidewalk Signs.* Sidewalk Signs, where permitted, are subject to the following supplemental regulations.
1. Sidewalk Signs are allowed in the right-of-way on sidewalk pavement, provided a minimum of six (6) feet of clearance remains for clear passage of pedestrians.
 2. No Sidewalk Sign shall exceed three (3) feet in height.
 3. No Sidewalk Sign shall exceed six (6) square feet, per side or three (3) feet in width.
 4. Only one (1) Sidewalk Sign is allowed per business, service, activity, or event.
 5. For safety reasons, no encroachments shall be made near corners of sidewalks or where crosswalks are present. This area shall be defined with a fifteen (15) foot area, beginning at the curb line at all corners or ends of blocks.
 6. Sidewalk Signs shall not obstruct pedestrian or handicap accessibility to buildings, emergency exits, or parking spaces.
 7. Sidewalk Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
 8. No illumination is allowed for Sidewalk Signs.

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10-13 - OUTDOOR ADVERTISING SIGNS

- A. *Conformance Required.* No billboard sign shall be erected, placed maintained, converted, enlarged, reconstructed or structurally altered which does not comply with all the regulations established in this article.
- B. *Maintenance.* For the purposes of this section, maintenance shall mean the routine repairing, restoring, or replacing of the sign to its constructed condition with the same type of materials used in the original sign structure and face, or to approved upgraded materials.
- C. *Required Maintenance for Nonconforming Signs.*
1. Cleaning and painting of the structure including supports, faces trim, ladders, catwalks, railings and any other structural features and the immediate area around the sign structure.
 2. Changes in advertising messages and content including use of a vinyl overlay or wrap. If structural modifications are required to secure the vinyl overlay or wrap, a sign permit is required and said changes must be approved by the building official.
 3. Faces and trim shall be maintained, replaced or repaired as necessary. The same number of faces, or less shall be maintained and the size of any given face shall not be increased.
 4. Lighting system may be added or replaced on any billboard as long as the lighting complies with Section 8-7 of the Land Development Ordinance, requiring shielded, sharp cutoff, downcast lighting fixtures. Existing fixtures may be repaired with like equipment. Changes or additions of lighting fixtures shall require an electrical permit and said changes shall be approved by the permitting agency.
 5. Safety features including ladders, catwalks, safety cables and railings may be replaced, repaired or added. Said safety features shall be designed to conform to accepted industry standards. A sign permit shall be required if safety features are added and said changes must be approved by the building official.
- D. *Reconstruction and Modification of Existing Nonconforming Outdoor Advertising Signs.* No sign shall be reconstructed or modified except as specified in paragraph E below. The following shall constitute a substantial change to a sign and are therefore not considered maintenance or acceptable reconstruction and are herein prohibited:
1. Any change in the location of the sign.
 2. Any increase in the size or dimension or height of the sign.
 3. The addition of additional face or faces.
 4. An increase in the number of poles supporting the structure.
 5. An increase in the height of the poles.
- E. *Modifications to Existing Nonconforming Outdoor Advertising Signs.* An existing legal or nonconforming sign may be modified or reconstructed as follows:
1. The structural supports may be replaced with like materials or upgraded to steel.
 2. Any existing sign damaged by any cause, natural or manmade, may be replaced or repaired to original condition, or modified as stated in 1. Above, provided there is no increase in size, height, or number of faces. Nonconforming roof-mounted signs that are damaged by any cause in excess of fifty (50) percent of their replacement value shall be permanently removed.

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3. Message area attachment systems may be changed or updated provided the area of the message surface is not increased.
 4. A sign required to be moved to a new location because of a local, state or federal project requires approval of the new location by the building official and the relocated sign need not comply with all regulations in force and effect at the time the relocation is approved, except those regulations which effect safety.
- G. *Electronic Changeable Message Signs.* Electronic Changeable Message Signs, hereinafter known as ECMS, are considered outdoor advertising signs and shall be subject to the following requirements:
1. For each ECMS face erected, a minimum of two (2) existing sign faces must be permanently removed.
 2. The proposed ECMS must be located where one of the existing structures was removed to meet the 2: 1 replacement requirement, or, if at a new location, the ECMS must meet all Code requirements pertaining to outdoor advertising signs and meet the 2: 1 replacement requirement.
 3. No two ECMS structures may have sign facings erected less than five thousand (5,000) feet apart measured from the center of the monopole along a line parallel with the expressway. ECMS structures may be located on either side of the highway; however, each sign must only be visible from one direction of travel and must comply with the five thousand (5,000)-foot spacing on each side.
 4. The ECMS sign faces shall not be more than three hundred (300) square feet in size and shall be no taller than thirty-five (35) feet.
 5. Each advertisement displayed must remain fixed for at least ten (10) seconds. If there is more than one (1) advertisement per face, then when any advertisement changes, the entire face shall remain fixed for at least ten (10) seconds.
 6. When an advertisement is changed, it must be accomplished within an interval of two (2) seconds or less.
 7. Each ECMS must contain a default mechanism that will freeze the sign in one position if a malfunction occurs.

10-14 - OUTDOOR ADVERTISING SIGNS; REGULATIONS FOR NEW INSTALLATIONS

Within the total amount of sign area permitted to them, some parcels in the B-2, ML/C-1 and MH districts may elect to devote a portion of their sign budgets to installation of an outdoor advertising sign, subject to the conditions contained in this section. For installation of new Electronic Changeable Message Signs (ECMS) refer to the regulations provided in 10-13.G of this Article.

- A. *Location.* Eligible properties must be located within one hundred (100) feet of the right-of-way line of Highways 30 or 81.
- B. *Impact on Business Identification and Other Signage.* Utilization of this provision does not entitle any parcel to additional permitted sign area and the area of the sign counts against the total sign area permitted the parcel. The outdoor advertising sign shall count as a detached sign for the purpose of calculating the total number of permitted detached signs.

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C. *Maximum Size and Height.*

1. The size of an outdoor advertising sign shall not exceed three hundred (300) square feet.
2. The maximum height of such a sign shall be thirty-five (35) feet.

D. *Separation Factors.*

2. Where permitted along other settings, outdoor advertising signs shall be separated by one thousand (1,000) feet from any other outdoor advertising sign of any size and three hundred (300) feet from any other detached sign.
3. Any such outdoor advertising sign shall be separated by two hundred (200) feet from any property in a residential zoning district, including RR through R-3, and NTR.

E. *Other Standards.*

1. New installations of stacked signs or other installations of two (2) signs facing the same direction on a single structure are prohibited. Double-faced, back-to-back signs are permitted, provided that the angle formed by the sign faces does not exceed fifteen (15) degrees.
2. Side-by-side signs are not permitted regardless of which direction they face.

10-15 Additional Regulations for the Downtown Business District

a. Definition and Application

These additional regulations apply to that area bounded by 10th Street and 15th Street and 21st Avenue and 32nd Avenue, all public rights-of-way or portions thereof located within these boundaries, and all buildings or structures abutting, adjoining, or bordering the same.

b. Projection Signs

1. No sign other than a public service sign shall project more than 18 inches from any facade or wall of a building to which it is attached.
2. Lighted canopy signs may extend no more than 48 inches from any facade or wall of a building to which it is attached.

c. Temporary Sign

1. Items such as or similar to streamers, ribbons, spinners, or similar moving, fluttering, or revolving devices used for the purpose of advertising or attracting attention shall not be permitted for a period longer than 30 days.

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

2. Signs pertaining to special events which refer to particular periods of time such as conventions, fairs, meetings, sales, exhibitions, and vacancy announcements shall be permitted provided that such signs shall be erected subsequent to approval by the Mayor, City Council, and Chief of Police; and that such signs shall be removed when no longer applicable in time.

d. Public Agency Signs

The provisions in this section shall not apply to the signs erected by federal, state, county, or city governmental agencies, including traffic, informational, and ornamental Christmas or other seasonal decorations.

e. Nonconforming Signs

1. Every sign erected before the effective date of this section shall not be replaced, expanded, enlarged, modified, or changed in any manner except in conformance with this section.
2. Affected nonconforming signs must be removed or modified to conform to this section within 30 days after receiving written notification by the City of the violation.

CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

11 ARTICLE ELEVEN

NONCONFORMING DEVELOPMENT

11-1 Purpose

Article Eleven shall be known as the Nonconforming Development Regulations. The purposes of these regulations are:

- a. To allow for reasonable use of legally created lots of record which do not meet current minimum requirements for their respective zoning districts;
- b. To provide for reasonable use of legally constructed structures which do not meet current site development regulations for their respective zoning districts;
- c. To allow for the reasonable continuation of legally established uses which do not meet current use regulations for their respective zoning districts;
- d. To limit the continuation and provide for the gradual replacement of nonconforming uses.

11-2 Regulations Additive

Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

11-3 Nonconforming Lots

a. Pre-Existing Lots of Record

Nonconforming lots of record existing at the time of the adoption of this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by the Unified Land Development Ordinance.

b. Reductions Due to Public Acquisition

If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

11-4 Nonconforming Structures

These regulations apply to buildings and structures which were constructed legally under regulations in effect before the effective date of this Ordinance.

a. Continuation

A lawful nonconforming structure existing on the effective date of this Ordinance may be continued, repaired, maintained, or altered, subject to the provisions of this Article.

b. Additions or Enlargements to Nonconforming Structures

1. A lawful nonconforming structure may be added to or enlarged if the addition satisfies one or more of the following conditions:
 - (a) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements;
 - (b) The nonconforming building and impervious surface coverage's on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district;
 - (c) The addition projects no further into a required side yard setback than the existing building; the length of the side wall of the addition is the smaller of 25 feet or 50 percent of the length of the existing nonconforming side wall; and the enlarged building complies with building and impervious coverage, front and rear yard setbacks, and height regulations applicable to its zoning district.
2. No permitted addition to a nonconforming structure may place a wall within ten feet of a window of an adjacent pre-existing residential structure.
3. Nonconforming buildings shall be limited to one addition or enlargement pursuant to these regulations.

c. Moving of Nonconforming Structures

A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district.

d. Repair of Nonconforming Structures

CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

A lawful nonconforming building damaged by fire, explosion, storm, or other calamity, except flood damages, may be repaired and reconstructed provided there is no increase in the degree of nonconformity. Repair and reconstruction within the designated floodplain shall be in conformance with floodplain development regulations.

e. Conversion of a Conforming Building

A conforming building shall not be changed in any way that will result in a nonconforming development.

f. Applicability of Landscaping and Screening Regulations

Provided the pre-existing use continues, a pre-existing structure, building, or development shall be exempt from Article Eight, Landscaping and Screening Regulations. However, any of the following action on or after the effective date of this Ordinance shall be subject to Article Eight:

- i. Expansion of a structure, building or parking lot
- ii. Development onto an adjacent lot

11-5 Nonconforming Uses

a. Continuation of Nonconforming Uses

Any nonconforming use lawfully existing on the effective date of this Ordinance may continue, subject to the limitations of this Section.

b. Enlargement of Nonconforming Uses

A building or structure housing a lawful nonconforming use may not be added to or enlarged.

c. Abandonment of Nonconforming Use

If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of six months, any subsequent use must conform to all use regulations applicable to the property's zoning district.

CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

d. Change of Use

A lawful nonconforming use may be changed only to a use type permitted in a zoning district that is equal or less intensive than that normally required for the previous use.

e. Allowance for Repairs

Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made other than those required by law.

f. Damage or Destruction of Structures

Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds 50 percent of the assessed value of the structure, the nonconforming use shall no longer be permitted.

g. Nonconforming Uses and Conditional and Special Use Permits

A lawful pre-existing use which would require a Special Use Permit in its zoning district shall be presumed to have the appropriate Permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of Permits, set forth in Article Twelve.

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

12 ARTICLE TWELVE

ADMINISTRATION AND PROCEDURES

12-1 Purpose

The Administration and Procedures Provisions establish the methods for implementation of the Unified Land Development Ordinance. These provisions include procedures for reviewing specific uses and developments within certain zoning districts; amending the Unified Land Development Ordinance; and granting variances.

12-2 Site Plan Review Procedure

a. Purpose

The Site Plan Review Procedure provides for the administrative review in addition to plan review required by other sections of the Columbus Municipal Code of projects that have potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods. The procedure provides for review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property.

b. Administration

The Building Official shall review, evaluate and act on all site plans submitted pursuant to this procedure. An applicant may appeal a denial of any application to the Board of Adjustment.

All applications or requests for the approval of plans for alleys, off-street parking, loading, non-residential driveways, non-residential curb cuts, and access to an egress from property, shall be submitted to the Building Official. Upon review, the Building Official shall have the authority to either approve or deny said application or request.

c. Uses Requiring Site Plan Review

All uses shall follow the Site Plan review procedure prior to the issuance of a building permit.

d. Application Requirements

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

An application for a Site Plan Review may be filed by the owner(s) of a property or the owners' authorized agent with the Building Official. The application shall include the following information:

1. Name, mailing and email address of the applicant.
2. Owner, address, and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
 - (a) The date, scale, north point, title, name of owner, and name of person preparing the site plan;
 - (b) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements;
 - (c) The location, size, and use of proposed and existing structures on the site;
 - (d) The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, required temporary and permanent stormwater treatment facilities, fencing, screening, landscaping, and lighting;
 - (e) A topographic survey of the site and adjacent public rights-of-way.
 - (f) Identification of all federal, state and local environmental features, including, but not limited to: floodplain, floodways, wetlands, and other environmental features.
 - (g) Identification of all adjacent zoning districts and use types.
 - (h) Any other information that may be required for review by the Building Official.
5. The Site Plan must be stamped by a Nebraska Registered Professional Engineer.

e. Administrative Action and Appeal

The Building Official must act upon each complete application within twenty-one working days of filing.. An applicant may appeal a denial to the Board of Adjustment. The Board of Adjustment shall consider the appeal at the first available meeting after the filing of the appeal.

f. Review and Evaluation

1. The Building Official or the Board of Adjustment shall review and approve the site plan based on the criteria established in Table 12-1 and conformance with applicable regulations in this Unified Land Development Ordinance.

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

2. The Building Official or the Board of Adjustment shall make the following findings before approval of the site plan:
 - (a) The proposed development, together with any necessary modifications, is compatible with the criteria established in Table 12-1;
 - (b) Any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable effects;
 - (c) The site plan conforms to the Unified Land Development Ordinance.

g. Modification of Site Plan

The Building Official or Board of Adjustment may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to, additional landscaping or screening; installation of erosion control measures; improvement of access or circulation, rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, or welfare.

h. Term and Modification of Approval

1. A Site Plan Approval shall become void two years after the date of approval, unless the applicant receives a Building Permit and diligently carries out development prior to the expiration of this period.
2. The Building Official may approve an application to modify a previously approved site plan if he/she determines that the modification does not affect findings related to the criteria set forth in Table 12-1.
3. The Building Official may revoke a Site Plan Approval if he/she determines that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Board of Adjustment.

i. Approval to Run With Land

An approval pursuant to this section shall run with the land until such time as a change in use has the potential to significantly affect the traffic circulation or land uses in adjacent neighborhoods.

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

12-3 Special Use Permit Procedure

a. Purpose

The Special Use Permit Procedure provides for public review and discretionary City Council approval for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.

b. Administration

The Planning Commission shall review and evaluate each application and transmit its recommendation to the City Council. The City Council shall review, evaluate, and act upon all applications submitted pursuant to this procedure.

c. Application Requirements

An application for a Special Use Permit may be filed by the owner(s) of a property or by the property owner's authorized agent with the Community Development Director's Office. Any such application will not be deemed submitted until all of the information set forth below is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications will not be placed on the Planning Commission Agenda until all such missing information is provided. Such application shall be submitted to the Community Development Director's Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which the public hearing on the application will be held. The application shall include the following information and be submitted on a form approved by the Community Development Director's Office:

1. Name, email and mailing address and phone number of the property owner who is making application or said property owner's authorized agent.
2. Legal Representation: Name of Firm, attorney, phone number, email and mailing address
2. Owner, address and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. A site plan, when requested by the building official, which includes all information as described in 12-2 (d)(4.)
5. Excavation Special Use Permits applications must include a proposed post development site plan.

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5. The special use requested and the current zoning.
6. Be signed by the property owner or the property owner's duly authorized agent.

TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

		APPLICATION TO	
Land Use Compatibility			
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
Height and Scale			
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
Setbacks	Development should respect pre-existing setbacks in surrounding areas. Variations should be justified by site or operating characteristics.	X	X
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X
Site Development			
Frontage	Project frontage along a street should be similar to lot width.	X	X
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage-ways should be preserved to the extent possible.	X	X

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Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations.		X
Operating Characteristics			
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X

TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

	CRITERIA	APPLICATION TO	
		Site Plan Review	Special Use Permit
Operating Characteristics			
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
Public Facilities			
Sanitary Waste Disposal	Developments within 300 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	X	X
	Sanitary sewer must have adequate capacity to serve development.	X	X
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X

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Utilities	Project must be served by utilities if the property is located within 300 ft of said utility.	X	X
Comprehensive Plan	Projects shall be consistent with the comprehensive development plan of Columbus.		X

d. Approval Process

1. The Planning Commission, following ten days notice as required by Paragraph 12-3 (e), shall hold a public hearing on each proposed Special Use Permit and following such public hearing, shall recommend action to the City Council.

2. The City Council, after the ten days notice as required by Paragraph 12-3 (e) and after public hearing, shall act on the Special Use Permit. The City Council may apply any reasonable conditions to the approval of the permit.

3. The applicant shall be responsible for preparing and furnishing in proper form a “draft” Ordinance including any reasonable conditions recommended by the Planning Commission sufficiently in advance of the City Council Meeting for review by City staff and for distribution to the Mayor and members of the City Council. A “final” ordinance for said special use permit shall be thereafter submitted by applicant for action by the City Council.

e. Required Notice and Publication

Prior to consideration of and/or approval of a Special Use Permit by the Planning Commission and by the City Council, notice of public hearing before the Planning Commission and before the City Council shall be provided as follows:

1. Posted Notice: A notice shall be posted by the applicant in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be placed on or near such premises that it is easily visible from the street and shall be posted at least ten days before the date of such hearing. It shall be the duty of the applicant to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the applicant to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed, it shall be the duty of the applicant to promptly post a new sign for the remainder of the ten-day period.

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2. Notice by Publication: At least ten days before the date of hearing the City Clerk shall have published in a newspaper having a general circulation in the City of Columbus a Notice of the time, place and subject matter of such hearing.
3. Notice by Personal Service or Mail: At least 10 days prior to the date of the hearing the applicant shall either:
 - a) personally serve, or
 - b) mail to the last known address,

written notice of such hearing to each of the following:

- i) the owners of the real estate which is the subject of the Special Use Permit;
- ii) all properties whether in whole or in part which are located within 300 feet of the real estate which is the subject of the Special Use Permit; and
- iii) the Board of Education of each school district in which the real estate which is the subject of the Special Use Permit is located.

If the record title owners of any real estate included in such proposed change be non-residents of the municipality, a written notice of such hearing shall be mailed by certified mail to their last-known address at least ten days prior to the date of such hearing.

4. Exception: The provisions of Subsection 1 "Posted Notice" and Subsection 3 "Notice by Personal Service or Mail" shall not apply in the event of a proposed change in the application of Special Use Permits throughout entire areas of an existing zoning district or of the City or parts thereof, or in the event of a proposed change in such regulations, restrictions or districts governing said Special Use Permits.
5. Affidavit of Notice Compliance: The applicant shall be responsible for filing with the City Clerk prior to 3:00 PM on the date of the hearing an Affidavit of Notice Compliance. Said Affidavit shall verify that the "Posted Notice" requirements set forth in Subsection 1 above and that the "Notice by Personal Service or Mail" requirements set forth in Subsection 3 above were both complied with. Said Affidavit shall be submitted on a form approved by the City Clerk's office.

f. Scope of Approval

1. The City Council may, at its discretion, apply a Special Use Permit to a specific owner or applicant. The City Council may establish special site development or operational regulations as a condition for approval of a Special Use Permit.

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g. Lapse, Revocation or Completion of Permit

1. A Special Use Permit shall become void two years after its effective date if the applicant has not carried out development or occupancy during that period.
2. The City Council may revoke a Special Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.
3. Completion of a Special Use Permit for resource extraction and excavation shall include a final record drawing site plan.

h. Previously Approved Permits

Any special use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid Special Use Permit, subject to requirements imposed at the time of its approval.

i. Denial of Special Use Permit; Waiting Period

In the event that a Special Use permit as provided in this Article is denied by the City Council, no new request shall be made for the same or a substantially similar Special Use Permit within six months of said denial.

12-3 Development Review Team (DRT)

a. Purpose

The DRT meets weekly with project representatives to identify opportunities and resolve potential issues before project and development plans are finalized. Through the DRT process all aspects of a project can be discussed including key issues and expectations such as site issues, time lines, processing of applications, phasing, design issues and code requirements. The DRT provides the best possible customer service by maintaining allowing close contact with project representatives, by providing thorough review and feedback on every major proposed project, and by working to resolve issues at the earliest possible stage of development.

b. Administration

Members of the DRT are the City Administrator, Community Development Director and/or Building Official, City Engineer, Public Works Director and City Planner. These members may invite other

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staff and professionals as they see fit based on project scope. If applicable, DRT members will visit the project location prior to the DRT meetings and be prepared to discuss all potential issues and opportunities. The DRT shall take notes during the meeting and shall provide those notes to all participants. The DRT and/or staff members of the DRT will provide professional recommendations to the Planning Commission and City Council.

c. Application Requirements

Project representatives will be provided an application for the DRT. Complete development plans are not necessary for the initial meeting however, as many details as possible are encouraged to be shared in the application in order to jointly develop the most efficient and successful project. At a minimum the project representative shall provide:

1. Project Representative information.
2. Description of the project.

DRT members will reserve every Wednesday from 8:00 am to 12:00 pm for DRT project review and meetings with project representatives.

Applications will be due the Friday prior to the meeting date desired by the project representative.

12-4 Amendment Procedure

a. Purpose

The Amendment Procedures describe the methods by which changes may be made in the text of the Unified Land Development Ordinance (text amendment) and/or the official boundaries of zoning districts (rezoning).

b. Initiation of Amendments

1. Text amendments may be initiated by the Planning Commission or City Council.
2. Rezoning may be initiated by a property owner or authorized agent; the Planning Commission; or the City Council.

c. Rezoning Application Requirements

An application for a rezoning may be filed with the Community Development Director's

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Office. Any such application will not be deemed submitted until all of the stated information is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications will not be placed on the Planning Commission Agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Director's Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which time the public hearing on the application will be held. The application shall include the following information and shall be submitted on a form approved by the Community Development Director's Office:

1. Name, email, mailing address and phone number of the property owner who is making application or said property owner's authorized agent.
2. Legal Representation: Name of Firm, attorney, phone number, email and mailing address
3. Owner, address, email address and legal description of the property.
4. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
5. An aerial image depicting the proposed development on the property and the existing surrounding zoning classifications. A site plan, when requested by the building official, which includes all information as described in 12-2 (d)(4.)
6. The current zoning and the requested zoning.
7. Be signed by the property owner or the property owner's duly authorized agent.

d. Amendment Process

1. The Planning Commission, following ten days notice as required by Paragraph 12-4 (e), shall hold a public hearing on each proposed text amendment or rezoning amendment and, following such public hearing, shall recommend action to the City Council. The Planning Commission may recommend as part of its recommended approval of a rezoning any conditions reasonably related to the interest of public health, safety, morals and the general welfare.
2. The City Council, after ten days notice as required by Paragraph 12-4 (e) and after public hearing, shall act on the proposed amendment. The City Council may impose any reasonable conditions on the approval of the rezoning, provided said conditions are reasonably related to the interest of public health, safety, morals and the general welfare. In furtherance thereof, the City Council may condition rezoning on the adoption of an agreement between the developer and the City.
3. The applicant shall be responsible for preparing and furnishing in proper form a "draft" ordinance including any reasonable conditions recommended by the Planning Commission sufficiently in advance of the City Council Meeting for review by City staff and for distribution to the Mayor and members of the City Council. A "final" ordinance for said re-zoning shall be thereafter submitted by applicant for action by the City

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Council.

e. Required Notice and Publication

Prior to consideration of amending, supplementing, changing, modifying, or repealing this ordinance by the Planning Commission and by the City Council, notice of public hearing before the Planning Commission and before the City Council shall be provided as follows:

1. **Posted Notice:** In the case of rezonings, a notice shall be posted by the applicant in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed on or near such premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be the duty of the applicant to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the applicant to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed, it shall be the duty of the applicant to promptly post a new sign for the remainder of the ten-day period.
2. **Notice of Publication:** In the case of text amendments and rezonings, at least ten days before the date of hearing the City Clerk shall have published in a daily newspaper having a general circulation in the City of Columbus a Notice of the time, place and subject matter of such hearing.
3. **Notice by Personal Service or Mail:** In the case of rezonings, at least 10 days prior to the date of the hearing, the applicant shall either:
 - a) personally serve, or
 - b) mail to the last known address,

written notice of such hearing to each of the following:

- i) the owners of the real estate to be zoned or rezoned;
- ii) the owners of all real estate located within 300' of the real estate to be zoned or rezoned; and
- iii) the Board of Education of each school district in which the real estate to be zoned or rezoned is located.

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If the record title owners of any real estate included in such proposed change be non-residents of the municipality, a written notice of such hearing shall be mailed by certified mail to their last-known address at least ten days prior to the date of such hearing.

4. Exception: The provisions of Subsection 1 "Posted Notice" and Subsection 3 "Notice by Personal Service or Mail" shall not apply (1) in the event of a proposed change in such regulations, restrictions, districts, or boundaries throughout the entire areas of an existing zoning district or of the City, or (2) in the event additional or different types of zoning districts are proposed, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the City, or (3) text amendments; in such instances only the requirements heretofore set forth in Subsection 2. "Notice of Publication" above shall be applicable.
5. Affidavit of Notice Compliance: The applicant shall be responsible for filing with the City Clerk on the date of the hearing an Affidavit of Notice Compliance. Said Affidavit shall verify that the "Posted Notice" requirements set forth in Subsection 1 above and that the "Notice by Personal Service or Mail" requirements set forth in Subsection 3 above were both complied with. Said Affidavit shall be submitted on a form approved by the City Clerk's office.

f. Denial of Proposed Amendment; Waiting Period

In the event that a proposed amendment or change as provided in this Article is denied by the City Council, no new request shall be made for the same or substantially similar amendment or change within six (6) months of said denial thereof.

12-5 Extension of the Extra-Territorial Jurisdiction

There shall be an automatic extension of the extra-territorial jurisdiction due to annexation or incorporation of any addition into the City. The City Council with the recommendation of the Planning Commission, shall zone properties within the newly established Jurisdiction concurrent with, or within 90 days thereafter, of the adoption of the annexation ordinance or resolution incorporating said property into the City. The zoning shall consider the Comprehensive Development Plan of the City of Columbus and the present use of the land. In the event the City takes no action within the time period, said property within the newly established Jurisdiction shall be deemed as zoned RR, Rural Residential.

12-6 Building Permits and Certificates of Occupancy

a. Administration and Enforcement

The Building Official shall administer and enforce this ordinance.

If the Building Official shall find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any

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other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

b. Building Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Building Official. No building permit shall be issued by the Building Official except in conformity with the provisions of this ordinance, unless he/she receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this ordinance.

c. Application for Building Permit

All applications for building permits shall include a site plan and shall include plans drawn to scale and an electronic copy, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Official, including the existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families and/or persons, , and the number of units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

One copy of the plans shall be returned to the applicant by the Building Official, after he/she shall have marked such copy either as approved or disapproved and attested the same by his/her signature on such copy. The electronic copy of the plans shall be retained by the Building Official.

d. Certificates of Occupancy for New, Altered, or Non-Conforming Uses

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy is issued by the Building Official stating that the proposed use of the building or land conforms to the requirements of this Ordinance and that all plans submitted with the application for building permit have been completed. Prior to the issuance of a Certificate of Occupancy, the Building Official, or his/her designee, shall conduct a final inspection of said building or premises to determine compliance with the requirements of the Columbus City Ordinances and it shall be the duty of the property owner to cooperate with said final inspection.

e. Expiration of Building Permit

1. If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the building official; and written notice thereof shall be given to the persons affected.

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2. If the work described in any building permit has not been completed within two years of the date of issuance thereof, said permit shall expire and be cancelled by the Building Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.
3. The expiration date of a building permit may be established for a period longer than two years if established at the time that such permit is issued by the City. The Building Official may, at his/her discretion extend the expiration period of the building permit.

f. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Occupancy

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Building Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction which varies from the approved permit shall be deemed a violation of this ordinance, and punishable as provided by Section 12-14 hereof.

12-7 Schedule of Fees, Charges and Expenses

The City Council shall establish by resolution a schedule of fees, charges, and expenses and a collection procedure for building permits, re-zoning application fees, special use permit application fees, board of adjustment filing fees, site plan review, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance.

The schedule of fees shall be posted in the office of the Building Official, and may be altered or amended only by the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application for appeal.

12-8 Board of Adjustment

a. Establishment

1. A Board of Adjustment is hereby established to provide relief in situations of hardship or to hear appeals as provided by this Section. The Board shall consist of five regular members, plus one additional alternate member who shall attend and vote only when one of the regular members is unable to attend for any reason. At least one member of the Board shall be a member of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of

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membership on the Board of Adjustment and the appointment of another Planning Commission member to the Board. At least one member of the Board shall reside outside of the corporate boundaries of the City, but within its extra-territorial zoning jurisdiction.

2. Each member shall be appointed by the Mayor with the approval of the City Council for a three-year term and is removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Chairman of the Board shall be elected annually by the members of the Board. All members of the Board shall serve without compensation.
3. The Board of Adjustment shall adopt rules and regulations in accordance with this ordinance and the laws of the State of Nebraska pursuant to Sections 19-901 to 19-914 of Nebraska Revised Statutes. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The Board shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. A majority of the Board shall constitute a quorum for the transaction of business.

b. Procedure for Appeals

1. Appeals shall be made to the Board of Adjustment within reasonable time of the cause of the appeal through the office of the Building Official in written form as determined by the Building Official. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within thirty days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Building Official certifies to the Board that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the District Court on notice to said officer and on due cause shown.
2. The Board shall provide a written notice to the appealing party of the date and time set for public hearing. The Board shall provide a minimum of ten days' notice of a public hearing on any question before it by publication in a newspaper of general circulation in the City of Columbus setting forth the time, place and subject matter of such hearing. Notice of hearing shall be posted by the appealing party in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be the duty of the appealing party to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be

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unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the appealing party to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed it shall be the duty of the appealing party to promptly post a new sign for the remainder of the ten-day period. The appealing party shall be responsible for filing with the Building Official on the date of the hearing an Affidavit of Posting Notice. Said Affidavit shall verify that the requirements concerning posting notice as set forth herein were complied with and said Affidavit shall be submitted on a form approved by the Building Official.

3. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of four out of five members of such board as so composed shall be necessary to reverse any order, requirement, decision or determination of any Building Official, or to decide in favor of the appellant on any matter upon which it is required to pass under any zoning ordinance, or to effect any variation in such ordinance.

12-9 Powers and Duties of the Board Of Adjustment

The Board of Adjustment shall have only the following powers and duties:

a. Administrative Review To hear and decide appeals where it is alleged there is error in any order, requirement, decisions or determination made by the Building Official in the enforcement of this Ordinance or any regulation relating to the location or soundness of structures.

b. Interpretation of Zoning Map To hear and decide in accordance with the provisions of any zoning regulation, requests for interpretation of any map.

c. Variances to Relieve Hardships Relating to Property To authorize, upon appeal, variances from the strict application of this Ordinance where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.

1. Requirements for Grant of a Variance. No such variance shall be authorized by the Board unless it finds that:

(a) Strict application of the zoning ordinance will produce undue hardship;

(b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity;

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(c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance;

(d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice;

(e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Ordinance.

2. Findings by Board. The Board of Adjustment shall make findings that the requirements of Section 12-9c(1) have been met by the applicant for a variance.

3. Conditions for Grant of Variance.

(a) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 12-14 of this Ordinance.

(b) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

(c) No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

d. Board has Powers of Building Official on Appeals: Reversing Decisions of Building Official

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Building Official from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Building Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

12-10 Appeals from the Board of Adjustment

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Any person or persons, or any board, taxpayer, officer, department, board or bureau of the city aggrieved by any decision of the Board of Adjustment may seek review of such decision by the District Court for the County in the manner provided by the laws of the State and particularly by 19-912 R.R.S. 1943 (Reissue 1991), and amendments thereto.

12-11 Duties of Building Official, Board of Adjustment, City Council, and Courts on Matters of Appeal

- a. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Building Official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Building Official, and that recourse from the decisions of Board of Adjustment shall be to the courts as provided by law.
- b. Under this ordinance the City Council shall have only the duties (1) of considering and adopting or rejecting proposed amendments or permits, or the repeal of this ordinance as provided by law, and (2) of establishing a schedule of fees and charges as stated in Section 12 of this ordinance.

12-12 Severability Clause

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

12-13 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is allowed to have occurred, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the Building Official. He/she shall record properly such complaint immediately, investigate, and take action thereon as provided by this ordinance.

12-14 Penalties for Violation

- a. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or imprisoned for not more than 30 days, or both and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- b. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- c. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation

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13 ARTICLE THIRTEEN

PART A - WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

13-1 Purpose and Legislative Intent

The Telecommunications Act of 1996 affirmed the City of Columbus' authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. The City of Columbus, Nebraska finds that Wireless Telecommunications Facilities may pose significant concerns to the health, safety, public welfare, character and environment of the City and its inhabitants. The City also recognizes that facilitating the development of wireless service technology can be an economic development asset to the City and of significant benefit to the City and its residents. In order to insure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the City's land use policies, the City is adopting a Wireless Telecommunications Facilities application and permit process. The intent of this Ordinance is to minimize impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the City of Columbus, Nebraska.

13-2 Title

Article 13, Part A, shall be known and cited as the Wireless Telecommunications Facilities Siting Ordinance for the City of Columbus, Nebraska, and herein referred to as Article 13, Part A.

13-3 Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Article 13, Part A, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of Article 13, Part A, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

Any Special Use Permit issued for Wireless Telecommunications Facilities shall follow the Special Use Permit Rules and Procedures under Article 12.

13-4 Definitions

For purposes of Article 13, Part A, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include

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the plural number. The word “shall” is always mandatory, and not merely directory.

- A) **“Accessory Facility”** or **“Structure”** means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
- B) **“Applicant”** means any Wireless service provider submitting an Application for a Special Use Permit for Wireless Telecommunications Facilities.
- C) **“Application”** means all necessary and appropriate documentation that an Applicant submits in order to receive a Special Use Permit for Wireless Telecommunications Facilities.
- D) **“Antenna”** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.
- E) **“Certificate of Compliance”** means the certification from the City or the City’s consultant that confirms the project was constructed and is in compliance with the conditions of the permit.
- F) **“Collocation”** means the use of an existing Tower or structure to support Antennae for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a co-location as long as the new tower is no taller than the old tower and that the old tower is removed in a reasonable short time frame after the new tower is constructed.
- G) **“Commercial Impracticability”** or **“Commercially Impracticable”** means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be “commercially impracticable” and shall not render an act or the terms of an agreement “commercially impracticable”.
- H) **“Completed Application”** means an Application that contains all information and/or data necessary to enable an informed decision to be made with respect to an Application.
- I) **“Council”** or **“City Council”** means the City Council of the City of Columbus, Nebraska.
- J) **“Distributed Antenna System or DAS”** means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.
- K) **“Eligibility Facility”** means a facility as defined in FCC 14-153.
- L) **“Eligible Facility Permit”** means the official zoning permit approved and issued by the Community Development Director for application which meets the definition of an eligible facility.

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- M) **“FAA”** means the Federal Aviation Administration, or its duly designated and authorized successor agency.
- N) **“FCC”** means the Federal Communications Commission, or its duly designated and authorized successor agency.
- O) **“Height”** means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightening protection device.
- P) **“Modification”** or **“Modify”** means the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a Telecommunications Tower or Telecommunications Site as a co-location is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.
- Q) **“NIER”** means Non-Ionizing Electromagnetic Radiation.
- R) **“Person”** means any individual, corporation, estate, trust, partnership, joint stock Company, association of two (2) or more persons having a joint common interest, or any other entity.
- S) **“Personal Wireless Facility”** See definition for ‘Wireless Telecommunications Facilities’.
- T) **“Personal Wireless Services”** or **“PWS”** or **“Personal Telecommunications Service”** or **“PTS”** shall have the same meaning as defined and used in the 1996 Telecommunications Act.
- U) **“Planning Commission”** means the Planning Commission for the City of Columbus.
- V) **“Repairs and Maintenance”** means the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.
- W) **“Right-of-Way”** means the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility easement, or similar property, but not including a freeway as defined in Neb. Rev. Stat. Section 39-1302, the National System of Interstate and Defense Highways, or a private Easement.
- X) **“Small wireless facility”** means a wireless facility that meets each of the following conditions: (1) the facilities (a) are mounted on structures 50 feet or less in height including the antennas or (b)

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are mounted on structures no more than 10 percent taller than other adjacent structures; (2) each antenna associated with the deployment is no more than three cubic feet in volume; (3) all other equipment associated with the structure, whether ground-mounted or pole-mounted, is no more than 28 cubic feet in volume; (4) the facilities do not require antenna structure registration under 47 C.F.R. part 17, as such regulation existed on January 1, 2019; (5) the facilities are not located on tribal lands, as defined in 36 C.F.R. 800.16(x), as such regulation existed on January 1, 2019; and (6) the facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b), as such regulation existed on January 1, 2019.

- Y) **“Specialized Mobile Radio”** or **“SMR”** means an analogue or digital trunked two-way radio system, operated by a service in the VHF, 220, UHF, 700,800 or 900 MHz bands.
- Z) **“State”** means the State of Nebraska.
- AA) **“Stealth”** or **“Stealth Technology”** means to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or Commercially Impracticable under the facts and circumstances.
- BB) **“Telecommunications”** means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
- CC) **“Telecommunications Site”** See definition for Wireless Telecommunications Facilities.
- DD) **“Telecommunications Structure”** means a structure used in the provision of services described in the definition of ‘Wireless Telecommunications Facilities’.
- EE) **“Temporary”** means temporary in relation to all aspects and components of Article 13, Part A, something intended to, or that does not exist for more than ninety (90) days.
- FF) **“Tower”** means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.
- GG) **“Wireless Telecommunications Facilities”** or **“WTF”** means and includes a **“Telecommunications Site”** and **“Personal Wireless Facility”**. It means a structure, facility or location designed, or intended to be used as, or used to support Antennas or other transmitting or receiving devices. This includes without limit, Towers of all types and kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for Antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters

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and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

13-5 Overall Policy and Desired Goals for Eligible Facility and Special Use Permits for Wireless Telecommunications Facilities

In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities protects the City's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in Article 13, Part A, the City hereby adopts an overall policy with respect to an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:

- A) Requiring an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities for any new, co-location or modification of a Wireless Telecommunications Facility.
- B) Implementing an Application process for person(s) seeking an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities.
- C) Establishing a policy for examining an application for and issuing an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities that is both fair and consistent.
- D) Promoting and encouraging, wherever possible, the sharing and/or co-location of Wireless Telecommunications Facilities among service providers.
- E) Promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or Commercially Impracticable under the facts and circumstances.
- F) That in granting an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities, the City has found that the facility shall be the most appropriate site as regards being the least visually intrusive among those available in the City.

13-6 Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities Required; Exceptions

- A) Except as otherwise provided by Article 13, Part A, no Person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of, Wireless Telecommunications Facilities as of January 2, 2018, without having first obtained either an Eligible

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Facility Permit or a Special Use Permit for Wireless Telecommunications Facilities prior to the application for a building permit. Notwithstanding anything to the contrary in this section, no Permits for Wireless Telecommunications Facilities shall be required for those non-commercial exclusions noted in Section 13-7.

- B) All legally permitted Wireless Telecommunications Facilities, constructed as permitted, existing on or before January 2, 2018, shall be allowed to continue as they existed, provided however, that any visible modification of an existing Wireless Telecommunications Facility will require the complete facility and any new installation to comply with this Article 13, Part A.
- C) Any Repair and Maintenance of a Wireless Telecommunications Facilities does not require an Application for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities.

13-7 Exclusions

The following shall be exempt from Article 13, Part A:

- A) The City's fire, police, department of transportation or other public service facilities owned and operated by the local government.
- B) Any facilities expressly exempt from the City's siting, building and permitting authority.
- C) Over-the-Air reception Devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception.
- D) Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial Telecommunications.
- E) Facilities used exclusively for providing unlicensed spread spectrum technology i.e. Bluetooth or a 'Hot Spot', where the facility does not require a new tower, where the service is not to be used for commercial purposes, where there is no fee or charge for the use of the service and where the service is intended to be useable for less than 200'.
- F) Small Wireless Facilities located in a right-of-way. Said right-of-way shall be deemed governed by the provisions of Neb. Rev. Stat. Section 86-1201 to Section 86-1244 known as the Small Wireless Facilities Deployment Act and by Article 13B and Article 15 of the Land Development Ordinance.

13-8 Eligible Facility Permit and Special Use Permit Application and Other Requirements.

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- A) All Applicants for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in Article 12 and Article 13, Part A, of the Zoning Ordinance. Applications for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities must be made pursuant to Article 12 and Article 13, Part A, of the Zoning Ordinance. Upon the recommendation from the Planning Commission, the City Council is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting or revoking Eligible Facility Permit or Special Use Permits for Wireless Telecommunications Facilities. The City may at its discretion delegate or designate other official agencies or officials of the City to review, analyze, evaluate and make recommendations to the Planning Commission and the City Council concerning matters involving Eligible Facility Permit or Special Use Permits for Wireless Telecommunications Facilities.
- B) All applications for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall be filed with the Community Development Director's office pursuant to Article 12-3.
- C) The City may reject applications not meeting the requirements stated herein or which are otherwise incomplete.
- D) No Wireless Telecommunications Facilities shall be installed, constructed or modified until the Application is reviewed and approved by the City, and the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities has been issued.
- E) Any and all representations made by the Applicant to the City on the record during the Application process, whether written or verbal, shall be deemed a part of the Application and may be relied upon in good faith by the City.
- F) An Application for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.
- G) The Applicant must provide documentation to verify it has the right to proceed as proposed on the Site. This would require an executed copy of the lease with the landowner or landlord or a signed letter acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.
- H) The Applicant shall include a statement in writing:
 - 1) That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities, without exception, unless specifically granted relief by the City in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable City, State and Federal Laws, rules, and regulations;
 - 2) That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State.

