City Council Regular Meeting
Monday, July 17, 2023 7:00 PM
Columbus Community Building/Community Room
2500 14 Street
Columbus, NE 68601

The Mayor and City Council reserve the right to go into closed session as per Section 84-1410 of the Nebraska Revised Statutes. A current agenda is on file at City Hall, 2500 14 Street, Columbus, Nebraska. For more information, call 402-562-4224 or visit our website at www.columbusne.us.

{{Name: Agenda Item Name}}

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

NEBRASKA OPEN MEETINGS ACT

84-1407. Act, how cited.

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

Source: Laws 2004, LB 821, § 34.

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.

Source: Laws 1975, LB 325, § 1; Laws 1996, LB 900, § 1071; Laws 2004, LB 821, § 35.
Annotations

- Nebraska's public meetings laws do not apply to school board deliberations pertaining solely to disputed adjudicative facts. McQuinn v. Douglas Cty. Sch. Dist. No. 66, 259 Neb. 720, 612 N.W.2d 198 (2000).
- The primary purpose of the public meetings law is to ensure that public policy is formulated at open meetings. Marks v. Judicial Nominating Comm., 236 Neb. 429, 461 N.W.2d 551 (1990).
- The public meetings law is broadly interpreted and liberally construed to obtain the objective of openness in favor of the public, and provisions permitting closed sessions must be narrowly and strictly construed. Grein v. Board of Education of Fremont, 216 Neb. 158, 343 N.W.2d 718 (1984).
- Although a committee was a subcommittee of a natural resources district board, it was not subject to the Open Meetings Act because there was never a quorum of board members in attendance and the committee did not hold hearings, make policy, or take formal action on behalf of the board. Koch v. Lower Loup NRD, 27 Neb. App. 301, 931 N.W.2d 160 (2019).
- A county board of equalization is a public body whose meetings shall be open to the public. Wolf v. Grubbs, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

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; and

(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, (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, and (iii) the Judicial Resources Commission or subcommittees or subgroups of the commission;

(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) Virtual conferencing means conducting or participating in a meeting electronically or telephonically with interaction among the participants subject to subsection (2) of section 84-1412.

Source: Laws 1975, LB 325, § 2; Laws 1983, LB 43, § 1; Laws 1989, LB 429, § 42; Laws 1989, LB 311, § 14; Laws 1992, LB 1019, § 124; Laws 1993, LB 635, § 1; Laws 1996, LB 1044, § 978; Laws 1997, LB 798, § 37; Laws 2004, LB 821, § 36; Laws 2007, LB296, § 810; Laws 2011, LB366, § 2; Laws 2021, LB83, § 11; Laws 2022, LB922, § 12.

Operative Date: July 21, 2022

Annotations

- A township is a political subdivision, and as such, a township board is subject to the provisions of the public meetings laws. Steenblock v. Elkhorn Township Bd., 245 Neb. 722, 515 N.W.2d 128 (1994).
- A county agricultural society is a public body to which the provisions of the Nebraska public meetings law are applicable. Nixon v. Madison Co. Ag. Soc'y, 217 Neb. 37, 348 N.W.2d 119 (1984).
- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of

having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943, and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. State ex rel. Schuler v. Dunbar, 208 Neb. 69, 302 N.W.2d 674 (1981).

- Although a committee was a subcommittee of a natural resources district board, it was not subject to the Open Meetings Act because there was never a quorum of board members in attendance and the committee did not hold hearings, make policy, or take formal action on behalf of the board. Koch v. Lower Loup NRD, 27 Neb. App. 301, 931 N.W.2d 160 (2019).
- Although the Open Meetings Act does not define "subcommittee," a subcommittee is generally defined as a group within a committee to which the committee may refer business. Koch v. Lower Loup NRD, 27 Neb. App. 301, 931 N.W.2d 160 (2019).
- The Open Meetings Act does not require policymakers to remain ignorant of the issues they must decide until the moment the public is invited to comment on a proposed policy. By excluding nonquorum subgroups from the definition of a public body, the Legislature has balanced the public's need to be heard on matters of public policy with a practical accommodation for a public body's need for information to conduct business. Koch v. Lower Loup NRD, 27 Neb. App. 301, 931 N.W.2d 160 (2019).
- As an administrative agency of the county, a county board of equalization is a public body. Wolf v. Grubbs, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- The electors of a township at their annual meeting are a public body under the Open Meetings Act. State ex rel. Newman v. Columbus Township Bd., 15 Neb. App. 656, 735 N.W.2d 399 (2007).
- The meeting at issue in this case was a "meeting" within the parameters of subsection (2) of this section because it involved the discussion of public business, the formation of tentative policy, or the taking of any action of the public power district. Hansmeyer v. Nebraska Pub. Power Dist., 6 Neb. App. 889, 578 N.W.2d 476 (1998).
- Informational sessions in which the governmental body hears reports are briefings. Johnson v. Nebraska Environmental Control Council, 2 Neb. App. 263, 509 N.W.2d 21 (1993).

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;

(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; or

(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.

Source: Laws 1975, LB 325, § 3; Laws 1983, LB 43, § 2; Laws 1985, LB 117, § 1; Laws 1992, LB 1019, § 125; Laws 1994, LB 621, § 1; Laws 1996, LB 900, § 1072; Laws 2004, LB 821, § 37; Laws 2004, LB 1179, § 1; Laws 2006, LB 898, § 1; Laws 2011, LB390, § 29; Laws 2012, LB995, § 17.

Annotations

- There is no absolute discovery privilege for communications that occur during a closed session. State ex rel. Upper Republican NRD v. District Judges, 273 Neb. 148, 728 N.W.2d 275 (2007).
- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. Wasikowski v. Nebraska Quality Jobs Bd., 264 Neb. 403, 648 N.W.2d 756 (2002).
- The public interest mentioned in this section is that shared by citizens in general and by the community at large concerning pecuniary or legal rights and liabilities. Grein v. Board of Education, 216 Neb. 158, 343 N.W.2d 718 (1984).
- Hearing in closed executive session was contrary to this section since there was no showing of necessity or reason under subdivision (1)(a), (b), or (c), but did not result in reversal of board decision. Simonds v. Board of Examiners, 213 Neb. 259, 329 N.W.2d 92 (1983).
- Negotiations for the purchase of land need not be conducted at an open meeting but the deliberations of a city council as to whether an offer to purchase real estate

should be made should take place in an open meeting. Pokorny v. City of Schuyler, 202 Neb. 334, 275 N.W.2d 281 (1979).

- Public meeting law was not violated where the Board of Regents of the University of Nebraska voted to hold a closed session to consider the university president's resignation, and also discussed the appointment of an interim president during such session. Meyer v. Board of Regents, 1 Neb. App. 893, 510 N.W.2d 450 (1993).

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

(1)(a) Each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in this subsection. Such notice shall be transmitted to all members of the public body and to the public.

(b)(i) Except as provided in subdivision (1)(b)(ii) of this section, in the case of a public body described in subdivision (1)(a)(i) of section 84-1409 or such body's advisory committee, such notice shall be published in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's website.

(ii) In the case of the governing body of a city of the second class or village or such body's advisory committee, such notice shall be published by:

(A) Publication in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's website; or

(B) Posting written notice in three conspicuous public places in such city or village. Such notice shall be posted in the same three places for each meeting.

(iii) In the case of a public body not described in subdivision (1)(b)(i) or (ii) of this section, such notice shall be given by a method designated by the public body.

(c) In addition to a method of notice required by subdivision (1)(b)(i) or (ii) of this section, such notice may also be provided by any other appropriate method designated by such public body or such advisory committee.

(d) Each public body shall record the methods and dates of such notice in its minutes.