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- I) Where a certification is called for in Article 13, Part A, such certification shall bear the signature and seal of a Registered Professional licensed in the State.
- J) In addition to all other required information as stated in Article 13, Part A, all applications for the construction or installation of new Wireless Telecommunications Facilities or modification of an existing facility shall contain the information hereinafter set forth.
- 1) A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;
 - 2) Documentation that demonstrates and proves the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the City. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, including an analysis of current and projected usage; for a new tower drive test data is required. If documentation is provided by the applicant that this site qualifies as an Eligible Facility, proof of need is not required;
 - 3) The name, address and phone number of the person preparing the report;
 - 4) The name, address, and phone number of the property owner and Applicant, and to include the legal name of the Applicant. If the site is a tower and the owner is different than the applicant, provide name and address of the tower owner;
 - 5) The postal address and tax map parcel number of the property;
 - 6) The Zoning District or designation in which the property is situated;
 - 7) Size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;
 - 8) The location of nearest residential structure;
 - 9) The location, size and height of all existing and proposed structures on the property which is the subject of the Application;
 - 10) The type, locations and dimensions of all proposed and existing landscaping, and fencing;
 - 11) The azimuth, size and center-line height location of all proposed and existing antennae on the supporting structure;
 - 12) The number, type and model of the Antenna(s) proposed with a copy of the specification sheet;
 - 13) The make, model, type and manufacturer of the Tower and design plan stating the Tower's capacity to accommodate multiple users;
 - 14) A site plan describing the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
 - 15) The frequency, modulation and class of service of radio or other transmitting equipment;
 - 16) The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;
 - 17) Signed documentation such as the "Checklist to Determine Whether a Facility is Categorically Excluded" to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC RF Emissions guidelines (NIER). If not categorically excluded, a complete RF Emissions study is required to provide verification;
 - 18) A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices;
 - 19) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities;

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- 20) A copy of the geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for a proposed or existing Tower site and if existing Tower or water tank site, a copy of the installed foundation design.
- K) The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new Tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA, and any related correspondence shall be provided with the application.
- L) Additional requirements for an Application for New Tower.
- 1) In the case of a new Tower, the Applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing Tower(s) or the use of alternative buildings or other structures within the City. Copies of written requests and responses for shared use shall be provided to the City in the Application, along with any letters of rejection stating the reason for rejection.
 - 2) In order to better inform the public, in the case of a new Telecommunication Tower, the Applicant shall, prior to the public hearing on the application, hold a "balloon test". The Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three (3) foot in diameter brightly colored balloon at the maximum height of the proposed new Tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the Applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the City. The Applicant shall inform the City, in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four consecutive hours sometime between 7:00 am and 4:00 pm on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday. A report with pictures from various locations of the balloon shall be provided with the Application.
 - 3) The Applicant shall examine the feasibility of designing the proposed Tower to accommodate future demand for at least four (4) additional commercial applications, for example, future co-locations. The Tower shall be structurally designed to accommodate at least four (4) additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Tower is not technologically feasible, is Commercially Impracticable or creates an unnecessary and unreasonable burden, based upon:
 - a) The foreseeable number of FCC licenses available for the area;
 - b) The kind of Wireless Telecommunications Facilities site and structure proposed;
 - c) The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites;
 - d) Available space on existing and approved Towers.
 - 4) Upon completing construction and before the issuance of the Certificate of Compliance, to ensure the tower was constructed as permitted, the applicant is to provide signed

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documentation of the Tower condition per the requirements of ANSI/TIA/EIA-222 (adopted by reference in the building code). Annex for Tower Maintenance, Condition Assessment and Inspection Procedures. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.

- 5) The owner of a proposed new Tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed Tower by other Wireless service providers in the future, and shall:
 - a) Respond within 60 days to a request for information from a potential shared-use Applicant;
 - b) Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;
 - c) Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference;
 - d) Failure to abide by the conditions outlined above may be grounds for revocation of the Special Use Permit for Wireless Telecommunications Facilities.

- M) The Applicant shall provide certification with documentation (structural analysis) including calculations that the Telecommunication Facility Tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, city, state and federal structural requirements for loads, including wind and ice loads.

- N) If application is for a co-location or modification on an existing Tower, the applicant is to provide signed documentation of the Tower condition per the requirements of ANSI/TIA/EIA-222 (adopted by reference in the building code). Annex for Tower Maintenance, Condition Assessment and Inspection Procedures. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.

- O) All proposed Wireless Telecommunications Facilities shall contain a demonstration that the Facility will be sited so as to minimize visual intrusion as much as possible, given the facts and circumstances involved and will thereby have the least adverse visual effect on the environment and its character and on the residences in the area of the Wireless Telecommunications Facility.

- P) If the application is for a new Tower, a new Antenna attachment to an existing structure, or modification adding to a visual impact, the Applicant shall furnish a Visual Impact Assessment, which shall include:
 - 1) If a new Tower or increasing the height of an existing structure is proposed, a computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure,

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with and without foliage shall be provided to illustrate locations from which the proposed installation may be seen.

- 2) Pictorial representations of “before and after” (photo simulations) views from key viewpoints both inside and outside of the City as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at the pre-application meeting. Provide a map showing the locations of where the pictures were taken and distance from the proposed structure.
 - 3) A written description of the visual impact of the proposed facility including; and as applicable the Tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
- Q) The Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility.
- R) The Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth or concealment technology as may be required by the City.
- S) All utilities at a Wireless Telecommunications Facilities site shall be installed underground whenever possible and in compliance with all Laws, Ordinances, rules and regulations of the City, including specifically, but not limited to, the most recently adopted versions of the National Electrical Safety Code and the National Electrical Code where appropriate.
- T) At a Telecommunications Site, an access road, turn-around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- U) All Wireless Telecommunications Facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the City, State, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.
- V) A holder of an Eligible Facility Permit or Special Use Permit for a Wireless Telecommunications Facilities granted under Article 13, Part A, shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the City or other governmental entity or agency having jurisdiction over the applicant.

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- W) There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site.
- X) An Applicant shall submit to the City the number of completed Applications determined to be needed.
- Y) The holder of an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall notify the City of any intended Modification of a Wireless Telecommunication Facility and shall apply to the City to modify, relocate or rebuild a Wireless Telecommunications Facility.

13-9 Location of Wireless Telecommunications Facilities

- A) Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority of selection and ten (10) being the lowest priority.
 - 1) On existing Towers or other structures on city owned properties, including the right-of-way.
 - 2) On existing Towers or other structures on other property in the City.
 - 3) A new Tower on City-owned properties, including the right-of-way.
 - 4) A new Tower on property in areas zoned MH, "General Industrial District."
 - 5) A new Tower on property in areas zoned ML/C-1, "Light Industrial District."
 - 6) A new Tower on property in areas zoned AG, "Agricultural District."
 - 7) A new Tower on property in areas zoned B-2, "General Commercial District."
 - 8) A new Tower on property in areas zoned B-1, "Central Business District."
 - 9) A new Tower on property in areas zoned "O", "Office District", LC, "Limited Commercial District", UC, "Urban Commercial District."
 - 10) A new Tower on property in areas zoned RR, "Rural Residential District", R-1, "Single-Family Residential District", R-2, "Urban-Family Residential District", R-3, "Multiple-Family Residential District", and NTR, "Non-Traditional Residential District."
- B) If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant if the permit were not granted for the proposed site.
- C) An Applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An Application shall address co-location as an option. If such option is not proposed, the Applicant must explain to the reasonable satisfaction of the City why co-location is

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commercially or otherwise Impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of Commercial Impracticability or hardship.

- D) Notwithstanding the above, the City may approve any site located within an area in the above list of priorities, provided that the City finds that the proposed site is in the best interest of the health, safety and welfare of the City and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.
- E) The Applicant shall submit a written report demonstrating the Applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the Application.
- F) Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the City may disapprove an Application for any of the following reasons.
 - 1) Conflict with safety and safety-related codes and requirements;
 - 2) Conflict with the historic nature or character of a neighborhood or historical district;
 - 3) The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
 - 4) The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the City, or employees of the service provider or other service providers;
 - 5) Conflicts with the provisions of Article 13, Part A.

13-10 Shared Use of Wireless Telecommunications Facilities and Other Structures

- A) The City, as opposed to the construction of a new Tower, shall prefer locating on existing Towers or others structures without increasing the height. The Applicant shall submit a comprehensive report inventorying existing Towers and other suitable structures within two (2) miles of the location of any proposed new Tower, unless the Applicant can show that some other distance is more reasonable and demonstrate conclusively why an existing Tower or other suitable structure cannot be used.
- B) An Applicant intending to locate on an existing Tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the Applicant.
- C) Such shared use shall consist only of the minimum Antenna Array technologically required to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown.

13-11 Height of Telecommunications Towers

- A) The Applicant shall submit documentation justifying the total height of any Tower, Facility and/or Antenna requested and the basis therefore. Documentation in the form of propagation studies must include all backup data used to perform at requested height and a minimum of ten (10') feet lower height to allow verification of this height need. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the City,

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to the extent practicable, unless good cause is shown. The height limitations in this section shall supersede the height limitations set forth in Article 12.

- B) No Tower constructed after the effective date of Article 13, Part A, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with city, state, and/or any federal statute, law, local law, city ordinance, code, rule or regulation.

13-12 Visibility of Wireless Telecommunications Facilities

- A) Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by Law.
- B) Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of Article 13.
- C) If lighting is required, Applicant shall provide a plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

13-13 Security of Wireless Telecommunications Facilities

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

- A) All Antennas, Towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and
- B) Transmitters and Telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

13-14 Signage

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. RF radiation warning signage shall be posted on all four sides of the compound. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration sign as applicable is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

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13-15 Lot Size and Setbacks

All proposed Towers and any other proposed Wireless Telecommunications Facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed Tower or Wireless Telecommunications Facility structure plus ten percent (10%) of the height of the Tower or structure, or the existing setback requirement of the underlying Zoning District, whichever is greater. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

13-16 Retention of Expert Assistance and Reimbursement by Applicant

- A) The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any site inspections.

- B) An Applicant shall deposit with the City escrow funds sufficient to reimburse the City for all costs of the City's consultant in providing expert evaluation and consultation to any agency of the City in connection with the review of any Application, including where applicable, the lease negotiation, the pre-approval evaluation, and the construction and modification of the site, once permitted. The Initial Deposit shall be \$8,500 unless said amount has been modified by City Council Resolution. The placement of the Initial Deposit with the City shall precede the pre-application meeting. The City will maintain a separate escrow account for all such funds. The City's consultants/experts shall invoice the City for its services related to the Application. If, at any time during the process this escrow account has a balance less than 30% of the Initial Deposit, (the Minimum Escrow Account Balance), the Applicant shall immediately, upon notification by the City, replenish said escrow account so that it has a balance of at least 50% of the Initial Deposit (the Replenished Escrow Account Balance). Such additional escrow funds shall be deposited with the City before any further action or consideration is taken on the Application. The Initial Deposit, Escrow Account Balance and Replenished Escrow Balance amounts may be modified by resolution of the Columbus City Council. In the event that the amount held in escrow by the City is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall, upon request of the Applicant, be promptly refunded to the Applicant. If notified by the City that additional escrow is required, the Applicant may request copies of Consultants' and/or experts' invoices. If the Applicant finds errors in those invoices, Applicant may ask the City to audit those specific items for reasonableness and may request relief there from if not deemed reasonable by the City.

- C) Notwithstanding the above, there shall be a cap of \$17,000 as to the total consultant fees to be charged to applicant in a case. The foregoing does not prohibit the City from imposing additional reasonable and cost based fees for costs incurred should an applicant amend or change its application and the fee cap shall not apply as to any fees which the City determines to be attributable to the dilatory or otherwise bad faith actions of Applicant in providing a complete application or in proceeding with a public hearing.

- D) The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope (lease negotiations and/or review) and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

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13-17 Public Hearing and Notification Requirements

The procedure for obtaining a Special Use Permit for Wireless Telecommunications Facilities shall follow the procedure set forth in Article 12, Section 12-3 of the Columbus Zoning Ordinance with the exception that no public hearing or notifications are required for Eligible Facility applications.

The procedures of Article 12 are amended for purposes of Special Use Permits for Wireless Telecommunication Facilities to require written notice of such public hearing to be given to the owners of all real estate located within 500 feet instead of 300 feet of the real estate, which is the subject of the Special Use Permit for Wireless Telecommunication Facilities.

13-18 Action on an Application for a Special Use Permit for Wireless Telecommunications Facilities

- A) The City will undertake a review of an Application pursuant to the Special Use Permit procedure of Article 12-3 and shall act within a reasonable period of time given the relative complexity of the Application and the circumstances, with due regard for the public's interest and need to be involved, and the Applicant's desire for a timely resolution.
- B) Except as modified herein, the Special Use Permit Procedure of Article 12 of the Zoning Ordinance shall be followed. The decision of the City Council shall be set forth in the minutes and shall be supported by substantial evidence contained in a written record. The burden of proof for the granting of a Special Use Permit for Wireless Telecommunications Facilities shall always be upon the Applicant.
- C) If the City denies the Special Use Permit for Wireless Telecommunications Facilities or if such an ordinance fails to pass, then the Applicant shall be notified of such denial or failure to pass, in writing, within ten (10) calendar days of the City's action.

13-19 Action on an Application for a Eligible Facility Permit for Wireless Telecommunications Facilities

- A) Authorization of an Eligible Facility Permit. For any Eligible Facility Permit application, a complete application shall be approved by the Community Development Director or his or her designee only if he or she determines that such complete application is in compliance with Article 13, Part A.
- B) The burden of proof for the granting of an Eligible Facility Permit for Wireless Telecommunications Facilities shall always be upon the Applicant.
- C) If the City denies the Eligible Facility Permit for Wireless Telecommunications Facilities then the Applicant shall be notified of such denial or failure, in writing, within ten (10) calendar days of the City's action.

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13-20 Extent and Parameters of Eligible Facility Permit and Special Use Permit for Wireless Telecommunications Facilities.

The extent and parameters of an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall be as follows:

- A) Such Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall not be assigned, transferred or conveyed without the express prior written notification to the City.

- B) Such Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities may, following a hearing upon due prior notice to the Applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the Eligible Facility or Special Use Permit, or for a material violation of Article 13, Part A, after prior written notice to the holder of the Special Use Permit.

13-21 Application Fee

At the time that a Person submits an Application for an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities for a new Tower, such Person shall pay a non-refundable application fee therefor to the City in an amount as set by resolution by the Columbus City Council. If the Application is for an Eligible Facility Permit or Special Use Permit which involves modifying or co-locating on an existing Tower or other suitable structure, where no increase in height of the Tower or structure is required, or for a temporary facility the non-refundable fee shall be in an amount as therefor set by resolution by the Columbus City Council.

13-22 Small Cell / DAS Facilities

Small Cell Facilities have the potential to require either an Eligible Facilities Permit or a Special Use Permit depending on the proposed facility. The information required for an Eligible Facility or a Special Use Permit is required as outlined in Article 13, Part A.

Batch applications can be submitted to expedite the permitting process. Applicant will be required to maintain the Minimum Escrow Account Balances. The total amount of the funds needed may vary with the scope and complexity of the project. The Cap established in Section 13-16(c) does not apply for batch applications.

13-23 Performance Security

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the City a bond, or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount of at least \$75,000 for a Tower facility and \$25,000 for a co-location on an existing tower or other structure

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and with such sureties as are deemed sufficient by the City to assure the faithful performance of the terms and conditions of Article 13, Part A, and conditions of any Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities issued pursuant to Article 13, Part A. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit for Wireless Telecommunications Facilities and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Eligible Facility Permit or Special Use Permit, for Wireless Telecommunications Facilities.

13-24 Reservation of Authority to Inspect Wireless Telecommunications Facilities

In order to verify that the holder of a Special Use Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, ordinances and regulations and other applicable requirements, the City may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site.

13-25 Liability Insurance

- A) A holder of an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit for Wireless Telecommunications Facilities in amounts as set forth below:
- 1) Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
 - 2) Automobile Coverage: \$1,000,000 per occurrence/ \$2,000,000 aggregate;
 - 3) Workers Compensation and Disability: Statutory amounts.
- B) For a Wireless Telecommunications Facility on City property, the Commercial General Liability insurance policy shall specifically include the City and its officers, Councils, employees, committee members, attorneys, agents and consultants as additional insureds.
- C) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
- D) The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.
- E) Renewal or replacement policies or certificates shall be delivered to the City at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.

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- F) Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the granting of the Special Use Permit, the holder of the Eligible Facility Permit or Special Use Permit shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

13-26 Indemnification

- A) Any application for Wireless Telecommunication Facilities that is proposed for City property, pursuant to Article 13, Part A, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the City, and its officers, Councils, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the City, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.
- B) Notwithstanding the requirements noted in subsection (A) of this section, an indemnification provision will not be required in those instances where the City itself applies for and secures an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities.

13-27 Fines

- A) In the event of a violation of Article 13, Part A, or any Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities issued pursuant to Article 13, Part A, the City may impose and collect, and the holder of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities shall pay to the City, fines or penalties as set forth below.
- B) The holder of an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities failure to comply with provisions of Article 13, Part A, shall constitute a violation of Article 13, Part A, and shall subject the Applicant to the code enforcement provisions and procedures as provided in Article 12, Section 12-14 of the Land Development Ordinance, Zoning Article of the City of Columbus and Article 86 of Nebraska Revised Statutes.
- C) Notwithstanding anything in Article 13, Part A, the holder of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with Article 13, Part A, or any section of Article 13, Part A. An attempt to do so shall subject the holder of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities to termination and revocation of the Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities. The City may also seek injunctive relief to prevent the continued violation of Article 13, Part A, without limiting other remedies available to the City.

13-28 Default and/or Revocation

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If a Wireless Telecommunications Facility is repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of Article 13, Part A, or of the Eligible Facility Permit or Special Use Permit for Wireless Communications Facilities, then the City shall notify the holder of the Eligible Facility Permit or Special Use Permit in writing of such violation. A Permit holder in violation may be considered in default and subject to fines as set forth in Section 13-27 and if a violation is not corrected to the satisfaction of the City in a reasonable period of time said Eligible Facility Permit or Special Use Permit is subject to revocation.

13-29 Removal of Wireless Telecommunications Facilities

- A) Under the following circumstances, the City may determine that the health, safety, and welfare interests of the City warrant and require the removal of Wireless Telecommunications Facilities.
- 1) Wireless Telecommunications Facilities with a permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days;
 - 2) Permitted Wireless Telecommunications Facilities fall into such a state of disrepair that it creates a health or safety hazard;
 - 3) Wireless Telecommunications Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, or any other necessary authorization and the Eligible Facility or Special Permit for Wireless Telecommunications Facilities may be revoked.
- B) If the City makes such a determination as noted in subsection (A) of this section, then the City shall notify the holder of the Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities within forty-eight (48) hours that said Wireless Telecommunications Facilities are to be removed, the City may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Telecommunications Facilities.
- C) The holder of the Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or Commercial Impracticability, within ninety (90) days of receipt of written notice from the City. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the City.
- D) If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the Permit

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for Wireless Communications Facilities holder has received notice, then the City may order officials or representatives of the City to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities holder.

- E) If the City removes, or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the City may take steps to declare the Wireless Telecommunications Facilities abandoned and sell them and their components.
- F) Notwithstanding anything in this Section to the contrary, the City may approve a temporary use permit/agreement for the Wireless Telecommunications Facilities, for no more than ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, subject to approval of the City, and an agreement to such plan shall be executed by the holder of the Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities and the City. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the City may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this Section.

13-30 Relief

Any Applicant desiring relief, waiver or exemption from any aspect or requirement of Article 13, Part A, may request such, provided that the relief or exemption is contained in the submitted Application for either a Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, or in the case of an existing or previously granted Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities a request for modification of its Tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the Applicant to prove. The Applicant shall bear all costs of the City in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the Applicant demonstrates by clear and convincing evidence that, if granted the relief, waiver or exemption, it will have no significant effect on the health, safety and welfare of the City, its residents and other service providers.

13-31 Periodic Regulatory Review by the City

- A) The City may at any time conduct a review and examination of Article 13, Part A.
- B) If after such a periodic review and examination of this Ordinance, the City determines that one or more provisions of Article 13, Part A, should be amended, repealed, revised, clarified, or deleted, then the City may take whatever measures are necessary in accordance with applicable Law in order to accomplish the same. It is noted that where warranted, and in the best interests of the City, the City may repeal Article 13, Part A, at any time.
- C) Notwithstanding the provisions of subsections (A) and (B) of this Section, the City may at any time and in any manner (to the extent permitted by Federal, State, or local law), amend, add, repeal, and/or delete one or more provisions of this Article 13, Part A.

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13-32 Adherence to State and/or Federal Rules and Regulations

- A) To the extent that the holder of a Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

- B) To the extent that applicable rules, regulations, standards, and provisions of any state or federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of an Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities, then the holder of such an Eligible Facility or Special Use Permit for Wireless Telecommunications Facilities shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

13-33 Adherence to International Building Code

To the extent applicable, the holder of an Eligible Facility Permit or a Special Use Permit for Wireless Communication Facilities shall adhere to the latest version of the International Building Code adopted by the City of Columbus and towers shall be reviewed under the Structure Class III Standards as currently defined in TIA/EIA-222-G.

13-34 Conflict with Other Laws

Where Article 13, Part A, differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the city, state or federal government, Article 13, Part A, shall apply.

13-35 Effective Date

Article 13, Part A, shall be effective immediately upon passage and publication, pursuant to applicable legal and procedural requirements.

13-36 Authority

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Article 13, Part A, is enacted pursuant to applicable authority granted by the state and federal government.

13-37 to 13-39 Reserved for Future Use.

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ARTICLE 13, PART B, SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY

13-40 Title

Article 13, Part B, shall be known and cited as “Small Wireless Facilities in the Right-of-Way” for the City of Columbus, Nebraska, and herein referred to as Article 13, Part B.

13-41 Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Article 13, Part B, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of Article 13, Part B, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

13-42 Definitions

For purposes of Part B of this Article, the definitions of this Section shall apply.

- A) “**Antenna**” means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.
- B) “**Applicable Codes**” means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to such codes so long as such amendments are not in conflict with the Small Wireless Facilities Deployment Act, Neb. Rev. Stat. Section 86-1201 et seq, and to the extent such codes have been adopted by the City and are generally applicable in the City.
- C) “**Applicant**” means any person who submits an application and is a wireless provider.
- D) “**Application**” means a written request submitted by an applicant to the City for (1) a permit to collocate small wireless facilities on an existing utility pole or wireless support structure or (2) a permit for the installation, modification, or replacement of a utility pole to support the installation of a small wireless facility.
- E) “**City pole**” means a utility pole owned, managed, or operated by or on behalf of the City.
- F) “**Collocate**” or “**collocation**” means to install, mount, maintain, modify, operate, or replace small wireless facilities on or adjacent to a wireless support structure or utility pole. Neither “collocate”

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nor “collocation” includes the installation of a new utility pole or new wireless support structure in the right-of-way.

- G) “**Communications facility**” means the set of equipment and network components including wires, cables, and associated facilities used by a cable operator as defined in 47 U.S.C. 522(5), as such section existed on January 1, 2019, a telecommunications carrier as defined in 47 U.S.C. 153(51), as such section existed on January 1, 2019, a provider of information service as defined in 47 U.S.C. 153(24), as such section existed on January 1, 2019, or a wireless services provider, to provide communications services, including cable service as defined in 47 U.S.C. 153(8), as such section existed on January 1, 2019, an information service as defined in 47 U.S.C. 153(24), as such section existed on January 1, 2019, wireless services, or other one-way or two-way communications service.
- H) “**Communications network**” means a network used to provide communications service.
- I) “**Communications service**” means a cable service as defined in 47 U.S.C. 522, as such section existed on January 1, 2019, an information service as defined in 47 U.S.C. 153, as such section existed on January 1, 2019, a telecommunications service as defined in 47 U.S.C. 153, as such section existed on January 1, 2019, or a wireless service.
- J) “**Communications service provider**” means a cable operator as defined in 47 U.S.C. 522, a provider of information service as defined in 47 U.S.C. 153, or a telecommunications carrier as defined in 47 U.S.C. 153, as such sections existed on January 1, 2019. Communications service provider includes a wireless provider.
- K) “**Decorative pole**” means a City pole that is specially designed and placed for aesthetic purposes.
- L) “**FCC**” means the Federal Communications Commission.
- M) “**Fee**” means a one-time nonrecurring charge.
- N) “**Historic District**” means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places, in accordance with Stipulation VI.D.1.a (i)-(v) of the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the FCC codified at 47 C.F.R. part 1, Appendix C, as such regulation existed on January 1, 2019, or designated pursuant to state historic preservation law if such designation exists at the time of application.
- O) “**Law**” means federal, state, or local law, statute, common law, code, rules, regulation, order, or ordinance.
- P) “**Make-ready work**” generally means the modification or replacement of a City pole or associated lines, including the installation of guys and anchors on the same, required to accommodate a small wireless facility.
- Q) “**Microwireless facility**” means a small wireless facility that is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height and with any exterior antenna no longer than eleven inches.

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- R) **“Permit to occupy the right-of-way”** means a written authorization from the City issued pursuant to this Article which allows an applicant to site, place, construct, operate, maintain, repair, remove, modify, or prepare one or more small wireless facilities in the City’s rights-of-way.
- S) **“Person”** means an individual, a corporation, a limited liability company, partnership, an association, a trust, or any other entity or organization.
- T) **“Pole”** means as a utility, lighting, or similar pole made of wood, concrete, metal, or other material, located or to be located within the right-of-way.
- U) **“Public power supplier”** means a public power district or any other governmental entity providing electric service. Public power supplier includes a municipal electric supplier.
- V) **“Rate”** means a recurring charge.
- W) **“Right-of-way”** means the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility easement, or similar property, but not including a freeway as defined in section 39-1302, the National System of Interstate and Defense Highways, or a private easement.
- X) **“Routine maintenance”** means any inspections, tests, or repairs that (1) maintain a functional capacity, aesthetic standards, or structural integrity of a small wireless facility and the associated utility pole or wireless support structure and (2) do not impede, damage, or disturb any portion of the right-of-way.
- Y) **“Small wireless facility”** means a wireless facility that meets each of the following conditions: (1) the facilities (a) are mounted on structures 50 feet or less in height including the antennas or (b) are mounted on structures no more than 10 percent taller than other adjacent structures; (2) each antenna associated with the deployment is no more than three cubic feet in volume; (3) all other equipment associated with the structure, whether ground-mounted or pole-mounted, is no more than 28 cubic feet in volume; (4) the facilities do not require antenna structure registration under 47 C.F.R. part 17, as such regulation existed on January 1, 2019; (5) the facilities are not located on tribal lands, as defined in 36 C.F.R. 800.16(x), as such regulation existed on January 1, 2019; and (6) the facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b), as such regulation existed on January 1, 2019.
- Z) **“Technically feasible”** means that by virtue of engineering or spectrum usage, the proposed placement for a small wireless facility, or its design or site location, can be implemented without a reduction in the functionality of the small wireless facility.
- AA) **“Utility pole”** means a pole located in the right-of-way that is used for wireline communications, lighting, the vertical portion of support structures for traffic control signals or devices or a similar function, or for the collocation of small wireless facilities and located in the right-of-way. “Utility Pole” does not include (1) wireless support structures or (2) any transmission infrastructure owned or operated by a public power supplier.

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- BB) **“Wireless facility”** means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (1) equipment associated with wireless communications and (2) radio transceivers, antennas, coaxial or fiber-optic cable, regular power supply, and small back-up battery, regardless of technological configuration. Wireless facility includes small wireless facilities. “Wireless facility” does not include the structure or improvements on, under, or within the equipment, which is collocated; coaxial or fiber optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to, or directly associated with, a particular antenna; or a wireline backhaul facility.
- CC) **“Wireless infrastructure provider”** means any person, including a person authorized to provide telecommunications service in the State of Nebraska, when acting to build or install wireless communication transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.
- DD) **“Wireless provider”** means a wireless services provider or a wireless infrastructure provider when acting as a co-applicant for a wireless services provider.
- EE) **“Wireless services”** means any services using licensed or unlicensed spectrum, including the use of Wi-Fi, whether mobile or at a fixed location, provided to the public using wireless facilities.
- FF) **“Wireless services provider”** means a person who provides wireless services.
- GG) **“Wireless support structure”** means a structure such as a guyed or self-supporting tower, billboard, building, or other existing or proposed structure designed to support or capable of supporting wireless facilities other than a structure designed solely for the collocation of small wireless facilities. Wireless support structure does not include a utility pole.
- HH) **“Wireline backhaul facility”** means an above-ground or underground facility used to transport communications services from a wireless facility to a communications network.

13-43 Purpose and Scope

This Article supplements the generally applicable right-of-way permitting provisions in Article 15 with specific provisions for the placement, permitting, and use of small wireless facilities in the City’s right-of-way. In the event of a conflict between Article 15 and this Article, this Article shall control. This Article is intended to comply with the Small Wireless Facilities Deployment Act as adopted by the 106th Nebraska Legislature First Session, referred to in this Article as the “Act”. Nothing in this Chapter shall restrict any authority of the City as provided in the Act.

A. *Applicability of this Article.* No person shall site, place, construct, operate, maintain, repair, remove, modify, or prepare any small wireless facility, any wireless support structure, any utility pole built or modified solely to accommodate a small wireless facility, or any other structure built solely to support a wireless facility, in the City’s right-of-way, without first having received a permit from the City to occupy right-of-way pursuant to Article 15. Any small wireless facility, wireless support structure, or any utility pole or other structure built or modified solely to support a wireless facility, which is located outside the City’s right-of-way, is not subject to this Article; however, such facilities and structures are subject to the City’s Zoning Ordinance.

B. *Exceptions and Limitations.*

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1. Notwithstanding subsection (A) above, the City shall not require an application, permit, or other approval or charge fees or rates for (a) routine maintenance of small wireless facilities; (b) replacement of small wireless facilities with small wireless facilities that are substantially similar in weight or windage or the same size or smaller; or (c) the installation, placement, maintenance, operation, or replacement of microwireless facilities that are strung on cables between existing utility poles in compliance with the National Electrical Safety Code; provided, in all such cases, the City may require a permit to occupy the right-of-way for work that exceeds the original weight or windage or that requires excavation or closing of sidewalks or vehicular lanes within the right-of-way for such activities.

2. Nothing in this Article shall be construed (a) to allow any entity to provide communications services without complying with all laws applicable to such providers or (b) to authorize collocation, installation, placement, maintenance, or operation of any communications facility, including a wireline backhaul facility, other than a small wireless facility or a utility pole, in a right-of-way.

3. Except as provided in Article 13, Part B, a wireless provider shall have the right, as a permitted use not subject to zoning review or approval, to collocate small wireless facilities and install, maintain, modify, operate, and replace utility poles along, across, upon, and under the right-of-way so long as such facilities and poles do not obstruct or hinder the usual travel or public safety on such right-of-way or obstruct the legal use of such right-of-way by utilities or the safe operation of their systems or provision of service.

4. Section 13, Part B, Sections 13-44 to 13-47 shall not apply to public power suppliers or to the collocation of small wireless facilities on utility poles owned, operated, or managed by a public power supplier.

13-44 Permits to Occupy the Right-of-Way

A. Application for Permits.

1. Applications for permits to occupy the right-of-way are available from the Community Development Director. Completed applications shall be submitted to the City's Community Development Department. In addition to the information required by Article 15, Section 15-3, applicants shall submit the following information with each completed application:

(a) an attestation that the small wireless facilities covered by the application will be operational for use by a wireless services provider within nine months after the later of the completion of all make-ready work or the permit issuance date unless a delay is caused by lack of commercial power or communications transport facilities to the site; and

(b) an attestation that each proposed small wireless facility satisfies each of the aesthetic and design standards set forth in Article 15, Section 15-5, except for such standards, if any, for which applicant is concurrently submitting a request for relief under Article 15, Section 15-7; and

(c) for any small wireless facilities collocated on utility poles or wireless support structures owned, operated, or managed by a person other than the City or a public power supplier, a copy of the authorization of such person consenting the application; and

(d) if the collocation of the small wireless facility is on utility poles owned, operated, or managed by a public power supplier pursuant to a negotiated pole attachment agreement as provided in Neb. Rev. Stat. §86-1244(1), then a copy of said agreement; and

(e) all permit fees required under Article 15, Section 15-4; and

(f) information directly related to the impairment of wireless service in the immediate area; and

(g) construction and engineering drawings and information demonstrating compliance with the criteria set forth in Section 13-44 (C)(1); and

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2. An applicant that collocates a small wireless facility within the City right-of-way or on a utility pole assumes the risk of any loss, damage to, or loss of use of any facilities which are damaged, destroyed, or taken out of service due to applicant's use or presence in or on the right-of-way, except to the extent such loss or damage is due to or caused by the negligence or willfull misconduct of the City.

3. An applicant may file a consolidated application for up to five individual small wireless facilities instead of filing a separate application for each such facility. An applicant shall submit the information required under Article 15, Section 15-3 (B)(1) for each small wireless facility covered by a consolidated application; otherwise, the applicant may submit a single set of documents that apply to all of the small wireless facilities covered by such a consolidated application. Each small wireless facility within a consolidated application shall be subject to individual review; provided, that a decision regarding all small wireless facilities shall be rendered in a single determination by the Community Development Director, or his designee and provided further that the denial of one or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same application or be a basis upon which to deny the consolidated application as a whole.

B. *Review of Permits.*

1. Within 20 days after receiving an application, the Community Development Director shall determine and notify the applicant in writing whether the application is complete. If an application is incomplete, the City will specifically identify the missing information in writing. The 90-day processing deadline set forth in subsection (B)(2) below shall restart upon the first finding of incompleteness. The applicant may resubmit the completed application within 30 days without additional charge. Subsequent findings of incompleteness shall toll the 90-day processing deadline, and any subsequent review shall be limited to the specifically identified information subsequently completed. If the applicant makes any material changes in a resubmission, other than the material changes required by the City, the applicant shall be required to make a new application and submit a new application fee. Subsequent findings of incompleteness will toll the deadline from the time the City sends notice of the incompleteness to the time the applicant provides the missing information. The application processing deadline also may be tolled (a) if requested by applicant in order to accommodate applicant's request for relief submitted by applicant pursuant to Section 13-48 or (b) by agreement between the City and the applicant.

2. Unless tolled, the City will process an application no later than 90 days after receiving it. Subject to the tolling under subsection (B)(1) above, the application shall be deemed approved if the City fails to approve or deny the application within 90 days after receipt of the same. The City may extend the 90-day application processing deadline for a period of 10 business days if the City notifies the applicant in advance before the day on which approval or denial is originally due. Upon mutual agreement between the applicant and the City, the City may extend the period for consideration of an application for 30 days.

3. The City may propose technically feasible alternative utility pole locations; provided, the City shall not require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole. The wireless provider shall cooperate with the City to address the City's reasonable proposal.

4. The term of each permit to occupy the right-of-way issued under this Article shall be set forth in the permit and shall be for a period not less than five years.

C. *Denial of Permit Applications.*

1. The City may deny an application for a proposed collocation of a small wireless facility or installation, modification or replacement of a utility pole that meets the requirements of this Article 13, Part B, if the proposed operation: (a) materially and demonstrably interferes with the safe operation of traffic control equipment or the right-of-way; (b) materially interferes with sight lines or clear zones for air or land

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transportation or pedestrians; (c) materially interferes with compliance with the federal Americans with Disabilities Act of 1990 or similar federal or state standards regarding pedestrian access or movement; (d) fails to comply with the spacing requirements set forth in Article 15 of the Land Development Ordinance; (e) fails to comply with applicable codes of general applicability which do not apply exclusively to wireless facilities; (f) fails to comply with the aesthetic and other design requirements set forth in Article 15, Section 13-46 and Section 15-5; or (g) designates the location of a new utility pole within seven feet in any direction of an electrical conductor unless the wireless provider obtains the written consent of the public power supplier that owns or manages the electrical conductor.

2. The City shall document the basis for denial, including any specific provisions of this Article or other applicable law on which the denial was based, and send such documentation to the applicant on or before the date the City denies the application. The applicant may cure the deficiencies identified by the City and resubmit the application within 30 days without paying an additional application fee, and the City shall have 30 days after receiving such resubmitted application to approve or deny the same; provided, such review shall be limited to deficiencies cited in the City's denial.

D. *Issuance of Permits.* All permits to occupy the right-of-way issued under this Article are issued subject to the conditions set forth in Article 15, Section 15-3 and, in addition thereto, the following conditions:

1. The small wireless facilities covered by the application shall be operational for use by a wireless services provider no later than one year after the later of the completion of all make-ready work or the permit issuance date; provided, upon applicant's request, the City (a) shall grant a one-time extension for up to nine months if the applicant demonstrates that the delay is caused by the lack of commercial power to communications transport facilities to the site and (b) may grant one or more additional extensions on such terms as mutually agreed upon by the City and applicant.

2. The City may reserve space on the City's poles and the applicant shall cooperate with the City in any such reservation, except that the City shall first notify the applicant in writing that it is interested in reserving such pole space or sharing the trenches or bores in the area where the collocation is to occur. The applicant shall allow the City to place its infrastructure in the applicant's trenches or bores or on the utility pole as requested by the City, except that the City shall incur the incremental costs of placing the conduit or infrastructure as requested. The City shall be responsible for maintaining its facilities in the trenches and bores and on the City's pole.

E. *Renewal of Permits.* The City shall renew a permit issued hereunder for an equivalent duration as long as the applicant is in compliance with the criteria set forth in Article 13, Part B, Section 13-44(C)(1) as such criteria existed at the time the permit was granted.

13-45 Rates

A. *Applicability of Section.* The fees and taxes set forth in this Section shall apply to permits issued hereunder in lieu of the fees and taxes set forth in Article 15, Section 15-4.

B. *Application Fees.* For each collocation of a small wireless facility on an existing or replacement City pole, the applicant shall pay the City the small wireless facility collocation application fee in the amount set forth in the Schedule of Fees. For each installation, modification, or replacement of a utility pole and the collocation of an associate small wireless facility on such pole, the applicant shall pay the City the small wireless facility site application fee in the amount set forth in the Schedule of Fees.

C. *Occupation Tax.* If applicable to applicant, the applicant shall pay the City an annual occupation tax for use of the right-of-way in the amount and manner provided in Chapter 111 of the Columbus City Code. If applicant is not required to pay an occupation tax under said Chapter, applicant shall pay the City the rate of \$250 per small wireless facility per year.

D. *City PoleRate.* For each City pole on which the applicant collocates a small wireless facility, the applicant shall pay annually the City pole rate in the amount set forth in the City's Schedule of Fees.

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E. *Make Ready Work Fees.*

13-46 Aesthetic and Design Standards

The purpose of the standards set forth in this Section is to supplement the aesthetic and design standards set forth in Section 15-5 of Article 15. All small wireless facilities in the right-of-way to which Article 13, Part B applies, shall comply with each standard set forth in Section 15-5 and those set forth in this Section 13-46.

A. *Spacing of Ground Mounted Equipment and New Utility Poles.* All proposed ground mounted facilities and new utility poles shall be located pursuant to the spacing requirements of Article 15, Section 15-5(K)(2) from any other small wireless facility, provided, however, that such spacing requirements shall not prevent a wireless provider from serving any location.

B. *Additional Design Rules for Pole-Mounted Facilities.* All small wireless facilities proposed to be mounted on utility poles shall conform to the following guidelines:

1. To the maximum extent technically feasible, and provided the limits of a small wireless facility are not exceeded, all antennae and all of each antenna's exposed elements and shroud transitions shall be mounted at the top of the proposed pole and shall be enclosed within a single cylindrical antenna shroud which (a) reasonably color-matches the pole; (b) should have a diameter no greater than 14 inches; (c) should have a uniform diameter once transitioned from the pole shaft; (d) should include only visually concealed cables, wires, and other components; and (e) should be no greater than 6 feet in height;

2. All components of the facility, other than those described in subsection (B)(1) above, shall be placed below grade to the maximum extent technically feasible and, when undergrounding is not technically feasible, shall be fully enclosed with a base shroud that: (a) is structurally sound to fully support the pole while maximizing equipment volume; (b) is cylindrical and is as small as technically feasible with a maximum consistent diameter of 30 inches; (c) does not exceed a height of six feet from mounting surface; (d) reasonably matches pole color and finish; and (e) is as solid as feasible to visually conceal and lock all contents and wiring; and

3. Subject to the placement and other requirements in subsections (B)(1) and (B)(2) above, any components of a freestanding facility that are attached to support poles must be mounted so that all parts are at least seven feet or higher above adjacent surface grade.

C. *Height Restrictions.*

1. Any new or modified utility pole installed in a right-of-way shall not exceed the greater of (a) 5 feet in height above the tallest existing utility pole located within 500 feet of the new utility pole in the same right-of-way or (b) 50 feet above ground level.

2. New small wireless facilities in a right-of-way shall not extend more than the greater of (a) 50 feet in height, including antennae, or (b) more than 5 feet above an existing utility pole in place as of September 1, 2019 and located within 500 feet in the same right-of-way.

3. The City shall have the right, at its sole discretion, to consider and approve an application to install a utility pole or wireless support structure that exceeds the height limits in this subsection (C); provided, any facility which exceeds the height restrictions set forth in the definition of "small wireless facility" provided in Section 13-42 shall also be subject to the City's Zoning Ordinance.

D. *Decorative Poles (Streetlights).* If decorative poles serving as streetlights have been installed in a neighborhood, small wireless facilities shall first be collocated on such poles at intersections as combination poles with streetlights, with poles mid-block as secondary sites so that removal of decorative

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streetlights mid-block is minimized and preservation of the intended decorative aesthetics is maximized. The City may, in its discretion authorize the replacement of a decorative pole but any replacement pole shall strictly conform to the design aesthetics of the decorative pole being replaced.

13-47 Independent Technical and Legal Review

In the event applicant is requesting make ready work on City poles, the City may request a deposit for such make ready work based on a good faith estimate.

13-48 Relief

Any applicant desiring to appeal from any aspect or requirement of this Article, may file an appeal with the Board of Adjustment pursuant to Section 12-8 of Article 12 of the Land Development Ordinance. Section 12-8 to 12-11 shall govern such appeals.

CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

14 ARTICLE FOURTEEN

SEXUALLY ORIENTED BUSINESS

14-1 Purpose and Intent

It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the city's jurisdiction. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

14-2 Definitions

As used in this section, the following terms shall have the meanings indicated:

ADULT ARCADE – Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion-picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

ADULT BOOKSTORE or ADULT VIDEO STORE – A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”; and/or
2. Instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.”

A commercial establishment is not exempt from being categorized as an “Adult Bookstore” or “Adult Video Store” so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe “specified sexual activities” or “specified anatomical areas.”

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ADULT CABARET – A night club, bar, restaurant or similar commercial establishment which regularly features:

1. Persons who appear in a state of nudity; or
2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT MOTEL – A hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, digital video discs or other electronic media, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

ADULT MOTION-PICTURE THEATER – A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT STORE – A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration instruments, devices, "adult toys," or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment is not exempt from being categorized as an "Adult Store" so long as one of its principal business purposes is the offering for sale of instruments, devices, "adult toys," or paraphernalia which are designed for use in connection with "specified sexual activities."

CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

ADULT THEATER – A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

BUSINESS – An enterprise or entrepreneurial activity located in the City of Columbus' jurisdiction, which includes all types of vocations, occupations, professions, enterprises, establishments (including sales of tangible personal property and furnishing of services), together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, gain, pecuniary benefit or advantage, either directly or indirectly.

CHIEF OF POLICE – The Chief of Police of the City of Columbus or its designated agent.

CITY – City of Columbus, Nebraska located in Platte County.

CITY COUNCIL – The City Council of the City of Columbus, Nebraska.

EMPLOYEE – Means a person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage, or other compensation by the operator of said business.

ESCORT – A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY -- A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.

ESTABLISHMENT -- Includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business.
2. The conversion of any existing business, whether or not a sexually oriented business, to any sexually oriented business.
3. The addition of any sexually oriented business.
4. The relocation of any sexually oriented business.

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EXPIRATION DATE – Shall mean midnight of the date one (1) year after the license was issued.

LICENSEE – Any person, individual, partnership, corporation, firm, estate, trust, association, joint venture or other entity which a license to operate a sexually oriented business has been issued, as well as those listed as an applicant on the application for a license.

LICENSE YEAR – The period from the date of issuance to one (1) year after the license was issued.

NUDE MODEL STUDIO – Any place where a person who appears in a state of nudity or displays "specific anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

NUDITY or STATE OF NUDITY:

1. The appearance of a human bare buttocks, anus, male genitals, female genitals or female breasts; or
2. The state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals or areola of the female breast.