(e) 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 (i) twenty-four hours before the scheduled commencement of the meeting or

(ii) 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) The following entities may hold a meeting by means of virtual conferencing if the requirements of subdivision (2)(b) of this section are met:

(i) A state agency, state board, state commission, state council, or state committee, or an advisory committee of any such state entity;

(ii) An organization, including the governing body, created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act;

(iii) The governing body of a public power district having a chartered territory of more than one county in this state;

(iv) The governing body of a public power and irrigation district having a chartered territory of more than one county in this state;

(v) An educational service unit;

(vi) The Educational Service Unit Coordinating Council;

(vii) An organization, including the governing body, of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act;

(viii) A community college board of governors;

(ix) The Nebraska Brand Committee;

(x) A local public health department;

(xi) A metropolitan utilities district;

(xii) A regional metropolitan transit authority; and

(xiii) A natural resources district.

(b) The requirements for holding a meeting by means of virtual conferencing are as follows:

(i) Reasonable advance publicized notice is given as provided in subsection (1) of this section, including providing access to a dial-in number or link to the virtual conference;

(ii) In addition to the public's right to participate by virtual conferencing, reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate as provided in section 84-1412, including reasonable seating, in at least one designated site in a building open to the public and identified in the notice, with: At least one member of the entity holding such meeting, or his or her designee, present at each site; a

recording of the hearing by audio or visual recording devices; and a reasonable opportunity for input, such as public comment or questions, is provided to at least the same extent as would be provided if virtual conferencing was not used;

(iii) At least one copy of all documents being considered at the meeting is available at any physical site open to the public where individuals may attend the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act; and

(iv) Except as otherwise provided in this subdivision or subsection (4) of section 79-2204, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by virtual conferencing in a calendar year. 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, the organization may hold more than one-half of its meetings by virtual conferencing if such organization holds at least one meeting each calendar year that is not by virtual conferencing. 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 virtual conferencing if the governing body's quarterly meetings are not held by virtual conferencing.

(3) Virtual conferencing, 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 virtual conferencing. 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 to appear before the public body by means of virtual conferencing.

(7)(a) Notwithstanding subsections (2) and (5) of this section, if an emergency is declared by the Governor pursuant to the Emergency Management Act as defined in section 81-829.39, a public body the territorial jurisdiction of which is included in the emergency declaration, in whole or in part, may hold a meeting by virtual conferencing during such emergency if the

public body gives reasonable advance publicized notice as described in subsection (1) of this section. The notice shall include information regarding access for the public and news media. In addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body.

(b) The public body shall provide access by providing a dial-in number or a link to the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act. Reasonable arrangements shall be made to accommodate the public's right to hear and speak at the meeting and record the meeting. Subsection (4) of this section shall be complied with in conducting such meetings.

(c) The nature of the emergency shall be stated in the minutes. Complete minutes of such meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available for inspection as provided in subsection (5) of section 84-1413.

(8) In addition to any other statutory authorization for virtual conferencing, any public body not listed in subdivision (2)(a) of this section may hold a meeting by virtual conferencing if:

(a) The purpose of the virtual meeting is to discuss items that are scheduled to be discussed or acted upon at a subsequent non-virtual open meeting of the public body;

(b) No action is taken by the public body at the virtual meeting; and

(c) The public body complies with subdivisions (2)(b)(i) and (2)(b)(ii) of this section.

Source: Laws 1975, LB 325, § 4; Laws 1983, LB 43, § 3; Laws 1987, LB 663, § 25; Laws 1993, LB 635, § 2; Laws 1996, LB 469, § 6; Laws 1996, LB 1161, § 1; Laws 1999, LB 47, § 2; Laws 1999, LB 87, § 100; Laws 1999, LB 461, § 1; Laws 2000, LB 968, § 85; Laws 2004, LB 821, § 38; Laws 2004, LB 1179, § 2; Laws 2006, LB 898, § 2; Laws 2007, LB199, § 9; Laws 2009, LB361, § 2; Laws 2012, LB735, § 1; Laws 2013, LB510, § 1; Laws 2017, LB318, § 1; Laws 2019, LB212, § 5; Laws 2020, LB148, § 3; Laws 2021, LB83, § 12; Laws 2022, LB742, § 1; Laws 2022, LB908, § 1; Laws 2022, LB922, § 13.
Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB742, section 1, with LB908, section 1, and LB922, section 13, to reflect all amendments.
Note: Changes made by LB742 and LB908 became effective July 21, 2022. Changes made by LB922 became operative July 21, 2022.

Cross References

- **Intergovernmental Risk Management Act,** see section 44-4301.
- **Interlocal Cooperation Act,** see section 13-801.
- **Joint Public Agency Act,** see section 13-2501.

- **Municipal Cooperative Financing Act,** see section 18-2401.

Annotations

- Under subsection (1) of this section, the Legislature has imposed only two conditions on the public body's notification method of a public meeting: (1) It must give reasonable advance publicized notice of the time and place of each meeting and (2) it must be recorded in the public body's minutes. City of Elkhorn v. City of Omaha, 272 Neb. 867, 725 N.W.2d 792 (2007).
- An emergency is "(a)ny event or occasional combination of circumstances which calls for immediate action or remedy; pressing necessity; exigency; a sudden or unexpected happening; an unforeseen occurrence or condition." Steenblock v. Elkhorn Township Bd., 245 Neb. 722, 515 N.W.2d 128 (1994).
- An agenda which gives reasonable notice of the matters to be considered at a meeting of a city council complies with the requirements of this section. Pokorny v. City of Schuyler, 202 Neb. 334, 275 N.W.2d 281 (1979).
- When notice is required, a notice of a special meeting of a city council posted in three public places at 10:00 p.m. on the day preceding the meeting is not reasonable advance publicized notice of a meeting as is required by this section. Pokorny v. City of Schuyler, 202 Neb. 334, 275 N.W.2d 281 (1979).
- Teacher waived right to object to lack of public notice in board of education employment hearing by voluntary participation in the hearing without objection. Alexander v. School Dist. No. 17, 197 Neb. 251, 248 N.W.2d 335 (1976).
- A county board of commissioners and a county board of equalization are not required to give separate notices when the notice states only the time and place that the boards meet and directs a citizen to where the agendas for each board can be found. Wolf v. Grubbs, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- A county board of equalization is a public body which is required to give advanced publicized notice of its meetings. Wolf v. Grubbs, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- Notice of recessed and reconvened meetings must be given in the same fashion as the original meeting. Wolf v. Grubbs, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- True notice of a meeting is not given by burying such in the minutes of a prior board proceeding. Wolf v. Grubbs, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- An agenda notice which merely stated "work order reports" was an inadequate notice under this section because it did not give interested persons knowledge that plans for a 345 kv transmission line through the district was going to be discussed and voted upon at the meeting. Inadequate agenda notice under this section meant there was a substantial violation of the public meeting laws; however, later actions by the board of directors cured the defects in notice, and such actions were in substantial compliance with the statute. Hansmeyer v. Nebraska Pub. Power Dist., 6 Neb. App. 889, 578 N.W.2d 476 (1998).

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, a 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, including meetings held by virtual conferencing. 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 shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

(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 virtual conferencing available at an instate 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; and

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

(8) Public bodies shall make available at the meeting or the instate location for virtual conferencing as required by subdivision (6)(c) of this section, 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, either in paper or electronic form. 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.

Source: Laws 1975, LB 325, § 5; Laws 1983, LB 43, § 4; Laws 1985, LB 117, § 2; Laws 1987, LB 324, § 5; Laws 1996, LB 900, § 1073; Laws 2001, LB 250, § 2; Laws 2004, LB 821, § 39; Laws 2006, LB 898, § 3; Laws 2008, LB962, § 1; Laws 2021, LB83, § 13.

Annotations

- To preserve an objection that a public body failed to make documents available at a public meeting as required by subsection (8) of this section, a person who attends a public meeting must not only object to the violation, but must make that objection to the public body or to a member of the public body. Stoetzel & Sons v. City of Hastings, 265 Neb. 637, 658 N.W.2d 636 (2003).