OPERATES OR CAUSES TO BE OPERATED – To cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner or licensee of the business.

PERSON – An individual, proprietorship, partnership, corporation, association or other legal entity.

PREMISES – All lands, structures, lodges, stores, offices, sales rooms, warehouses and the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or is otherwise used in connection with any such business within the city's jurisdiction which is owned, leased or occupied by the business.

PRINCIPAL BUSINESS PURPOSE (Factors Determining) – A primary factor which shall be considered in determining the "principal business purpose" shall be whether the business publicly advertises such materials either through media or signs located on the exterior of its premises or signs located inside the business that can be seen from the exterior. Additional factors which may be considered are the gross income generated by adult materials compared to over-all gross income, and the amount of floor space, both retail and storage, devoted to adult materials.

SEMI-NUDE – A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

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SEXUAL ENCOUNTER CENTER – A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

SEXUALLY ORIENTED BUSINESS – An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

SPECIFIED ANATOMICAL AREAS – Shall mean and include any of the following:

1. human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, that are not completely and opaquely covered; or
2. human male genitals in a discernibly turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES – Includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of an or in connection with any of the activities set forth in Subsections 1 through 3 above.

SUBSTANTIAL ENLARGEMENT – Of a sexually oriented business means the increase in floor area occupied by the business by more than 25% as the floor area exists.

TRANSFER OF OWNERSHIP OR CONTROL – Of a sexually oriented business means and includes any of the following:

CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

1. The sale, lease or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
3. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

14-3 Classification

Sexually oriented businesses are classified as they exist on the effective date of this section as follows:

1. Adult arcades;
2. Adult bookstores or adult video stores;
3. Adult cabarets;
4. Adult motels;
5. Adult motion-picture theaters;
6. Adult theaters;
7. Escort agencies;
8. Nude model studios; and
9. Sexual encounter centers.

14-4 Location of Sexually Oriented Businesses

1. All sexually oriented businesses shall be located and operated within an "ML/C-1" district with a special use permit.
2. A sexually oriented business cannot be operated within 300 feet of:
 - (a) A church;
 - (b) A public or private elementary or secondary school;
 - (c) A boundary of a residential or historic district;
 - (d) A park or recreational trail;
 - (e) A property line of a lot devoted to a residential use;
 - (f) A hospital; or
 - (h) A fairgrounds.

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3. The operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 2,500 feet of another sexually oriented business is prohibited.
4. The operation, establishment or maintenance of more than one sexually oriented business in the same building, structure or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business is prohibited.
5. For the purposes of subsection 2 of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private elementary or secondary school, or hospital or to the nearest boundary of an affected public park, residential district, historic district or residential lot.
6. For purposes of subsection 3 of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
7. Any sexually oriented business lawfully operating on the effective date of this chapter that is in violation of subsections 1, 2, 3, or 4 of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed three years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 2,500 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.
8. A sexually oriented business fully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church, public or private elementary or secondary school, public park, residential district, historic district, residential lot or hospital within 300 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or has been revoked.

14-5 Appeals, Exemption From Location Restrictions

1. If the City denies the issuance of a license to an applicant because the location of the sexually oriented business establishment is in violation of Section 7-6(d), then the applicant may, not later than 10 calendar days after receiving notice of the denial, file with the City Clerk a written request for an exemption from the locational restrictions of Section 7-6(d).

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2. If the written request is filed with the City Clerk within the ten-day limit, the City Council, shall consider the request. The City Clerk shall set a date for the hearing within 60 days from the date the written request is received.
3. A hearing by the City Council may proceed if at least five of the City Council members are present. The City Council shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply.
4. The City Council may, in its discretion, grant an exemption from the locational restrictions of Section 7-6(d) if it makes the following findings:
 - (a) That the location of the proposed sexually oriented business will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare;
 - (b) That the granting of the exemption will not violate the spirit and intent of this chapter of the Zoning Code;
 - (c) That the location of the proposed sexually oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight;
 - (d) That the location of an additional sexually oriented business in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any efforts of urban renewal or restoration; and
 - (e) That all other applicable provisions of this chapter will be observed.
5. The City Council shall grant or deny the exemption by a majority vote. Failure to reach a majority vote shall result in denial of the exemption. Disputes of fact shall be decided on the basis of a preponderance of the evidence. The decision of the City Council is final.
6. If the City Council grants the exemption, the exemption is valid for one year from the date of the City Council's action. Upon the expiration of an exemption, the sexually oriented business is in violation of the location restrictions of Section 7-6(d) until the applicant applies for and receives another exemption.
7. If the City Council denies the exemption, the applicant may not reapply for an exemption until at least 12 months have elapsed since the date of the City Council's action.

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8. The grant of an exemption does not exempt the applicant from any other provisions of this chapter other than the locational restrictions of Section 7-6(d).

14-6 Signs for Sexually Oriented Businesses

1. No sign for a sexually oriented business shall contain flashing lights, words, lettering, photographs, silhouettes, drawings or pictorial representations that emphasize specified anatomical areas or specified sexual activities.
2. In addition to complying with all City of Columbus sign regulations, a sexually oriented business shall display a sign, clearly visible and legible at the entrance to the business, that gives notice of the adult nature of the sexually oriented business and of the fact that the premises is off limits to those under the age of 21 years.

CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

15 ARTICLE FIFTEEN

PERMITS TO OCCUPY THE RIGHT-OF-WAY

15-1 Definitions

For purposes of this Article, the definitions of this Section shall apply.

- A. **“Applicant”** means any person submitting an application for a permit under this Article.
- B. **“Facilities”** means pipes, conduits, wires, cables, towers, switches, amplifiers, transformers, fiber optic lines, antennae, poles, ducts, conductors, lines, mains, vaults, appliances, attachments, equipment, structures, manholes, fixtures, appurtenances, and such other objects, devices, or components.
- C. **“Franchise agreement”** means a franchise agreement, consent agreement, or similar agreement pursuant to which the City has granted a person the right to place facilities in its right-of-way.
- D. **“Right-of-way (ROW)”** means the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility, or similar property, but not including a freeway as defined in Neb. Rev. Stat. Section 39-1302, the National System of Interstate and Defense Highways, or a private easement.
- E. **“Technically feasible”** means that by virtue of engineering or, if applicable, spectrum usage, the proposed placement, design, or site location of a facility can be implemented without a reduction in functionality.

15-2 Purpose; Scope; Exceptions

A. *Purpose.* This Article provides principles and procedures for the placement, construction, operation, maintenance, modification, repair, and removal of facilities in the rights-of-way. These principles and procedures are intended to protect the integrity of the City’s rights-of-way and infrastructure and to promote the safe and orderly use of the rights-of-way among all right-of-way users. To achieve these purposes, it is necessary to require permits for all right-of-way uses, except as prohibited by law, and to establish uniform and nondiscriminatory rules which govern such permits.

B. *Scope.* This Article shall apply to all facilities located in the City’s rights-of-way, subject to the limitations in this subsection (B), the exceptions provided in subsection (C) below, and preemption by applicable state or federal law. Any person in good-standing under a current, unexpired franchise agreement may continue to use the City’s rights-of-way pursuant to the terms of such franchise agreement, unless otherwise prohibited by law, until the franchise agreement expires or is terminated. This Article shall not apply to the following right-of-way uses which are governed elsewhere as noted:

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1. Use of a right-of-way by an adjoining property owner as provided for under the Land Development Ordinance or the Columbus City Code.

2. Use of the right-of-way by an adjacent business as approved by Resolution of the City Council or conducting other outdoor activities in the right-of-way as allowed by the Columbus City Code and approved by the City Administrator.

3. Closure and use of a right-of-way for an event, provided such closure and use shall have been approved according to City of Columbus procedures.

C. *Exceptions.* The City shall not require an application, permit, or other approval or charge fees or rates under this Article for (1) routine maintenance of facilities where such maintenance is conducted by or on behalf of an applicant issued a permit for such facilities hereunder or (2) replacement of facilities with substantially similar facilities where such replacement is conducted by or on behalf of an applicant issued a permit for such facilities hereunder.

15-3 Permits

A. *Permit Required.* Unless otherwise specifically provided by law, it shall be unlawful for any person to lay, construct, operate, maintain, offer for lease, or make available for any use whatsoever, any facilities across, along, over, above, or under any public right-of-way for any private or commercial purpose unless such person has been issued a permit to occupy such right-of-way under this Article, unless said occupation is pursuant to a franchise agreement between user and the City.

B. *Permit Applications.* Applications for permits under this Article shall be made to the City of Columbus Engineering Department. Each such application shall include the following:

1. A complete set of construction plans for all facilities to be located in the right-of-way under the permit, bundled into a single file, formatted to 11" x 17", which includes:

- (a) the name, location, address (if available), and GPS coordinates for the facilities;
- (b) labeled and dimensioned site plan and elevation plans of the facilities with, as applicable, key symbols, ROW lines, property lines, street information, topographical information, existing and proposed utilities, adjacent property uses, and easements;
- (c) structural plans of the facilities signed and stamped by a professional engineer licensed in Nebraska;

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- (d) dimensions of the facilities, and a description of type, color, and finish of all visible construction materials;
- (e) accurate visual depictions or representations of all above-ground components of the facilities;
- (f) an applicant for a permit for a small wireless facility who is a wireless provider and submits an application for a permit to collocate small wireless facilities on an existing utility pole or wireless support structure or for a permit for approval for the installation, modification, or replacement of a utility pole to support the installation of a small wireless facility shall not be required to provide more information to obtain a permit than a communication service provider that is not a wireless provider, except as directly related to the impairment of wireless service in the immediate area of the proposed wireless facility and except that an applicant may be required to include construction and engineering plans and information demonstrating compliance with the criteria set forth below in Section 15-3(B)(9) and Article 13, Part B, Section 13-44(C)(1).
- (g) anticipated duration of project in calendar days; and
- (h) a copy of the current Franchise Agreement which allows said applicant to occupy the right-of-way, as allowed by State law and
- (i) proof that a flood plain development permit and approval as required by Article 5, Section 23(a) and Section 5-25(b) of the Land Development Ordinance has been obtained, if applicable.

2. An attestation that the proposed facilities satisfy each of the aesthetic and design standards set forth in this Article, except for such standards, if any, for which applicant is concurrently submitting a request for relief under Section 15-7.

3. Evidence that, prior to commencement of any work in the right-of-way, pursuant to the application, the applicant will have the performance or construction bond required under this Article in place.

4. Evidence of the applicant's insurance required under this Article.

5. All applicable building and permit fees.

6. The deposit, if any, requested by the City pursuant to Section 15-6 for independent technical and legal review.

7. Such other submission requirements set forth in the City's published application form.

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8. A statement disclosing any prior permit violations:

9. The city may deny a permit if the proposed application: (a) materially and demonstrably interferes with the safe operation of traffic control equipment or the right-of-way; (b) materially interferes with sight lines or clear zones for air or land transportation or pedestrians; (c) materially interferes with compliance with the federal Americans with Disabilities Act of 1990 or similar federal or state standards regarding pedestrian access or movement; (d) fails to comply with the spacing requirements set forth in 15-5 of Article 15; (e) fails to comply with applicable codes; (f) fails to comply with the aesthetic and other design requirements set forth in Section 15-5; or (g) designates the location of a new utility pole within seven feet in any direction of an electrical conductor unless the applicant obtains the written consent of the public power supplier that owns or manages the electrical conductor.

C. *Initial Review of Application; Completeness.* The City Engineer shall review the application and, within 20 days after receipt, shall notify the applicant in writing whether the application is complete. If an application is incomplete, the City will specifically identify the missing information in writing. The 90-day processing deadline shall restart upon the first finding of incompleteness. The applicant may resubmit the completed application within 30 days without additional charge. Subsequent findings of incompleteness shall toll the 90-day processing deadline, and any subsequent review shall be limited to the specifically identified information subsequently completed. If the applicant makes any material changes in a re-submission, other than the material changes required by the City, the applicant shall be required to make a new application and submit a new application fee. Subsequent findings of incompleteness will toll the deadline from the time the City sends notice of the incompleteness to the time the applicant provides the missing information. The application processing deadline also may be tolled if requested by applicant in order to accommodate applicant's request for relief submitted by applicant pursuant to Section 15-7 or otherwise by agreement between the City and the applicant.

D. *Final Review; Issuance; Denial.* Unless tolled the City will review and process the application no later than 90 days after receiving it. The City may extend the 90-day application processing deadline for a period of 10 business days if the City notifies the applicant in advance before the day on which approval or denial is originally due. The City will notify the applicant in writing whether its application has been approved or denied. If the application is denied, the City shall document the basis for denial, including any specific provisions of this Article or other applicable law on which the denial was based. The applicant may cure the deficiencies identified by the City and resubmit the application within 30 days without paying an additional application fee.

E. *Term and Renewal.* The term of each permit to occupy the right-of-way issued under this Article shall be set forth in the permit. The applicant may apply to renew a permit issued hereunder for an equivalent duration and the City shall renew the permit for such period provided the applicant demonstrates compliance with the criteria set forth in in this Section. Applications for permit renewal may be submitted no earlier than 180 days prior to the expiration of the then current permit and no later than 90 days prior to the expiration of the then current permit. Notwithstanding the foregoing, permit renewals involving Section 13-44 of the Land Development Ordinance shall be processed in the manner provided for under applicable law including Section 13-44(E) of the Land Development Ordinance.

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F. *Permit Conditions.* All permits to occupy the right-of-way issued under this Article are issued subject to the following conditions, and each applicant agrees, by accepting such permit, to be bound by the same:

1. All facilities shall be constructed, operated, maintained, repaired, removed, modified, and restored in strict compliance with all current applicable technical, safety, and safety-related codes adopted by the City, the State of Nebraska, or the federal government. The applicant shall, at its sole cost and expense, inspect, keep, and maintain its facilities in the right-of-way in safe condition, in good order and repair, and as otherwise according to best industry practices.

2. The applicant shall, at its sole cost and expense, promptly restore the right-of-way to its original condition after it completes work related to the facilities. The City may require an applicant to repair all damage to a right-of-way directly caused by the activities of the applicant in the right-of-way and return the right-of-way to equal or better condition to that before the damage occurred. If the applicant fails to make the repairs that are reasonably required by the City within 14 days after written notice, the City may undertake such repairs and charge the applicant the cost of such repairs. The City shall grant an extension of up to 10 days to complete such repairs if the applicant requests such extension within the original 14-day period. In the event of immediate threat to life or safety or to prevent serious injury, the City may immediately undertake to restore the site and then notify of and charge the applicant for all restoration costs.

3. Except as provided for in Section 13-44 of the Land Development Ordinance, the applicant assumes the risk of any loss, damage to, or loss of use of any facilities which are damaged, destroyed, or taken out of service due to applicant's use or presence in or on the right-of-way.

4. The applicant shall undertake only the activities enumerated in its permit to occupy the right-of-way and such permit shall not create a property right or grant authority to the applicant to infringe upon the rights of others who may own or have other interests in a right-of-way, utility easement, or other privately owned property. Except as otherwise provided in this Code or applicable state or federal law, any additions or changes to the facilities or activities enumerated in applicant's existing permit shall require a new permit.

5. Neither the applicant nor its facilities shall interfere with any traffic-control devices and other public works equipment; water, wastewater, stormwater, gas, electrical, or other public utility infrastructure; or the facilities of any other occupant of the right-of-way permitted hereunder.

6. The City shall have the right at any time to require a change of location of the facilities when in its judgement it becomes necessary or advisable as a matter of safety, or on account of a change of grade, resurfacing, repair, or reconstruction of any right-of-way. If the owner of such facilities has not moved or relocated the facilities within 30 days after the City requests the same in writing, the City may undertake such movement or relocation and charge the owner the costs of the same.

7. The City retains the right and privilege to cut or move any facilities, as the City may determine, in its sole discretion, to be necessary, appropriate, or useful in response to any public

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emergency. If circumstances permit, the City shall notify the applicant and provide an opportunity for applicant to move its own facilities prior to cutting or removing the facilities. In all cases, the City shall notify the applicant after cutting or removing the facilities as promptly as reasonably possible.

8. The applicant shall immediately notify the City in the event of an emergency regarding the applicant's facilities that may affect public health or safety, and such notice shall include, at a minimum, the nature of the emergency and the applicant's planned response to the emergency.

9. In addition to notifying the City, the applicant shall comply with the Nebraska One Call Notification Act before commencing any excavation or similar work in the right-of-way.

10. The applicant acknowledges that applications and all supporting written material applicant submits to the City may be public records subject to the Nebraska Public Records Law. While an applicant may designate any such public records as "proprietary" or "confidential", the City shall treat them as such only to the extent expressly permitted by the Nebraska Public Records Law and, other than the cost of the City's routine response to public records requests, the City shall be under no obligation to incur any costs to protect the same from disclosure.

11. Prior to commencement, and at all times during, any work performed by or on behalf of applicant in the right-of-way, the applicant shall maintain a performance or construction bond, in form acceptable to the City, equal to at least 100% of the estimated cost of the facilities and related work covered by the application.

12. During the term of any permit to occupy the right-of-way issued hereunder, the applicant shall maintain comprehensive general liability, automobile, workers compensation, employer's liability, and umbrella insurance in form and amount consistent with the City's published requirements for the same. All such insurance policies shall include the City and its agents as additional insureds and shall not be modified or cancelled by the applicant without 30 days prior written notice being given to the City along with proof of replacement coverage. Upon receipt of notice from its insurer(s), the applicant shall provide the City with 30-days prior written notice of any prospective cancellation. The applicant shall provide proof of replacement coverage prior to the effective cancellation date.

13. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, officials and employees from any and all damages, liabilities, injuries, losses, attorneys' fees, costs, and expenses, whether for personal injury, death, or property damage, arising out of or in any way related to the activities or performance of the applicant or its agents. In the event the applicant becomes aware of any actions or claims, the City shall promptly be notified by the applicant. In the event the City is a named defendant in any such claim or lawsuit, it is expressly agreed that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the applicant shall reimburse the City for any costs, expenses, and attorneys' fees directly and necessarily incurred by the City in the course of the defense.

14. In addition to all other remedies available to the City under this Code or other applicable law, the City may revoke an applicant's permit to occupy the right-of-way if the applicant fails to comply with any of the conditions set forth in this Article, and upon such revocation, may direct applicant, at applicant's cost, to remove applicant's facilities from the right-of-way and restore the right-of-way to its original

CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

condition. If the applicant fails to remove its facilities and restore the right-of-way within 30 days after the City's written request, the City may cause such work to be done and applicant shall reimburse the City for the costs of such work upon City's written demand for the same.

15-4 Fees and Taxes

Applicant shall pay any applicable building permit fee and the application fee set forth in the City's Schedule of Fees. Unless provided otherwise in this Ordinance, applicant shall pay the City an annual occupation tax for use of the right-of-way in the amount and manner provided under Chapter 111 of the Columbus City Code.

15-5 Aesthetic and Design Standards

The purpose of the standards set forth in this Section is to establish guidelines for the design, placement, and installation of facilities in the right-of-way. All facilities placed in the right-of-way pursuant to this Article shall comply with these standards; provided, the City Administrator may authorize the waiver of, partial relief from, or exemption from, any one or more of these standards pursuant to Section 15-7.

A. *Undergrounded Facilities.* When facilities are proposed in areas where other similar facilities are currently located underground, said facilities shall be placed underground to the extent technically feasible.

B. *Existing Aesthetics.* To the extent technically feasible, all ground-mounted facilities shall reasonably match the appearance of existing adjacent developments and infrastructure to promote a uniform appearance.

C. *Consolidation.* To the extent technically feasible: (1) facilities shall be designed to consolidate all ground-mounted components within approved singular enclosures and (2) all cables, wires, and conduits shall be concealed from view.

D. *Location.* Except as prohibited by law, the placement of proposed facilities with existing facilities shall be preferred over placement of facilities at new sites. If an applicant chooses not to place its facilities with available existing facilities, the applicant must document that location of its proposed facilities with available existing facilities is not technically feasible.

E. *Camouflage.* Facilities shall be designed to camouflage and conceal all above-ground components of such facilities to the extent technically feasible.

F. *Signs.* Ground-mounted facilities shall have a four inch by six inch metallic sign permanently mounted between four feet and six feet from ground level and clearly visible to the public which provides the identifying information and emergency contact number for the owner of such facilities. No other signs, advertising, or banners are permitted on facilities except to the extent the same are mandated by state or federal law.

CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

G. *Generators.* Generators are not permitted in the right-of-way.

H. *Lighting.* Lighting is not permitted on facilities except to the extent required or otherwise allowed by state or federal law.

I. *Historic Districts.* All ground-mounted facilities and new poles located in a historic district shall be subject to such other design and concealment standards required by the City for such districts to avoid or to remedy the intangible public harm of unsightly or out-of-character facilities deployed or which are inconsistent with the appearance of existing facilities. Without limiting the foregoing, all facilities located in the City's historic district shall be subject to the design and aesthetic standards for an historic overlay district set forth in the City's Zoning Ordinance.

J. *Traffic Signals.* Facilities shall not be allowed on traffic signal systems without permission from the authority or agency in control of said traffic signal systems.

K. *Placement Guidelines.* All facilities including ground mounted equipment and new utility poles proposed to be located at new sites:

1. Shall be located in a manner or location that (a) does not obstruct, impede, or hinder the usual pedestrian or vehicular travel; (b) does not adversely affect public safety or impair legal access and use of the right-of-way; (c) conforms to applicable law (including the Americans with Disabilities Act of 1990) and right-of-way design standards, specifications, and design requirements, and (d) does not in any way create a risk to public health, safety, or welfare;

2. Shall be located in a manner that does not significantly create a new obstruction to primary and inherently valuable sightline(s) of an adjacent property;

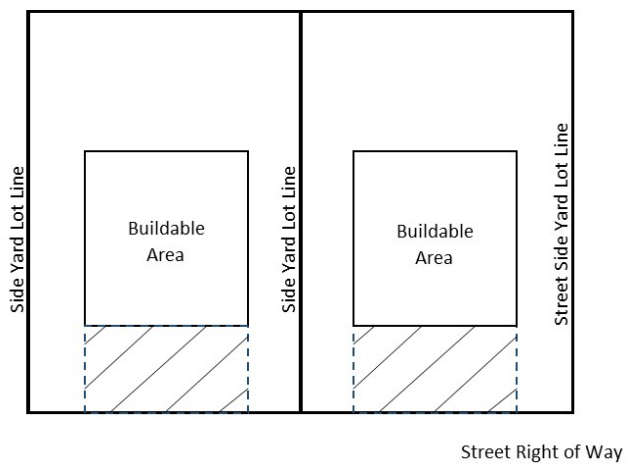
3. Shall be located in alignment with existing trees, utility poles, and streetlights and placed to avoid disturbance within the critical root zone of any tree;

4. All above ground facilities located in zones with no side yard setback, shall be located no more than 25 feet from either side yard lot line.

5. Shall not be located in front of the buildable area of properties as shown in Figure 15 (a) unless otherwise approved by the City.

CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

Figure 15 (a)



6. Shall be located with separation from any low-pressure natural gas line or intermediate or high-pressure natural gas line and with appropriate clearance as approved from all existing utilities;
7. Shall not materially impact any existing bridges, culverts, or retaining walls; and
8. Shall be located outside of all American Association of State Highway Transportation Officials (AASHTO) clear zones and outside of clear sight triangles (at a minimum) as follows: (a) 5-foot leg pedestrian sight triangle at each residential driveway; (b) 10-foot leg pedestrian sight triangle at each driveway and alley; (c) 30-foot leg corner sight triangle; and (d) roadway sight triangles shall be based on AASHTO standards for each driveway, alley, and intersection.

CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

9. Shall be located with a minimum separation distance of 150 feet from any other facilities including ground mounted equipment or new utility poles to the extent allowed by applicable law and technically feasible.

15-6 Independent Technical and Legal Reviews

Although the City intends for City staff to review permit applications to the extent feasible, the City may retain the services of an independent technical consultant and an attorney of its choice to provide technical and legal evaluations of applications submitted pursuant to this Article. The review may include, but is not limited to (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and (d) whether the proposed use of the right-of-way complies with this Article and other applicable provisions of this Ordinance or the Columbus City Code. To the extent permissible under applicable law, the applicant shall pay the reasonable cost for any independent technical consultant and reasonable attorneys' fees in advance through a deposit with the City, estimated by the City, within 10 business days of the City's request. That these shall be a reasonable approximation of cost. When the City requests such payment, the application shall be deemed incomplete until the deposit is received. In the event that such final costs and fees do not exceed the deposit amount, the City shall refund any unused portion within 60 days after a permit to occupy the right-of-way is issued or denied or withdrawn in writing by the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the City before a permit to occupy the right-of-way is issued. The technical consultant and attorney shall provide an itemization of the final costs of the services provided and related fees.

15-7 Relief

Any applicant desiring to appeal from any aspect or requirement of this Article, may file an appeal with the Board of Adjustment pursuant to Article 12, Section 12-8 of the Land Development Ordinance. Section 12-8 to Section 12-11 shall govern such appeals.

CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

1 ARTICLE ONE

GENERAL PROVISIONS

1-1 Title

This Ordinance shall be known as the Subdivision Chapter of the Land Development Ordinance of the City of Columbus.

1-2 Authority and Purpose

a. Authority

This Ordinance is adopted pursuant to the authority granted the City of Columbus under Section 16, Revised Statutes of the State of Nebraska, enabling cities of the First Class to regulate the development of land within their jurisdictions and to promote good planning practice.

b. Purposes

The purposes of this Chapter are to:

1. Serve the public health, safety, and general welfare of the city and residents of Columbus and its surrounding jurisdiction;
2. Provide for the orderly development and growth of the city by prescribing rules and standards insuring the functional arrangement of streets, public improvements, open spaces, community facilities, and utilities;
3. Promote the creation of well-planned and attractive residential, commercial, and industrial developments within the city and its jurisdiction;
4. Avoid excessive costs to the taxpayers of Columbus or the residents of the jurisdiction of the city for the provision of public services and utilities, while maintaining high standards for these services;
5. Protect the unique environment of the City of Columbus by avoiding environmental damage whenever feasible and appropriate; and by encouraging flexibility in the design of subdivisions;

CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

6. Provide the City of Columbus with the ability to grow incrementally through the eventual annexation of new developments.

c. Consideration of Plans

The design of subdivisions shall consider all existing local and regional plans and policies for Columbus and its jurisdiction. These include, but not limited to, the Comprehensive Development Plan, Long Range Transportation Plan, Stormwater Management Plan, and State of Nebraska Board of Classifications and Standards.

b. Preservation of Natural Features and Drainage Patterns

1. In accordance with all Federal, State of Nebraska and local requirements and to the maximum extent possible, development shall be located to preserve natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impact and alteration of natural features and drainage patterns.
2. The subdivider shall give maximum consideration to the preservation of the following areas as open space or stormwater treatment facility or detention system, to the extent consistent with reasonable utilization of land:
 - (a) Wetlands and other unique environmental areas, as defined in Section 404, Federal Water Pollution Control Act of 1972 and delineated on wetlands maps and policies prepared by the U. S. Fish and Wildlife Service, U.S. Army Corps of Engineers, State of Nebraska Department of Natural Resources, and the Lower Loup Natural Resource District.
 - (b) Flood plain and floodway lands as defined by the Federal Emergency Management Agency, Flood Insurance Rate Map, and the City of Columbus Special Flood Hazard Areas.

c. General Guidelines for Subdivision Layout

Subdivisions shall be designed to comply with the following overall performance objectives:

1. Reduction and minimization of cut and fill.
2. No increase of peak flow, area of runoff or encroachment of stormwater runoff onto other properties.
3. Provision of adequate access to lots, including alternative routes to lots and sites within the subdivision and minimization of cul-de-sacs over 350 feet.

CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

4. Respect for the urban character and traditional layout of Columbus, including providing continuity to established street and community facility networks; establishing linkages and connections between new development and existing parts of the city; and preserving historically and architecturally significant sites and buildings, determined as those sites or districts either listed on or determined to be eligible for listing on the National Register of Historic Places, as determined by the State Historic Preservation Officer.

d. Site Design Objectives and Approval

The Planning Commission and City Council shall take the above Site Design objectives into account during their review and approval of subdivision applications.

1-3 Relationship to the Comprehensive Plan

1. The City of Columbus intends that this Subdivision Chapter and any amendments to it shall be consistent with the City's Comprehensive Plan. Should this Ordinance become inconsistent with the adopted Comprehensive Plan because of subsequent amendments to that plan, it is the City's intent to amend this ordinance to bring it into conformance with the plan.
2. The Subdivision Chapter shall supplement and facilitate the provisions of the Comprehensive Plan, the Unified Land Development Ordinance, the Official Zoning Map, and the City of Columbus's Capital or General Fund Budget.

1-4 Jurisdiction and Applicability

- a. The provisions of this chapter shall be applicable to all property within the corporate limits of the City of Columbus and its extra-territorial jurisdiction as authorized by §16-902, Revised Statutes of Nebraska, 1943. In conjunction therewith, it is hereby designated that the City of Columbus will exercise the powers and duties granted by Sections 16-902 to 16-904, or Section 19-2402, Revised Statutes of Nebraska, 1943, over that portion of the territory located within two miles of the corporate limits of the City of Columbus as shown on the Extra-Territorial Jurisdiction Map. Boundaries of the Extra-Territorial Jurisdiction established by this ordinance shall be shown on the Extra-Territorial Jurisdiction Map maintained by the City Engineer. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of and concurrent with this ordinance. The Extra-Territorial Jurisdiction may be changed from time to time following the extension of City boundaries either by annexation or by additions brought into the City pursuant to the Subdivision Chapter of the Unified Land Development Ordinance. Such changes shall be reflected on the Extra-Territorial Jurisdiction Map. The City Clerk and Engineer shall keep a complete record of all changes to the Extra-Territorial Jurisdiction Map.

CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

- b. No owner of real property within the City of Columbus and its jurisdiction may subdivide or plat such property into lots for buildings or any other use, streets, or other forms of dedication for public use without gaining approval pursuant to this Ordinance. In addition, no individual may sell, offer to sell, or construct buildings on any lots or parts of real property that are not subdivided as required by State law or this Ordinance.

1-5 Amendment

When necessary, this Ordinance may be amended through public hearing and recommendation by the Planning Commission to the City Council. The City Council shall then hold its own independent public hearing and action on amendments.

1-6 Fees

The City Council of the City of Columbus may establish reasonable fees sufficient to recover costs incurred for the processing and review of subdivision applications and other procedures included within this Ordinance.

1-7 Enforcement

1. The Administrative Official shall enforce the provisions of this Ordinance and shall bring violations or lack of compliance to the attention of the Planning Commission, City Council, or other appropriate agency.

1-8 Penalties

1. Violation of the provisions of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or imprisoned for not more than 30 days, or both, and shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
2. An owner, developer, or subdivider of property; any architect or engineer; builder, contractor, agent, or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this section.
3. Notwithstanding this section, the City and the Administrative Official shall have the right to take any lawful action necessary to prevent or remedy any violation of this Ordinance or any agreement pursuant to or other condition of an approval of a subdivision application.

1-9 Interpretation, Conflict, and Severability

- a. The Subdivision Chapter shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the

CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

Subdivision Chapter conflicts with any other provision of the Unified Land Development Ordinance, any other Ordinance of the City of Columbus, or any applicable State or Federal law, the more restrictive provision shall apply.

- b. Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

- c. If any chapter, section, subsection, clause, or phrase of this Subdivision Chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any other section of the City of Columbus's Unified Land Development Ordinance.

CHAPTER 2, ARTICLE 2: DEFINITIONS

2 ARTICLE TWO

DEFINITIONS

2-1 Purpose

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Subdivision Ordinance. The meaning and construction of words as set forth shall apply throughout the Subdivision Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

2-2 Definitions of Terms

For the purposes of this Subdivision Ordinance, certain terms and words are hereby defined. Certain sections contain definitions which are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meanings or meanings implied by their context shall apply.

2-3 A.

1. Administrative Official: The Community Development Director is responsible for the supervision and administration of the Subdivision Ordinance of the City of Columbus.
2. ADT or Average Daily Traffic: The average number of motor vehicles per day that pass over a given point or segment of street.
3. Alley: A public or private right-of-way generally designed to provide secondary access to the side or rear of a property whose principal frontage is on another street.
4. Applicant: An owner, developer, or subdivider submitting an application to divide property pursuant to this Ordinance.
5. Approving Authority: The City Council of the City of Columbus.
7. Administrative Subdivision: An adjustment of lot lines of no more than four lots without creating additional or elimination of any lots and requires no extensions of streets, sewers, utilities, or other municipal facilities; and complies with all pre-existing zoning requirements following subdivision.

CHAPTER 2, ARTICLE 2: DEFINITIONS

2-4 B.

1. Bicycle Lane and Path: A designated lane on a roadway or an exclusive path separated from a roadway, designed specifically to accommodate the physical requirements of bicycling. Bicycle paths are ordinarily designed to accommodate other forms of non-motorized pedestrian recreation.
2. Buffer: A landscaped area intended to separate and partially obstruct visual or other sensory effects of two adjacent land uses or properties from one another.

2-5 C.

1. Cartway: The actual surface area of a road used to accommodate motor vehicles, including moving traffic lanes, acceleration and deceleration lanes, and parking lanes. On a street with curbs, the cartway is measured from curblines to curblines. On streets without curbs, the cartway is measured between the outside edges of the established road surface.
2. Centerline Offset: The gap between the centerline of roads intersecting a common road from the same or opposite sides.
3. Channel: The bed or banks of a natural stream or drainage way, which convey the constant or intermittent flow of water, including storm run-off.
4. Common Area: An area within a development that is not individually owned or dedicated for public use, but is designed and designated for common or cooperative use within a development.
5. Comprehensive Plan: The Comprehensive Development Plan and Long Range Transportation Plan of the City of Columbus.
6. Concept Plan: A preliminary presentation, including any necessary documentation, of a proposed subdivision and/or future development plan, providing adequate information for the purpose of discussion or classification.
7. Conventional Subdivision: A subdivision, which literally meets all nominal standards of the Unified Land Development Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.
8. Cul-de-sac: A local street with only one outlet and with an opposite end providing for the reversal of traffic.
9. Curb: A vertical or sloping edge of a roadway, intended to define the edge of the cartway and to channel or control drainage.

2-6 D.

CHAPTER 2, ARTICLE 2: DEFINITIONS

1. Dedication: A grant of land to the City or another public agency for a public purpose.
2. Design Standards: Standards that set forth specific improvement requirements.
3. Detention Basin: An artificial or natural water collection facility, designed to collect surface or subsurface water and to control its rate of discharge, in order to prevent a net increase in the rate of water flow that existed prior to a development.
4. Developer: The legal or beneficial owner(s) of any land included in a proposed development.
5. Development: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.
6. Divided Street: A street whose moving lanes in opposite directions is separated by a physical barrier such as a median.
7. Drainage: The removal of surface or stormwater from land by drains, grading, or other means.
8. Drainage System: The system through which water flows.

2-7 E.

1. Easement: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and which the owner must maintain free of structures which obstruct or limit its use for such purpose.
2. Erosion: The wearing away of a land surface by water, wind, ice, or gravity.

2-8 F.

1. Final Approval: The final official action of the City Council, upon a recommendation by the Planning Commission, permitting the filing of a subdivision with the Platte County Register of Deeds and the conveyance of individual parcels and lots to subsequent owners. Final Approval follows the completion of detailed engineering plans, development agreements, posting of required guarantees, and other requirements of this Ordinance.

2-9 G.

1. Grade: The slope of a street or other public way, defined as a percentage or ratio of vertical change in elevation to horizontal change in distance.

CHAPTER 2, ARTICLE 2: DEFINITIONS

2-10 H.

2-11 I.

2-12 J.

2-13 K.

1. Key Map: An aerial map a common engineering scale of not less than 1 inch to 600 feet showing the location of a development project or subdivision in reference to surrounding property. The map shall show existing streets and city limit lines. The area shown shall be sufficient to show how the proposed project or subdivision will fit into existing developments.

2-14 L.

1. Lot: A parcel of real property with a separate and distinct number shown on a plat, record or survey, parcel map, or subdivision map recorded in the office of the Platte County Register of Deeds. A lot is ordinarily established for the purpose of transfer of title and/or development.
2. Lot Area: The size of a lot measured within its boundaries and expressed in terms of square feet or acres.
3. Lot Frontage: The portion of a lot extending along a public street or private drive line.

2-15 M.

1. Main: The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected.
2. Major Subdivision: Any subdivision not defined and approved as an administrative subdivision or as a minor subdivision.
3. Minor Subdivision: An adjustment of lot lines of two or more lots without creating additional lots or a subdivision of land which creates no more than four lots from any single block or lot of an addition or subdivision, tract, or parcel of land; requires no extensions of streets, sewers, utilities, or other municipal facilities; and complies with all pre-existing zoning requirements following subdivision.
4. Moving Lane: Any traffic lane within a cartway where traffic movement is the primary or sole function.

CHAPTER 2, ARTICLE 2: DEFINITIONS

2-16 N.

2-17 O.

1. Off-Site: Located outside the boundaries of the parcel that is the subject of an application.
2. Open Space: Any parcel or area of land or water that is retained in an open state and set aside for public or private use.

2-18 P.

1. Parking Lane: A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.
2. Pavement: An impermeable, hard surface, typically asphalt, asphaltic concrete, concrete, or brick or other masonry paver units.
3. Plat: A document, usually a map or maps, expressing the division of land into two or more lots or parcels, any one of which is ten acres or less. Plats include preliminary and final plats.

(a) Preliminary Plat: A plat indicating the proposed layout of a development and related information, intended for the purpose of preliminary approval by approving authorities but not for filing with the Platte County Register of Deeds.

(b) Final Plat: The final plat of the subdivision which is presented for Final Approval. The Final Plat contains detailed information, legal survey and documentation and is designed to be filed with the Register of Deeds.

4. Private Drive: Privately owned and maintained access to a lot or parcel. May have a public easement for utility and fire access.

2-19 R.

1. Right-of-way: A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission infrastructure, communication infrastructure, gas pipelines, water mains, or sewer mains.

2-20 S.

1. Sanitary Sewer: A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility. In developing areas, sanitary sewers normally include interceptor, outfall, and lateral sewers.

CHAPTER 2, ARTICLE 2: DEFINITIONS

- (a) Interceptor: A sanitary sewer that serves as a trunk, collecting sewage generated by a number of individual developments.
- (b) Outfall: A sanitary sewer that may be developed to connect an individual subdivision or development to an interceptor sewer.
- (c) Lateral or Local: A pipe that connects individual buildings or groups of buildings to an outfall or interceptor sewer.
2. Septic System: An underground system, utilizing a watertight receptacle to receive the discharge of sewage, which provides for the decomposition of wastes produced by development on a single lot.
3. Sidewalk: A concrete or brick paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.
4. Storm Sewer: A conduit which conducts storm drainage from a development or subdivision, ultimately to a treatment facility, drainage way or stream.
5. Street: A right-of-way, dedicated to public use, which provides a primary means of access to an abutting lot or parcel.
6. Street Hierarchy: The conceptual arrangement of streets based on function. Street types contained within the hierarchy include:
- (a) Private Drive
 - (b) Local
 - (c) Collector
 - (d) Minor Arterial
 - (e) Major Arterial
 - (f) Expressway
7. Subdivision: The division of a lot, tract or parcel into two or more lots, tracts, parcels, or other units of land for title transfer or development, when one of the resultant lots is equal to 10 acres or less. The term subdivision includes any time the creation of a public street or roadway is involved, but excludes the acquisition of land by the state, county, or city, by eminent domain or otherwise, for the creation, extension or widening of a public street or roadway. The term also includes re-platting and, when appropriate to the context, re-platting shall be subject to the rules and regulations contained in this chapter and shall apply to land previously subdivided.

CHAPTER 2, ARTICLE 2: DEFINITIONS

1. Topographic Survey: USGA elevation plan to the latest NAVD showing height, depth, size and location of all manmade and natural features and improvements on a given parcel of land and adjacent properties and rights-of-way, as well as the changes in elevation, using a 50-foot grid to achieve 1-foot contours throughout.

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

3 ARTICLE THREE

PROCEDURES AND ADMINISTRATION

3-1 Purpose

The purpose of this Article is to establish procedures for subdivision applications and for review and action on applications by the City Administration, Planning Commission and the City Council. The procedures are designed to assure adequate review and consideration of subdivision applications, while providing for an orderly and expeditious approval process. The Article provides procedures for the approval of three types of subdivisions: Administrative Subdivisions, Minor Subdivisions, and Major Subdivisions.

3-2 Administrative Subdivisions

a. Scope

The Administrative Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:

1. The subdivision adjusts the lot lines of no more than four (4) existing lots within the City limits or no more than four (4) lots in the Extra Territorial Jurisdiction which are not adjacent to City limits without creating additional or eliminating any lots.
2. The subdivision is served by existing utilities and does not require the creation or extension of streets, utilities or public improvements and no new dedication of public rights of way or easements is involved.
3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the zoning ordinance as evidenced by a site plan prepared by a licensed surveyor.
4. No part of the parcel, tract or lot has been the subject of a previous Administrative Subdivision or Minor Subdivision approval. Once an administrative or minor subdivision has been approved, neither the original nor the resulting parcel(s), tract(s), or lot(s) are eligible for a future administrative or minor subdivision.

b. Application and Approval Procedure

An application for an Administrative Subdivision may be approved under the following procedure:

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

1. The applicant submits an application on a form established by the Engineering Department and includes the supporting documents required for Administrative Subdivisions in Table 3-1. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a State of Nebraska Licensed Surveyor and a Certificate of Title prepared by a Licensed Registered Abstractor verifying the ownership of said property, all lienholders and real estate tax payment status.
2. Following submission, the Administrative Official shall review each application according to the following criteria within fourteen (14) working days:
 - (a) Compliance with the conditions contained in Section 3-2(a) above.
 - (b) Consistency with the Comprehensive Development Plan of the City of Columbus.
 - (c) Potential adverse environmental effects or effects on neighboring properties.
3. Following such review, the Administrative Official may approve the Administrative Subdivision. Such approval shall be denoted by signed certificate of approval. The signed plat must be filed by the Developer with the Platte County Register of Deeds. If the approved plat is not filed within 90 days of the approval by the Developer, such approval shall be null and void
4. The Administrative Official retains the right to disapprove or not act on the Administrative Subdivision application. In the event of such action, the application may proceed through the Minor or Major Subdivision process. If the subdivision complies with the conditions of a Minor Subdivision application, it may be directed to that approval process. Otherwise, the proposed subdivision shall be deemed a Major Subdivision and proceed through the appropriate review and action process.
6. The Administrative Official shall keep a complete and accurate record of all administrative subdivision approvals.
7. Following approval of the Administrative Subdivision, it shall be the duty of the applicant's surveyor/engineer to provide the City with a hard copy and an electronic file in the format required by the City, of the newly formed Administrative Subdivision, including the Platte County Register of Deeds signed and stamped recording information

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

3-3 Minor Subdivisions

a. Scope

The Minor Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:

1. The subdivision adjusts the lot lines of two or more lots without creating additional lots; or creates no more than four lots from any single parcel, tract, block or lot. Minor subdivisions outside of City Limits, but adjacent to will be required to voluntarily annex.
2. The subdivision is served by existing utilities and does not require the creation or extension of streets, utilities, or public improvements and no new dedication of public right of way or easements is involved.
3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the Unified Land Development ordinance as evidenced by a site plan prepared by a licensed surveyor.
4. No part of the parcel, tract, block or lot has been the subject of a previous Administrative Subdivision or Minor Subdivision approval. Once an administrative or minor subdivision has been approved, neither the original nor the resulting parcel(s), tract(s), block(s) or lot(s) are eligible for future administrative or minor subdivision.

b. Application and Approval Procedure

An application for a Minor Subdivision may be approved under the following procedure:

1. The applicant submits an application on a form established by the Engineering Department and includes the supporting documents required for Minor Subdivisions in Table 3-1. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a State of Nebraska Licensed Surveyor and a Certificate of Title prepared by a Licensed Registered Abstractor verifying the ownership of said property, all lienholders and real estate tax payment status.
2. Following submission, the Administrative Official shall review each application according to the following criteria within fourteen (14) working days:
 - (a) Compliance with the conditions for contained in Section 3-3(a) above.
 - (b) Consistency with the Comprehensive Development Plan of the City of Columbus.

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- (c) Potential adverse environmental effects or effects on neighboring properties.
 - (d) Completed Development Agreement.
3. Following such review, the Administrative Official may approve the Minor Subdivision. Such approval shall be denoted by signed certificate of approval. The signed plat must be filed by the Developer with the Platte County Register of Deeds. If the approved plat is not filed within 90 days of the approval by the Developer, such approval shall be null and void
 4. The Administrative Official retains the right to disapprove or not act on the Minor Subdivision application. In the event of such action, the application may proceed through the Major Subdivision process.
 6. The Administrative Official shall keep a complete and accurate record of all Minor Subdivision approvals.
 7. Following approval of the Minor Subdivision, it shall be the duty of the applicant's surveyor/engineer to provide the City with a hard copy and an electronic file in the format required by the City, of the newly formed Minor Subdivision, including the Platte County Register of Deeds signed and stamped recording information

3-4 Major Subdivisions

a. Applicability

The Major Subdivision procedures apply to all subdivisions which are not approved or eligible for approval under the Administrative or Minor Subdivision procedures.

b. Stages in the Approval Process

The approval process for Major Subdivisions consists of three stages: the pre-application stage, the preliminary plat approval stage, and the final plat approval stage. The preliminary plat stage and final plat stage may occur concurrently.

c. Pre-Application Procedures

1. Before filing an application for preliminary plat approval, the applicant shall meet with the Administrative Official and representatives of the Planning Commission regarding general requirements and issues relating to the proposed subdivision.
5. Pre-application meetings will be held on the second Wednesday morning following the first Monday of each month. Applicants must make a written

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request for a pre-application meeting prior to the first Wednesday following the first Monday of each month.

2. Three days prior to the pre-application meeting, the applicant shall submit an approved electronic format concept plan. The concept plan shall include:
 - (a) An aerial location map showing the relationship of the proposed subdivision to existing and proposed streets, public facilities, special flood hazard areas, waters of the US, wetlands, airport runway protection zones (if applicable) and any other features or areas which may affect the development.
 - (b) A schematic plan illustrating the proposed layout of streets, lots, blocks, public utilities, stormwater treatment facilities and other features and their relationship to existing and proposed site topography for the total proposed development area.
3. Within ten working days of the pre-application meeting, the Administrative Official shall inform the applicant of the consistency of the concept plan with the objectives and policies of the city's Comprehensive Development and Long Range Transportation Plan and Unified Land Development Ordinance.
4. The pre-application meeting does not require a formal application or payment of a fee.

d. Preliminary Plat Application

1. Application Requirements

After the pre-application meeting, the applicant shall prepare and submit an application for preliminary plat approval. The application for preliminary plat approval shall be submitted electronically through the City's website application submittal platform. The application shall consist of a form established by the Engineering Department; the supporting documents required for Major Subdivisions in Table 3-1; a commitment to enter into a subdivision agreement set forth in paragraph 2 hereinafter; a Certificate of Title prepared by a State of Nebraska Licensed Registered Abstractor verifying the ownership of said property, all lienholders and real estate tax payment status; and payment of a fee, the amount of which shall be determined by the City Council. Upon receipt of all items required for said application as set forth herein, the application shall be placed on the next available Planning Commission Agenda.

2. Draft Development Agreement

The preliminary plat application shall include a draft of a development agreement provided by the Administrative Official following a format established by the Engineering Department. The development agreement establishes the mutual

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responsibilities of City and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; and the maximum amount of bonded indebtedness to be incurred if public improvements are financed through an Improvement District as provided in State Law.

3. Preliminary Plat Review Procedure

- (a) After submission of a complete application for a preliminary plat, the Administrative Official and staff shall review the application. As part of the review, the developer will circulate the application to local utilities, the school district in which the subdivision is located, public safety agencies, and any other applicable provider of public services. The Developer shall furnish the Administrative Official with proof that a copy of the preliminary plat was delivered to the affected school district and local utilities.
- (b) The applicant will be allowed time to provide additional information after staff review of the Preliminary Plat Application. Such additional information must be provided a minimum of 10 calendar days before the Planning Commission Meeting. Failure to provide the required additional information may result in the application being continued to a future meeting.
- (c) The Administrative Official shall submit a written recommendation for action to the Planning Commission.

4. Planning Commission and City Council Action

- (a) The Planning Commission, following at least ten days published notice, shall hold a public hearing on each Major Subdivision and, following such public hearing, shall take action on the application. The Planning Commission may recommend approval, conditional approval, or denial of the preliminary plat to the City Council.
- (b) Following action by the Planning Commission, the Commission shall submit minutes summarizing the Commission's action to the City Council.
- (c) The City Council, upon receipt of the recommendation of the Planning Commission, shall take action on the application.
- (d) Approval of a preliminary plat by the City Council shall not constitute approval of a final plat. The approval shall be considered an expression of conditional approval to guide the preparation of a final plat, to be considered subsequently by approving authorities. The preliminary approval shall confer upon the applicant the following rights:
 - (1) The general terms and conditions under which the plat was approved will not change.
 - (2) The applicant may submit for approval a final plat for the whole or a part of the preliminary plat on or before the expiration date of the preliminary approval.

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(3) The preliminary plat approval shall stay in force for a period of two years from the date of approval by the City Council. The City Council may, at its discretion, establish a longer effective date for the preliminary plat approval. The City Council also may grant extensions to the effective period of a preliminary plat.

(4) Phased Subdivisions: The final plat may be submitted in phases. The initial phase of the final plat must be submitted according to the effective dates established in Section (3) above. In the event of a phased subdivision if indicated by the Developer at the time of submission and included in the initial phase Development Agreement, the initial preliminary plat approval remains effective for a period not to exceed five years, unless otherwise extended by the City Council.

e. Final Plat Application Process

1. Application Requirements

The applicant shall prepare and submit an application for final plat approval within two years of the preliminary plat approval unless an extension has been granted by the City Council. The application for final plat approval shall be submitted through the City's website application submittal platform. Upon receipt of all items required for said application as set forth herein, the application shall be placed on the next available Planning Commission Agenda. In order to attempt for the final application to be considered the next month after the preliminary plat obtained approval, the application submittal shall be at least nineteen (19) calendar days before the Planning Commission meeting. Meeting this submittal deadline does not guarantee placement on the next Planning Commission Agenda as it is subject to receipt of all items. The application shall consist of a form established by the Engineering Department; the supporting documents required for Final Plat Approval of Major Subdivisions Table 3-1; a final subdivision agreement as required by paragraph 2 hereinafter; a final plat of all lots, blocks and parcels that are affected by the application prepared by a State of Nebraska Licensed Surveyor, and payment of a fee, the amount of which shall be determined by the City Council. Upon receipt of all items required for said application as set forth herein, the application shall be placed on the Planning Commission Agenda. The applicant shall notify the Board of Education of each school district in which the subdivision is located of the Planning Commission meeting at which such plat is to be considered and shall further submit a copy of the proposed final plat to the Board of Education at least ten days prior to such meeting. The developer shall furnish the Administrative Official with proof that a copy of the final plat was delivered.

2. Final Development Agreement

The Final Plat application shall include the Final Development Agreement to be executed between the City and the applicant. The terms of this agreement shall be acted upon with the action on the Final Plat. The developers attorney shall work with the City's attorney to obtain approval. Developer signature of the Final Development Agreement must be obtained and to the City no later than 6 calendar days prior to the Planning Commission meeting acting on the Final Plat.

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3. Final Plat Review Procedures

- (a) After submission of a complete application for a final plat, the Administrative Official and staff shall review the application. This includes the mutual approval of the final development agreement between the developers attorney and city attorney, including the developers signature and notary, resolution and deed of dedication.
- (b) The applicant will be allowed time to provide additional information after staff review of the Final Plat Application. Such additional information must be provided 10 calendar days before the Planning Commission Meeting. Failure to provide the required additional information may result in the application being continued to a future meeting.
- (c) The Administrative Official shall submit a written recommendation for action to the Planning Commission.

4. Performance Bond

The development agreement shall specify the amount of the performance bond for public improvements to be filed prior to receiving final plat approval or, alternatively, shall contain a statement that required improvements have been satisfactorily completed. The performance bond, if required, must be presented in a form satisfactory to the City Attorney prior to final approval of the subdivision.

5. Resolution and Deed of Dedication

The applicant shall be responsible for preparing and furnishing in proper form a Resolution approving said final plat for execution by the City, and if said Addition is being brought into the corporate limits of the City or includes any dedication of public right-of-way or easements, said applicant shall prepare and furnish in proper form a Deed of Dedication for said Addition, along with a Resolution accepting the same, for execution by the City.

6. Final Plat Approval

(a) The Planning Commission, following transmittal of the written recommendation of the Administrative Official, shall hold a public hearing to review the final plat for consistency with the approved preliminary plat and for compliance with the Unified Land Development Ordinance and other applicable local, state or federal statutes and regulations. Unless the Planning Commission agrees to recommend approval of said plat subject to contingencies, all deficiencies or contingencies or changes identified through the Preliminary Plat approval process are required to be made prior to the Planning Commission Meeting or need to be addressed in the Subdivision Agreement. If the final plat meets all requirements of the Unified Land Development Ordinance, has satisfied all requirements of the Engineering Department, has met the conditions, if any, upon which preliminary plat approval was based and is substantially consistent with the terms of the preliminary plat approval, the Commission shall have no recourse but to recommend approval of the final plat. If the Planning Commission finds in its

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review that the submitted final plat is not substantially consistent with the preliminary plat, it shall take action to recommend approval or denial to the City Council.

(b) Following such public hearing, the Commission shall submit minutes on the final plat to the City Council. If said addition is adjoining or contiguous to the corporate limits, then following said public hearing, the Planning Commission shall hold a separate public hearing for which at least ten days published notice must be given, on the inclusion of the addition within the corporate limits. Following such public hearing, the Planning Commission shall take action to recommend approval or denial thereof to the City Council.

(c) The City Council, following at least ten days published notice, shall hold a public hearing on each final plat and on the development agreement. Following such public hearing shall take final action by way of resolution on the application. Any contingencies, deficiencies or changes attached to the preliminary plat approval and/or requirements of the Engineering Department must be completed prior to the final plat approval. If said addition is adjoining or contiguous to the corporate limits, then following said public hearing on the final plat, if the final plat is approved, the City Council shall hold a separate public hearing for which at least ten days published notice has been given, on the inclusion of the addition within the corporate limits. Following such public hearing, the City Council shall take final action by way of resolution.

(d) The City Council is further empowered to grant waivers of a section of the Subdivision Chapter after a waiver request has received a recommendation from the Planning Commission.

f. Filing the Final Plat

- a. Following City Council approval of a Final Plat that received a prior recommendation from the Planning Commission, the Chair of the Planning Commission and the Mayor of the City of Columbus shall sign the final plat which shall be a reproducible mylar of the subdivision plat.
 - b. Applicant shall provide an electronic version of the final plat in an approved electronic format within four calendar day of the City Council approval.
 - c. Applicant shall provide the City a complete signed original, reproducible final plat within fourteen (14) calendar days of City Council approval.
4. The subdivider must file the plat with the Platte County Register of Deeds along with all applicable covenants and other documents within 90 calendar days of the execution of the plat by the Chair of the Planning Commission and the Mayor in accordance with state statute.

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TABLE 3-1:: APPLICATION REQUIREMENTS

Submittal Requirements:

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
Plat Information				
Name, email, mailing address of owner and applicant.	X	X	X	X
Name, phone number, email, mailing address, signature, license number, seal and address of engineer, land surveyor, architect, planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X	X
Title block, denoting type of application, legal description in an approved electronic format, and general location.	X	X	X	X
Key map.		X	X	
Present and proposed zoning.		X	X	
North arrow, date, and graphic scale.	X	X	X	X
Proof that taxes are current.		X	X	
Signature blocks for Planning Commission Chair and Mayor.			X	X
Signature block for Administrative Official, and Clerk.	X	X		
Appropriate certification block.	X	X	X	X
Monumentation.	X	X		X
Acreage of tract.	X	X	X	X
Date of original and all revisions.	X	X	X	X
Location, dimensions, and names of existing and proposed streets.	X	X	X	X
All proposed lot lines, lot dimensions, and lot areas in square feet.	X	X	X	X

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TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative	Minor	Major Subdivision	
	Subdivision	Subdivision	Preliminary	Final
Plat Information				
Existing and proposed easements or land reserved for of dedicated to public use.	X	X	X	X
ENVIRONMENTAL INFORMATION				
All existing waters of the US, floodways and floodplain within 200 feet.	X	X	X	
Loup River Levee or Lost Creek Flood Control within 500 feet.	X	X	X	
Existing ROW's and easements adjoining the subdivision.	X	X	X	X
Topography at one-foot contours in city approved vertical datum		X	X	
Floodplain Development Permit	X	X	X	
IMPROVEMENTS AND CONSTRUCTION INFORMATION				
Proposed utility infrastructure plans including water, sanitary sewer, and storm water management.			X	
Special construction details as required.			X	
Roadway and paving cross-sections.			X	
Proposed street names.			X	X
Block and Lot numbers.	X	X	X	X
Easements as requested or required for all public and private utilities.				X
GRADING AND DRAINAGE PLAN (separate plan sheet)				
Site plan topographic survey		X	X	

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Proposed finish elevations of streets			X	
Proposed finish elevations of ditches/swales		X	X	
Proposed finish grade elevations at each lot building setback		X	X	
Existing site drainage system		X	X	
Proposed site drainage system with elevation at end points		X	X	
Drainage calculations including from off-site area traveling through the proposed system		X	X	
Stormwater treatment post-construction facility including elevations and special construction details		X	X	
Floodplain or floodway from Flood Insurance Rate Maps (FIRM)		X	X	

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
Plat Information				
Identify planned or existing trail locations			X	
Certifications and seals from licensed Professional Engineer, as required by Ordinance	X	X		X
Draft Development Agreement.		X	X	
Final Development Agreement, Resolution and Deed of Dedication		X		X
Additional information if requested by the Administrative Official and/or Planning Commission	X	X	X	X
Proof of submission to the school district		X	X	X
Proof of submission to all applicable utility providers			X	
Written waiver request, if applicable			X	
SUBMITTAL				
Completed Application	X	X	X	X
Payment of Application Fees	X	X	X	X
Electronic Submittals	X	X	X	X
Reproducible Plat	X	X		X
Bonded Copy of Plat			X	

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

4 ARTICLE FOUR

CIRCULATION SYSTEM DESIGN

4-1 Purpose

The purpose of this Article is to assure the development of functional and safe circulation patterns within new subdivisions, in order to encourage economical and effective movement of motor vehicles, bicycles, and pedestrians; provide access for public safety vehicles; and encourage the development of circulation systems that enhance the quality of life within new and existing neighborhoods in the City of Columbus and its planning jurisdiction.

4-2 General Standards

The design of circulation systems should conform to the following general standards and requirements:

a. Roadway System Design

1. The road system shall be designed to permit safe and orderly movement of traffic, to meet but not exceed needs of the present and future served population; to be simple and logical; to respect natural features, topography, and landscape; and to present an attractive streetscape.
2. The system shall conform with the City's Comprehensive Plan, Long Range Transportation Plan, and State of Nebraska Board of Classification and Standards. For streets not shown on the Comprehensive Plan and Long Range Transportation Plan the arrangement of streets shall provide for the logical extension of existing streets, proposed streets with area developments, and access to adjacent area properties.
3. The street network of a subdivision should provide for logical, continuous extensions of streets to subsequent, later developments.

b. Pedestrian and Bicycle Systems

1. A continuous pedestrian system shall be provided within each non-industrial subdivision, designed to conduct pedestrians between every point in the subdivision in a safe manner.

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2. In conventional subdivisions, the pedestrian system will ordinarily be provided by sidewalks placed parallel to and on both sides of each street, with exceptions permitted to preserve natural features or the use of trails to create visual interest.
3. In overlay districts and Non-traditional Residential Parks and Subdivisions, the pedestrian system may be an independent network diverging from streets but providing continuous pedestrian access between all points.
4. All aspects of the pedestrian system, including sidewalks and intersection crossings, must be designed to comply with the Americans with Disabilities Act.
5. Bikeways or recreational trails shall be required only if specifically indicated by the Comprehensive Plan, Long Range Transportation Plan, or Trail Master Plan. Any land dedicated for trail development shall be credited toward the satisfaction of pedestrian system and open space standards set forth by this ordinance.

4-3 Street Hierarchy and Design

a. Characteristics of the Hierarchy

1. Streets shall be classified according to a street hierarchy with design tailored to function with existing and proposed traffic or turning movements.
2. Each residential street shall be classified and designed to meet appropriate standards.
3. The categories, functions, and projected traffic loads of the street hierarchy are set forth in Table 5-1.

b. Cartway Width

1. Cartway width for each street classification is determined by parking and curbing requirements based on form or intensity of adjacent development.
2. To promote economical development of streets, minimum cartway width should generally be used. Minimum cartway widths are set forth in Table 5-2.

c. Curbs, Gutters, and Shoulders

1. Curbing shall be required for the purposes of safety, drainage, and protection of the pavement edge, as set forth in Table 5-3.

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2. Requirements for curbs vary according to street function and the nature of adjacent development and expected future use of the area in accordance with the Future Land Use Map of the Comprehensive Plan. Adjacent development is defined as urban or rural as follows:
 - (a) Rural: Rural Residential or predominately agricultural land.
 - (b) Urban: Residential land use; or adjacent land uses which include commercial, office, industrial, or civic use types.
3. Where curbing is not required, edge definition and stabilization shall be provided.
4. Shoulders, when developed, shall be at least six feet in width, or greater if required by the State of Nebraska Board of Classifications and Standards, on each side for all streets; and located within right-of-way. Swale width is site-specific. Shoulders shall be stabilized with turf or other acceptable material.
5. All curbs shall provide ramps for accessibility by handicapped people consistent with the requirements of the Americans with Disabilities Act.
 - (a) Curb construction shall follow standards established by the City of Columbus.
 - (b) Curb cuts for driveways may be ground smooth to a two-inch drop curb in residential and commercial areas with lots less than 4,500 square feet in total size. Maximum curb cut length as measured along the curb is 40 feet including any radii or wings.
 - (c) Curb cuts in commercial areas with lots greater than 4,500 square feet in total size and in industrial areas shall be sawed straight and removed to a 2-foot lug and a two-inch drop curb to total pavement thickness shall be constructed. Maximum curb cut length as measured along the curb is 50-feet (throat width) plus the length of radii or wings on each side.

d. Sidewalks

1. Sidewalk requirements are determined by road classification and intensity of development, as set forth in Table 5-3.
2. Where sidewalks are not otherwise required by Table 5-3, the City may require their installation if necessary to provide access to generators of pedestrian traffic or major community features; to continue a walk on an adjacent street; to link parts of the city; or to accommodate future development.

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3. In conventional development, shall be placed generally parallel to streets within right-of-way. Exceptions are possible to preserve important natural features or to accommodate topography or vegetation; when applicant shows an alternative for a safe and convenient pedestrian system; or in creative subdivisions.
4. In commercial areas, sidewalks may abut curb. Subject to the approval of the City Engineer.
5. Pedestrian easements at least 12 feet in width may be required through the center of blocks over 600 feet in length if deemed necessary by the approving authorities to provide access to schools or community facilities; or to maintain a continuous pedestrian network within and between subdivisions and districts of the City of Columbus and its jurisdiction.
6. Sidewalks shall provide a clear path of at least four foot in width, free of any obstructions a minimum of one foot on both sides.
7. All sidewalks shall be constructed according to current standards in use by the City of Columbus. Sidewalks shall be of concrete construction a minimum of four inches thick except at points of vehicular crossing where they shall be a minimum of six inches thick.
8. All sidewalks, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

e. Bikeways and Recreational Trail

1. Bikeways and recreational trails shall be required in subdivisions only when specified as part of the comprehensive development plan.
2. All off-street recreational trails shall be a minimum of eight feet in width for two-way traffic and comply with the Americans with Disabilities Act. Surfacing of trails shall be acceptable to the City of Columbus. Gradients for bikeways and recreational trails should not exceed five percent, except for short distances.
3. Recreational trails may satisfy part of the requirements of this ordinance for sidewalks or open space.
4. All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets.

f. Right-of-Way

1. Measurement: The right-of-way of a street shall be measured from lot line to lot line, and shall be wide enough to contain the cartway, curbs or shoulder, sidewalks and sidewalk setbacks, other necessary graded areas, and utilities.

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2. Any right-of-way that continues an existing street shall be no less than that of existing street.
3. The requirements for right-of-ways for functional categories of roads is set forth in Table 5-3.
4. Dedications: Dedications of right-of-way for collector, subcollector, community, or arterial streets shall be made consistent with the comprehensive development plan.

g. Street Design Standards

1. Pavement

(a) All streets shall be paved to current standards utilized in the City of Columbus except:

(1) Local streets in rural intensity residential subdivisions. In these settings, streets may utilize a travel or crushed rock surface of sufficient thickness and with an adequate base to provide a durable surface.

(2) Courts, which may utilize a minimum thickness of six-inch concrete, provided that such courts or lanes remain in private or private cooperative ownership.

(b) Street pavement thickness shall relate to the role of the street in the hierarchy, sub-grade conditions, and pavement type.

2. Continuity of Arterial or Collector Streets

No subdivision shall prevent the extension of arterial or collector streets through and beyond the subdivision. The subdivider may plan and design collector streets not designated in the Comprehensive Development Plan subject to the approval of the City Council.

3. Arterial Street Construction Alternate

Where the condition of the existing arterial roadway is in satisfactory condition, concrete, and constructed in accordance with the State of Nebraska Board of Classification and Standards, the developer may elect to pay a Public Infrastructure Improvement Impact Fee in lieu of improving the roadway, earthwork, storm sewer and other potential impacts of such improvements section at the time of development.

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4. Cul-de-sacs and Street Bulb-Outs

Cul-de-sac streets designed to have one end permanently closed shall not exceed 350 feet in length as measure from the radii points, unless a variance is granted. Cul-de-sacs designed with restricted vision from entrance to end shall be required to place a 'No Outlet' sign at the entrance of the Cul-de-sac road. The terminating end of a cul-de-sac shall have a minimum radius of 50 feet.

Street bulb-outs may be utilized on Local streets if approved by the City Engineer.

4. Street Intersections

(a) Streets shall intersect as nearly at right angles as possible, unless limited by topography, existing street alignments, or other clearly defined constraints. No street shall intersect any other street at less than 60 degrees.

(b) In most cases, no more than two streets should intersect at a single intersection.

(c) Local street intersections with major arterials should be avoided.

(d) New intersections along one side of an existing or proposed street shall align with intersections on the other side of the street. Offsets between adjacent intersections shall measure at least 125 feet between centerlines of any streets, major private road or commercial access. The use of T-intersections is encouraged on local streets within the interior of a subdivision. Mini roundabouts or other traffic calming features are also encouraged.

(e) Street intersections shall be rounded with a minimum radius of 20 feet on Local and Collector roads and a minimum radius of 30 feet on Minor and Other Arterial and Major Arterial roads. Larger radius comparable cutoffs or chords in place of rounded corners may be required on all types of Arterial roads.

(f) Intersections and driveways shall not be within 200-feet of all types of Arterial roadways, major roundabouts, or signalized intersections.

5. Block Size

(a) The length, widths, and shapes of blocks shall be suited to the proposed area land use and design of the proposed subdivision and area properties. Blocks within residential areas should generally not exceed 1200 feet in length, unless necessitated by exceptional topography or other demonstrable (non-financial) constraints.

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h. Street Names

No street names shall be used which will duplicate or be confused with the name of existing streets as approved by the City Engineer. Streets shall be named according to the following system subject to City Engineer and City Council approval:

<u>Street Direction and Type</u>	<u>Name</u>
North-South	Numbered Avenues
East-West	Numbered Streets
Short Streets at Angles	Lanes or Drives
Long Angle Arterial Streets	Parkway or Boulevard
Cul-de-sacs	Places
Intermediate Streets	Named Streets (if E-W) or Avenues (if N-S)
Private Streets	Court (East-West) and Plaza (North-South)

i. Adjacency to Arterials and Railroads

1. Where the subdivision is adjacent to or contains a street designated as a major arterial or expressway, provision shall be made for marginal access streets approximately parallel and adjacent to the boundary of such right-of-way. Design features may be necessary to provide adequate protection of residential property and separation of through and local traffic as determined by the City Engineer.
2. Where the subdivision is adjacent to or contains a railroad right-of-way or limited access highway, the City Engineer may require a street approximately parallel to and on each side of the right-of-way at a distance suitable for appropriate use of the intervening property. These distances shall afford opportunities for safe approach grades and future grade separations.

j. Prohibited Practices

The following design practices shall be prohibited:

1. Privately-owned reserve strips controlling access to streets.

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2. Half-streets.
3. Public alleys, except in a B1 zoning district.

4-4 Alleys

a. Applicability

Private alleys may be provided to supplement public roadways. Such private alleys may only connect to Local roads.

b. Alley Design

1. Minimum width of alleys shall be 20 feet.
2. Alley intersections and sharp changes in alignment shall be avoided.
3. Valley gutters may be used at alley and T-intersections.
4. Dead-end alleys shall be avoided if possible. If necessary, dead end alleys shall be provided with adequate turnaround facilities, as determined by the Planning Commission. All barricading and signage is the responsibility of the Developer.
5. Alley design in Commercial zones shall follow the National Fire Protection Agency requirements as administered by the Nebraska State Fire Marshall's Office.
6. Alley design in Residential zones or for residential uses shall follow the International Fire Code.

4-5 Lighting and Wiring

a. Street Lighting

1. Street lighting shall be provided along all streets in urban residential subdivisions or in any commercial or industrial subdivision, according to an approved lighting plan designed by the local public power utility company, or using guideline standards published in the Lighting Handbook of the Illuminating Engineering Society of North America. Lamps shall be light emitting diode (LED) and of type and manufacturer approved by the local public power utility.
2. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or a nuisance to residents. The design of lighting shall be appropriate to the development and to the City of Columbus.

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3. Lighting within the Airport Runway Protection Zone or Approach Zones may require FAA pre and post approval and Nebraska Department of Transportation Aeronautics Division approval.

b. Underground Wiring

1. All electric, telephone, television, cable TV, data, fiber optics, and other communication lines shall be provided by underground wiring within public easements or public right-of-way, except where in the opinion of the approving authorities, such location is not practical and feasible. Poles for permitted overhead lines shall be placed in rear lot line easements; or in other locations designed to lessen their visual impact.
2. New lots adjacent to existing overhead service may utilize that service; however, new local service connections shall be underground.

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TABLE 4-1: STREET HIERARCHY

Residential Street Type	Function	Guideline Maximum ADT
Private Drive (Private)	Street providing private or controlled access to no more than twelve housing units.	120-150
Local	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed.	250-1,000
Collector	Conducts and distributes traffic between local streets and major streets in the community. Carries larger volume of traffic. Residential collectors interconnect and provide through access between residential neighborhoods. Collector streets should preserve one through traffic lane in each direction, without encroachment by parking. Driveway access shall be minimized. Collectors may be eligible to use the city's Federal Funds Purchase Program funding.	1,000-5,000
Minor and Other Arterials	Provides community wide access between residential neighborhoods and to other activity centers in Columbus, including Downtown and major commercial facilities. Direct access may be provided to other arterial streets. Parking should generally be prohibited. Other arterials should be excluded from residential areas. Driveway access is not allowed. Minor and Other arterials may be eligible to use the city's Federal Fund Purchase Program funding.	5,000-15,000
Major Arterial	Inter-regional road in the street hierarchy. Conveys traffic between activity centers, often at high speeds and with limited access. Should be excluded from residential areas. Driveway access is not allowed. Major Arterials may be eligible to use the city's Federal Funds Purchase Program funding.	15,000+

TABLE 4-2: CARTWAY WIDTH

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

Street Type	Moving Lanes	Parking Restrictions	Total Width Measured back of curb to back of curb	Maximum Grade
Private Street (Private)	Two 12-foot	None, but must meet NFPA standards	24 feet	10%
Local	Two 12-foot	None	33 feet	10%
Collector	Two 12-foot through lanes	None, but must meeting NFPA standards	33 feet	10%
Minor and Other Arterials	Each through land 12-foot and/or Two 12-foot with one 14-foot center lane	No parking	41 feet	7%
Major Arterials	Three or more 12-foot	No parking	Minimum 41 feet	Meet design guidelines

Arterials

Arterial street width, including frontage roads, is determined by state standards, designation of individual street or roadway segment, and design by the City Engineer.

CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

TABLE 4-3: CURB, SIDEWALK, AND RIGHT-OF-WAY REQUIREMENTS

Street Type	Curb / Shoulder	Sidewalk	Sidewalk Setback	Total ROW
Private Street (Private)	Curb with 2-foot turf shoulder	Required	No Setback. Sidewalk to be located on the private street lot.	Minimum of 32 feet
Local - Rural	Minimum 6-foot turf	May Not be Required	NA	60 or 66 feet*
Local - Urban	Curb	Both sides	4 feet or 2 feet in cul-de-sacs	60 or 80 feet*
Collector	Curb	Required both sides	4 feet	60 or 80 feet
Minor or Other Arterial	Curb	Both Sides	4 feet or greater as approved by City Engineer	100 feet*

Arterials

Arterial right-of-way, design and width, including frontage roads, is determined by state standards, designation of individual street or roadway segment, and as determined by the City Engineer.

Right-of-way

Additional right-of-way triangular and curved at intersections may be required to meeting turning radii, sidewalks with ramps, utilities, traffic signals, and so forth.

CHAPTER 2, ARTICLE 5: IMPROVEMENTS AND INFRASTRUCTURE

5 ARTICLE FIVE

PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

5-1 Purpose

The purpose of this Article is to assure that all subdivisions developed in the City of Columbus and its jurisdiction are adequately furnished with necessary public services. These services include adequate water, waste management, and storm water drainage utilities; and park and open space resources.

5-2 Water

a. Connection

1. All installations shall be properly connected to an approved and functioning community water system and in accordance with any and all design and construction manuals.
2. Where City water is accessible within 300 feet of the final plat, the subdivider shall connect to the system and provide adequate lines and stubs to each lot. When City water is not accessible within 300 feet of the final plat, the subdivider shall make provision for a water supply acceptable to the City Engineer.
3. If a public water supply system is to be provided to an area within a six-year period, as indicated in an officially adopted document of the City, the Rural Water District, or other authorized agency, the City may require installation of a capped system or dry lines. Alternatively, the City may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision to a future public water supply.
4. All proposals for new water supplies, extensions, or main installation shall be approved by the appropriate public agency, including the State of Nebraska Department of Environment and Energy and the City of Columbus.
5. The Developer shall be responsible for the location of the Water and Sanitary Sewer service lines so that the purchaser of the lot can locate them. If the purchaser cannot locate the Water and Sanitary Sewer service lines, the Developer shall be responsible for determining their location including all costs. The Developer shall provide the City with an as-built drawing showing the location of all utility and service lines.
6. City of Columbus final approval of the system, and if applicable, the State Fire Marshall approval of the fire protection system, shall be obtained prior to issuance of building permit or final occupancy permit.

CHAPTER 2, ARTICLE 5: IMPROVEMENTS AND INFRASTRUCTURE

b. Capacity

1. The water supply system shall be adequate to handle the necessary flow, based on complete development of the subdivision.
2. The demand rates for all uses, including emergency fire demand, shall be included in the computation of total water demand.
3. Water mains shall be a minimum of six inches in residential and commercial zones and a minimum of eight inches in industrial zones, subject to a Developer provided study, which may be required by the City Engineer, Comprehensive Plan and/or Citywide Water Study which may increase the sizes required.
4. Hydrants spaced for necessary fire flow and provided with adequate means of drainage. All property shall be within 300 feet of a fire hydrant. Fire hydrants shall be placed at all intersections and ends of mains.
5. Water mains shall be looped to eliminate permanent or long standing dead end lines, including through cul-de-sacs.
6. Installation of water systems shall conform to Nebraska Department of Environment and Energy and community design standards in use within the City of Columbus.
7. All final plats shall include a certification from a registered State of Nebraska Professional Engineer that the water supply system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Nebraska Department of Environment and Energy, to the best of his/her knowledge and belief.

5-3 Sanitary Sewers

a. Connection

1. All installations shall be properly connected to an approved and functioning sanitary sewer system and in accordance with any and all design and construction manuals. .
2. Where City sanitary sewer is accessible within 300 feet of the final plat, the subdivider shall connect to the system and provide adequate lines and stubs to each lot. When City sanitary sewer is not accessible within 300 feet of the final plat, the subdivider shall make provision for a water supply acceptable to the City Engineer.
3. If the City creates a sanitary sewer extension district each benefiting property in accordance with State Statutes will have a special assessment. Special assessments shall be computed on the basis of proportionate costs and benefits of necessary

CHAPTER 2, ARTICLE 5: IMPROVEMENTS AND INFRASTRUCTURE

extensions including sanitary sewer lift stations. Assessments shall be made on an area basis of benefiting property.

4. If system is not in place or cannot be developed, the developer must provide individual subsurface disposal systems where appropriate, with design taking into consideration site density, soil, slope, and other conditions and obtains approval from the Nebraska Department of Environment and Energy. Subsurface or septic systems are not permissible on any lot created if the overall density of the subdivision is greater than one unit per 1.5 acres, if individual lots are smaller than one acre, if restricted by the Nebraska Department of Environment or Energy or any lot which has a property line which is within 300 feet of the public sanitary sewer system.
5. If a sanitary sewer system is to be provided to an area within a six-year period, as indicated in an officially adopted document of the City, the County, the Nebraska Department of Health, or other authorized agency, the City may require installation of a capped system or dry lines. Alternatively, the City may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision of a future sanitary sewer system.
6. All proposals for new public sanitary sewer systems or extensions of existing systems shall be approved by the appropriate public agencies including the State of Nebraska Department of Environment and Energy and the City of Columbus.
7. City of Columbus final approval of the system, and if applicable the State Electrical Inspector for the lift station system, shall be obtained prior to issuance of building permit or final occupancy permits.
8. The Developer shall be responsible for the location of the Water and Sanitary Sewer service lines so that the purchaser of the lot can locate them. If the purchaser cannot locate the Water and Sanitary Sewer service lines, the Developer shall be responsible for determining their location including all costs. The Developer shall provide the City with an as-built drawing showing the location of all utility and service lines.

b. Capacity

1. The sanitary sewer system shall be adequate to handle the necessary flow, based on complete development of the subdivision.
2. Installation of sanitary sewer systems shall conform to community design standards of the Nebraska Department of Environment and Energy and those in use within the City of Columbus.
3. Sanitary sewer mains shall be a minimum diameter of eight inches or as required in a developer provided study as may be required by the City Engineer, the City Comprehensive Plan and/or the Citywide Sewer Study.
4. Sanitary sewer manholes shall be a minimum of 54-inches in diameter and separation shall not be more than 350 feet and shall be placed at bends, main connections, end of mains and all service connections in diameter 6 inches and greater.

CHAPTER 2, ARTICLE 5: IMPROVEMENTS AND INFRASTRUCTURE

5. All final plats shall include a certification from a registered Professional Engineer that the sanitary sewer system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Nebraska Department of Environment and Energy, to the best of his/her knowledge and belief.

5-4 Storm Sewers and Storm Water Management

a. Design

1. All subdivisions shall have a storm water management and treatment system in accordance with the Storm Water Management Plan. This system shall be discussed at the pre-application meeting and shall address routing of storm waters after they leave the subdivision, as well as the available drainage courses or storm sewers in the immediate vicinity of the subdivision.
2. The design of the storm water management and treatment system shall be consistent with general and specific concerns and standards of the Comprehensive Development Plan and the drainage control programs of applicable public agencies. Design shall be based on environmentally sound site planning and engineering techniques.
3. To maximum degree possible, drainage from subdivisions shall conform to natural contours of land and not disturb pre-existing drainage ways.
4. Adjacent properties which may be burdened with surface waters should have the effects ameliorated as much as possible. Peak flow rates out of the subdivision or development shall not exceed pre-development rates.
5. Design shall use the best available technology to minimize off-site runoff, encourage natural filtration, simulate natural drainage, and minimize discharge of pollutants.
6. No surface or point source water may be channeled into a sanitary sewer system.
7. Where possible, a subdivision's drainage system shall coordinate with that of surrounding properties or streets.
8. The pre-application information should include drainage impacts and shall be discussed with the Building Official and members of the Planning Commission.
9. Storm sewer design shall be in accordance with the City's Stormwater Drainage Manual.

CHAPTER 2, ARTICLE 5: IMPROVEMENTS AND INFRASTRUCTURE

5-5 Easements

a. Utility Easements

Public easements for utilities shall be provided for in the subdivision dedication allowing for the construction, maintenance, repair, and replacement of such facilities as required by the utility companies.

b. Drainage or Environmental Easements

Where a subdivision is crossed by a watercourse, drainage way, channel, or stream, a storm water easement or a permanent drainage or environmental easement shall be provided, corresponding generally with the extent of such watercourse, together with any additional construction or expansion necessary to allow it to conduct and treat storm water adequately. Parallel streets or parkways may be utilized to preserve such drainage ways.

c. Other Easements

The subdivision shall provide easements for other public and private utilities that cross through it, in a form acceptable to the City or appropriate public agency.

5-6 Dedications

Before final plat approval is granted to the subdivision, dedications to public use of all streets, alleys, other public right-of-ways, easements, or other parks and public lands shall be completed as required by this Ordinance.

5-7 Public Infrastructure Improvement Impact Fee

a. Purpose

In the event infrastructure present is in a condition adequate to serve a proposed development, as determined by the City Engineer, the developer may elect to pay a public infrastructure improvement impact fee in lieu of making required public improvements.

1. Such fee shall be determined by the City Engineer based on most recent, similar construction type.
2. If an agreement is reached, details shall be included in the Development Agreement.

CHAPTER 2, ARTICLE 6: IMPROVEMENT PROCEDURES

6 ARTICLE SIX

IMPROVEMENT PROCEDURES

6-1 Purpose

The purpose of this Article is to ensure the proper installation and maintenance of required streets, utilities, and other improvements. The agreement for improvements shall be structured to provide adequate assurances to the City while not adding unnecessary costs to the developer.

6-2 Application

- a. This article applies to subdivisions which require the installation of streets, utilities, or other public improvements by the developer.
- b. As a condition of the final approval of the plat and prior to its recording with the Platte County Register of Deeds, the City Council shall require and accept the following:
 1. The furnishing of a performance bond, letter of credit, cash escrow, or other guarantee in a form acceptable to the City, in an amount not to exceed 120% of the estimated cost of the improvement installation.
 2. A specification of the time allowed for the installation of improvements. This period may be extended by the City Council.
 3. The performance guarantee amount and requirement, along with the permitted time for installation, shall be included within the Development Agreement negotiated between the City and the Developer and approved with the Final Plat.
 4. An Ordinance stating the requirements of the City can be used in lieu of Items 1, 2, and 3 above.

6-3 Pre-Construction Conference

- a. Prior to beginning construction the developer shall hold a pre-construction conference.
- b. In addition to the developer, attendance at the pre-construction conference shall include a representative from the design professional, city, general contractor, public and private utilities and others which have a direct or indirect interest in the projects successful completion.
- c. The developer is responsible for taking and providing minutes of the pre-construction conference to the city.

6-4 Notification of Completion and Acceptance by City

a. Notification

Upon substantial completion of all required improvements, the developer shall notify the Administrative Official in writing, as well as submitting a certification from the project design professional Engineer, registered in the State of Nebraska, attesting to the adequacy of the installation.

b. Inspection and Acceptance

1. The Administrative Official or his/her designee shall reasonably observe all installations, and shall approve, partially approve, or disapprove of the installation.
2. If the installation is approved, the Administrative Official shall notify the Developer of acceptance in writing. Such acceptance shall release the developer from liability pursuant to the performance guarantee for the installation. The City has the right to retain up to 10% of the value of the performance guarantee for a period of up to one year from the date of acceptance to remedy any deficiencies which appear during that period.
3. If improvements are not accepted or not completed within the specified time, the performance guarantee shall be forfeited and used by the City to complete satisfactory installation of improvements.
4. Prior to acceptance by the City, the developer shall provide to the City an "As-Built Plan" of the infrastructure of the subdivision including, but not limited to, all water, sewer and storm sewer utilities and stormwater treatment facilities. An as-built plan shall include elevations of the post-construction stormwater treatment facility. No building permits or occupancy permits will be approved until such completed record drawing submittal is reviewed and approved.

Section 2. The Unified Land Development Ordinance contains all of the provisions pertaining to zoning and subdivision as set forth therein. All prior ordinances pertaining to zoning and subdivision as contained in the existing Land Development Ordinance of the City of Columbus, Nebraska, adopted by Ordinance No. 96-08 on March 18, 1996, along with all subsequent amendments are repealed, except that nothing shall affect any rights acquired under, any enforcement thereof, actions involving, or fines, penalties, forfeitures, or liabilities incurred pursuant to such ordinance prior to repeal.

Section 3. Chapter 152 of the City Code (Swimming Pools) shall hereinafter be incorporated into the Columbus City Code as Chapter 151, Zoning Code, Section 6-10 Swimming Pools.

Section 4. That the Unified Land Development Ordinance shall hereinafter be incorporated into the Columbus City Code as Chapter 151, Zoning Chapter and Chapter 152, Subdivision Chapter.

Section 5. That this ordinance shall become effective immediately upon and be in full force and effect after its passage, adoption and publication as provided by law. Publication shall be in pamphlet form as authorized by Section 16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to the public upon request at the City offices.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 20____.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

8. **PETITIONS AND COMMUNICATIONS - None**
9. **REPORTS OF CITY OFFICES - Finance Department report included in Consent Agenda**
 - A. Report of City Physician Kipton L. Anderson, M.D., regarding COVID-19 statistics.

From: Kipton Anderson
To: Kline, Janelle
Subject: Re: Mask Ordinance No. 20-25
Date: Wednesday, December 16, 2020 1:05:25 PM

Mr. Mayor,

We have seen a decline in the number of Covid 19 cases in the Hospital. Currently there are 6 covid patients in the hospital, using 6 of 19 negative pressure rooms. This is down from an average of 15-20 patients in mid November. There were 3 covid admissions in the last 24 hours. Fortunately it appears that we made it through the Thanksgiving Holiday without an up-tick in cases. ECHD has dropped Platte County from the Red zone back into Orange. Elective procedures continue to go as scheduled at CCH.

It does not appear at all likely that we will be receiving any of the Pfizer vaccine, but we will likely be getting limited doses of the Moderna vaccine as early as Dec 20 pending FDA approval. ECHD has developed a plan for administration of the vaccine, focusing on First Responders, Health Care workers at high risk of exposure, and Nursing Home patients to be offered vaccination first. Those vaccinated will need a booster shot 3-4 weeks after the first dose. I would not expect it to be readily available to the general population until March or April at the earliest.