84-1413. Meetings; minutes; roll call vote; secret ballot; when; agenda and minutes; required on website; 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 or kept as an electronic record and shall be 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 or keeping the minutes is absent due to a serious illness or emergency.

(6) Beginning July 31, 2022, the governing body of a natural resources district, the city council of a city of the metropolitan class, the city council of a city of the primary class, the city council of a city of the first class, the county board of a county with a population greater than twenty-five thousand inhabitants, and the school board of a school district shall make available on such entity's public website the agenda and minutes of any meeting of the governing body. The agenda shall be placed on the website at least twenty-four hours before the meeting of the governing body. Minutes shall be placed on the website at such time as the minutes are available for inspection as provided in subsection (5) of this section. This information shall be available on the public website for at least six months.

Source: Laws 1975, LB 325, § 6; Laws 1978, LB 609, § 3; Laws 1979, LB 86, § 9; Laws 1987, LB 663, § 26; Laws 2005, LB 501, § 1; Laws 2009, LB361, § 3; Laws 2015, LB365, § 2; Laws 2016, LB876, § 1; Laws 2021, LB83, § 14; Laws 2022, LB742, § 2.
Effective Date: July 21, 2022
Annotations

- If a person present at a meeting observes and fails to object to an alleged public meetings laws violation in the form of a failure to conduct rollcall votes before taking actions on questions or motions pending, that person waives his or her right to object at a later date. Hauser v. Nebraska Police Stds. Adv. Council, 264 Neb. 944, 653 N.W.2d 240 (2002).
- Subsection (2) of this section does not require the record to state that the vote was by roll call, but requires only that the record show if and how each member voted. Neither does the statute set a time limit for recording the results of a vote, after which no corrections of the record can be made. If no intervening rights of third persons have arisen, a board of county commissioners has power to correct the record of the proceedings had at a previous meeting so as to make them speak the truth, particularly where the correction supplies some omitted fact or action and is done not to contradict or change the original record but to have the record show that a certain action was taken or thing done, which the original record fails to show. State ex rel. Schuler v. Dunbar, 214 Neb. 85, 333 N.W.2d 652 (1983).
- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943,

and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. State ex rel. Schuler v. Dunbar, 208 Neb. 69, 302 N.W.2d 674 (1981).

- There is no requirement that a public body make a record of where notice was published or posted. Wolf v. Grubbs, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

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.

Source: Laws 1975, LB 325, § 9; Laws 1977, LB 39, § 318; Laws 1983, LB 43, § 5; Laws 1992, LB 1019, § 126; Laws 1994, LB 621, § 2; Laws 1996, LB 900, § 1074; Laws 2004, LB 821, § 40; Laws 2006, LB 898, § 4.

Annotations

- The Legislature has granted standing to a broad scope of its citizens for the very limited purpose of challenging meetings allegedly in violation of the Open Meetings Act, so that they may help police the public policy embodied by the act. Schauer v. Grooms, 280 Neb. 426, 786 N.W.2d 909 (2010).