I do feel that we are on track to allow the mask mandate to expire in February as written in the Ordinance. In order for this to occur, the Medical Community continues to support wearing masks and focusing on avoiding the 3 Cs.

feel free to contact me if you have further questions,

Kip Anderson, MD

B. Police department update on mask ordinance.

DATE: 16 December 2020
FROM: Charles Sherer, Chief of Police
THRU: Tara Vasicek, City Administrator
To: Mayor James Bulkley and the Columbus City Council
RE: Mask Ordinance Update

DISCUSSION: As requested by the Mayor and City Council I am reporting on the status of calls received regarding the City's mask ordinance since it was implemented on November 28, 2020. Since implementing the ordinance we have had 13 calls on the mask ordinance. Since my last report date of December 3rd, 2020, we have had 8 calls. Of those 8 calls, 2 were for clarification on the mask ordinance and 6 required the officer to investigate or take action. As per our policy, the officers' actions are to provide guidance and only to take enforcement action as a last request. In those 6 calls, the officers, either spoke with the business manager or the patron in violation and encouraged mask wear. We have done that in all actions, no citations have been written.

Again, we have placed mask packages in our cruisers for officers to hand out to the public in the event they don't have a mask. It contains instructions in English and Spanish on the proper wearing, storing and cleaning of the mask. This eliminates a defense that they don't have a mask and promotes public health practices.

FISCAL IMPACT: We purchased sandwich bags and cloth ear strapped masks to hand out to the public in a public relations attempt to promote this endeavor. We hope to receive supplies from East Central District Health to supplant this action.

ALTERNATIVE: Don't hand out mask packages.

CONCURRENCE:

SIGNATURE:

Approved By: _____

Approved By: _____

10. REPORTS OF COUNCIL COMMITTEES

A. PUBLIC PROPERTY, SAFETY, AND WORKS COMMITTEE - December 14,
2020

PUBLIC PROPERTY, SAFETY, AND WORKS COMMITTEE
December 14, 2020

A meeting of the Public Property, Safety, and Works Committee of the City of Columbus, Nebraska, was convened in open and public session on December 14, 2020, at 4 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska.

Notice of this meeting was given in advance thereof by publication in the Columbus Telegram, with a copy of the proof of publication being on file in the office of the City Clerk. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and members of the City Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

1. **Statement of Compliance with Open Meetings Act and Roll Call:** Chair Roth announced that a copy of the Open Meetings Act is posted in the meeting room. Present were the following Public Property, Safety, and Works Committee Members: Council Members Charlie Bahr, Dennis Kresha, Prent Roth, and Ron Schilling. City staff members present included City Administrator Tara Vasicek, City Engineer Rick Bogus, and City Clerk Janelle Kline.
2. **Election of Chair and Vice Chair.** Roth called for nominations for chair of the Public Property, Safety, and Works Committee. Bahr nominated Roth to serve as chair. Roth called for further nominations and no other nominations were brought forward. The nominations closed with a motion by Schilling and a second by Bahr. Bahr, Kresha, Roth, and Schilling voted "Aye" and none voted "Nay". Roth called for nominations for vice chair of the Public Property, Safety, and Works Committee. Schilling nominated Kresha to serve as vice chair. Roth called for further nominations and no other nominations were brought forward. The nominations closed with a motion by Schilling and a second by Bahr. Bahr, Kresha, Roth, and Schilling voted "Aye" and none voted "Nay". Roth was elected to serve as chair and Kresha was elected to serve as vice chair with a motion by Schilling and a second by Bahr. Bahr, Kresha, Roth, and Schilling voted "Aye" and none voted "Nay".
3. **Determine necessity for replacement and extension of sidewalk at 4812 Howard Boulevard.** Bogus explained the events that have transpired to date and described the plans for the sidewalk. A recommendation was made to the mayor and city council that the city engineer be authorized to send a Notice of Construction to the property owner of 4812 Howard Boulevard to repair existing sidewalk along 48 Avenue and extend sidewalk to the north property line with a motion by Bahr and a second by Kresha. Bahr, Kresha, Roth, and Schilling voted "Aye" and none voted "Nay".
4. **Request from City of Columbus to vacate 25 Avenue from 14 Street north to the alley.** Bogus explained that vacation of the avenue is for the new Columbus Community Building project. A recommendation was made to the mayor and city

PUBLIC PROPERTY, SAFETY, AND WORKS COMMITTEE

December 14, 2020

Page 2

council that vacation of street right-of-way of 25 Avenue from the north line of 14 Street to the south line of the alley between 14 and 15 Streets, all lying adjacent to Lot 8, Block 50, and Lot 5, Block 49, Original to City to the city of Columbus be approved with a motion by Schilling and a second by Bahr. Bahr, Kresha, Roth, and Schilling voted "Aye" and none voted "Nay".

5. Adjournment: The meeting adjourned at 4:13 p.m.

OFFICE OF THE CITY CLERK

: Janelle Kline

1. Determine necessity for replacement and extension of sidewalk at 4812 Howard Boulevard.
 2. Request from City of Columbus to vacate 25 Avenue from 14 Street north to alley.
- B. PUBLIC FINANCE, JUDICIARY, AND PERSONNEL COMMITTEE - December 15, 2020

PUBLIC FINANCE, JUDICIARY, AND PERSONNEL COMMITTEE
December 15, 2020

A meeting of the Public Finance, Judiciary, and Personnel Committee of the City of Columbus, Nebraska, was convened in open and public session on December 15, 2020, at 4 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska.

Notice of this meeting was given in advance thereof by publication in the Columbus Telegram, with a copy of the proof of publication being on file in the office of the city clerk. Availability of the agenda was communicated in the advance notice and in the notice to the mayor and members of the city council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

1. **Statement of Compliance with Open Meetings Act and Roll Call:** Chair Jablonski announced that a copy of the Open Meetings Act is posted in the meeting room. Present were the following Public Finance, Judiciary, and Personnel Committee members: Council Members Troy Hiemer, Rich Jablonski, and John Lohr. Council Member Beth Augustine-Schulte was absent. City staff members present included City Administrator Tara Vasicek, City Clerk Janelle Kline, and Public Property Director Doug Moore. Also present was Golf Professional Doug Dunbar.
2. **Election of Chair and Vice Chair.** Jablonski called for nominations for chair of the Public Finance, Judiciary, and Personnel Committee. Lohr nominated Hiemer to serve as chair. Jablonski called for further nominations and no other nominations were brought forward. The nominations closed with a motion by Lohr and a second by Hiemer. Hiemer, Jablonski, and Lohr voted "Aye" and none voted "Nay". Augustine-Schulte was absent. Jablonski called for nominations for vice chair of the Public Finance, Judiciary, and Personnel Committee. Hiemer nominated Lohr to serve as vice chair. Jablonski called for further nominations and no other nominations were brought forward. The nominations closed with a motion by Hiemer and a second by Lohr. Hiemer, Jablonski, and Lohr voted "Aye" and none voted "Nay". Augustine-Schulte was absent. Hiemer was elected to serve as chair and Lohr was elected to serve as vice chair with a motion by Lohr and a second by Hiemer. Hiemer, Jablonski, and Lohr voted "Aye" and none voted "Nay". Augustine-Schulte was absent.
3. **Amend Resolution No. R20-88 (Schedule of Fees) by increasing the regular punch card rate to \$265 for Quail Run and Van Berg golf courses and changing the senior punch card rate to \$220 for Quail Run and Van Berg golf courses.** Dunbar explained the proposed changes to the fee schedule and noted all golf rates will be reviewed once the flood damage repairs at Quail Run are complete. A recommendation was made to the mayor and city council that the Schedule of Fees be amended to increase the regular punch card rates to \$265 and to change the senior punch card rates to \$220 for Quail Run and Van Berg

PUBLIC FINANCE, JUDICIARY, AND PERSONNEL COMMITTEE

December 15, 2020

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golf courses with a motion by Jablonski and a second by Lohr. Hiemer, Jablonski, and Lohr voted "Aye" and none voted "Nay". Augustine-Schulte was absent.

4. Adjournment: The meeting adjourned at 4:11 p.m.

OFFICE OF THE CITY CLERK

:Janelle Kline

1. Amend Resolution No. R20-88 (Schedule of Fees) by increasing the regular punch card rate to \$265 for Quail Run and Van Berg golf courses and changing the senior punch card rate to \$220 for Quail Run and Van Berg golf courses.

11. REPORTS OF SPECIAL COMMITTEES - None

12. REPORTS ON LEGISLATION - None

13. NEW BUSINESS

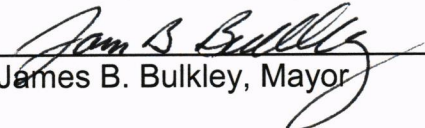
- A. Appointment of Joel Vollertsen as Firefighter/EMT/Hazmat Technician.

MEMORANDUM

DATE: December 11, 2020
TO: City Council Members
FROM: James B. Bulkley, Mayor
SUBJECT: Appointment

With your permission, I wish to submit the name of Joel Vollertsen for appointment to the position of Firefighter/EMT/Hazmat Tech. Per Council Rules the two week waiting period is waived for an appointment of paid firefighter. Mr. Vollertsen was certified for Firefighter/EMT/Hazmat Tech by the Civil Service Commission at their meeting held November 30, 2020.

Joel Vollertsen lives in Columbus, NE, and was a graduate of Palmyra High in Palmyra, NE. He has attended the University of Nebraska-Lincoln, and received his Associates Degree in Emergency Medicine from Durham Tech in Durham, NC. Joel is currently employed at Midwest Medical as a Paramedic/Station Manager. He has previously held Paramedic positions with the Valley County Health System in Ord, NE, and with the Durham County EMS.


James B. Bulkley, Mayor

B. Appointment of Brian Kenwood to Columbus Board of Airport Commissioners for two-year term.

MEMORANDUM

DATE: December 8, 2020
TO: City Council Members
FROM: James B. Bulkley, Mayor
SUBJECT: Appointment

With your permission, I wish to submit the following name to you for appointment at the December 21, 2020, City Council meeting, per City Council rules.

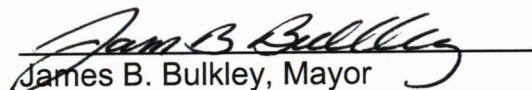
COLUMBUS BOARD OF AIRPORT COMMISSIONERS: (Two-Year term)

Brian Kenwood 430 3rd Street, Columbus, NE

Brian Kenwood is originally from Lincoln, Nebraska. Having come from a Nebraska aviation pioneer family, Brian followed in those footsteps by becoming a pilot at the age of 17. He has since become a commercial instrument multi-engine pilot and certificated flight instructor. Along with becoming a pilot, Brian is an airframe and powerplant mechanic with inspection authorization.

Brian and his wife, Crystal, and son, Allister, moved to Columbus in March of 2020, where he became the aviation maintenance coordinator for NPPD's flight department. He has been working with NPPD and local aviation officials to host an FAA Safety team meeting at the Columbus airport, and he would love to see the Columbus airport host other events for aircraft owners/operators and aviation enthusiasts. Brian ultimately hopes to increase general aviation excitement in Columbus and inspire the next generation of pilots and mechanics to join the industry.

Brian's free time is most likely spent doing anything related to aviation. He enjoys fishing and vacationing, and loves to travel with his family to airshows.


James B. Bulkley, Mayor

- C. Appointment of Brad Keyes to Columbus Board of Airport Commissioners for two-year term.

MEMORANDUM

DATE: December 7, 2020
TO: City Council Members
FROM: James B. Bulkley, Mayor
SUBJECT: Appointment

With your permission, I wish to submit the following name to you for appointment at the December 21, 2020, City Council meeting, per City Council rules.

COLUMBUS BOARD OF AIRPORT COMMISSIONERS: (Two-Year term)

Brad Keyes 2456 54th Avenue, Columbus, NE

Brad Keyes is a Columbus resident, and has been involved in construction management and building construction for over 30 years. He has worked for Walker Foundation for 25 years as a jobsite manager and heavy equipment operator, and he owns and operates two small businesses in Columbus – Midwest Welding & Machine, and Trakside Storage.

Brad acquired his Private Pilot's License in 2019. He is interested in helping the aviation community, and bringing positive ideas to the table for the betterment of the Columbus Municipal Airport.


James B. Bulkley, Mayor

- D. Application of Kevin Bennet for preliminary plat of Highland Park Church 2nd Addition (4115 38 Street). (Planning Commission recommends approval.)

The City of **Columbus**

MEMORANDUM

DATE: December 8, 2020
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Highland Park Church 2nd Addition – Preliminary Plat

RECOMMENDATION:

I recommend the approval of the preliminary plat of Highland Park Church 2nd Addition. The plat is consistent with the area.

DISCUSSION:

The addition consists of two lots and includes dedication of the extension of 43rd Avenue right-of-way. The southern portion of the addition not currently within the corporate limits will be voluntarily annexed in conjunction with the platting process.

FISCAL IMPACT:

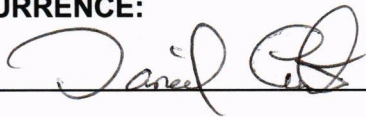
None.

ALTERNATIVE:

Do not approve.

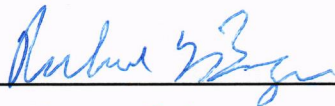
CONCURRENCE:

By: _____



SIGNATURE:

By: _____



Approved By: _____



**MAJOR APPLICATION
FOR SUBDIVISION OR ADDITION
PRELIMINARY PLAT / FINAL**

(CIRCLE ONE)

FILED

NOV 16 2020

**CITY CLERK
COLUMBUS, NEBR.**

DATE: 11/16/2020

NAME OF SUBDIVISION: Highland Park Church 2nd Addition

NAME OF PROPERTY OWNER: Kevin Bennet

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Kevin Bennet

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 4115 38th St. Columbus, NE 68601

PHONE NUMBER: 402-564-5853

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: _____

NUMBER OF LOTS IN SUBDIVISION: 2

ADDRESS OF SUBDIVISION: 4115 38th Street

I hereby apply for a Major Subdivision / Addition and have paid with the preliminary application \$125.00 application fee, \$100.00 reviewing fee plus \$10.00 per lot review fee. I understand that a \$25.00 map update fee will be invoiced once approved.



Owner or Owner's Representative **Michael Tremel**
Surveyor
mgtremel19@gmail.com

Attorney / Legal Counsel for Applicant

Development Agreement submitted on: _____

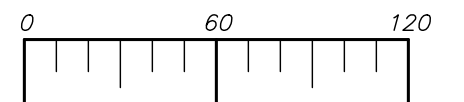
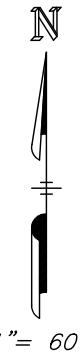
City Attorney

Neal Valorz – nvalorz@1492law.com

Gene G. Schumacher – gschum@1492law.com

Preliminary Plat

HIGHLAND PARK CHURCH 2ND ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA



-LEGEND-

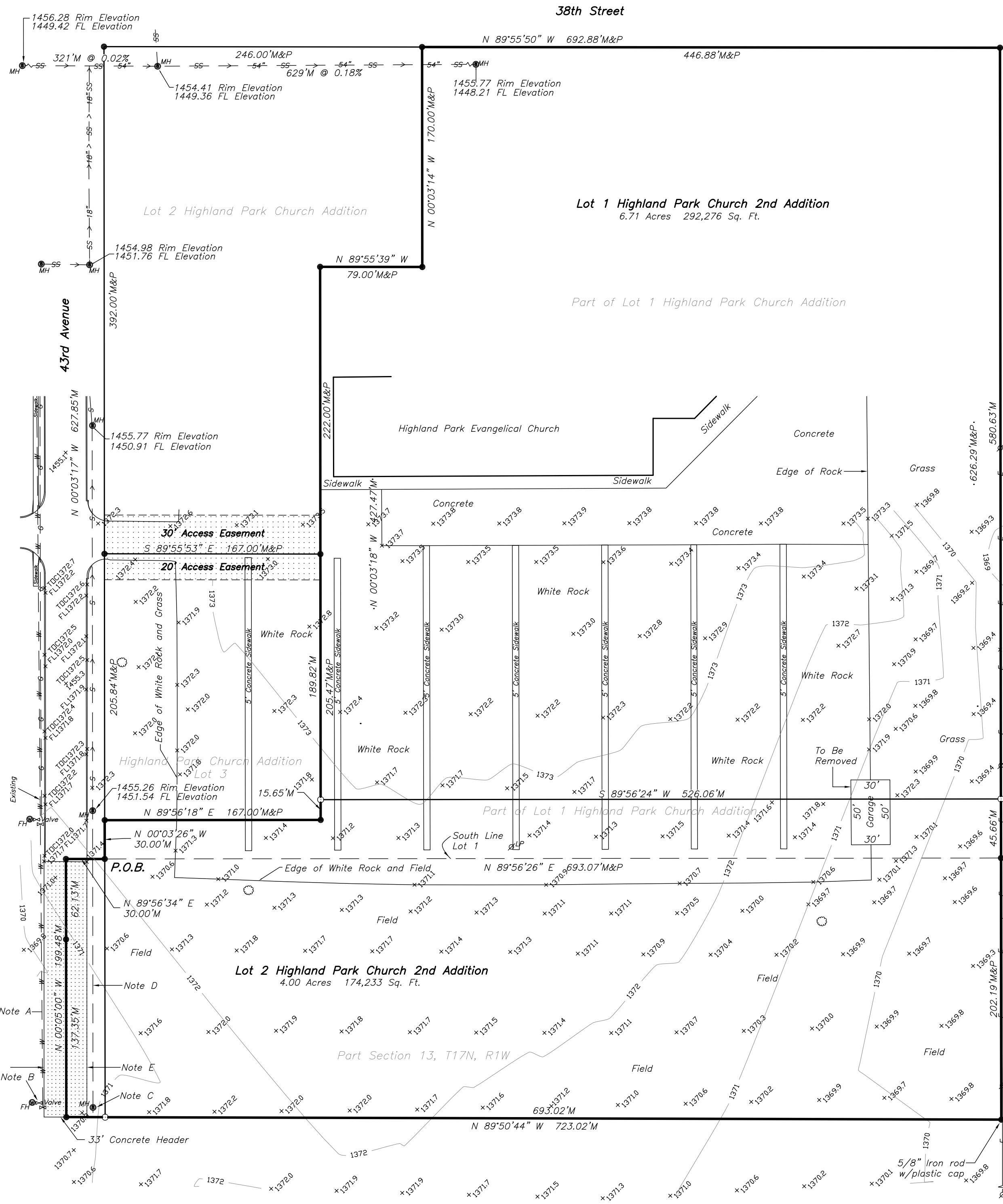
- Found 5/8" rebar w/plastic cap (Unless otherwise noted)
- Set 5/8" x 24" Rebar w/Plastic Survey Cap
- M Measured This Survey
- ⊕ Valve Water Valve
- ⊕ Power Pole
- ⊕ LP Light Pole
- ⊕ MH Manhole
- ⊕ FH Fire Hydrant
- Tree
- FL Flow Line
- TOC Top of Curb
- E — E — Overhead Electric
- S — S — 8" Sanitary Sewer
- W — W — 6" Water Line
- G — G — Underground Gas
- SS — SS — Storm Sewer

Note: All Bearings are referenced from True North observed at the Northeast Corner, Section 36, T17N, R1W.

Developer: Highland Park Evangelical Church
Attn.: Kevin Bennett
4115 38th Street
Columbus, NE 68601
402.564.5853

Surveyor: Thomas A. Tremel, L.S. #455
1 Driftwood Drive
Columbus, NE 68601
402.276.3690

Engineer: Merlin Lindahl, E-3975
9271 18th Avenue
Columbus, NE 68601
402.910.6609



Description:

Lot 1, Highland Park Church Addition, to the city of Columbus, Platte County, Nebraska and a tract of land located in the NE1/4 of the NW1/4 of Section 13, T17N, R1W of the 6th P.M., Platte County, Nebraska more particularly described as follows; beginning at the Southwest Corner of Lot 1, Highland Park Church Addition; thence N 89°56'26" E, 693.07 ft. on the South line of said Lot 1 to the Southeast corner thereof; thence S 00°04'15" E, 202.18 ft. on the East line of said NE1/4 NW1/4; thence N 89°50'44" W 723.02; thence N 00°05'00" W, 199.48 ft.; thence N 89°56'34" E, 30.00 ft. to the point of beginning. The described property contains 10.71 acres more or less.

Note A:

219' of 6" SDR26 Water Main buried 5' deep

Note E:

Construct 730 Sq. Ft. 6" PCC Slope to the North @ 0.002 feet/foot

Note B:

- 1 - Fire Hydrant
- 1 - 6"x 6"x 6" Tee
- 2 - 6" GV & VB
- 10' - 6" Water Main
- 1 - 6" Plug

Note C:

Construct Standard 54" Manhole 4' Stub to the South w/ 8" plug

Note D:

229' of 8" PVC Schedule 40 Sanitary Sewer Pipe @ 0.21%

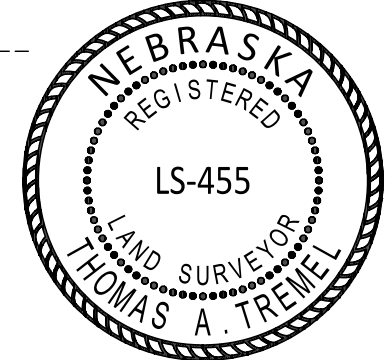
Utilities:

Call 800.642.8434 for the actual location of the utilities before digging.
No Privated Utilities were located unless otherwise shown.
Water/Sewer - City of Columbus (As shown)
Storm Sewer - City of Columbus-Street (Clear/No Conflict)
Gas - Black Hills Energy (As shown)
Cable TV - Time Warner Cable (Clear/No conflict)
Telephone - Eagle Communications (Clear/No conflict)
Telephone - Great Plains Communications (Clear/No conflict)
Electric - Loup River Public Power District (Clear/No conflict)

Surveyor's Statement:

I, Thomas A. Tremel, a Registered Land Surveyor in the State of Nebraska, hereby state that this survey was conducted under my direct supervision and is correct to the best of my knowledge and belief.

Thomas A. Tremel
Thomas A. Tremel, L.S. #455
November 16, 2020



PRELIMINARY PLAT HIGHLAND PARK CHURCH 2ND ADDITION COLUMBUS, NEBRASKA

TMT DRAWN	TMT/MGT SURVEYED	11/16/2020 DATE
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No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

- E. Application of Granville Custom Homes, Inc. for preliminary plat of New Frontier Subdivision (East 14 Avenue and Armory Drive). (Planning Commission recommends approval.)

The City of **Columbus**

MEMORANDUM

DATE: December 8, 2020
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: New Frontier Subdivision – Preliminary Plat

RECOMMENDATION:

I recommend the approval of the preliminary plat of New Frontier Subdivision. The plat is consistent with the area.

DISCUSSION:

The addition consists of three residential lots and includes dedication of East 14th Avenue right-of-way. It is within the corporate limits.

FISCAL IMPACT:

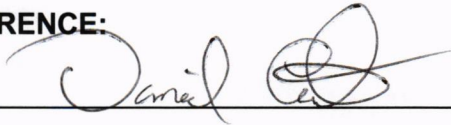
None.

ALTERNATIVE:

Do not approve.

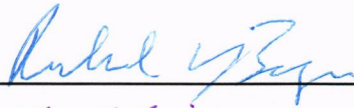
CONCURRENCE:

By: _____



SIGNATURE:

By: _____



Approved By: _____



**MAJOR APPLICATION
FOR SUBDIVISION OR ADDITION
PRELIMINARY PLAT / FINAL
(CIRCLE ONE)**

FILED

NOV 23 2020

**CITY CLERK
COLUMBUS, NEBR.**

DATE: November 23, 2020

NAME OF SUBDIVISION: New Frontier Subdivision

NAME OF PROPERTY OWNER: Granville Custom Homes, Inc.

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Granville Custom Homes, Inc.

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 4514 Howard Blvd., Columbus, NE 68601

PHONE NUMBER: 402-276-3476

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: steven@granville-homes.com

NUMBER OF LOTS IN SUBDIVISION: 3

ADDRESS OF SUBDIVISION: East 14th Avenue and Armory Drive

I hereby apply for a Major Subdivision / Addition and have paid with the preliminary application \$125.00 application fee, \$100.00 reviewing fee plus \$10.00 per lot review fee. I understand that a \$25.00 map update fee will be invoiced once approved.



Owner or Owner's Representative

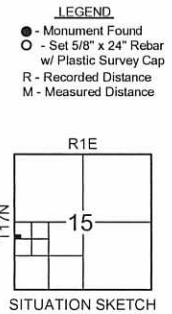
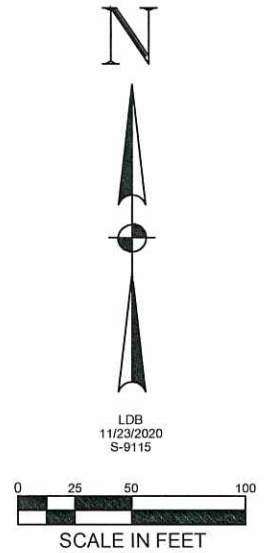
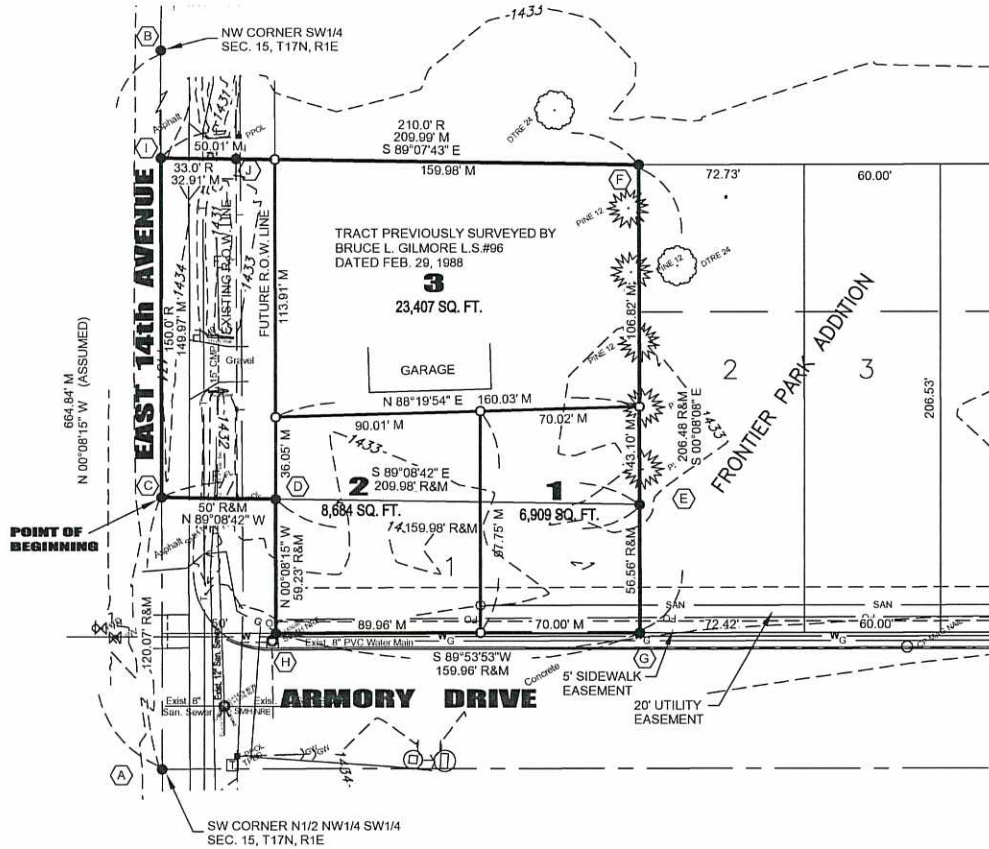
Steven Ramaekers
Attorney / Legal Counsel for Applicant

Development Agreement submitted on: _____

City Attorney
Neal Valorz – nvalorz@1492law.com
Gene G. Schumacher – gschum@1492law.com

PRELIMINARY PLAT NEW FRONTIER SUBDIVISION

A SUBDIVISION of Lot 1, Block A, Frontier Park Addition and
a part of the N 1/2 of the NW 1/4 of the SW 1/4, Section 15, T17N, R1E
of the 6th P.M., City of Columbus, Platte County, Nebraska



OWNERS:

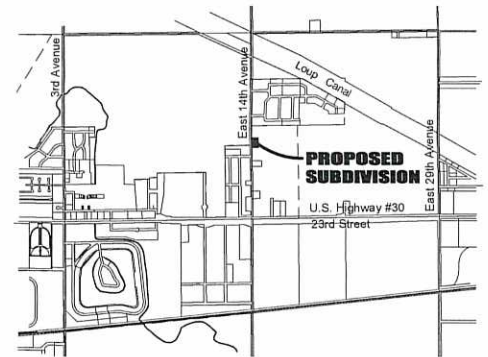
GRANVILLE CUSTOM HOMES, INC.
4514 HOWARD BLVD.
COLUMBUS, NE 68601

AND

ROBERT H. & SUSAN M. GALYEN
2959 E. 14th AVENUE
COLUMBUS, NE 68601

SURVEYOR/ENGINEER:

GILMORE & ASSOCIATES, INC.
2670 33RD AVENUE
COLUMBUS, NE 68601



NEW FRONTIER SUBDIVISION

A subdivision of Lot 1, Block A, Frontier Park Addition and a part of the N 1/2 of the NW 1/4 of the SW 1/4, Section 15, T17N, R1E of the 6th P.M., City of Columbus, Platte County, Nebraska.

LEGAL DESCRIPTION

A tract of land located in the N 1/2 of the NW 1/4 of the SW 1/4, Section 15, T17N, R1E of the 6th P.M., City of Columbus, Platte County, Nebraska, more particularly described as follows:

Commencing at the southwest corner of the N 1/2 of the NW 1/4 of the SW 1/4, Section 15, T17N, R1E of the 6th P.M., Platte County, Nebraska, and assuming the west line of said N 1/2 of the NW 1/4 of the SW 1/4 to have a bearing of N 00°08'15" W; thence N 00°08'15" W, a distance of 120.07 feet, to the point of beginning; thence continuing N 00°08'15" W, on the west line of said N 1/2 of the NW 1/4 of the SW 1/4, a distance of 149.97 feet, to the northwest corner of a tract surveyed by Bruce L. Gilmore, L.S. #96, dated February 29, 1988; thence S 89°07'43" E, a distance of 209.99 feet, to the northeast corner of said tract surveyed by Bruce L. Gilmore, said point also being the northwest corner of Lot 2, Block A, Frontier Park Addition; thence S 00°08'08" E, on the west line of said Lot 2, a distance of 206.48 feet, to the southwest corner of said Lot 2; thence S 89°53'53" W, on the south line of Lot 1, Block A, Frontier Park Addition, a distance of 159.96 feet, to the southwest corner of said Lot 1; thence N 00°08'15" W, on the west line of said Lot 1, a distance of 59.23 feet, to the northwest corner of said Lot 1; thence N 89°08'42" W, a distance of 50.00 feet, to the point of beginning; containing 0.94 acres, more or less.

FIELD NOTES - SECTION 15, T17N, R1E

"A" - Southwest Corner N 1/2 NW 1/4 SW 1/4 - Found railroad spike 0.4' below asphalt surface as recorded on a survey by Bruce L. Gilmore, L.S. #96, dated February 29, 1988.

35.02' E to "X" nails in power pole
28.35' W to "X" nails in light pole
68.81' NNW to center top nut of fire hydrant
2.5' E to centerline of E 14th Avenue

"B" - Northwest Corner SW 1/4 - Found 1" iron bar.
35.87' WNW to "X" nails in power pole
34.50' ENE to "X" nails in power pole
32.80' E to 1" iron pipe
1' E to centerline E 14th Avenue

"C", "E", "F", "I", and "J" - Found 5/8" rebars as recorded on a survey by Bruce L. Gilmore, L.S. #96, dated February 29, 1988.

"D", "G", and "H" - Found 5/8" rebars with plastic cap, as recorded on Frontier Park Addition plat by Clyde R. Flowers, Jr., L.S. #357, dated March 18, 2020.

SURVEYOR'S CERTIFICATE

I, Lynn D. Birkel, a registered surveyor of the State of Nebraska, hereby certify that this Preliminary Plat of NEW FRONTIER SUBDIVISION, was made under my direction.



Lynn D. Birkel
Lynn D. Birkel, Nebraska L.S. #497
GILMORE & ASSOCIATES, INC.

PLANNING COMMISSION

This preliminary plat of NEW FRONTIER SUBDIVISION to the City of Columbus, Nebraska, approved by the Planning Commission this ____ day of _____, 2020.

Chairman _____

CITY COUNCIL APPROVAL

This preliminary plat of NEW FRONTIER SUBDIVISION to the City of Columbus, Nebraska, approved by the City Council this ____ day of _____, 2020.

City Clerk _____

Mayor _____

F. Quote from Civic Plus in the amount of \$27,547 for sports and activities software.

The City of **Columbus**

MEMORANDUM

DATE: December 15, 2020
TO: Mayor and City Council
FROM: Douglas A. Moore, Public Property Director
SUBJECT: Purchase of software for Park and Recreation

RECOMMENDATION: Staff recommends that the City Council accept the quote of \$27,547.00 from Civic Plus for the Civic Rec premium software program and the Civic Engage standard department header program.

DISCUSSION: This will be an add on to the current Civic Plus program that the city already uses. This program will be used by both the Park and Recreation staff and Aquatics staff. There is additional information in your packet from Betsy Eckhardt (Park and Rec coordinator) explaining all the features this program has to offer. We will be updating the Aquatics Department Sportsman program with this new system. In the future, there are possibilities of using this program at the Community Center and Golf Courses.


FISCAL IMPACT: We will be using funds from the Park and Aquatics Dept. computer support funds to make this purchase.

ALTERNATIVE: We researched a couple other proposals but they didn't offer the services that we were looking for.

CONCURRENCE: Betsy Eckhardt, Park and Recreation Coordinator

SIGNATURE:

Approved By: 
Douglas Moore, Public Property Director

Approved By: 
Tara Vasicek, City Administrator

TO: CITY COUNCIL
FROM: ECKHARDT, BETSY; MOORE, DOUG
SUBJECT: CIVICREC
DATE: DECEMBER 10, 2020
CC: VASICEK, TARA

Civic Rec Features and Capabilities

Civic Rec and the Engage add on will be instrumental in moving us forward with our goal of streamlining our facility rentals as well as bring a much needed upgrade to the Aquatic Center's software system. Civic Rec would 100% replace the current membership system at the Aquatic Center and the Pawnee Plunge. The Civic Engage piece of the proposal will be used to integrate a specific Parks and Rec webpage that links to our current Civic Plus platform at columbusne.us. This website add-on will allow teams, tournament organizers, parents and leaders in the community to actively view our facilities and their schedules. They will have the most up to date information pertaining to Columbus NE, Parks & Rec.

Civic Rec Features:

- **Manage Classes & Activities:**
 - Class pricing options are limitless. The AC would be able to daily pricing, weekly pricing or session pricing on their classes.
 - Payment plans are an option for session registration or early registrations
 - Each registration of a program will have the ability to have their agreements, waivers or Par Q's, and COVID waivers signed electronically and saved on each participants account for easy access. The AC would also be able to do custom questions for each participant to a program (i.e. Emergency Contact, Parent Cell Phone, Email, etc.).
 - Simple class/activity duplication. This allows you to duplicate a program and enter new registration information. This decreases time used on creating a new session/program for events like swim lesson, that only change the registration dates.
- **Manage Facilities (Parks & Rec)**
 - Permits can be uploaded to CivicRec. This is for the convenience of both the City and the person requesting the permit. This would be stored electronically or printed out for filing purposes. This could also include Insurance forms.
 - Facilities can be viewed or not viewed by the public. This is completely available to what we are comfortable with.
 - We will have the option to take rental requests (Fields, Pavilions, Weddings) via CivicRec.
 - All costs can be unique to each facility.
 - You can assign prompts to each event request (i.e. permit's required, event types, etc.)
 - You can create custom discounts. For example if the City offered each Non Profit in town a 10% discount you could automatically apply that discount to that nonprofit when approving the rental request.
 - You have the option to create an image gallery (viewable through the CivicEngage webpage integration). This would show photos and past event pictures at each facility.
 - Civic Rec Facility Calendar. This would be viewable through CivicEngage on the integrated webpage. This would show all facilities. You would be able to see all events happening at all facilities or the user could show just specific facilities. The renter can also view openings and put in rental requests for those openings.
- **League Management**

TO: CITY COUNCIL
FROM: ECKHARDT, BETSY; MOORE, DOUG
SUBJECT: CIVICREC
DATE: DECEMBER 10, 2020
CC: VASICEK, TARA

- Easy League Registration. This allows the coach to register their team and enter a roster. They can then invite the team to view the coach's portal. This is where they will see their schedule, standings and scores.
- Allows us to assign individual registrants to a coach.
- We can create personal assessments and create scores on those assessments. Example: Female, 10 years old, beginner level
This would then allow her to be set with coach and girls that meet some of the same criteria as herself.
- Automated scheduling of games based on criteria you set up. Start times are shuffled so that the same teams are not always getting early or late games.
- You are able to enter scores and the CivicRec will run stats and standings. This will be viewable for parents, participants, coaches and so on.
- **Membership**
 - Many card options on CivicRec. CivicRec can generate cards that have each participant bar code and picture, or you can purchase key tags from a 3rd party supplier and just enter a bar code.
 - You can make and decide your membership categories and charge according to those categories. You can also have specific expiration dates.
 - You will get audible alerts and warnings if a member has an expired account.
- **POS System**
 - Great for concessions, merchandise sales, drop in fees, and more.
 - You can track inventory and set schedules based on inventory tracking to know when to do re-orders.
 - Easy click and shopping cart system. Use the easy shopping cart feature to check out.
- **Instructor Management**
 - This would primarily be if you would ever intend on bringing the Community Center on board
 - Can assign instructors to certain classes and each instructor can receive registration notifications.
 - Each instructor would have access to a class roster offering them contact information for each participant
 - Has the option to draft contracts for instructors and they can either accept and sign or reject. This stays on the instructor profile.
- **Ticketing**
 - Allows ticketing for events in the community (concerts, tournaments, etc.). The ticket is digital and emailed to the participant and then redeemed by the ticket collector at the event via a cell phone scan.
- **Finance**
 - All tills and close outs will have an easy export option that is compatible with BS&A. This will mean there will be no more manual general ledger entries.
 - If/When we get to where we will be running some concessions, all transactions will be run electronically and easy for the Finance to pull their close outs without actually being at the location.
 - There are no additional "user" costs to this program. The only transaction costs will come from the Credit Card Processor.

TO: CITY COUNCIL
FROM: ECKHARDT, BETSY; MOORE, DOUG
SUBJECT: CIVICREC
DATE: DECEMBER 10, 2020
CC: VASICEK, TARA

I am excited about the possibilities that CivicRec can bring to the City of Columbus. This program will help us to be organized in our rentals of parks and fields, and also offer transparency to our community.

Online Portal to view CivicRec Features: <http://bit.ly/2M3tbPd>



TO: CITY COUNCIL
FROM: ECKHARDT, BETSY; MOORE, DOUG
SUBJECT: CIVICREC
DATE: DECEMBER 10, 2020
CC: VASICEK, TARA

In the process of deciding CivicRec was the best software, we did explore many other options. Most of these options were only functional for membership and registrations and their main focus wasn't necessarily local government. Many of these did not have the capability to have facility schedules, which is what we would need for the onset of field and park rentals.

Here is a list of other platforms we considered:

- **CommunityPass:** Community Pass was the closest to CivicRec, but was still lacking in some areas. First, it is not as integrated as CivicRec would be with the city's already established webpage. Also, because its main audience would be a community center or an aquatic center, it did not have customizable permits, waivers, COVID waiver, or agreement capabilities. It also lacked in the inventory control section. The AC and Pawnee Plunge will already be able to use this feature to control loss of product with CivicRec.
- **EZFacility:** EZFacility is a very basic, nonintegrated, spreadsheet. This works a lot like Sportsman, where it is very outdated software platform. You would be able to do membership and facility calendars but not as easily as you would with CivicRec and there would be no capability to integrate it into our webpage through CivicPlus. EZFacility is not integrated to use via mobile, it does not have window or apple integration and it does not currently have the capability to import sales into BS&A like CivicRec would.
- **ActiveNet:** ActiveNet does not have the ability to schedule facilities, fields and so on. It is top of the line in membership and program registration software but is more suited to a facility like the YMCA or Anytime Fitness.

Overall, through research, we felt that CivicRec would be the best option. We came to this conclusion because of its easy integration into CivicPlus, which the city already uses. Our finance department will easily be able to import any of the general ledger entries into the BS&A system without having to create the journal entry. This will also give our community a first look at our facilities and availabilities. CivicRec will give our citizens the option to request rental dates, fill out permits, and sign waivers with ease.



CivicPlus

302 South 4th St. Suite 500
Manhattan, KS 66502
US

Quote #:

Q-13457-1

Date:

12/7/2020 2:37 PM

Expires On:

12/31/2020

Product:

CivicRec

Client:

Columbus NE - CivicRec

Bill To:

Columbus NE - CivicRec

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Brian Scott	x	bscott@civicplus.com		Net 30

CivicRec - Statement of Work

QTY	Product Name	DESCRIPTION	PRODUCT TYPE
1.00	CivicRec Premium	Premium Package -Project Coordination -Branded Public Portal -Help Center Access -Access to Live Project Support -Named Implementation Consultant	One-time
4.00	CivicRec Virtual Training (Half Day Block)	Training (Virtual) - half day, up to 4 hours	One-time
1.00	CivicRec Virtual Consulting (Half Day Block)	Consulting (Virtual) - half day, up to 4 hours	One-time
1.00	CivicRec Annual Fee	CivicRec Annual Fee	Renewable
1.00	CivicRec CP Pay Annual Fee	CP Pay Annual Fee	Renewable
1.00	CivicRec CP Pay Implementation	CP Pay Implementation Fee	One-time
1.00	CivicRec AudioEye Managed	AudioEye Managed for CivicRec	Renewable
Total Investment - Year 1			USD 23,871.00
Annual Recurring Services – Year 2			USD 16,236.00

Total Days of Quote:365

1. This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement located at <https://www.civicplus.com/master-services-agreement> ("MSA"), to which this SOW is hereby attached as the CivicRec Statement of Work. By signing this SOW, Client expressly agrees to the terms and conditions of the MSA throughout the Term of this SOW.

2. This SOW shall remain in effect for an initial term equal to 365 days from the date of signing ("Initial Term"). In the event that neither party gives 60 days' notice to terminate prior to the end of the Initial Term or any subsequent Renewal Term, this SOW will automatically renew for an additional 1-year renewal term ("Renewal Term"). The Initial Term and all Renewal Terms are collectively referred to as the "Term".

3. The Total Investment - Year 1 will be invoiced upon signing.

4. Annual Recurring Services shall be invoiced on the start date of each Renewal Term. Annual Recurring Services, including but not limited to hosting, support and maintenance services, shall be subject to a 5% annual increase beginning in the third year of service. Client will pay all invoices within 30 days of the date of such invoice.
5. The Client's Annual Recurring Services Fees agreed upon herein are based on Client processing up to USD 640,000.00 of revenue per year ("Predicted Processing Volume"). Starting with the first Renewal Term of this SOW, CivicPlus reserves the right (but not the obligation) to audit Client once every 12 months to determine Client's actual processing volume ("Actual Processing Volume"). In the event Client's Actual Processing Volume exceeds the Predicted Processing Volume, CivicPlus will notify client within 30 days of the audit of the Actual Processing Volume and the applicable increase in the Annual Fees resulting from such Actual Processing Volume. The increase in the Annual Fees shall be implemented the first of the month following the notice.
6. For the purposes of obtaining merchant account services through CP Pay, Client may utilize the designated merchant account for CivicRec through an integrated partnership with Global Payments Integrated (fka) OpenEdge ("CP Pay Merchant"). In the event Client chooses CP Pay Merchant, Client will enter into a merchant account agreement with Global Payments. Such agreement's terms and conditions will solely enure to the benefit and obligation of Client; CivicPlus shall not be a party to such agreement. In the event Client chooses CP Pay Merchant, CivicPlus will facilitate Client and CP Pay Merchant communication for contracting purposes, and shall integrate the CP Pay Merchant account processor at no charge to Client. If Client desires to use an integrated merchant account processor gateway besides the designated CP Pay Merchant, CivicPlus will provide Client with a list of approved processors, an integration fee will be included in Client's implementation fees. Client agrees to comply with all terms and conditions of the resulting merchant account agreement and pay all fees required to maintain the services. Client acknowledges that the fees set forth in this SOW do not include any transaction, processing or other fees imposed by Client's merchant account processor. Client is fully responsible for their relationship with their selected processor. In no event will CivicPlus: (i) take part in negotiations, (ii) pay any fees incumbent on the Client or merchant account, or (iii) acquire any liability for the performance of services of any chosen merchant account processor, including CP Pay Merchant.
7. When Client uses CP Pay, then Client may take online credit card payments for certain services or products they provide via the Client websites supported by CivicPlus. As such, through CP Pay, CivicPlus facilitates an automated process for redirecting credit card payments to Client's chosen payment gateways / merchant account processors. For card payments, CivicPlus will redirect any payments processing to the Client's merchant account processor gateway, and the merchant account processor gateway presents the payment form page and processes the card payment. CivicPlus does not transmit, process or store cardholder data and does not present the payment form. CivicPlus implements and maintains PCI compliant controls for the system components and applications that provide the redirection services only.
8. Client understands and agrees that CivicPlus is not liable for any failure of service or breach of security by any merchant account processor gateway provider selected by Client, whether it is CP Pay Merchant or otherwise.

Signature Page to Follow

Acceptance

By signing below, the parties are agreeing to be bound by the covenants and obligations specified in this SOW and the MSA terms and conditions found at: <https://www.civicplus.com/master-services-agreement>.

IN WITNESS WHEREOF, the parties have caused this SOW to be executed by their duly authorized representatives as of the dates below.

Client

CivicPlus

By:

By:

Name:

Name:

Title:

Title:

Date:

Date:

Contact Information

*all documents must be returned: Master Service Agreement, Statement of Work, and Contact Information Sheet.

Organization	URL	
Street Address		
Address 2		
City	State	Postal Code

CivicPlus provides telephone support for all trained clients from 7am –7pm Central Time, Monday-Friday (excluding holidays).
Emergency Support is provided on a 24/7/365 basis for representatives named by the Client. Client is responsible for
ensuring CivicPlus has current updates.

Emergency Contact & Mobile Phone
Emergency Contact & Mobile Phone
Emergency Contact & Mobile Phone

Billing Contact	E-Mail	
Phone	Ext.	Fax
Billing Address		
Address 2		
City	State	Postal Code
Tax ID #	Sales Tax Exempt #	
Billing Terms	Account Rep	
Info Required on Invoice (PO or Job #)		

Are you utilizing any external funding for your project (ex. FEMA, CARES): Y [] or N []

Please list all external sources: _____

Contract Contact	Email	
Phone	Ext.	Fax
Project Contact	Email	
Phone	Ext.	Fax



CivicPlus

302 South 4th St. Suite 500
Manhattan, KS 66502
US

Quote #: Q-13458-1
Date: 12/7/2020 2:42 PM
Expires On: 12/31/2020
Product: CivicEngage

Client:
Columbus NE Parks and Recreation - CivicEngage

Bill To:
Columbus NE Parks and Recreation - CivicEngage

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Brian Scott	x	bscott@civicplus.com		Net 30

CivicEngage - Statement of Work

QTY	PRODUCT NAME	DESCRIPTION	PRODUCT TYPE
1.00	Standard Department Header Package	Page specific Site ID, Navigation, Banner, Graphic Links; follows main site layout/colors.	
1.00	Standard Department Header Annual Fee	Standard Department Header Annual Fee	Renewable
1.00	Standard Department Header Implementation	Standard Department Header Implementation	One-time
Total Investment - Year 1		USD 3,676.00	
Annual Recurring Services – Year 2		USD 683.00	

Total Days of Quote:365

1. This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement located at <https://www.civicplus.com/master-services-agreement> ("MSA"), to which this SOW is hereby attached as the CivicEngage Statement of Work. By signing this SOW, Client expressly agrees to the terms and conditions of the MSA throughout the Term of this SOW.
2. This SOW shall remain in effect for an initial term equal to 365 days from the date of signing ("Initial Term"). In the event that neither party gives 60 days' notice to terminate prior to the end of the Initial Term, or any subsequent Renewal Term, this SOW will automatically renew for an additional 1-year renewal term ("Renewal Term"). The Initial Term and all Renewal Terms are collectively referred to as the "Term".
3. The Total Investment - Year 1 will be invoiced upon signing of this SOW.
4. Annual Recurring Services shall be invoiced on the start date of each Renewal Term. Annual Recurring Services, including but not limited to hosting, support and maintenance services, shall be subject to a 5% annual increase beginning in the third year of service. Client will pay all invoices within 30 days of the date of such invoice.

5. Client agrees that CivicPlus shall not migrate, convert, or port content or information that could reasonably be construed as time sensitive, such as calendar or blog content, during the Project Development.
6. **If** a Recurring Redesign line item is included with the Client's quote in this SOW, starting after 48 months of continuous service under this SOW, Client shall be entitled to receive a redesign at no additional cost. Client may initiate such redesign any time after 48 months of continuous service. Upon the initiation of an eligible redesign project, Client may begin accumulating eligibility towards a subsequent redesign after another 48 months of continuous service. Redesigns that include additional features not available on the original website may be subject to additional charges. Additional features include, but are not limited to, additional modules and integration of third-party software. Recurring Redesigns are eligible for the website, subsite, and department headers included in this SOW only. Any subsequently purchased website, subsite, and department header shall not be included in a redesign hereunder.
7. Client allows CivicPlus to display a "Government Websites by CivicPlus" insignia, and web link at the bottom of their web pages. Client understands that the pricing and any related discount structure provided under this SOW assumes such perpetual permission.

Signature Page to Follow.

Acceptance

By signing below, the parties are agreeing to be bound by the covenants and obligations specified in this SOW and the MSA terms and conditions found at: <https://www.civicplus.com/master-services-agreement>.

IN WITNESS WHEREOF, the parties have caused this SOW to be executed by their duly authorized representatives as of the dates below.

Client

CivicPlus

By:

By:

Name:

Name:

Title:

Title:

Date:

Date:

G. Comments from mayor and city council members.

14. **RESOLUTIONS**

A. Resolution No. R20-144 amending Schedule of Fees by changing regular punch card rate to \$265 and senior/super senior punch card rate to \$220 at Quail Run and Van Berg golf courses.

RESOLUTION NO. R20- 144

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING SCHEDULE OF FEES BY CHANGING THE FEE FOR REGULAR PUNCH CARDS TO \$265 AND SENIOR/SUPER SENIOR PUNCH CARDS TO \$220 FOR QUAIL RUN AND VAN BERG GOLF COURSES, PURSUANT TO THE ATTACHED AND INCORPORATED HEREIN SCHEDULE; TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that the Schedule of Fees is hereby amended to change the fee for regular punch cards to \$265 and senior/super senior punch cards to \$220 for Quail Run and Van Berg golf courses, a copy of which is attached hereto and incorporated herein by this reference.

This resolution shall repeal all resolutions or parts thereof in conflict herewith.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

GOLF COURSE

QUAIL RUN

Daily Green Fees

Rate (Incl. Tax)

Weekday 9-hole	\$ 13.25
Weekday 18-hole	\$ 24.75
Weekend/Holiday 9-hole	\$ 16.25
Weekend/Holiday 18-hole	\$ 29.00
Junior/Senior/Super Senior Weekday 9-hole	\$ 11.00
Junior/Senior/Super Senior Weekday 18-hole	\$ 20.00
Twilight (two hours before sunset any day)	\$ 11.00
Winter Rates: December 1 – March 31	
9-holes w/cart	\$ 20.00
18-holes w/cart	\$ 25.00

Season Pass

Junior 7-day	\$ 236.00
Young Adult 7-day	\$ 525.00
Single 7-day	\$ 924.00
Family 7-day	\$1,313.00
Senior 7-day	\$ 814.00
Super Senior 7-day	\$ 735.00
Additional Spouse Pass for Above Categories	\$ 305.00

Individual Installment Pass

\$274 down payment due no later than February 15th and four payments of \$185 due February 28th, March 31st, April 30th and May 31st

Family Installment Pass

\$351 down payment due no later than February 15th and four payments of \$263 due February 28th, March 31st, April 30th and May 31st

Punch Cards (Individual or Corporate)

20 Punch 9-hole	\$ 265.00
20 Punch Senior/Super Senior 9-hole	\$ 220.00
20 Punch 18-hole	\$ 446.00
Combo 9/18-hole (10 punches each)	\$ 368.00
High School Teams – with range balls (Monday – Friday)	\$1,916.00

VAN BERG – Golf

Daily Green Fees

	Rate (Incl. Tax)
Weekday	\$ 13.25
Weekend/Holiday	\$ 16.25
Junior/Senior/Super Senior Weekday	\$ 11.00
Twilight (two hours before sunset any day)	\$ 11.00
Additional 9 holes – All players	\$ 6.00
Junior golfers (15 and under) play free at Van Berg when accompanied by a greens fee paying adult	

Cart Fees

9-hole	\$ 10.50
18-hole	\$ 16.25
Senior/Super Senior 9-hole	\$ 9.50
Senior/Super Senior 18-hole	\$ 14.75
Pull Cart	\$ 3.00

Season Pass

Junior 7-day	\$ 236.00
Young Adult 7-day	\$ 525.00
Single 7-day	\$ 924.00
Family 7-day	\$1,313.00
Senior 7-day	\$ 814.00
Super Senior 7-day	\$ 735.00
Additional Spouse Pass for Above Categories	\$ 305.00

Individual Installment

\$274 down payment due no later than February 15th and four payments of \$185 due February 28th, March 31st, April 30th and May 31st

Family Installment

\$351 down payment due no later than February 15th and four payments of \$263 due February 28th, March 31st, April 30th and May 31st

Punch Cards (Individual or Corporate)

20 Punch Regular	\$ 265.00
20 Punch Senior/Super Senior	\$ 220.00

- B. Resolution No. R20-145 approving necessity for sidewalk improvements along the east property line of Lot 6, Ampride 2nd Addition with final construction to be completed by April 15, 2021 (4812 Howard Boulevard).

RESOLUTION NO R20- 145

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE NECESSITY FOR SIDEWALK IMPROVEMENTS ALONG THE EAST PROPERTY LINE OF LOT 6, AMPRIDE 2ND ADDITION (4812 HOWARD BOULEVARD) TO THE CITY OF COLUMBUS AND FINAL CONSTRUCTION COMPLETION BY APRIL 15, 2021.

WHEREAS, 48 Avenue is a State of Nebraska designated arterial roadway which includes a pedestrian component; and

WHEREAS, lack of adequate existing sidewalks and lack of a sidewalk along 48 Avenue to the north property line creates a liability to the property owner for damages and injuries caused by dangerous conditions; and

WHEREAS, a Sidewalk Permit shall be obtained from the City Engineering Department which shall show and include construction of a sidewalk of four-foot width, four-inch thick P.C. concrete, maximum two-percent cross slope, and meeting the requirements of the American's with Disability Act; and

WHEREAS, the city engineer is authorized to forward a notice of construction to the property owner requiring said sidewalk improvements; and

WHEREAS, failure of the property owner to construct said sidewalk improvements by April 15, 2021, will result in the formation of a sidewalk improvement district including all special assessments in accordance with the City Assessment Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that the necessity for sidewalk improvements along the east property line of Lot 6, Ampride 2nd Addition (4812 Howard Boulevard) with final completion by April 15, 2021, is approved and the mayor is authorized to sign on behalf of the City of Columbus.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

- C. Resolution No. R20-146 approving deferment of special assessment for Street Improvement District No. 178 (3 Avenue from 8 Street to South 5 Street) for Gregg M. Melliger and Cindy Jo Melliger.

RESOLUTION NO. R20-146

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING DEFERMENT OF THE SPECIAL ASSESSMENT SET BY THE BOARD OF EQUALIZATION FOR STREET IMPROVEMENT DISTRICT NO. 178 (3 AVENUE FROM 8 STREET TO SOUTH 5 STREET) FOR GREGG M. MELLIGER AND CINDY JO MELLIGER FOR THE FOLLOWING PROPERTY: A TRACK OF LAND IN THE NW 1/4 OF SW 1/4, SECTION 28, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M.; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH.

WHEREAS, on December 7, 2020, the Board of Equalization met to levee special assessments on Street Improvement District No. 178, 3 Avenue from 8 Street to South 5 Street; and

WHEREAS, the legal description of the property affected by this resolution is:

A tract of land located in the N1/2 SW1/4 Section 28, T17N, R1E of the 6th P.M., Platte County, Nebraska, described as follows: Beginning at the SW corner of the NW1/4 SW1/4, Sec. 28, T17N, R1E; thence north along the west line of said SW1/4, a distance of 441.85' to a point; thence E'ly at a deflection angle to the right of the 89°29'20", a distance of 1199.59' to a point; thence S'ly at a deflection angle to the right of 90°30'40", a distance of 443.69' to a point on the south line of said NW1/4, thence W'ly along the south line of said NW1/4, a distance of 1199.57' to the point of beginning, containing 12.19 acres, more or less; and,

A tract of land located in the N1/2 SW1/4 of Section 28, T17N, R1E of the 6th P.M., Platte County, Nebraska, described as follows: Commencing at the SW corner, NW1/4 SW1/4 of Section 28, T17N, R1E of the 6th P.M., Platte County, Nebraska; thence N'ly, along the west line of said NW1/4, 670.00 feet, to the point of beginning; thence E'ly parallel to the south line of said NW1/4, 1199.59 feet; thence S'ly, parallel to the west line of said NW1/4, 226.31 feet; thence W'ly at a deflection angle to the right of 89°29'20", 1199.59 feet, to a point on the west line of said NW1/4, thence N'ly along the west line of said NW1/4, 228.15 feet, to the point of beginning, containing 6.258 acres, more or less.

WHEREAS, it was determined by the Board of Equalization that the property in question and the ownership surrounding it was unique when considering to the formation Street Improvement District No. 178 between and the assessment to be levied; and

WHEREAS, a deferment of the special assessment was approved and said deferment shall be subject to the provisions of Nebraska Revised State Statute § 19-2430, including all termination events and land usage requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that the deferment, subject to the provisions of Nebraska Revised State Statute § 19-2430 including and all termination events and land usage requirements, for the special assessment set by the Board of Equalization for Street Improvement District No. 178 (3 Avenue from 8 Street to South 5 Street) for Gregg M. Melliger and Cindy Jo Melliger for the property previously described herein, is hereby approved; and, the mayor is authorized, directed, and empowered to execute the same on behalf of the City of Columbus.

This resolution shall repeal all resolutions or portions thereof in conflict herewith.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

15. ORDINANCES ON FIRST READING

- A. Ordinance No. 20-33 creating Street Improvement District No. 185 (East 14 Avenue from 23 Street to north corporate city limits).

ORDINANCE NO. 20-33

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, CREATING STREET IMPROVEMENT DISTRICT NUMBER 185 OF THE CITY OF COLUMBUS, NEBRASKA; PROVIDING FOR THE GRADING, CURBING, GUTTERING, DRAINAGE AND PAVING THEREIN INCLUDING STORM SEWERS AND SIDEWALKS ON EAST 14TH AVENUE FROM 23RD STREET TO NORTH CORPORATE LIMITS; PROVIDING FOR THE SERVICE OF NOTICE OF CREATION; PROVIDING FOR THE PAYMENT THEREOF BY SPECIAL ASSESSMENTS AND LIMITATIONS THEREON; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that:

Section 1. Street Improvement District No. 185 in the City of Columbus, Nebraska, is hereby created as provided by law.

Section 2. Street Improvement District No. 185 shall include the following streets, avenues, intersections of streets and avenues and spaces opposite alleys, storm sewers and sidewalks adjacent thereto which are to be improved, to wit:

- East 14th Avenue from 23rd Street to North Corporate Limits.

This segment of East 14th Avenue is designated as an Arterial in the State Functional Classification. The project is on the City 1&6 Year Road Plan and Long Range Transportation Plan.

Section 3. Street Improvement District No. 185 shall include the following, being all of the lots, lands and parts of lots and lands abutting or adjoining said portion of the streets and avenues to be improved, to wit (these properties are also shown on the attached "EXHIBIT A"):

- Lot 20, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska.
- Part of the SE 1/4 SE 1/4 of Section 16, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, described as follows: Commencing at a point 233 feet North of the Southeast corner of Section 16, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska; running thence west 165 feet; thence North 132 feet; thence East 165 feet; thence South 132 feet to the place of beginning, all lines to be parallel to said section lines.
- A parcel of land located in part of the SE1/4 SE1/4 of Section 16, Township 17 North, Range 1 East, of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Commencing at a point 365 feet North of the Southeast corner, on the East line of said Section 16; thence Westerly 165 feet; thence Northerly 132 feet; thence Easterly 165 feet; thence Southerly 132.05 feet to the point of beginning; Containing 0.40 acres more or less, excluding therefrom any portion used for County Road Right-of-Way.
- A parcel of land located in part of the SE 1/4 SE 1/4 of Section 16, Township 17 North, Range 1 East of the 6th P.M., Platte County Nebraska, more particularly described as follows: Commencing at a point 497.05' North of the SE corner on the East line of said Section 16, thence running Westerly 33' to a point of beginning, thence continuing westerly 132', thence northerly 68' thence Easterly 132' thence Southerly 68' to the point of beginning containing 21 acres more or less not including county road Right-of-Way.

- A parcel of land located in part of the SE 1/4 SE 1/4 of Section 16, Township 17 North, Range 1 East, of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Commencing at a point 565.05 feet North of the Southeast corner on the East line of said Section 16, thence running Westerly 33 feet to a Point of Beginning, thence continuing Westerly 132 feet, thence Northerly 64 feet, thence Easterly 132 feet, thence Southerly 64 feet to the Point of Beginning. Containing 0.19 acres more or less.
- S1/2 Lot 1, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska.
- N1/2 Lot 1, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 2, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Beginning on the East line of Section 16, Township 17 North, Range 1 East of the 6th P.M. at a point 958 feet North of the Southeast corner of Section 16, Township 17 North, Range 1 East, thence West 165 feet, thence North 132 feet, thence East 165 feet, thence South 132 feet to the point of beginning, all contained within the N1/2 of SE1/4 of SE1/4 of Section 16, Township 17, North, Range 1, East of the 6th P.M., Platte County, Nebraska
- Lot 3, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 4, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 5, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 6, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 7, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- A tract of land contained within the SE1/4 of Section 16, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, described as follows: Beginning at a point 66 feet North of the NE Corner of Lot 7, Block 1, Thiele First Subdivision; thence North 180 feet parallel with the West line of said section; thence West 132 feet; thence South 180 feet; thence East 132 feet to the point of beginning
- Lot 1, Block A, Nick Luchsinger Addition to the City of Columbus, Platte County, Nebraska
- The South Half of the Northeast Quarter (S1/2 NE1/4) and the North Half of the Northeast Quarter of the Southeast Quarter (N1/2 NE1/4 SE1/4) of Section 16, in Township 17 North Range 1 East of the 6th P.M., Platte County, Nebraska
- The West 480 feet of the South 100 feet of the North 200 feet of the Southwest quarter of the Northwest quarter (SW1/4 NW1/4) of Section Fifteen (15), Township Seventeen North (17N) Range One (1) East of the 6th P.M. subject to highway right of way on the West 33 feet thereof
- A tract of land starting at a point 200 feet South of the Northwest corner of the SW1/4 NW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, thence east 240 feet; thence South 100 feet; thence West 240 feet; thence North 100 feet to the place of beginning.
- Lot 3, Johannes 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 4, Johannes 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 6, Johannes 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 8, Johannes 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 10, Johannes 1st Subdivision to the City of Columbus, Platte County, Nebraska
- N1/2 Lot 12, Johannes 1st Subdivision to the City of Columbus, Platte County, Nebraska
- S1/2 Lot 12, Johannes 1st Subdivision to the City of Columbus, Platte County, Nebraska
- A tract of land beginning at the Northwest corner of the N1/2 of the NW1/4 of the SW1/4, and assuming the North line of said N1/2 of the NW1/4 of the SW1/4 to have a bearing of N89°53'47"E, thence N89°53'47"E on said North line, 1323.23 feet, to the Northeast corner of the N1/2 of the NW1/4 of the SW1/4; thence S00°02'48"E on the East line of said N1/2 of the NW1/4 of the SW1/4, 664.95 feet, to the Southeast corner of the N1/2 of the NW1/4 of the SW1/4; thence S89°54'11"W on the South line of the N1/2 of the NW1/4 of the SW1/4, 1322.23 feet, to the Southwest corner of the N1/2 of the

NW1/4 of the SW1/4; thence N00°07'58"W on the West line of the N1/2 of the NW1/4 of the SW1/4, 120.00 feet; thence S89°09'10"E, 210.11 feet; thence N00°07'01"W, 149.93 feet; thence N89°08'54"W, 210.15 feet, to the West line of said N1/2 of the NW1/4 of the SW1/4; thence N00°07'58"W on said West line of the N1/2 of the NW1/4 of the SW1/4, 394,84 feet, to the point of beginning, now a part of the City of Columbus, Nebraska.

- Lot 3, New Frontier Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 2, New Frontier Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 1, New Frontier Subdivision to the City of Columbus, Platte County, Nebraska
- N1/2 S1/2 NW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska
- Lambertus Subdivision to the City of Columbus, Platte County, Nebraska
- The N1/2 S1/2 S1/2 NW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M, Platte County, Nebraska; excepting therefrom Lambertus Subdivision, a tract of land located in the N1/2 S1/2 S1/2 NW1/4 SW1/4 of section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska

and

The S1/2 S1/2 S1/2 of the NW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska.

- The North 329.74 feet of the W1/2 SW1/4 SW1/4 Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska containing 5.0 acres, more or less.
- Lot 1, Block A Lambert Industrial Addition to the City of Columbus, Platte County, Nebraska
- Lot 1, Fritz Subdivision to the City of Columbus, Platte County, Nebraska;

AND

A tract of land located in the SW1/4 of the SW1/4, Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, more particularly described as follows: beginning at the Southwest corner of Fritz Subdivision, being a part of said SW1/4 SW1/4 and now the City of Columbus, Platte County, Nebraska; thence N89°49'42" E, 231.08 feet on the South line of said Fritz Subdivision to the Southeast corner thereof; thence S00°10'10" E, 60.00 feet; thence S89°49'42" W, 231.07 feet to the West line of said SW1/4 SW1/4; thence N00°11'05" W, 60.00 feet on the West line of said SW1/4 SW1/4 to the point of beginning.

- A tract of land located in the SW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, described as follows: Commencing at the SW corner of Section 15, T17N, R1E of the 6th P.M., Platte County, Nebraska; thence northerly on an assumed bearing of N 00°00'00"E, 60.00 feet, to the point of beginning, said point also being on the North R.O.W. line of Highway No. 30; thence N 00°00'00" E and on the West line of the SW1/4 SW1/4, 520.00 feet, to a point; thence S 89°59'14" 231.00 feet, to a point; thence S 00°00'00" E, 520.00 feet, to a point, said point also being on the North R.O.W. line of Highway No. 30; thence N 89°59'14" W and on said North R.O.W. line of Highway No. 30, 231.00 feet, to the point of beginning, containing 2.76 acres, more or less. The South 60.00 feet thereof reserved for frontage road purposes.

Section 4. Said portions of the streets and avenues to be improved abut on paving already laid in the City of Columbus so that the same, together with pavement already laid make up one continuous or extended thoroughfare.

Section 5. Notice of creation of the above described Street Improvement District No. 185 shall be served upon the property owners in said district by publication of notice thereof once each week for not less than twenty (20) days in The Columbus Telegram, a newspaper published in and of general circulation in the City of Columbus and that if the owners of record title representing more than fifty

(50%) percent of the front footage of the property abutting or adjoining said portion of streets and avenues to be improved shall file with the office of the City Clerk within thirty (30) days after the first publication of said notice written objections to the improvements in said district said work shall not be done and this ordinance shall be repealed.

Section 6. The cost of grading, curbing, guttering, drainage and paving including replacement of open ditches with underground sewer lines where found necessary and the installation of sidewalks, and excepting intersections and spaces opposite alleys, shall be assessed against the property within said district and abutting or adjoining the streets and avenues or parts of the streets or avenues to be so improved, in proportion to the benefits and in the manner provided by law. The estimated project cost of Street Improvement District is \$3,487,000. (The city proposes to use Federal Funds Purchase Program funding in the construction of Street Improvement District No. 185 to reduce the cost of paving assessments contemplated herein. The city will utilize such funding in the construction of Street Improvement District No. 185 to pay eighty percent (80%) of eligible project costs with twenty percent (20%) of the total project cost being paid by special assessments.)

Section 7. The grading, curbing, guttering, drainage and paving shall be constructed of 9-inch thick Portland cement concrete paving, 41-foot wide three-lane urban section with curb and gutter, aggregate subbase, storm sewer, earthwork and grading, sidewalks in developed areas, and related work.

Section 8. This ordinance shall be in full force and effect from and after its passage, adoption and publication as provided by law.

Section 9. This ordinance shall repeal all ordinances and resolutions or portions thereof in conflict herewith.

INTRODUCED BY COUNCIL MEMBER _____.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.

MAYOR

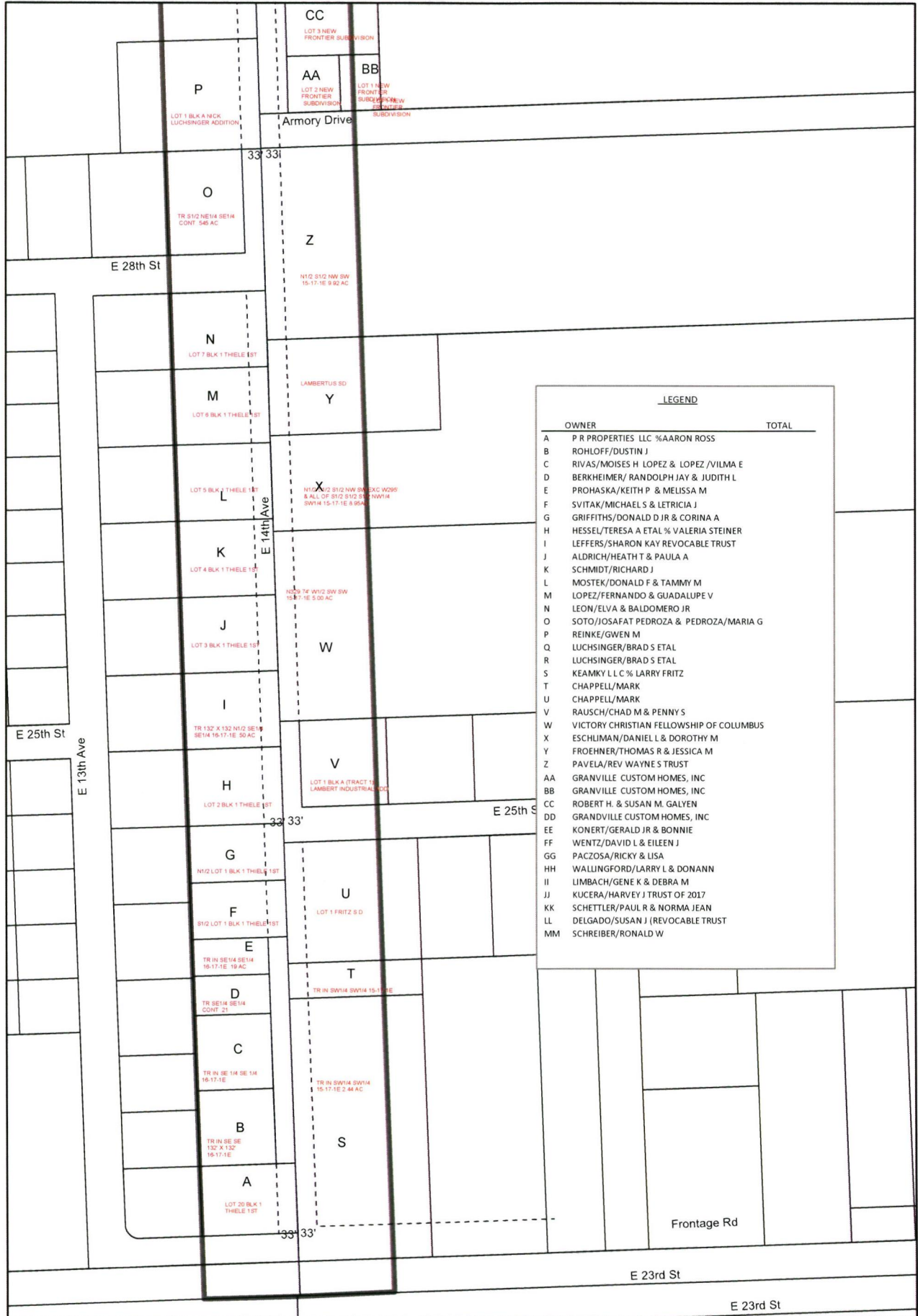
ATTEST:

CITY CLERK

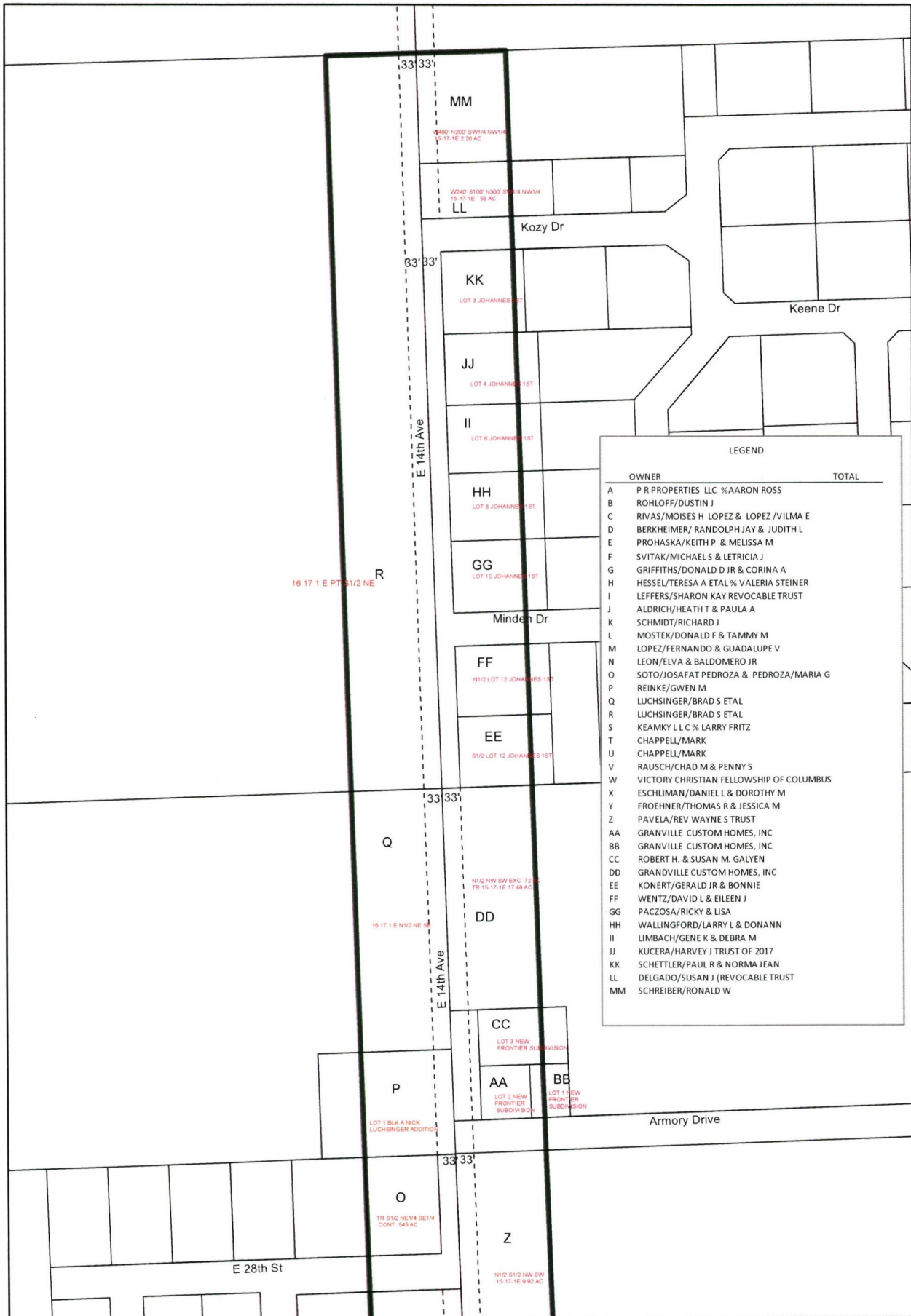
APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF COLUMBUS SID #185



CITY OF COLUMBUS SID #185



LEGEND	
OWNER	TOTAL
A	P R PROPERTIES LLC %AARON ROSS
B	ROHLOFF/DUSTIN J
C	RIVAS/MOISES H LOPEZ & LOPEZ/VILMA E
D	BERKHEIMER/ RANDOLPH JAY & JUDITH L
E	PROHASKA/KEITH P & MELISSA M
F	SVITAK/MICHAELS & LETRICIA J
G	GRIFFITHS/DONALD D JR & CORINA A
H	HESSEL/TERESA A ETAL % VALERIA STEINER
I	LEFFERS/SHARON KAY REVOCABLE TRUST
J	ALDRICH/HEATH T & PAULA A
K	SCHMIDT/RICHARD J
L	MOSTEK/DONALD F & TAMMY M
M	LOPEZ/FERNANDO & GUADALUPE V
N	LEON/ELVA & BALDOMERO JR
O	SOTO/JOSAFAT PEDROZA & PEDROZA/MARIA G
P	REINKE/GWEN M
Q	LUCHSINGER/BRAD S ETAL
R	LUCHSINGER/BRAD S ETAL
S	KEAMKY L L C % LARRY FRITZ
T	CHAPPELL/MARK
U	CHAPPELL/MARK
V	RAUSCH/CHAD M & PENNY S
W	VICTORY CHRISTIAN FELLOWSHIP OF COLUMBUS
X	ESCHLIMAN/DANIEL L & DOROTHY M
Y	FROEHNER/THOMAS R & JESSICA M
Z	PAVELA/REV WAYNE S TRUST
AA	GRANVILLE CUSTOM HOMES, INC
BB	GRANVILLE CUSTOM HOMES, INC
CC	ROBERT H. & SUSAN M. GALYEN
DD	GRANDVILLE CUSTOM HOMES, INC
EE	KONERT/GERALD JR & BONNIE
FF	WENTZ/DAVID L & EILEEN J
GG	PACZOSA/RICKY & LISA
HH	WALLINGFORD/LARRY L & DONANN
II	LIMBACH/GENE K & DEBRA M
JJ	KUCERA/HARVEY J TRUST OF 2017
KK	SCHETTLER/PAUL R & NORMA JEAN
LL	DELGADO/SUSAN J (REVOCABLE TRUST
MM	SCHREIBER/RONALD W

NOTICE OF CREATION OF STREET IMPROVEMENT DISTRICT NO. 185

Notice is hereby given that the Mayor and Council of the City of Columbus, Nebraska, have by Ordinance No. 20-33 created Street Improvement District No. 185, including the following streets, avenues, intersections of streets and avenues and spaces opposite alleys, which are to be improved, to-wit:

- East 14th Avenue from 23rd Street to North Corporate Limits

inclusive, all of which are located in the City of Columbus, Platte County, Nebraska, and including the following lots, lands and parts of lots and lands abutting adjoining the same:

- Lot 20, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska.
- Part of the SE 1/4 SE 1/4 of Section 16, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, described as follows: Commencing at a point 233 feet North of the Southeast corner of Section 16, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska; running thence west 165 feet; thence North 132 feet; thence East 165 feet; thence South 132 feet to the place of beginning, all lines to be parallel to said section lines.
- A parcel of land located in part of the SE1/4 SE1/4 of Section 16, Township 17 North, Range 1 East, of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Commencing at a point 365 feet North of the Southeast corner, on the East line of said Section 16; thence Westerly 165 feet; thence Northerly 132 feet; thence Easterly 165 feet; thence Southerly 132.05 feet to the point of beginning; Containing 0.40 acres more or less, excluding therefrom any portion used for County Road Right-of-Way.
- A parcel of land located in part of the SE 1/4 SE 1/4 of Section 16, Township 17 North, Range 1 East of the 6th P.M., Platte County Nebraska, more particularly described as follows: Commencing at a point 497.05' North of the SE corner on the East line of said Section 16, thence running Westerly 33' to a point of beginning, thence continuing westerly 132', thence northerly 68' thence Easterly 132' thence Southerly 68' to the point of beginning containing 21 acres more or less not including county road Right-of-Way.
- A parcel of land located in part of the SE 1/4 SE 1/4 of Section 16, Township 17 North, Range 1 East, of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Commencing at a point 565.05 feet North of the Southeast corner on the East line of said Section 16, thence running Westerly 33 feet to a Point of Beginning, thence continuing Westerly 132 feet, thence Northerly 64 feet, thence Easterly 132 feet, thence Southerly 64 feet to the Point of Beginning. Containing 0.19 acres more or less.
- S1/2 Lot 1, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska.
- N1/2 Lot 1, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 2, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Beginning on the East line of Section 16, Township 17 North, Range 1 East of the 6th P.M. at a point 958 feet North of the Southeast corner of Section 16,

Township 17 North, Range 1 East, thence West 165 feet, thence North 132 feet, thence East 165 feet, thence South 132 feet to the point of beginning, all contained within the N1/2 of SE1/4 of SE1/4 of Section 16, Township 17, North, Range 1, East of the 6th P.M., Platte County, Nebraska

- Lot 3, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 4, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 5, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 6, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 7, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- A tract of land contained within the SE1/4 of Section 16, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, described as follows: Beginning at a point 66 feet North of the NE Corner of Lot 7, Block 1, Thiele First Subdivision; thence North 180 feet parallel with the West line of said section; thence West 132 feet; thence South 180 feet; thence East 132 feet to the point of beginning
- Lot 1, Block A, Nick Luchsinger Addition to the City of Columbus, Platte County, Nebraska
- The South Half of the Northeast Quarter (S1/2 NE1/4) and the North Half of the Northeast Quarter of the Southeast Quarter (N1/2 NE1/4 SE1/4) of Section 16, in Township 17 North Range 1 East of the 6th P.M., Platte County, Nebraska
- The West 480 feet of the South 100 feet of the North 200 feet of the Southwest quarter of the Northwest quarter (SW1/4 NW1/4) of Section Fifteen (15), Township Seventeen North (17N) Range One (1) East of the 6th P.M. subject to highway right of way on the West 33 feet thereof
- A tract of land starting at a point 200 feet South of the Northwest corner of the SW1/4 NW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, thence east 240 feet; thence South 100 feet; thence West 240 feet; thence North 100 feet to the place of beginning.
- Lot 3, Johannes 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 4, Johannes 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 6, Johannes 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 8, Johannes 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 10, Johannes 1st Subdivision to the City of Columbus, Platte County, Nebraska
- N1/2 Lot 12, Johannes 1st Subdivision to the City of Columbus, Platte County, Nebraska
- S1/2 Lot 12, Johannes 1st Subdivision to the City of Columbus, Platte County, Nebraska
- A tract of land beginning at the Northwest corner of the N1/2 of the NW1/4 of the SW1/4, and assuming the North line of said N1/2 of the NW1/4 of the

SW1/4 to have a bearing of N89°53'47"E, thence N89°53'47"E on said North line, 1323.23 feet, to the Northeast corner of the N1/2 of the NW1/4 of the SW1/4; thence S00°02'48"E on the East line of said N1/2 of the NW1/4 of the SW1/4, 664.95 feet, to the Southeast corner of the N1/2 of the NW1/4 of the SW1/4; thence S89°54'11"W on the South line of the N1/2 of the NW1/4 of the SW1/4, 1322.23 feet, to the Southwest corner of the N1/2 of the NW1/4 of the SW1/4; thence N00°07'58"W on the West line of the N1/2 of the NW1/4 of the SW1/4, 120.00 feet; thence S89°09'10"E, 210.11 feet; thence N00°07'01"W, 149.93 feet; thence N89°08'54"W, 210.15 feet, to the West line of said N1/2 of the NW1/4 of the SW1/4; thence N00°07'58"W on said West line of the N1/2 of the NW1/4 of the SW1/4, 394.84 feet, to the point of beginning, now a part of the City of Columbus, Nebraska.

- Lot 3, New Frontier Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 2, New Frontier Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 1, New Frontier Subdivision to the City of Columbus, Platte County, Nebraska
- N1/2 S1/2 NW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska
- Lambertus Subdivision to the City of Columbus, Platte County, Nebraska
- The N1/2 S1/2 S1/2 NW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska; excepting therefrom Lambertus Subdivision, a tract of land located in the N1/2 S1/2 S1/2 NW1/4 SW1/4 of section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska

and

The S1/2 S1/2 S1/2 of the NW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska.

- The North 329.74 feet of the W1/2 SW1/4 SW1/4 Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska containing 5.0 acres, more or less.
- Lot 1, Block A Lambert Industrial Addition to the City of Columbus, Platte County, Nebraska
- Lot 1, Fritz Subdivision to the City of Columbus, Platte County, Nebraska;

AND

A tract of land located in the SW1/4 of the SW1/4, Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, more particularly described as follows: beginning at the Southwest corner of Fritz Subdivision, being a part of said SW1/4 SW1/4 and now the City of Columbus, Platte County, Nebraska; thence N89°49'42" E, 231.08 feet on the South line of said Fritz Subdivision to the Southeast corner thereof; thence S00°10'10" E, 60.00 feet; thence S89°49'42" W, 231.07 feet to the West line of said SW1/4 SW1/4; thence N00°11'05" W, 60.00 feet on the West line of said SW1/4 SW1/4 to the point of beginning.

- A tract of land located in the SW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, described as follows: Commencing at the SW corner of Section 15, T17N, R1E of the 6th P.M., Platte County, Nebraska; thence northerly on an assumed bearing of N 00°00'00"E, 60.00 feet, to the point of beginning, said point also being on the

North R.O.W. line of Highway No. 30; thence N 00°00'00" E and on the West line of the SW1/4 SW1/4, 520.00 feet, to a point; thence S 89°59'14" 231.00 feet, to a point; thence S 00°00'00" E, 520.00 feet, to a point, said point also being on the North R.O.W. line of Highway No. 30; thence N 89°59'14" W and on said North R.O.W. line of Highway No. 30, 231.00 feet, to the point of beginning, containing 2.76 acres, more or less. The South 60.00 feet thereof reserved for frontage road purposes.

The construction of the grading, curbing, guttering, drainage and paving in said district, including replacement of open ditches with underground storm sewer lines where found necessary, shall be in accordance with the plans and specifications to be approved and adopted and the costs thereof shall be assessed against the abutting or adjoining property in the district in proportion to the benefits.

Unless the owners of record title of property representing more than fifty percent (50%) of the front footage of the property abutting or adjoining one continuous or extended thoroughfare in the district shall file with the City Clerk within twenty (20) consecutive calendar days after the first publication of this notice objections to the improvements to be made in said district, the Mayor and Council will proceed with the construction of said improvements on the above designated streets and avenues in said district.