- Any citizen of the state may commence an action to declare a public body's action void. City of Elkhorn v. City of Omaha, 272 Neb. 867, 725 N.W.2d 792 (2007).
- The reading of ordinances constitutes a formal action under subsection (1) of this section. City of Elkhorn v. City of Omaha, 272 Neb. 867, 725 N.W.2d 792 (2007).
- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. Wasikowski v. Nebraska Quality Jobs Bd., 264 Neb. 403, 648 N.W.2d 756 (2002).
- Under the Public Meetings Act, a county lacks capacity to maintain an action to declare its official conduct "void" for noncompliance with the act. County of York v. Johnson, 230 Neb. 403, 432 N.W.2d 215 (1988).
- When a petitioner under this section is successful in the district court, that court may allow attorney fees. Tracy Corp. II v. Nebraska Pub. Serv. Comm., 218 Neb. 900, 360 N.W.2d 485 (1984).
- Informal discussions between the Tax Commissioner and the State Board of Equalization in which instructions were clarified, with such clarification leading to the amendment of hearing notices, did not constitute a public meeting subject to the provisions of this section. Box Butte County v. State Board of Equalization and Assessment, 206 Neb. 696, 295 N.W.2d 670 (1980).
- The right to collaterally attack an order made in contravention of the Public Meeting Act must occur within a period of one year as is specifically provided by this section. Witt v. School District No. 70, 202 Neb. 63, 273 N.W.2d 669 (1979).
- Statutory change, requiring "publicized notice" for board of education employment hearings, occurring between dates meeting scheduled and conducted, held not to void proceedings. Alexander v. School Dist. No. 17, 197 Neb. 251, 248 N.W.2d 335 (1976).
- Voiding an entire meeting is a proper remedy for violations of the Open Meetings Act. Once a meeting has been declared void pursuant to Nebraska's public meetings law, board members are prohibited from considering any information obtained at the illegal meeting. Wolf v. Grubbs, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- Actions by the board of directors were merely voidable under this section, and not void. Pursuant to subsection (3) of this section, the plaintiffs were awarded partial attorney fees because they were successful in having the court declare that the board of directors was in substantial violation of the statute, even though the plaintiffs did not get the relief requested of having the board's actions declared void. Hansmeyer v. Nebraska Pub. Power Dist., 6 Neb. App. 889, 578 N.W.2d 476 (1998).

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Source: http://nebraskalegislature.gov/laws/display_html.php?begin_section=84-1407&end_section=84-1414

Date: July 2022

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.**

4.A. Minutes of July 5, 2023, City Council meeting.

PROCEEDINGS OF CITY COUNCIL
July 5, 2023

A regular meeting of the mayor and city council of the City of Columbus, Nebraska, was convened in open and public session on July 5, 2023, at 7 p.m. in the Community Building, Community Room, 2500 14 Street, Columbus, Nebraska.

Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on June 28, 2023, 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 acknowledgment 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, Charlie Bahr, Hope Freshour, Troy Hiemer, Rich Jablonski, Kat Lopez, 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, Finance Director Heather Lindsley, Public Property Director Doug Moore, Communications Manager Matt Lindberg, Assistant Fire Chief Nathan Jones, Firefighters Derek Salak and Ryan Sabata, and Park and Recreation Manager Betsy Eckhardt.

2. **PRAYER:** Augustine-Schulte led in prayer.

3. **NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE:** The National Anthem was sung and the Pledge of Allegiance was recited.

4. **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 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. The items on the consent agenda were approved as presented with a motion by Augustine-Schulte and a second by Bahr. Augustine-Schulte, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.

4.A. **Minutes of June 19, 2023, City Council meeting.**

4.B. Minutes of June 20, 2023, Civil Service Commission meeting certifying Fernando Marino Ramirez as police officer candidate.

4.C. Resolution No. R23-89 authorizing payment of various improvement projects. Resolution No. R23-89 is 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 GEHRING CONSTRUCTION AND READY MIX CO. INC., SID NO. 189 48 AVENUE FROM 23 STREET TO SOUTH OF BRADSHAW PARK ENTRANCE & CONCRETE PAVING IMPROVEMENTS 2023, $322,365; NEMAHA LANDSCAPE CONST., INC., COLUMBUS PAWNEE PARK, $83,160; RUTJENS CONSTRUCTION, LOST CREEK PARKWAY SEWER, $688,524.30.

4.D. Payroll and bills on file. B=Bond Payments; CP=Capital Projects; E=Expenses; G=Grants; I=Insurance; L=License; M=Membership; P=Payment; R=Refund; S=Service & Supplies; T=Training; 7/7/23 Payroll $799,935.78; 911 Custom 3,267.00 S; A&D Tech Sup 164.24 S; Ace Hrdwr 989.57 S; Ace Oversize Storage 566.54 B; Advance Auto 424.62 S; Ag Spray Eq 222.10 S; AKRS Eq 2,288.45 S; All Makes Office Eq 59,101.52 CP; M D Alonso-Carrera 89.33 R; J Anderson 4.72 S; AOI 3,715.38 CP; Applied Conn Tech 8,065.20 S; Aqua-Chem 4,544.60 S; Aqua-Pure 13,391.51 S; Arnold Motor 817.13 S; Baird Holm LLP 377.00 S; Barcel Mill 240.00 S; M&A Becker 44.52 R; Best Version Media 152.00 S; Black Hills Energy 88.74 S; Blackstone Pub 135.97 S; Bomgaars 2,212.41 S; Bound Tree Med 1,503.45 S; B&I Brown 2.74 R; Capital 1–Walmart 2,868.68 S; C&J Carskadon 24.18 R; Casey's Mail Serv 4,810.35 S; CBS 18.40 S; Center for Municipal Sol 2,250.00 S; Cntr Pnt LP 123.59 S; CCC 595.00 T; Chrome N' Steel 1,620.97 S; R Closson 300.00 S; Col Chamber 940.00 S; CCH 706.75 S; Col Music 850.00 S; Col Plumbing 43.70 S; Col Telegram 76.65 S; Col Tire 1,445.28 S; CYSA 188.00 S; Comfort Specialists 336.80 S; Commonwlth Elec 448.75 S; Core & Main 16,427.48 S; M Cox 1000.00 S; Creighton Para Ed 8,845.00 T; Culligan 50.00 S; A Curry 30.54 R; Dakota Pump 885.43 S; DAS St Acc 1,471.99 S; M Dominguez 240.00 S; Eakes 1,465.01 S; Electric Pump 52,825.58 CP; Electrical Eng 113.91 S; Electronic Eng 485.55 S; Enterprise Electric 62.31 S; Ernst Auto 1,357.02 S; Fastenal 86.86 S; Fifth Season 334.36 S; B French 151.99 T; Frontier 271.74 S; A Fuchs 68.41 R; Full Throttle 1,524.99 S; M&S Funkhouser 10.47 R; Gale 442.67 S; Galls 71.59 S; Gehring Const 324,105.88 S, CP; General Traffic Cntrls 1,412.00 S; Grnt Writing 2,225.00 T; R Gray 99.69 S; Grt Plains Bldg Sup 1,233.08 Cp; Grt Plains Comm 1,412.91 S; Grt Plains Uniforms 2,569.50 S; Gunslingers 174.00 S; J Gutierrez 300.00 S; H&M Electric 151.20 S; Hach