Notice is further given that Ordinance No. 20-33 creating Street Improvement District No. 185 of the City of Columbus, Nebraska, for the acquisition, construction, installation, improvement or enlargement of public ways, public property, utility systems and paving including storm sewers, or other capital projects proposed in such ordinance is subject to referendum for a period of thirty (30) days following the publication of this notice and after such thirty (30) day period, the creation of Street Improvement District No. 185 of the City of Columbus and all matters related to it will not be subject to any further rights of referendum.

THE CITY OF COLUMBUS, NEBRASKA

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Publish: 12:30:2020 and 01:06,13,20:2021
Two Affidavits of Publication

The City of **Columbus**

MEMORANDUM

DATE: December 16, 2020
FROM: Richard J. Bogus, P.E., City Engineer
TO: Tara Vasicek, City Administrator
RE: Creation of Street Improvement District #185
East 14th Avenue from 23rd Street to North Corporate Limits

RECOMMENDATION:

I recommend the approval of the Notice of Creation of Street Improvement District #185, East 14th Avenue from 23rd Street to North Corporate Limits. The properties benefiting and thus having a special assessment are as follows:

- Lot 20, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska.
- Part of the SE 1/4 SE 1/4 of Section 16, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, described as follows: Commencing at a point 233 feet North of the Southeast corner of Section 16, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska; running thence west 165 feet; thence North 132 feet; thence East 165 feet; thence South 132 feet to the place of beginning, all lines to be parallel to said section lines.
- A parcel of land located in part of the SE1/4 SE1/4 of Section 16, Township 17 North, Range 1 East, of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Commencing at a point 365 feet North of the Southeast corner, on the East line of said Section 16; thence Westerly 165 feet; thence Northerly 132 feet; thence Easterly 165 feet; thence Southerly 132.05 feet to the point of beginning; Containing 0.40 acres more or less, excluding therefrom any portion used for County Road Right-of-Way.
- A parcel of land located in part of the SE 1/4 SE 1/4 of Section 16, Township 17 North, Range 1 East of the 6th P.M., Platte County Nebraska, more particularly described as follows: Commencing at a point 497.05' North of the SE corner on the East line of said Section 16, thence running Westerly 33' to a point of beginning, thence continuing westerly 132', thence northerly 68' thence Easterly 132' thence Southerly 68' to the point of beginning containing 21 acres more or less not including county road Right-of-Way.
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- S1/2 Lot 1, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska.
- N1/2 Lot 1, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 2, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Beginning on the East line of Section 16, Township 17 North, Range 1 East of the 6th P.M. at a point 958 feet North of the Southeast corner of Section 16, Township 17 North, Range 1 East, thence West 165 feet, thence North 132 feet, thence East 165

feet, thence South 132 feet to the point of beginning, all contained within the N1/2 of SE1/4 of SE1/4 of Section 16, Township 17, North, Range 1, East of the 6th P.M., Platte County, Nebraska

- Lot 3, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 4, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 5, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 6, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 7, Block 1, Thiele 1st Subdivision to the City of Columbus, Platte County, Nebraska
- A tract of land contained within the SE1/4 of Section 16, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, described as follows: Beginning at a point 66 feet North of the NE Corner of Lot 7, Block 1, Thiele First Subdivision; thence North 180 feet parallel with the West line of said section; thence West 132 feet; thence South 180 feet; thence East 132 feet to the point of beginning
- Lot 1, Block A, Nick Luchsinger Addition to the City of Columbus, Platte County, Nebraska
- The South Half of the Northeast Quarter (S1/2 NE1/4) and the North Half of the Northeast Quarter of the Southeast Quarter (N1/2 NE1/4 SE1/4) of Section 16, in Township 17 North Range 1 East of the 6th P.M., Platte County, Nebraska
- The West 480 feet of the South 100 feet of the North 200 feet of the Southwest quarter of the Northwest quarter (SW1/4 NW1/4) of Section Fifteen (15), Township Seventeen North (17N) Range One (1) East of the 6th P.M. subject to highway right of way on the West 33 feet thereof
- A tract of land starting at a point 200 feet South of the Northwest corner of the SW1/4 NW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, thence east 240 feet; thence South 100 feet; thence West 240 feet; thence North 100 feet to the place of beginning.
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- A tract of land beginning at the Northwest corner of the N1/2 of the NW1/4 of the SW1/4, and assuming the North line of said N1/2 of the NW1/4 of the SW1/4 to have a bearing of N89°53'47"E, thence N89°53'47"E on said North line, 1323.23 feet, to the Northeast corner of the N1/2 of the NW1/4 of the SW1/4; thence S00°02'48"E on the East line of said N1/2 of the NW1/4 of the SW1/4, 664.95 feet, to the Southeast corner of the N1/2 of the NW1/4 of the SW1/4; thence S89°54'11"W on the South line of the N1/2 of the NW1/4 of the SW1/4, 1322.23 feet, to the Southwest corner of the N1/2 of the NW1/4 of the SW1/4; thence N00°07'58"W on the West line of the N1/2 of the NW1/4 of the SW1/4, 120.00 feet; thence S89°09'10"E, 210.11 feet; thence N00°07'01"W, 149.93 feet; thence N89°08'54"W, 210.15 feet, to the West line of said N1/2 of the NW1/4 of the SW1/4; thence N00°07'58"W on said West line of the N1/2 of the NW1/4 of the SW1/4, 394,84 feet, to the point of beginning, now a part of the City of Columbus, Nebraska.
- Lot 3, New Frontier Subdivision to the City of Columbus, Platte County, Nebraska
- Lot 2, New Frontier Subdivision to the City of Columbus, Platte County, Nebraska

- Lot 1, New Frontier Subdivision to the City of Columbus, Platte County, Nebraska
- N1/2 S1/2 NW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska
- Lambertus Subdivision to the City of Columbus, Platte County, Nebraska
- The N1/2 S1/2 S1/2 NW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M, Platte County, Nebraska; excepting therefrom Lambertus Subdivision, a tract of land located in the N1/2 S1/2 S1/2 NW1/4 SW1/4 of section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska
- and
The S1/2 S1/2 S1/2 of the NW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska.
- The North 329.74 feet of the W1/2 SW1/4 SW1/4 Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska containing 5.0 acres, more or less.
- Lot 1, Block A Lambert Industrial Addition to the City of Columbus, Platte County, Nebraska
- Lot 1, Fritz Subdivision to the City of Columbus, Platte County, Nebraska;
- AND
A tract of land located in the SW1/4 of the SW1/4, Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, more particularly described as follows: beginning at the Southwest corner of Fritz Subdivision, being a part of said SW1/4 SW1/4 and now the City of Columbus, Platte County, Nebraska; thence N89°49'42" E, 231.08 feet on the South line of said Fritz Subdivision to the Southeast corner thereof; thence S00°10'10" E, 60.00 feet; thence S89°49'42" W, 231.07 feet to the West line of said SW1/4 SW1/4; thence N00°11'05" W, 60.00 feet on the West line of said SW1/4 SW1/4 to the point of beginning.
- A tract of land located in the SW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, described as follows: Commencing at the SW corner of Section 15, T17N, R1E of the 6th P.M., Platte County, Nebraska; thence northerly on an assumed bearing of N 00°00'00"E, 60.00 feet, to the point of beginning, said point also being on the North R.O.W. line of Highway No. 30; thence N 00°00'00" E and on the West line of the SW1/4 SW1/4, 520.00 feet, to a point; thence S 89°59'14' 231.00 feet, to a point; thence S 00°00'00" E, 520.00 feet, to a point, said point also being on the North R.O.W. line of Highway No. 30; thence N 89°59'14" W and on said North R.O.W. line of Highway No. 30, 231.00 feet, to the point of beginning, containing 2.76 acres, more or less. The South 60.00 feet thereof reserved for frontage road purposes.

DISCUSSION:

This segment of East 14th Avenue is on the City 1&6 Year Road Plan and Long Range Transportation Plan. This segment is an Arterial in accordance with the State Classification System. Post card survey results were positive and the City Council approved the creation of the district. Improvements include total reconstruction of the roadway to a three-lane, common left hand turn lane, urban section with curb and gutter, 41-foot wide, PC concrete, sidewalks in improved or platted areas, striping, signage and related work.

The design of the project is limited due to elevation of discharge storm sewers. The street paving and storm sewers will be constructed at the least slope allowed by the City. Therefore, it must be noted that some small areas of shallow storm water ponding may occur in the gutter line and ditches along US Hwy 30. Some properties will have retaining walls in order to not have sharp elevation grade differences from the sidewalk to the their property. In order to assist in this grading transition, 5-foot wide temporary drainage easements are being requested from a vast majority of the property owners.

Traffic signal evaluation at the intersection of East 14th Avenue and 23rd Street (US Hwy 30) was conducted as part of the Long Range Transportation Plan and were not warranted at that time.

The proposal is to use Federal Funds Purchase Program (FFPP) funding to pay for 80 percent of the project cost which includes paying for 80 percent of what would be the standard and typical 100 percent assessment. The remaining 20 percent not paid for by the FFPP; therefore, would be a special assessment cost to properties within the SID who benefit from the improvements in accordance with State law and the City Assessment Policy.

The project is in two phases. Phase 1 is from 23rd Street to Armory Drive with a projected substantial completion date at the end of 2021 and final completion date in 2022. Phase 2 is from Armory Drive to the north corporate limits with a start and substantial and final completion in 2022. However, the timeframe is subject to contractor and material availability and weather and site conditions during construction. During construction, East 14th Avenue will be limited to local traffic only. The project will have phased construction to allow as much vehicle local access to properties as practical. A marked detour for through traffic will be part of the project which includes a gravel Township road, 38th Street from East 6th to East 14th Avenues. The City will grade this segment of 38th Street during the detour.

The Engineering Department is providing the design and construction phase services resulting in a savings to the project cost. If you have any questions, please feel free to contact me.

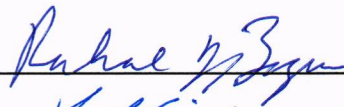

FISCAL IMPACT:

City to use Federal Funds Purchase Program funding to pay for 80 percent of the project cost. The remaining 20 percent would be assessed to benefiting properties. The opinion of probable project cost, which includes construction, engineering, topographic survey, legal, interest for one year, and publication is \$3,487,000 (FFPP \$2,789,600 and Special Assessment \$697,400). Projected final assessments and Board of Equalization meeting is in late 2022 or early 2023.

ALTERNATIVE:

Do not create the district

SIGNATURE:

By: 
Approved By: 

- B. Ordinance No. 20-34 creating Street Improvement District No. 186 (alley between 14 and 15 Streets and 28 and 29 Avenues).

ORDINANCE NO. 20-34

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, CREATING STREET IMPROVEMENT DISTRICT NUMBER 186 OF THE CITY OF COLUMBUS, NEBRASKA; PROVIDING FOR THE GRADING, DRAINAGE AND PAVING THEREIN ON ALLEY BETWEEN 14TH & 15 STREETS AND 28TH & 29TH AVENUES; PROVIDING FOR THE SERVICE OF NOTICE OF CREATION; PROVIDING FOR THE PAYMENT THEREOF BY SPECIAL ASSESSMENTS AND LIMITATIONS THEREON; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that:

Section 1. Street Improvement District No. 186 in the City of Columbus, Nebraska, is hereby created as provided by law.

Section 2. Street Improvement District No. 186 shall include the following streets, avenues, intersections of streets and avenues and spaces opposite alleys, storm sewers and sidewalks adjacent thereto which are to be improved, to wit:

- Alley between 14th Street and 15th Street and 28th Avenue and 29th Avenue

Section 3. Street Improvement District No. 186 shall include the following, being all of the lots, lands and parts of lots and lands abutting or adjoining said portion of the streets and avenues to be improved, to wit (these properties are also shown on the attached "EXHIBIT A"):

- W 44' Lot 4, Block 53, Original City, City of Columbus, Platte County, Nebraska
- W 22' Lot 3 & E 22' Lot 4, Block 53 Original City, City of Columbus, Platte County, Nebraska
- E 44' Lot 3, Block 53, Original City, City of Columbus, Platte County, Nebraska
- S1/2 Lots 1-2, Block 53, Original City, City of Columbus, Platte County, Nebraska
- N55' Lot 5 & N55' W22' Lot 6, Block 53, Original City, City of Columbus, Platte County, Nebraska
- E44' Lot 6 & Part Lots 7-8, Block 53, Original City, City of Columbus, Platte County, Nebraska
- Part Lots 7-8, Block 53, Original City, City of Columbus, Platte County, Nebraska

Section 4. Said portions of the streets and avenues to be improved abut on paving already laid in the City of Columbus so that the same, together with pavement already laid make up one continuous or extended thoroughfare.

Section 5. Notice of creation of the above described Street Improvement District No. 186 shall be served upon the property owners in said district by publication of notice thereof once each week for not less than twenty (20) days in The Columbus Telegram, a newspaper published in and of general circulation in the City of Columbus and that if the owners of record title representing more than fifty (50%) percent of the front footage of the property abutting or adjoining said portion of streets and

avenues to be improved shall file with the office of the City Clerk within thirty (30) days after the first publication of said notice written objections to the improvements in said district said work shall not be done and this ordinance shall be repealed.

Section 6. The cost of grading, drainage and paving and excepting intersections and spaces opposite alleys, shall be assessed against the property within said district and abutting or adjoining the streets and avenues or parts of the streets or avenues to be so improved, in proportion to the benefits and in the manner provided by law. The estimated project cost of Street Improvement District is \$42,000.

Section 7. The grading, drainage and paving shall be constructed of 6-inch thick Portland cement concrete paving and 20-foot width.

Section 8. This ordinance shall be in full force and effect from and after its passage, adoption and publication as provided by law.

Section 9. This ordinance shall repeal all ordinances and resolutions or portions thereof in conflict herewith.

INTRODUCED BY COUNCIL MEMBER _____.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.

MAYOR

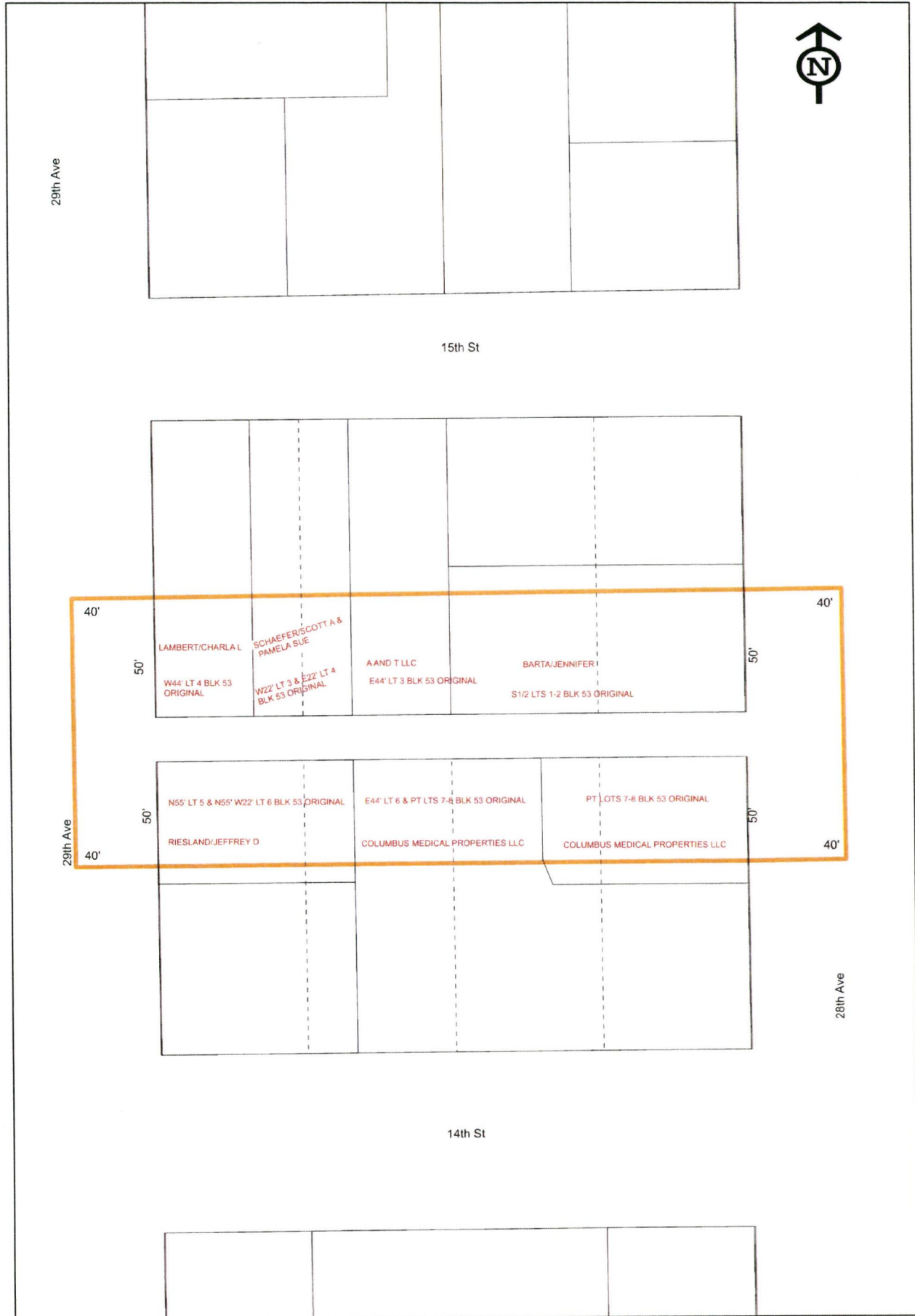
ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF COLUMBUS SID #186



**NOTICE OF CREATION OF
STREET IMPROVEMENT DISTRICT NO. 186**

Notice is hereby given that the Mayor and Council of the City of Columbus, Nebraska, have by Ordinance No. 20-34 created Street Improvement District No. 186, including the following streets, avenues, intersections of streets and avenues and spaces opposite alleys, which are to be improved, to-wit:

- Alley between 14th & 15th Streets and 28th & 29th Avenues

inclusive, all of which are located in the City of Columbus, Platte County, Nebraska, and including the following lots, lands and parts of lots and lands abutting adjoining the same:

- W 44' Lot 4, Block 53, Original City, City of Columbus, Platte County, Nebraska
- W 22' Lot 3 & E 22' Lot 4, Block 53 Original City, City of Columbus, Platte County, Nebraska
- E 44' Lot 3, Block 53, Original City, City of Columbus, Platte County, Nebraska
- S1/2 Lots 1-2, Block 53, Original City, City of Columbus, Platte County, Nebraska
- N55' Lot 5 & N55' W22' Lot 6, Block 53, Original City, City of Columbus, Platte County, Nebraska
- E44' Lot 6 & Part Lots 7-8, Block 53, Original City, City of Columbus, Platte County, Nebraska
- Part Lots 7-8, Block 53, Original City, City of Columbus, Platte County, Nebraska

The construction of the grading, drainage and paving in said district, which shall be in accordance with the plans and specifications to be approved and adopted and the costs thereof shall be assessed against the abutting or adjoining property in the district in proportion to the benefits.

Unless the owners of record title of property representing more than fifty percent (50%) of the front footage of the property abutting or adjoining one continuous or extended thoroughfare in the district shall file with the City Clerk within thirty (30) consecutive calendar days after the first publication of this notice objections to the improvements to be made in said district, the Mayor and Council will proceed with the construction of said improvements on the above designated streets and avenues in said district.

Notice is further given that Ordinance No. 20-34 creating Street Improvement District No. 186 of the City of Columbus, Nebraska, for the acquisition, construction, installation, improvement or enlargement of public ways, public property, utility systems and paving, or other capital projects proposed in such ordinance is subject to referendum for a period of thirty (30) days following the publication of this notice and after such thirty (30) day period, the creation of Street Improvement District No. 186 of the City of Columbus and all matters related to it will not be subject to any further rights of referendum.

THE CITY OF COLUMBUS, NEBRASKA

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Publish: 12:30:2020 and 01:06,13,20:2021
Two Affidavits of Publication

The City of **Columbus**

MEMORANDUM

DATE: December 16, 2020
FROM: Richard J. Bogus, P.E., City Engineer
TO: Tara Vasicek, City Administrator
RE: Creation of Street Improvement District #186
Alley between 14th & 15th Streets and 28th & 29th Avenues

RECOMMENDATION:

I recommend the approval of the Notice of Creation of Street Improvement District (SID) #186, Alley between 14th & 15th Streets and 28th & 29th Avenues. The properties benefiting and thus having a special assessment are as follows:

- W 44' Lot 4, Block 53, Original City, City of Columbus, Platte County, Nebraska
- W 22' Lot 3 & E 22' Lot 4, Block 53 Original City, City of Columbus, Platte County, Nebraska
- E 44' Lot 3, Block 53, Original City, City of Columbus, Platte County, Nebraska
- S1/2 Lots 1-2, Block 53, Original City, City of Columbus, Platte County, Nebraska
- N55' Lot 5 & N55' W22' Lot 6, Block 53, Original City, City of Columbus, Platte County, Nebraska
- E44' Lot 6 & Part Lots 7-8, Block 53, Original City, City of Columbus, Platte County, Nebraska
- Part Lots 7-8, Block 53, Original City, City of Columbus, Platte County, Nebraska

DISCUSSION:

This SID was petitioned by some of the property owners. Post card survey results were positive and the City Council approved the creation of the district. Improvements include construction of PC concrete inverted paving, 20-foot wide, and related work.

Special assessment cost to properties within the SID who benefit from the improvements in accordance with State law and the City Assessment Policy.

The Engineering Department is providing the design and construction phase services resulting in a savings to the project cost. If you have any questions, please feel free to contact me.

FISCAL IMPACT:

The opinion of probable project cost, which includes construction, engineering, topographic survey, legal, interest for one year, and publication is \$42,000 (General Obligation \$10,000 and Special Assessment \$32,000). Projected final assessments and Board of Equalization meeting is projected in late 2021 or early 2022.

ALTERNATIVE:

Do not create the district

SIGNATURE:

By: _____ 

Approved By: _____ 

- C. Ordinance No. 20-35 creating Street Improvement District No. 187 (25 Street from 33 Avenue west 255 feet).

ORDINANCE NO. 20- 35

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, CREATING STREET IMPROVEMENT DISTRICT NUMBER 187 OF THE CITY OF COLUMBUS, NEBRASKA; PROVIDING FOR THE GRADING, CURBING, GUTTERING, DRAINAGE AND PAVING THEREIN INCLUDING STORM SEWERS AND SIDEWALKS ON 25TH STREET FROM 33RD AVENUE WEST 140 FEET; PROVIDING FOR THE SERVICE OF NOTICE OF CREATION; PROVIDING FOR THE PAYMENT THEREOF BY SPECIAL ASSESSMENTS AND LIMITATIONS THEREON; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that:

Section 1. Street Improvement District No. 187 in the City of Columbus, Nebraska, is hereby created as provided by law.

Section 2. Street Improvement District No. 187 shall include the following streets, avenues, intersections of streets and avenues and spaces opposite alleys, storm sewers and sidewalks adjacent thereto which are to be improved, to wit:

- 25th Street from 33rd Avenue west 140 feet

Section 3. Street Improvement District No. 187 shall include the following, being all of the lots, lands and parts of lots and lands abutting or adjoining said portion of the streets and avenues to be improved, to wit (these properties are also shown on the attached “EXHIBIT A”):

- Lots 1-2 & Part Lot 3 & Vacated Alley, Block A, Tiffany’s, to the City of Columbus, Platte County, Nebraska
- Lot 5 & 20’ x 184.82” Private Driveway abutting said lot Block B, Tiffany’s, to the City of Columbus, Platte County, Nebraska
- Lot 1, Block B, Tiffany’s to the City of Columbus, Platte County, Nebraska
- S 21.4’ Lot1, Block B, Tiffany’s, to the City of Columbus, Platte County, Nebraska
- N 30’, Lot 2, Block B, Tiffany’s, to the City of Columbus, Platte County, Nebraska

Section 4. Said portions of the streets and avenues to be improved abut on paving already laid in the City of Columbus so that the same, together with pavement already laid make up one continuous or extended thoroughfare.

Section 5. Notice of creation of the above described Street Improvement District No. 187 shall be served upon the property owners in said district by publication of notice thereof once each week for not less than twenty (20) days in The Columbus Telegram, a newspaper published in and of general circulation in the City of Columbus and that if the owners of record title representing more than fifty (50%) percent of the front footage of the property abutting or adjoining said portion of streets and avenues to be improved shall file with the office of the City Clerk within thirty (30) days after the first

publication of said notice written objections to the improvements in said district said work shall not be done and this ordinance shall be repealed.

Section 6. The cost of grading, curbing, guttering, drainage and paving including replacement of open ditches with underground sewer lines where found necessary and the installation of sidewalks, and excepting intersections and spaces opposite alleys, shall be assessed against the property within said district and abutting or adjoining the streets and avenues or parts of the streets or avenues to be so improved, in proportion to the benefits and in the manner provided by law. The estimated project cost of Street Improvement District is \$75,000.

Section 7. The grading, curbing, guttering, drainage and paving shall be constructed of 9-inch thick Portland cement concrete paving, 33-foot wide two-lane urban section with curb and gutter, aggregate subbase, storm sewer, earthwork and grading, sidewalks in developed areas, and related work.

Section 8. This ordinance shall be in full force and effect from and after its passage, adoption and publication as provided by law.

Section 9. This ordinance shall repeal all ordinances and resolutions or portions thereof in conflict herewith.

INTRODUCED BY COUNCIL MEMBER _____.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.

MAYOR

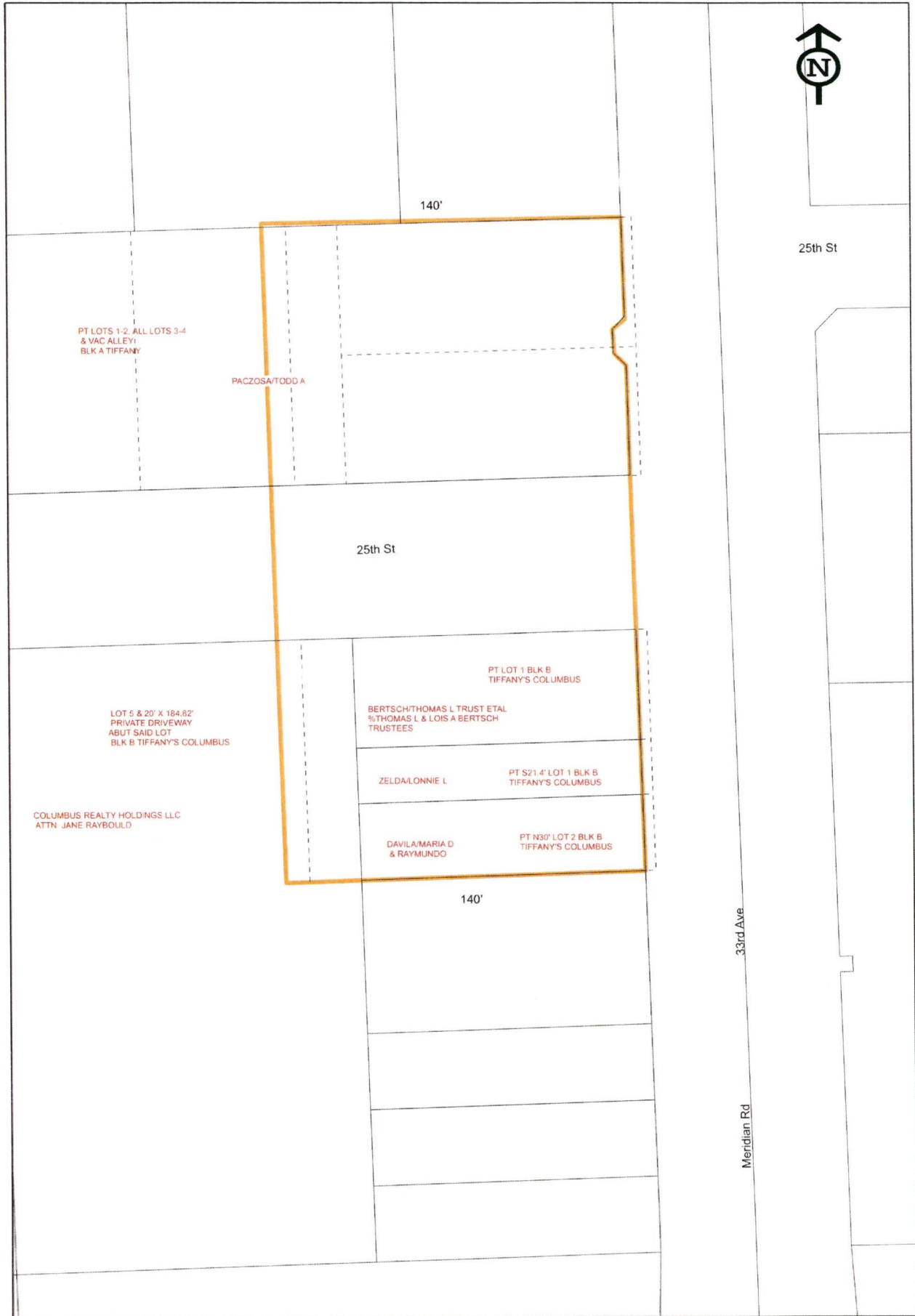
ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF COLUMBUS SID #187



**NOTICE OF CREATION OF
STREET IMPROVEMENT DISTRICT NO. 187**

Notice is hereby given that the Mayor and Council of the City of Columbus, Nebraska, have by Ordinance No. 20-35 created Street Improvement District No. 187, including the following streets, avenues, intersections of streets and avenues and spaces opposite alleys, which are to be improved, to-wit:

- 25th Street from 33rd Avenue W 140'

inclusive, all of which are located in the City of Columbus, Platte County, Nebraska, and including the following lots, lands and parts of lots and lands abutting adjoining the same:

- Lots 1-2 & Part Lot 3 & Vacated Alley, Block A, Tiffany's, to the City of Columbus, Platte County, Nebraska
- Lot 5 & 20' x 184.82" Private Driveway abutting said lot Block B, Tiffany's, to the City of Columbus, Platte County, Nebraska
- Lot 1, Block B, Tiffany's to the City of Columbus, Platte County, Nebraska
- S 21.4' Lot1, Block B, Tiffany's, to the City of Columbus, Platte County, Nebraska
- N 30', Lot 2, Block B, Tiffany's, to the City of Columbus, Platte County, Nebraska

The construction of the grading, curbing, guttering, drainage and paving in said district, including replacement of open ditches with underground storm sewer lines where found necessary, shall be in accordance with the plans and specifications to be approved and adopted and the costs thereof shall be assessed against the abutting or adjoining property in the district in proportion to the benefits.

Unless the owners of record title of property representing more than fifty percent (50%) of the front footage of the property abutting or adjoining one continuous or extended thoroughfare in the district shall file with the City Clerk within twenty (20) consecutive calendar days after the first publication of this notice objections to the improvements to be made in said district, the Mayor and Council will proceed with the construction of said improvements on the above designated streets and avenues in said district.

Notice is further given that Ordinance No. 20-35 creating Street Improvement District No. 187 of the City of Columbus, Nebraska, for the acquisition, construction, installation, improvement or enlargement of public ways, public property, utility systems and paving including storm sewers, or other capital projects proposed in such ordinance is subject to referendum for a period of thirty (30) days following the publication of this notice and after such thirty (30) day period, the creation of Street Improvement District No. 187 of the City of Columbus and all matters related to it will not be subject to any further rights of referendum.

THE CITY OF COLUMBUS, NEBRASKA

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Publish: 12:30:2020 and 01:06,13,20:2021
Two Affidavits of Publication

The City of **Columbus**

MEMORANDUM

DATE: December 16, 2020
FROM: Richard J. Bogus, P.E., City Engineer
TO: Tara Vasicek, City Administrator
RE: Creation of Street Improvement District #187
25th Street from 33rd Avenue West 140 feet

RECOMMENDATION:

I recommend the approval of the Notice of Creation of Street Improvement District #187, 25th Street from 33rd Avenue West 140 feet. The properties benefiting and thus having a special assessment are as follows:

- Lots 1-2 & Part Lot 3 & Vacated Alley, Block A, Tiffany's, to the City of Columbus, Platte County, Nebraska
- Lot 5 & 20' x 184.82" Private Driveway abutting said lot Block B, Tiffany's, to the City of Columbus, Platte County, Nebraska
- Lot 1, Block B, Tiffany's to the City of Columbus, Platte County, Nebraska
- S 21.4' Lot1, Block B, Tiffany's, to the City of Columbus, Platte County, Nebraska
- N 30', Lot 2, Block B, Tiffany's, to the City of Columbus, Platte County, Nebraska

DISCUSSION:

Post card survey results were positive and the City Council approved the creation of the district. Improvements include construction of the roadway to a two-lane, urban section with curb and gutter, 33-foot wide, 9-inch thick PC concrete, and related work.

Special assessment cost to properties within the SID who benefit from the improvements in accordance with State law and the City Assessment Policy.

The project is a projected start and substantial completion date in 2021. However, the timeframe is subject to contractor and material availability and weather and site conditions during construction. During construction, 25th Street will be limited to local traffic only. The project will have phased construction to allow as much vehicle local access to properties as practical.

The Engineering Department is providing the design and construction phase services resulting in a savings to the project cost. If you have any questions, please feel free to contact me.

FISCAL IMPACT:

The opinion of probable project cost, which includes construction, engineering, topographic survey, legal, interest for one year, and publication is \$75,000 (General Obligation \$25,000 and Special Assessment \$50,000). Projected final assessments and Board of Equalization meeting is projected in late 2021 or early 2022.

ALTERNATIVE:

Do not create the district

SIGNATURE:

By: _____ *Robert J. Egan*

Approved By: _____ *[Signature]*

- D. Ordinance No. 20-36 levying special assessments on Street Improvement District No. 178 (3 Avenue from 8 Street to South 5 Street) and Sewer Extension District No. 46 (Lost Creek Parkway from 38 Street to west of 10 Avenue).

ORDINANCE NO. 20-36

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO LEVY SPECIAL ASSESSMENTS ON THE LOTS AND PARCELS OF REAL PROPERTY INCLUDED WITHIN STREET IMPROVEMENT DISTRICT NO. 178 (3rd AVENUE FROM 8th STREET TO SOUTH 3RD STREET) AND SEWER EXTENSION DISTRICT NO. 46 TO PAY THE COST OF CONSTRUCTION OF IMPROVEMENTS IN SAID DISTRICTS; TO PROVIDE FOR THE METHODS OF PAYMENT OF SAID ASSESSMENTS; TO REPEAL ALL ORDINANCES AND RESOLUTIONS, OR PARTS THEREOF IN CONFLICT HERewith; AND TO PROVIDE FOR THE EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA:

SECTION 1. That the Mayor and Council hereby find and determine that pursuant to proceedings duly had according to law, improvements consisting of water and sewer mains, sidewalks, grading, curbing, guttering, drainage, and paving have been constructed in Street Improvement District Nos. 178 and Sewer Extension District No. 46; that said work and improvements have been completed according to contract and are hereby approved and accepted by the Mayor and Council; that the Mayor and Council met as a Board of Equalization on said Districts on December 7, 2020, between the hours of 6:15 p.m. and 6:45 p.m., for the purpose of reconsidering the proposed assessments in said Districts; that said meeting was held in the Council Chambers located at 1369 25 Avenue in Columbus, Nebraska; that on said date and during said hours said Board of Equalization granted hearings to all persons interested and equalized the special assessments hereinafter levied on the several lots and parcels of real property included within said Districts to pay the cost of improvements constructed therein; that notices of said sitting were published at least ten (10) days prior thereto in a legal newspaper published and having general circulation in the City of Columbus, Nebraska, affidavits thereof being on file in the office of the City Clerk; that the costs to be charged to the property owners for improvements in said Districts, exclusive of intersections and areas formed by the crossing of streets, avenues and alleys and one-half of the streets and avenues adjacent to real estate owned by the United States are as follows:

Street Improvement District No. 178	\$426,061.28
Sewer Extension District No. 46	\$800,021.76

and that this ordinance was passed to finally levy said special assessments in said Districts.

SECTION 2. That there are hereby levied and assessed upon the several lots and parcels of real property included within said Street Improvement District No. 178, and Sewer Extension District No. 46 and in said City special assessments to pay the

cost of constructing said improvements in the amounts set forth in the schedule immediately below and opposite the descriptions of said lots and parcels of real property, all situated in the City of Columbus, Platte County, Nebraska, and said descriptions being made with reference to the recorded plats thereto:

STREET IMPROVEMENT DISTRICT NO. 178

CENTENNIAL PARK 3RD

LOT 1 BLK C	6,248.00
LOT 2 BLK C	4,950.00
LOT 3 BLK C	4,950.00
LOT 4 BLK C	4,950.00
LOT 5 BLK C	4,950.00
LOT 6 BLK C	4,950.00

LOT 1 BLK D	5,610.00
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CENTENNIAL PARK 4TH

LOT 2 BLK C	5,610.00
LOT 6 BLK D	881.97
LOT 7 BLK D	3,426.50

CENTENNIAL PARK 5TH

LOT 6 BLK B	503.16
LOT 7 BLK B	4,290.00
LOT 6 BLK C	471.35
LOT 7 BLK C	4,026.00

CENTENNIAL PARK 7TH

LOT 6 BLK A	813.53
LOT 7 BLK A	4,103.00
LOT 6 BLK B	747.99
LOT 7 BLK B	3,761.00

CRUMLEY

LOT 1 BLK A	21,494.00
LOT 2 BLK A	4,356.00
LOT 3 BLK A	2,244.00

LOT 1 BLK B	4,356.00
LOT 2 BLK B	1,025.59
PRAIRIE HOME ADDITION	
LOT 8 BLK A	1,508.00
LOT 9 BLK A	3,267.00
LOT 8 BLK B	1,508.00
LOT 9 BLK B	3,267.00
SPEICHER	
LOT 1 EXC E14'	4,785.00
LOTS 4-5 & 6 AND E14' OF LOT 1 & LOT 2	9,713.00
S1/4 LOT 8	6,534.00
N1/2 S1/2 LOT 8	6,534.00
S1/2 N1/2 LOT 8	6,534.00
N1/4 OF LOT 8 & S1/2 LOT 7	39,215.00
S157' LOT 9	10,362.00
PT LOT 9	9,240.00
N1/4 LOT 9	6,534.00
N1/2 LOT 10	11,093.50
QUAIL RUN ESTATES 3 RD ADDITION	
LOT 3 BLK B	4,658.50
29-17-1 E TR SE1/4 NE1/4 & NE1/4 SE1/4	66,132.00
28-17-1 E TR IN NW SW	11,093.50
N OF CL ABAND RR ROW 28-17-1E 6.6 AC & LOT 2 BLK A GATES 2 ND	5,508.69
DEFERRED BY AGREEMENT BY BOARD OF EQUALIZATION	
A TR IN NW SW CONT 6.919 AC 28-17-1E LAND IN CITY LIMITS	59,928.00

SEWER EXTENSION DISTRICT NO. 46

ENERGY TRIANGLE 2ND ADDITION

LOT 1 0-0-0	49,855.47
LOT 2 0-0-0	7,516.67
LOT 3 0-0-0	9,817.69
LOT 4 0-0-0	5,087.81
LOT 5 0-0-0	6,136.06
LOT 6 0-0-0	183,135.74

DEFERRED BY RESOLUTION R19-176

PART OF SW1/4, SECTION 9, TOWNSHIP 17 NORTH,
RANGE 1 EAST 282,600.00

DEFERRED BY RESOLUTION R19-177

PART OF N1/2, SE1/4, SECTION 8, TOWNSHIP 17
NORTH, RANGE 1 EAST 255,872.32

SECTION 3. That the Mayor and Council find and determine that the assessments herein levied upon each lot and parcel of real property are not in excess of the benefits thereto especially accruing from the construction of said improvements, and the special assessments are hereby levied in proportion to the special benefits accruing to said lots and parcels of real property respectively from said improvements.

SECTION 4. That said special assessments in Street Improvement District Nos. 178 shall be a lien on the lots and parcels of real estate upon which levied from the date of levy thereof, and shall be due and payable to the City Treasurer as provided by law, and shall become delinquent as follows: one-fifteenth in fifty days; one-fifteenth in one year; one-fifteenth in two years; one-fifteenth in three years; one-fifteenth in four years; one-fifteenth in five years; one-fifteenth in six years; one-fifteenth in seven years; one-fifteenth in eight years; one-fifteenth in nine years; one-fifteenth in ten years; one-fifteenth in eleven years; one-fifteenth in twelve years; one-fifteenth in thirteen years; one-fifteenth in fourteen years; respectively, after the date of the levy thereof; and that each of said installments, except the first, shall draw interest at the rate of four percent (4.00%) per annum from the date of levy thereof until the same shall become delinquent, and after the same becomes delinquent shall draw interest at the rate of fourteen percent (14%) per annum until paid; that any installment not paid on or before the date it shall become delinquent shall be certified to the County Treasurer of Platte County, Nebraska, at the time of the next certification for general revenue purposes, and by such officer placed upon the tax list and collected as other real estate taxes are collected or may be collected as otherwise permitted by law.

SECTION 5. That said special assessments in Sewer Extension District No. 46 shall be a lien on the lots and parcels of real estate upon which levied from the date of levy thereof, and shall be due and payable to the City Treasurer as provided by law, and shall become delinquent as follows: one-tenth in fifty days; one-tenth in one year; one-

tenth in two years; one-tenth in three years; one-tenth in four years; one-tenth in five years; one-tenth in six years; one-tenth in seven years; one-tenth in eight years; one-tenth in nine years; respectively, after the date of the levy thereof; and that each of said installments, except the first, shall draw interest at the rate of four percent (4.00%) per annum from the date of levy thereof until the same shall become delinquent, and after the same becomes delinquent shall draw interest at the rate of fourteen percent (14%) per annum until paid; that any installment not paid on or before the date it shall become delinquent shall be certified to the County Treasurer of Platte County, Nebraska, at the time of the next certification for general revenue purposes, and by such officer placed upon the tax list and collected as other real estate taxes are collected or may be collected as otherwise permitted by law.

SECTION 6. That all ordinances and resolutions or parts thereof in conflict herewith be and hereby are repealed.

SECTION 7. That this ordinance shall become effective immediately upon and be in full force and effect after its passage, adoption and publication as provided by law.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____ 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

16. ORDINANCES ON SECOND READING

- A. Ordinance No. 20-27 amending Section 91.01 of Chapter 91 of Title IX of Ordinance No. 05-47 (Columbus City Code) adopting limited applications of 2018 International Fire Code.

ORDINANCE NO. 20- 27

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING SECTION 91.01 OF CHAPTER 91 OF TITLE IX OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) TO PROVIDE FOR THE ADOPTION AND COMPLIANCE WITH THE 2018 INTERNATIONAL FIRE CODE AS RECOMMENDED BY THE INTERNATIONAL CODE COUNCIL AND REGULATIONS PROMULGATED BY THE NEBRASKA STATE FIRE MARSHALL AND GOVERNING SAFETY TO LIFE FROM FIRE AND LIKE EMERGENCIES IN BUILDINGS AND STRUCTURES AND GENERAL FIRE PREVENTION; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, to adopt the 2018 International Fire Code and in furtherance thereof to amend Section 91.01 of Chapter 91 of Title IX of Ordinance No. 05-47 (Columbus City Code) as follows:

SECTION 1. That Section 91.01 of Chapter 91 of Title IX of Ordinance No. 05-47 (Columbus City Code), is hereby amended to read as follows:

91.01 ADOPTION OF 2018 INTERNATIONAL FIRE CODE:

There are hereby adopted for the purpose of regulating and governing conditions hazardous to life and property and establishing standards, rules and regulations to protect life and property from fire within the City, certain fire prevention codes known as the "International Fire Code, 2018 Edition," as recommended by the International Code Council, and "Regulations Promulgated by State Fire Marshall Governing Safety to Life from Fire and Like Emergencies in Buildings and Structures; and General Fire Prevention," one (1) printed copy of which, in book form has been and is now filed in the office of the City Clerk of the City and the same is hereby adopted and incorporated by reference herein and made a part hereof as if fully set out and spread forth at length herein and from the date in which this chapter shall take effect, the provisions thereof shall control, regulate and govern conditions hazardous to life and property from fire within the City.

Amendments:

All the provisions of the 2018 International Fire Code are hereby deleted except the following Sections.

Section 503 Fire Apparatus Access Roads Applies - Only where such access roads are not covered by the Nebraska State Fire Marshal's office.
Section 506 Key Boxes.

SECTION 2. This Ordinance shall repeal all ordinances or portions thereof in conflict herewith.

SECTION 3. This ordinance shall take effect and be in full force and effect after its passage, adoption and publication as provided by law. Publication shall be in pamphlet form as authorized by Section 16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to the public upon request at the City offices.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

AKy

CITY ATTORNEY

B. Ordinance No. 20-28 amending Chapter 150 of Title XV of Ordinance No. 05-47 (Columbus City Code) adopting 2018 Uniform Plumbing Code.

ORDINANCE NO. 20- 28

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING CHAPTER 150 OF TITLE XV OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) BY ADOPTING THE 2018 UNIFORM PLUMBING CODE; ADOPTING AMENDMENT TO THE 2018 UNIFORM PLUMBING CODE; ADOPTING ADDITIONS TO THE 2018 PLUMBING CODE; AMENDING THE BOND CONDITIONS; AMENDING THE REQUIREMENTS FOR INSTALLATION OF PLUMBING OWNER; AMENDING THE REQUIREMENTS FOR TAPPING SUMP PUMP DISCHARGE PIPE INTO STORM SEWERS; AMENDING PLUMBING REGULATIONS ON TESTS; AMENDING SECTION ON DISCHARGING FLUIDS; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA to adopt the 2018 Uniform Plumbing Code and in furtherance thereof to amend the City Code as follows:

Section 1. That Chapter 150 of Title XV of Ordinance No. 05-47 (Columbus City Code), Section 150.045, is hereby amended to read as follows:

150.045 ADOPTION OF PLUMBING CODE. It is hereby adopted for the purposes of establishing rules and regulations for the protection of public health and safety and for the qualification and registration of persons engaged in the business of plumbing or laboring at the trade of plumbing; and for the installation or alteration of plumbing and drainage systems; creating an administrative office; defining various terms; establishing minimum regulations for the installation, alteration or repair of plumbing and drainage systems and the inspection thereof; providing for penalties for violation of that certain plumbing code known as the Uniform Plumbing Code, 2012 Edition, as sponsored by the International Association of Plumbing and Mechanical Officials. One printed copy of said code has been and is now filed in the office of the City Clerk and the same is hereby adopted and incorporated by reference herein and made a part hereof as if fully set forth at length herein, from the date on which this section shall take effect and provisions thereof shall be controlling as to any buildings or structures within the corporate limits of the City or within the extraterritorial jurisdiction of the City.

Section 2. That Chapter 150 of Title XV of Ordinance No. 05-47 (Columbus City Code), Section 150.046, is hereby amended to read as follows:

150.46 AMENDMENTS TO CODE.

Section 103.1 of the 2018 Uniform Plumbing Code is hereby amended to add the following sentence. The authority having jurisdiction shall be the Plumbing Inspector or his authorized representative.

Sections 106.3 of the 2018 Uniform Plumbing Code is hereby amended to read as follows: VIOLATION AND PENALTIES: Any person, firm or corporation violating any provisions of this Code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed one hundred dollars (\$100.00) or by imprisonment in the County Jail for a period not to exceed thirty (30) days or by both such fine and imprisonment. Each separate day, or any portion thereof, during which any violation of this Code occurs or continues shall be deemed to constitute a separate offense and upon conviction thereof shall be punishable as herein provided.

The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel provisions of this Code shall be valid, except insofar as the work or use which is authorized is lawful.

The issuance or granting of a permit or approval of plans shall not prevent the administrative authority from thereafter requiring the correction of errors in such plans and specifications or from preventing construction and operation being carried on thereunder when violation of this Code or any other ordinance or from revoking any certificate of approval when issued in error.

Section 103.3 of the 2018 Uniform Plumbing Code is hereby amended to read as follows:

Issuance of Certificate of Qualification and Registration: The Building Department shall issue Certificates of Qualification for Licensing and or Registration pursuant to the following provisions:

(a) Master Plumber's Certificates of Qualification or Registration shall be issued to every person who makes application for such certificate, pays the required fee and successfully passes the examination conducted through the Uniform Plumbing Code provided, however, that in lieu of an examination, the Building Department may issue such a certificate to any person who makes application therefor, pays the required fee and possesses and presents to the Building Department, a valid Certificate of Qualification or Registration issued to him by any other governmental agency giving an examination the scope and character of which, in the opinion of the Building Department, is at least equal to that given by the Uniform Plumbing Code

(b) Journeyman Plumber's Certificate of Qualification or

Registrations shall be issued to every person who makes application for such certificate, pays the required fee and successfully passes an examination conducted through the Uniform Plumbing Code provided, however, that the Building Department may issue such a certificate to any person who makes application therefor, pays the required fee and presents a valid Journeyman Plumber's Certificate of Qualification or Registration issued to him by any other governmental agency giving an examination, the scope and character of which in the opinion of the Building Department, is at least equal to that given by the Uniform Plumbing Code.

(c) JOURNEYMAN PLUMBER: "Journeyman Plumber" is hereby defined to be any licensed plumber employed by a Master Plumber, other than a plumber's apprentice or helper, who as his principal occupation is engaged in the practical installation, alteration, repair or removal of plumbing.

(d) MASTER PLUMBER: "Master Plumber" is hereby defined to be any person skilled in the planning, superintending and practical installation of plumbing and drainage and who is familiar with the ordinances and regulations governing the same, and who is engaged as a contractor in the installation, repair, alteration or removal of plumbing or drainage with the full responsibility of supervision, whether doing such work by himself or employing journeyman plumbers and apprentices to assist him. Said term "Master Plumber" shall include every person doing work of any character connected with the installation, removal or drainage of buildings or property and all other plumbing, other than journeyman plumbers or plumber's apprentices or helpers, as defined in this Ordinance. Only one Master Plumber's License shall be issued to a person, but should a person be employed by several different businesses, each business shall be required to execute a bond along with the licensee who is employed by such business.

EXPIRATION OF CERTIFICATES OF QUALIFICATION OR REGISTRATION.

Every Certificate of Qualification or Registration shall remain in force and effect until its expiration date unless canceled or revoked.

(a) Plumbing Contractor's Certificates of Qualification or Registration shall expire on April 30 of each year.

(b) Journeyman Plumber's Certificates of Qualification or Registration shall expire on April 30 of each year.

REGISTRATION FEE: Every person applying for a

Plumber's Certificate of Qualification, Registration or Renewal, shall pay to the City Clerk at the time he or she makes application, those fees as established by resolution of the City of Columbus. All certificates of Qualification or Registration, except certificates that have been canceled or revoked, may be renewed from year to year upon request and payment of the required renewal fee. No certificates shall be renewed more than ninety (90) days after the expiration of such certificate.

- (A) Chapter 13: Health Care Facilities and Medical Gas and Vacuum Systems is hereby deleted.

Section 3. That Chapter 150 of Title XV of Ordinance No. 05-47 (Columbus City Code), Section 150.047, is hereby amended to read as follows:

150.047 ADDITIONS TO CODE.

1. All new housing shall be piped for soft water.
2. ABS or PVC piping in buildings over two stories must have an expansion sleeve.
3. ABS or PVC may be used for residential and commercial construction. Schedule 40 is required for commercial drain, waste and venting. Schedule 40 is required under residential slabs, above residential slabs drain, waste and vent piping shall be permitted to be either Schedule 30 or Schedule 40.
4. All residential building sewers shall be four inches or larger Schedule 40 ABS or PVC.
5. ABS or PVC Schedule 40 pipe may be used under parkways, streets and commercial building sewers. In addition, piping listed by IAPMO (International Association of Plumbing and Mechanical Officials) and approved by the Plumbing Inspector.

Section 4. That Chapter 150 of Title XV of Ordinance No. 05-47 (Columbus City Code), Section 150.048, is hereby amended to read as follows:

150.048 BOND CONDITIONS.

Every Master Plumber shall provide a personal surety bond in the sum as set by resolution signed by one or more sufficient sureties or a bond in like amount of some approved corporate surety company doing business in the City, conditioned that the licensee shall indemnify and hold harmless the City of Columbus from all accidents, damage, liability, claims, judgment, costs or expenses caused by any negligence arising from the failure to protect the plumbing license in connecting the places prepared to receive water or sewer services arising out of furnishing defective material or from failure to execute and perform any plumbing work done by a licensee or by others under

a supervisor during the period of the plumber's license; and that applicant for a license will be governed by the rules and requirements herein provided or that hereafter be prescribed and adopted by the City during the period of the license with reference to plumbing work to the satisfaction of the Plumbing Inspector. The obligee of the bond shall be the City of Columbus. An action may be maintained thereon by anyone injured by a breach of its conditions for a period of one year after the completion of any plumbing works. All bonds tendered by a plumber shall be approved in writing as to form and substance by the City Attorney.

Section 5. That Chapter 150 of Title XV of Ordinance No. 05-47 (Columbus City Code), Section 150.049, is hereby amended to read as follows:

150.049 INSTALLATION OF PLUMBING BY OWNER.

(A) All plumbing installed by the owner shall comply with the requirements of this Code and in such event, the word "owner" shall be substituted for the word "plumber" throughout, provided that the owner shall:

- (1) Apply for and secure a permit;
- (2) Pay required fees, plus a registration fee as set by resolution;
- (3) Do the work in accordance with this chapter;
- (4) Apply for inspections;
- (5) Receive approval of the Plumbing Inspector or Building Inspector; and
- (6) All City water and sewer mains must be tapped by journeymen or master plumbers.

(B) Personal installation (other than master plumber) shall be by the owner for the owner and in the owner's own home without compensation or pay from any other person for such labor or installation. The owner exercising this privilege shall not set himself or herself up as a master plumber nor shall the owner employ journeyman plumbers. All other plumbing work must be completed by a licensed plumbing contractor or their licensed journey plumbers with help from register apprentices.

Section 6. That Chapter 150 of Title XV of Ordinance No. 05-47 (Columbus City Code), Section 150.050, is hereby amended to read as follows:

150.050 REQUIREMENTS FOR TAPPING SUMP PUMP DISCHARGE PIPE INTO STORM SEWERS.

Storm sewers may be tapped to insert sump pump discharge pipe from foundation drains or floor drains upon the following requirements being met by the applicant.

- (A) The applicant shall contact the Street Superintendent or Street Supervisor in

writing to determine the location of the storm sewer.

(B) The hole cut into the storm sewer pipe shall not be larger than one inch in diameter larger than the pipe to be installed. The storm sewer shall be tapped as close as possible to the top of the storm sewer pipe.

(C) The discharge pipe shall be Schedule 40 PVC at the point of connection and across public property.

(D) The discharge pipe shall be grouted in place and the storm sewer and discharge pipe shall be left uncovered until inspection by the Street Superintendent or Street Supervisor.

(E) All cuts across public road(s) shall require an excavation permit to be obtained by application.

(F) Pipes across and under public roads shall have a minimum of one foot of dirt and soil cover on the top of the pipe.

(G) the discharge pump shall be equipped with a check valve or backflow preventor.

Section 7. That Chapter 150 of Title XV of Ordinance No. 05-47 (Columbus City Code), Section 150.051, is hereby amended to read as follows:

150.051 PLUMBING REGULATIONS ON TESTS.

Plumbing regulations on tests are:

(A) Three years as apprentice before taking journeyman test.

(B) Three years as a journeyman before taking the master test.

(C) Cost to take both the journeyman and master exam is set and paid to the testing center by the applicant.

(B) Qualified applicants must be approved by the Community Development Director or Plumbing Inspector.

(C) The tests shall be based on the adopted Uniform Plumbing Code, administered by IAPMO and taken at approved testing centers.

Section 8. That Chapter 150 of Title XV of Ordinance No. 05-47 (Columbus City Code), Section 150.052, is hereby amended to read as follows:

150.052 DISCHARGING FLUIDS.

Any discharge of storm water, groundwater, pond overflow, well water or water from residential, industrial or commercial air conditioning systems from a sump pump

system shall discharge onto the resident's own property or City street. In no event shall any outlet from a sump pump system discharge water onto another person's property or in a manner as to cause it to go upon another person's property or allow it to discharge into the City's sanitary sewer system. The discharge from a sump pump shall not be cut into the curb or gutter on any street or alley without first obtaining written approval by the Community Development Director. Any alternation of a curb or gutter without written approval will result in the City repairing the curb or gutter to its original condition and assessing the associated cost against the property owner. The discharge line from the sump pump shall be of rigid construction, without valves or quick connectors for altering the path of the discharge. It shall be unlawful for any person to allow any other fluids to flow into or upon any public thoroughfare from that person's home, property or from any vehicle or vessel. Under no circumstances will sanitary sewer-contaminated water be permitted to discharge to the City street.

Section 9. This ordinance shall repeal all other ordinances in conflict with the provisions of this ordinance.

Section 10. This ordinance shall take effect and be in full force and effect after its passage, adoption and publication as provided by law. Publication shall be in pamphlet form as authorized by Section 16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to the public upon request at the city offices.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

- C. Ordinance No. 20-29 amending Chapter 150 of Title XV of Ordinance No. 05-47 (Columbus City Code) adopting 2018 International Residential Code.

ORDINANCE NO. 20- 29

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING CHAPTER 150 OF TITLE XV OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) BY ADOPTING THE 2018 INTERNATIONAL RESIDENTIAL CODE; ADOPTING AMENDMENTS TO SAID CODE; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, to adopt the 2018 International Residential Code and in furtherance thereof to amend Chapter 150 of Title XV of Ordinance No. 05-47 (Columbus City Code) as follows:

Section 1. That Section 150.105 of Chapter 150 of Title XV of Ordinance No. 05-47 is hereby amended to read as follows:

150.105 ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE: It is hereby adopted for the purposes of establishing rules and regulations governing the erection, construction, enlargement, alteration, moving, removal, conversion, demolition, occupancy, equipment, repair, height and area of detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress within the jurisdiction, including permits, and providing penalties for the violation thereof that certain building code known as the International Residential Code, 2018 Edition, one copy of which has been and is now filed in the office of the City Clerk and the same is hereby adopted and incorporated by reference herein and made a part hereof as if fully set forth at length herein, from the date on which this section shall take effect and provisions thereof shall be controlling and the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area of detached one and two-family dwellings and multiple single-family dwelling (townhouses) not more than three stories in height with separate means of egress within the City or within the extraterritorial jurisdiction of the City.

Section 2. Section 150.106 of Chapter 150 of Title XV of Ordinance No. 05-47 is hereby amended to read as follows:

150.106 AMENDMENTS TO THE 2018 INTERNATIONAL RESIDENTIAL CODE

Section R101.1 Title. insert (City of Columbus, NE)

Section R101.2 Exception 5 is hereby amended to read as follows: A care facility for 12 or fewer persons receiving care that are within a single-family dwelling.

Section R105 Permits. Delete the Electrical, Gas, Mechanical and Plumbing provisions.

R105.2 Building: #1 is hereby amended to read as follows: One story detached accessory structures provided the floor area does not exceed 120 square feet

and the structure is not located within the Floodway or Flood Plain in violation of the Unified Land Development ordinance.

Section R105.2 Building #2) is hereby deleted.

Section R105.10 Building: 10 is hereby deleted.

Section R105.2 Electrical, Gas, Mechanical and Plumbing provisions are hereby deleted.

Section R105.5 is hereby amended to read as follows. Expiration. 1. If the work described in any building permit has not been completed started with 180 days of issuance thereof, said permit shall expire: It shall be cancelled by the building official; and written notice given to the persons affected.

2. If the work described in any building permit has not been completed within two years from the date of issuance thereof: said permit shall expire and be cancelled by the building official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new permit has been obtained.

3. The expiration date of a permit may be established for a period longer than two years if established at the time that such permit is issued by the City. The building official may at his/her discretion extend the expiration period of the building permit.

Section R108.2 is hereby amended to read as follows: Schedule of Permit Fees. On buildings, structures, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. In addition, a plan review fee equal to ten percent of the building permit shall be paid for plan review.

Section R108.3 is hereby amended to read as follows: Building Permit Valuations. Building permit valuations shall include the total value of the work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor. The building official is authorized to set the valuation in accordance with the most current ICC Building Valuation Data on applications as a minimum valuation when deemed necessary.

Section R113.4 is hereby amended to read as follows: Violation Penalties. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor and the person shall be deemed guilty of a separate offense for each and everyday or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted and upon conviction shall be punishable by a fine of not more than thirty days or by both fine and imprisonment.

Whenever the Building Official is satisfied that any provisions of this Code have been violated, are about to be violated or that any order, or direction made pursuant to this Code has not been carried out or is being disregarded, he may apply to the City Council and request that it order civil proceedings to be instituted. Any civil proceedings, when instituted by

the City Attorney at the direction of the City Council shall be brought in the name of the City of Columbus. Nothing in this Section and no action taken thereunder will exclude any other proceedings authorized by this Code or any other law or ordinance in force or to exempt any person violating this Code or any of the laws from any penalty which might be incurred.

(G) Table R301.2(1) of the 2018 International Residential Code is hereby amended to read as follows:

TABLE R301.2(1)

Roof Ground Snow Load	25 lbs. per square foot
Wind Speed	115
Seismic Design Category	B
Subject to Damage from Weathering	Severe
Subject to Damage from Frost Line Depth	36 inches
Subject to Damage from Termite	Moderate to Heavy
Subject to Damage from Decay	None to Slight
Winter Design Temperature	-3
Ice Barrier Underlayment Required	Yes
Flood Hazard	Adopted FEMA Firm Map
Air Freezing Index	1720
Mean Annual Temp	50

Section R302.5.1 is hereby amended to read as follows: Opening Protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Openings between the garage and residence shall be equipped with solid core doors not less than 1 3/8 inches (35mm) thick, or 20-minute rated fire doors.

Section R302.13 Fire Protection of Floors is hereby deleted entirely.

Section R311.7.5.1 of the 2018 International Residential Code is hereby amended to read as follows: Risers. The maximum riser height shall be 8 inches (203 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the opening between treads does not permit the passage of a 4-inch-diameter (102 mm) sphere.

Exception 1: The opening between adjacent treads is not limited on spiral stairways.

Exception 2: The riser height for spiral stairways shall be in accordance with Section R311.7.10.1.

Section R311.7.5.2 of the 2018 International Residential Code is hereby amended to read as follows: Treads. The minimum tread depth shall be 9 inches (229 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

Section R313 Automatic Fire Sprinkler Systems of the 2018 International Residential Code is hereby deleted entirely including R313.1 and the exceptions, R313.1.1, R-313.2 and the exception and R313.2.1.

Section R322 of the 2018 International Residential Code is hereby amended to read as follows: Flood-Resistant Construction where approved by Federal, State, and City Flood Plain regulations and incorporated in the Unified Land Development ordinance for the City of Columbus.

Section R403.1.4.1 of the 2018 International Residential Code is hereby amended to read as follows: Frost Protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods.

1. Extending below the frost line specified in Table R301.2(1).
2. Constructing in accordance with Section R403.3.
3. Constructing in accordance with ASCE 32.
4. Erected on solid rock.

Exceptions:

1. One story unheated sheds 180' and less where the bearing wall width is-12' or less may be constructed on a 4" slab.

2. One-story detached unheated garages and sheds constructed with light frame construction and not over four hundred forty (440) square feet in floor area (where no dimension exceeds twenty-two feet (22') and the width between bearing walls does not exceed twenty feet (20')), may be constructed with walls supported on a monolithic footing and slab. The footing shall be a minimum of twelve inches (12") below grade and eight inches (8") wide.
3. One story detached unheated garages and sheds constructed with light frame construction and not over 600' may be constructed on a monolithic footing and foundation designed by a registered Nebraska engineer with a Nebraska stamp on the plan.
4. Detached garages and sheds that are over 440 square feet and not constructed as outlined in exception 3, require 8" wide by 36" below grade foundations.
5. Decks not supported by a dwelling need not be provided with footings that extend below the frost line.

All provisions contained in Section R405 of the 2018 International Residential Code are hereby deleted and shall be replaced with the following subsurface drainage provisions and the 2018 International Residential Code is amended accordingly, to-wit:

R405: Subsurface Drainage.

Section 1.

Drainage System. All residential dwellings located within the City limits of the City of Columbus or within the extraterritorial jurisdiction of the City, shall have installed, unless a waiver is obtained as provided herein, a system to remove subsurface water from below grade habitable space. The systems for removing the water may be a coarse gravel base, subsoil drain, both of which are described herein, or any other system or combinations thereof when approved by the Building Official of the City of Columbus.

Section 2.

Definitions. Coarse gravel base, for the purposes of this Section shall mean, a minimum of 12" coarse gravel under the concrete floor of any below grade habitable spaces, with one 24" x 24" diameter deep well, the well being screened and having a concrete base, to act as a sump, for each 750 square feet of floor area of below grade habitable space.

Subsoil drain, for purposes of this Section shall mean subsoil drain tiles with an approved filter membrane and a sump pit installed around the perimeter of foundations enclosing habitable spaces located below grade. In addition to the perimeter drains, the drains shall be installed so that all areas of the floor of below grade habitable space are within 10' of a drain tile. Drain tiles shall be installed at or below the area to be protected. The drain tile shall be surrounded by a minimum of 6" coarse gravel on all sides. The drain tile shall have a minimum diameter of 4" along with an approved filter membrane and shall be constructed of vitrified clay tile or PVC pipe. The sump into which the drain tile discharges shall be constructed of concrete or masonry block and shall have a

minimum dimension of 24" x 24". The sump may also be constructed of polyethylene or other materials approved by the building Official with a sealed lid.

With either of the above-described systems, the sump shall discharge by gravity or mechanical means to a storm sewer, street or natural drainage way approved by the Building Official, but specifically shall not discharge into a sanitary sewer system.

Habitable space is defined, for purposes of this Section, as any space having a ceiling height of not less than 6' feet which is partially or completely below the ground level elevation.

All other terms and phrases used herein shall be defined by the International Residential Code as adopted by the City of Columbus, Nebraska.

Section 3.

Administration. The Building Official shall approve all drainage systems prior to and during their installation.

The requirements to install a drainage system for the removal of subsurface water may be waived under the following conditions:

a. The Building Official may waive this Section if the floor of the below grade habitable space is above the highest recorded water level at the particular location of the building so constructed as demonstrated and proven by the owners of the property upon which the building is to be constructed.

Highest ground water elevation shall be determined by open soil boring on the property upon which the residence is to be constructed.

b. Owners of the subdivisions and additions platted prior to the adoption of this Section may apply for a waiver on the entire subdivision, the waiver being granted by the Building Official. The Building Official shall grant a waiver if the owner of the subdivision shows to the Building Official that the floors of below grade habitable space will not be constructed lower than the highest recorded ground water elevation.

The highest ground water elevation shall be determined by soil borings taken at various locations within the subdivision or addition. The soil borings shall be located not more than 300 feet apart or one per each acre or portion thereof in the addition or subdivision, whichever would require the least number of soil borings.

c. Subdivisions or additions approved subsequent to the passage of this Section which require that all below grade habitable spaces constructed in the subdivision or addition be constructed in a manner that the floor of the below grade habitable space is above the height of the highest measured ground water elevation.

The highest ground water elevation shall be determined by soil borings of various locations within the subdivision or addition. The soil borings shall be located not more than 300 feet apart or one per each acre or portion thereof, in the addition or subdivision, whichever would require the least number of soil borings.

Section 4.

Default. Failure to comply with the terms of this Section, by the owner of any building covered by this Section or by the owner of any real property included within the terms of this Section may result in the denial of the building permit application and a fine of \$100 per day that the building does not conform to the above requirements.

(P) All provisions contained in Chapter 11 of the 2018 International Residential Code are hereby deleted and shall be replaced with the following manufactured home dwelling provisions and the 2018 International Residential Code is amended accordingly, to-wit:

Chapter 11: Manufactured Home Dwellings.

Section 1.

Definitions. For purposes of this Section, "manufactured home dwellings" shall mean a factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site; which does not have permanently attached to its body or frame, any wheels or axles and which bears a label certifying it was built in compliance with the National Manufactured Home Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development.

Section 2.

Construction Standards. A manufactured home complying with the following architectural or ascetic standards may be placed in all residential zones provided:

- a. The home shall not have less than 900 square feet of floor area;
- b. The home shall not have less than an 18 foot exterior width;
- c. The roof shall be pitched with a minimum vertical rise of 2.5" for each 12" of horizontal run;
- d. The exterior material shall be of a color, material and scale comparable with those existing in the residential site in which the manufactured home dwelling is being permanently installed;
- e. The home shall have a nonreflective roof material which is or simulates

asphalt or wood shingles, tile or rock;

f. Permanent utility connections shall be installed in accordance with local regulations;

g. The home shall bear an appropriate seal which indicates it was constructed in accordance with the standards of the U.S. Department of Housing and Urban Development;

h. The home shall have all wheels, axles, transporting lights and the removal towing apparatus removed; and

i. The home shall be constructed upon a permanent foundation that is constructed and build in accordance with local regulations.

Chapter 12 of the 2018 International Residential Code is hereby deleted and shall be replaced with the following Radon requirements as required per State Law. Radon systems shall be installed as outlined in State Statute 76-3504 per LB130 2019 signed by the governor on May 1, 2019 and include;

Terms, defined.

For purposes of the Radon Resistant New Construction Act:

(1) Active radon mitigation system means a family of radon mitigation systems involving mechanically driven soil depressurization, including sub slab depressurization, drain tile depressurization, block wall depressurization, and submembrane depressurization. Active radon mitigation system is also known as active soil depressurization;

(2) Building contractor means any individual, corporation, partnership, limited liability company, or other business entity that engages in new construction;

(3) Department means the Department of Health and Human Services;

(4) New construction means any original construction of a single-family home or a multifamily dwelling, including apartments, group homes, condominiums, and townhouses, or any original construction of a building used for commercial, industrial, educational, or medical purposes. New construction does not include additions to existing structures or remodeling of existing structures;

(5) Passive radon mitigation system means a pipe installed in new construction that relies solely on the convective flow of air upward for soil gas depressurization and may consist of multiple pipes routed through conditioned space from below the foundation to above the roof;

(6) Radon mitigation specialist means an individual who is licensed by the department as a radon mitigation specialist in accordance with the Radiation Control Act; and

(7) Radon resistant new construction means construction that utilizes design elements and construction techniques that passively resist radon entry and prepare a building for an active post construction mitigation system.

Radon resistant new construction; minimum standards.

Except as provided in section 76-3505, new construction built after September 1, 2019, in the State of Nebraska that is intended to be regularly occupied by people shall be built using radon resistant new construction. Such construction shall meet the following minimum standards:

(1) Sumps:

(a) A sump pit open to soil or serving as the termination point for sub slab or exterior drain tile loops shall be covered with a gasketed or otherwise sealed lid;

(b) A sump used as the suction point in a sub slab depressurization system shall have a lid designed to accommodate the vent pipe; and

(c) A sump used as a floor drain shall have a lid equipped with a trapped inlet;

(2) A passive sub slab depressurization system shall be installed during construction in basement or slab-on-grade buildings, including the following components:

(a) Vent pipe:

(i)(A) A minimum three-inch diameter acrylonitrile butadiene styrene (ABS), polyvinyl chloride (PVC), or equivalent gas-tight pipe shall be embedded vertically into the sub slab permeable material before the slab is cast. A "T" fitting or equivalent method shall be used to ensure that the pipe opening remains within the sub slab permeable material; or

(B) A minimum three-inch diameter ABS, PVC, or equivalent gas-tight pipe shall be inserted directly into an interior perimeter drain tile loop or through a sealed sump cover where the sump is exposed to the sub slab or connected to it through a drainage system;

(ii) The pipe shall be extended up through the building floors and terminate at least twelve inches above the surface of the roof in a location at least ten feet away from any window or other opening into the conditioned spaces of the building that is less than two feet below the exhaust point and ten feet from any window or other opening in adjoining or adjacent buildings; and

(iii) In buildings where interior footings or other barriers separate the sub slab gas-permeable material, each area shall be fitted with an individual vent pipe. Vent pipes shall connect to a single vent that terminates above the roof or each individual vent pipe shall terminate separately above the roof. All exposed and visible interior radon vent pipes shall be identified with at least one label on each floor and in accessible attics. Such label shall read: Radon Reduction System; and

(3) Power source: In order to provide for future installation of an active radon mitigation system, an electrical circuit terminated in an approved box shall be installed during construction in the attic or other anticipated location of vent pipe fans.

Conversion of passive radon mitigation system to active radon mitigation system authorized.

A building contractor or a subcontractor of a building contractor may convert a passive radon mitigation system to an active radon mitigation system in accordance with rules and regulations adopted and promulgated by the department under the Radiation Control Act for radon mitigation, but the contractor or subcontractor is not required to be a radon mitigation specialist to convert such system. A radon mitigation specialist shall conduct any post installation testing of such system.

Chapters 13 and 14 of the 2018 International Residential Code are hereby deleted.

Chapters 16-22 and 24-43 of the 2018 International Residential Code are hereby deleted.

Section 3. That Section 150.999 of Chapter 150 of Title XV of Ordinance No. 05-47 is hereby amended to read as follows:

150.999 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is provided shall be punished as set forth in §10.99

(B) (1) Any person who shall violate or who shall refuse, neglect or fail to comply with any of the provisions of §§150.065 *et seq.* Shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in a sum not less than \$5 nor more than \$50 for each offense; and any person holding a license under the supervision and authority of the Community Development Department who is convicted of having violated any of the provisions of §§150.065 *et seq.*, shall have that license revoked by the City Council. Any person having their license revoked for said cause shall not be granted a new license for a period of one year thereafter.

(2) Any person who shall have been convicted of having done any work in a manner prohibited by §§150.065 *et seq.*, and who shall fail, neglect or refuse to correct the same within ten days after conviction shall be guilty of an independent and separate offense for each day thereafter during which the work is permitted to remain in such improper condition.

Section 4. This ordinance shall repeal all other ordinances in conflict with the provisions of this ordinance.

Section 5. This ordinance shall take effect and be in full force and effect after its passage, adoption and publication as provided by law. Publication shall be in pamphlet form as authorized by Section 16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to the public upon request at the city offices.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS _____ DAY OF _____, 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

AVG

CITY ATTORNEY

D. Ordinance No. 20-30 amending Chapter 150 of Title XV of Ordinance No. 05-47 (Columbus City Code) adopting 2018 International Building Code.

ORDINANCE NO. 20- 30

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING CHAPTER 150 OF TITLE XV OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) BY ADOPTING THE 2018 INTERNATIONAL BUILDING CODE; ADOPTING AMENDMENTS TO SAID CODE; ADOPTING THE 2018 INTERNATIONAL EXISTING BUILDING CODE; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, to adopt the 2018 International Building Code and the 2018 International Existing Building Code and in furtherance thereof to amend Chapter 150 of Title XV of Ordinance 05-47 (Columbus City Code), as follows:

Section 1. That Section 150.001 of Chapter 150 of Title XV of Ordinance 05-47 (Columbus City Code) is hereby amended to read as follows:

150.001 ADOPTION OF THE 2018 INTERNATIONAL BUILDING CODE:

It is hereby adopted for the purpose of establishing rules and regulations for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures within the City or its extraterritorial jurisdiction, including permits and providing penalties for the violation hereof that a certain building code known as the International Building Code, 2018 Edition, one copy of said book had been and is now filed in the office of the City Clerk and the same is hereby adopted and incorporated by reference herein and made a part hereof as if fully set forth and laid before these pages herein, from the date on which this section shall take effect and the provisions thereof shall be controlling of the erection, construction, enlargement, alternation, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures within the City or within the extraterritorial jurisdiction of the City.

Section 2. That Section 150.002 of Chapter 150 of Title XV of Ordinance 05-47 (Columbus City Code) is hereby amended to read as follows:

150.002 AMENDMENTS TO CODE:

Chapter 1, Section {A} 101.1 is hereby amended to read as follows: 101.1 Title. Add City of Columbus for name of jurisdiction.

Chapter 1, Section {A} 101.4.1 is hereby amended to read as follows: 101.4.1 Gas. The provisions of the Uniform Plumbing Code shall apply to the installation of gas piping

from the point of delivery, gas appliances and related accessories as covered in this code.

Chapter 1, Section {A} 101.4.3 is hereby amended to read as follows: 101.4.3 Plumbing. The provisions of the Uniform Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures and fittings and appurtenances and where connected to a water or sewage system.

Chapter 1, Section {A} 101.4.5 is hereby amended to read as follows: 101.4.5 Fire Prevention. The State Fire Marshal is the delegated authority for Fire Code implementation with the jurisdiction of the City of Columbus.

Chapter 1, Section {A} 101.4.6 Energy section is hereby deleted

New Section Chapter 1, Section {A} 101.5 Radon Systems is hereby added to the 2018 International Building Code. 101.5 Radon Systems. Radon provisions and systems as required by Legislative Bill 130 signed by the Governor on May 08, 2019 are hereby incorporated as part of this code.

Chapter 1 Section {A} 104.7 is hereby amended to read as follows: 104.7 Department Records. The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections and notices and orders issued. The records shall be retained in the official records for the period required for retention of public records. The Building Official shall submit a report monthly to the City Planning Commission covering the work of the department.

Chapter 1 Section {A} 4.10.1 is hereby deleted and replaced by the provisions listed in Article 5-19 of the Unified Land Development ordinance for the City of Columbus.

Chapter 1 Section {A} 105.2 Number 2 Fences not over 7' is hereby deleted

Chapter 1 Section {A} 105.2 Electrical: and Mechanical provisions are hereby deleted.

Chapter 1 {A} 105.3.2 of the 2018 International Building Code is hereby amended to read as follows: 105.3.2 Time Limitation of Application. If work in any building permit has not begun within 180 days of issuance thereof, said permit shall expire; it shall be cancelled by the building official; and written notice thereof shall be given to the persons affected.

Chapter 1 Section {A} is hereby amended to read as follows: 105.5 Expiration. If the work described in any building permit has not been completed within two years from the date of issuance thereof: said permit shall expire and be cancelled by the building official and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new permit has been obtained. The expiration date of a permit may be

established for a period longer than two years if established at the time that such permit is issued by the City. The building official may at his/her discretion extend the expiration period of the building permit.

Chapter 1 Section {A} 109.2 is hereby amended to read as follows: 109.2 Schedule of Permit Fees. On buildings, structures, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. In addition, a plan review fee equal to 25% of the building permit shall be paid for the plan review. The building official is authorized to set the valuation in accordance with the most current ICC Building Valuation Data on applications as a minimum valuation when deemed necessary.

Chapter 1 Section {A} 114.1 is hereby amended to read as follows: 114.1 Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building or structure in the City or within the extraterritorial jurisdiction of the City or cause the same to be done contrary to or in violation of any provisions of the Code.

Chapter 1 Section {A} 114.4 is hereby amended to read as follows: 114.4 Violation Penalties. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor and that person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted and, upon conviction, shall be punishable by a fine of not more than \$100 for any one offense or by imprisonment for not more than 30 days or by both fine and imprisonment.

Whenever the Building Official is satisfied that any provisions of this Code have been violated or are about to be violated, or that any order or direction made pursuant to this Code has not been carried out or is being disregarded, he may apply to the City Council and request that it order civil proceedings to be instituted. Any civil proceedings when instituted by the City Attorney at the direction of the City Council, shall be brought in the name of the City of Columbus. Nothing in this Section and no action taken thereunder will exclude any other proceedings authorized by this Code or any other law or ordinance in force, or to exempt any person violating this Code or any of the laws, from any penalty which might be incurred.

Section 305.2.3 is hereby amended to read as follows: 305.2.3 12 or fewer children in a dwelling unit. A facility such as above within a dwelling unit and having 12 or fewer children receiving day care shall be classified as an R-3 occupancy or shall comply with the International Residential Code.

Section 310.4.1 of the 2018 International Building Code is hereby amended to read as

follows: 310.4 Care Facilities within a dwelling. Care facilities for 12 or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code.

Section 903.2.8 of the 2018 International Building Code is hereby amended to add 2 exceptions: Exception #1 R-3 Occupancies consisting of one and two family dwellings shall not be required to provide an automatic sprinkler system provided the dwelling is separated from the other occupancy in accordance with Table 508.4 and smoke detectors are installed as required by the Building Official. Exception #2 Care facilities located within a single family dwelling shall not be required to provide an automatic sprinkler system where the number of persons receiving care is 12 or fewer.

Section 1805.1.3 of the 2018 International Building Code is hereby amended to include the following requirement for residential construction. 1805.1.3 Residential construction must comply with the provisions in amended Section R405 of the 2018 International Residential Code.

Section 1809.5 Frost Protection (Exception) of the 2018 International Building Code is hereby amended to read as follows: 1809.5 Frost Protection- Exception: Free standing unheated light frame construction accessory buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to Risk Category 1, in accordance with Section 1604.5.
2. Building has a maximum area of 440 square feet.
3. No dimension exceeds twenty-two feet (22') and the width between bearing walls does not exceed twenty feet (20').
4. The walls are supported on a monolith footing and slab extending a minimum of twelve inches (12") below grade.
5. Eave height of ten (10') or less.

Chapter 34 of the 2018 International Building is hereby deleted and replaced with the following State Radon Requirements. Radon systems shall be installed as outlined in State Statute 76-3504 thru 76-3506 per LB130 2019 signed by the governor on May 1, 2019 and include;

Terms, defined.

For purposes of the Radon Resistant New Construction Act:

- (1) Active radon mitigation system means a family of radon mitigation systems involving mechanically driven soil depressurization, including sub slab depressurization, drain tile depressurization, block wall depressurization, and sub membrane depressurization. Active radon mitigation system is also known as active soil depressurization;
- (2) Building contractor means any individual, corporation, partnership, limited liability company, or other business entity that engages in new construction;
- (3) Department means the Department of Health and Human Services;

(4) New construction means any original construction of a single-family home or a multifamily dwelling, including apartments, group homes, condominiums, and townhouses, or any original construction of a building used for commercial, industrial, educational, or medical purposes. New construction does not include additions to existing structures or remodeling of existing structures;

(5) Passive radon mitigation system means a pipe installed in new construction that relies solely on the convective flow of air upward for soil gas depressurization and may consist of multiple pipes routed through conditioned space from below the foundation to above the roof;

(6) Radon mitigation specialist means an individual who is licensed by the department as a radon mitigation specialist in accordance with the Radiation Control Act; and

(7) Radon resistant new construction means construction that utilizes design elements and construction techniques that passively resist radon entry and prepare a building for an active post construction mitigation system.

Radon resistant new construction; minimum standards.

Except as provided in section 76-3505, new construction built after September 1, 2019, in the State of Nebraska that is intended to be regularly occupied by people shall be built using radon resistant new construction. Such construction shall meet the following minimum standards:

(1) Sumps:

(a) A sump pit open to soil or serving as the termination point for sub slab or exterior drain tile loops shall be covered with a gasketed or otherwise sealed lid;

(b) A sump used as the suction point in a sub slab depressurization system shall have a lid designed to accommodate the vent pipe; and

(c) A sump used as a floor drain shall have a lid equipped with a trapped inlet;

(2) A passive sub slab depressurization system shall be installed during construction in basement or slab-on-grade buildings, including the following components:

(a) Vent pipe:

(i)(A) A minimum three-inch diameter acrylonitrile butadiene styrene (ABS), polyvinyl chloride (PVC), or equivalent gas-tight pipe shall be embedded vertically into the sub slab permeable material before the slab is cast. A "T" fitting or equivalent method shall be used to ensure that the pipe opening remains within the sub slab permeable material; or

(B) A minimum three-inch diameter ABS, PVC, or equivalent gas-tight pipe shall be inserted directly into an interior perimeter drain tile loop or through a sealed sump cover where the sump is exposed to the sub slab or connected to it through a drainage system;

(ii) The pipe shall be extended up through the building floors and terminate at least twelve inches above the surface of the roof in a location at least ten feet away from any window or other opening into the conditioned spaces of the building that is less than two

feet below the exhaust point and ten feet from any window or other opening in adjoining or adjacent buildings; and

(iii) In buildings where interior footings or other barriers separate the sub slab gas-permeable material, each area shall be fitted with an individual vent pipe. Vent pipes shall connect to a single vent that terminates above the roof or each individual vent pipe shall terminate separately above the roof. All exposed and visible interior radon vent pipes shall be identified with at least one label on each floor and in accessible attics. Such label shall read: Radon Reduction System; and

(3) Power source: In order to provide for future installation of an active radon mitigation system, an electrical circuit terminated in an approved box shall be installed during construction in the attic or other anticipated location of vent pipe fans.

New construction not required to use radon resistant new construction; when.

New construction after September 1, 2019, shall not be required to use radon resistant new construction if (1) the construction project utilizes the design of an architect or professional engineer licensed under the Engineers and Architects Regulation Act, (2) the construction project is located in a county in which the average radon concentration is less than two and seven-tenths picocuries per liter of air as determined by the department pursuant to section 76-3507, or (3) other than for any residential dwelling unit, a local building official makes a determination, after a review of relevant guidelines for the intended use of the structure and property conditions, that radon resistant new construction is not necessary.

Conversion of passive radon mitigation system to active radon mitigation system authorized.

A building contractor or a subcontractor of a building contractor may convert a passive radon mitigation system to an active radon mitigation system in accordance with rules and regulations adopted and promulgated by the department under the Radiation Control Act for radon mitigation, but the contractor or subcontractor is not required to be a radon mitigation specialist to convert such system. A radon mitigation specialist shall conduct any post installation testing of such system.

Section 3. That Chapter 150 of Title XV of Ordinance 05-47 (Columbus City Code) is hereby amended to add Section 150.003, the same to read as follows:

150.003 ADOPTION OF THE 2018 INTERNATIONAL EXISTING BUILDING CODE:

It is hereby adopted for the purpose of existing buildings undergoing repair, alterations or additions and change of occupancy within the City or within the extraterritorial jurisdiction thereof, a certain existing building code, known as the International Existing Building Code, 2018 Edition, one copy of said book had been and

is now filed in the office of the City Clerk and the same is hereby adopted and incorporated by reference herein and made a part hereof as if fully set forth and laid before these pages herein, from the date on which this section shall take effect.

Section 4. This ordinance shall repeal all other ordinances in conflict with the provisions of this ordinance.

Section 5. This ordinance shall take effect and be in full force and effect after its passage, adoption and publication as provided by law. Publication shall be in pamphlet form as authorized by Section 16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to the public upon request at the City offices.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

17. **ORDINANCES ON THIRD READING - None**

18. **CONSIDERATION OF PAYROLL AND BILLS ON FILE - Payroll and all other bills included in Consent Agenda**

A. ARL Credit Services

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
01959	ARL CREDIT SERVICES INC				
12/21/2020	INVOICE	ACCTY150	NOVEMBER COLLECTION SERVICES	377.24	
12/21/2020	INVOICE	PCCIT02	NOVEMBER PRE-COLLECT NOTICES	10.00	
			Total:	387.24	
			Net of 2 Invoices / 0 Checks	387.24	
			1 2 invoices and 0 checks for 1 vendor:	387.24	

19. UNFINISHED BUSINESS - None

20. ADJOURNMENT