Co 445.00 S; Hadley-Braithwait 1,262.50 S; Havana Stone 13,525.16 CP; Hawkins 14,851.81 S; J Herchenbach 22.99 R; Hmtwn Leasing 175.00 S; IMS Alliance 306.92 S; Ingram Libry 207.24 S; IA Pump Wrks 3,197.00 S; J&B Event Drapes 279.00 S; Jackson Serv 2,822.99 S; N Jones 95.10 T; Kelly Sup 56.89 S; C Kennedy 1.00 R; K Keyes 100.87 T; Kidwell 1,055.00 CP; Kirkham Michael & Assoc 1,346.67 CP; Koch Excavating 309.74 S; D Kosch 68.92 R; E Kubicek 3.32 R; Lkvw Sm Eng 130.00 S; LARM 19,195.42 S; Lawson 689.38 S; Leica Geosystems 1,021.20 CP; Lincoln Winwater 4,335.99 S; JD Londono 2.32 R; Loseke Lake Stop 44.28 S; J Lutjen 240.00 S; M&L 13,118.70 S; MacQueen Eq 1,797.22 S; C&K Magill 5.67 R; Mahaska 230.00 S; MD Sol 422.41 S; Menards 872.55 S; Mid-American Rsrch 1,511.50 S; Mid-Iowa Waste 7,067.71 S; MidW Petro Eq 1,400.25 S; MidW Tape 12.74 S; MidW Turf 3,833.79 S; Moms & Mops 320.00 S; Motion Ind 330.79 S; C Mroczek 2,030.00 S; Municipal Pipe Tool 3,273.09 S; MW Mini Melts 2,305.12 S; NAPA 140.72 S; NE Golf 813.58 S; NE Harveststore 284.02 S; NE Pub Health 692.00 S; B Neemeyer 200.00 S; D Nelson 147.60 T; Nemaha Landscape Construct 83,160.00 CP; Newman Signs 267.91 S; C Nielsen 33.67 R; NE NE Econ 1,812.25 S; Noswett Fencing 62.20 S; Oberg Locksmith 85.00 S; Occup Hlth 164.00 S; OCLC 935.74 S; Oliver Packaging 5,212.22 S; Omaha Children's Museum 441.91 S; O'Reilly 188.59 S; Pete Lien & Sons 6,770.59 S; Pinnacle 2,254.74 B; Platte Valley Humane Soc 21,000.00 S; Pomp's Tire 216.00 S; N Porter 137.16 T; Prestox 57.63 S; Quadient 2,000.00 S; Quill 77.97 S; Rasmussen Mech 800.92 S; Reardon 395.95 S; M Reppert 54.80 R; F Rivera 40.16 R; E Rosekrans 22.78 R; Rutjens 688,524.30 CP; Rutt's 2,270.23 S; J Sanchez 126.17 T; Sand Crk Construct 19,045.80 CP; Security Eq 1,147.04 S; S Segura 43.47 R; Serc LLC 666.27 B; Settje Plumbing 75.00 S; Shevlin 1,411.79 S; Sirius 17,783.74 CP; Solid Waste Assoc 290.00 M; S Water Serv 610.00 S; D Spies 373.17 R; A&S Spitz 2.08 R; Stericycle 1,061.33 S; Sub-Aquatics 1,139.25 S; Super Svr 38.81 S; R Tate 561.76 R; D&N Terry 52.21 R; The Filter Shop 1,057.59; The Golf Shop 3,084.34; Tire Outlet 725.00 S; TK Elevator 457.50 S; Turfwerks 2,386.72 S; Ty's Outdoor 775.06 S; U&I 85.00 S; Van Wall Eq 983.23 S; R Vasallo-Diaz 25.50 R; T Vaughn 137.16 T; S Velasquez 178.75 R; D Vogt 20.73 R; D Waite 5,000.00 S; Weedcope 2,045.00 S; Wemhoff Refrig 5,849.74 S; W Pnt Implem 140.70 S; Wildlife Encounters 525.00 S; Wilkens 115,420.00 CP; Wilson & Co 6,075.53 CP. TOTAL $2,454,886.11.

5. APPROVAL OF MINUTES: Included in Consent Agenda

6. SPECIAL PRESENTATIONS: None

7. PUBLIC HEARINGS: None

8. PETITIONS AND COMMUNICATIONS: None

9. REPORTS OF CITY OFFICES:

9.A. **Update on Nebraska Department of Transportation 23rd Street Reconstruction Project.** Bogus reported that the first of three phases of the 23rd Street reconstruction project is on schedule and work is being done on the westbound lanes from East 12 Avenue toward East 3 Avenue. He noted that city staff, contractors, and the state have been holding weekly meetings and up-to-date information can be found at www.ndot.info/32234.

9.B. **Update on EMS Service outside of city limits.** Bulkley referred to the June 5th city council meeting where the city council voted to notify Platte County that a contribution of $600,000 per year will be required for the city to continue providing emergency medical service to the Duncan and Columbus Rural Fire Districts and that a notice of their intention must be received by July 1st, allowing time for the city to make a determination to either continue or terminate service effective October 1st. Bulkley read a response from Platte County dated June 30, 2023, stating the intent of Duncan and Columbus Rural Fire Districts to increase their respective levies in order to raise a total of $300,000 amongst the two fire protection districts to be specifically earmarked toward raising the total $600,000 that is required by the city in exchange for an agreement where the City of Columbus will not terminate emergency medical services on October 1, 2023.

10. **REPORTS OF COUNCIL COMMITTEES:**

10.A. **PUBLIC FINANCE, JUDICIARY, AND PERSONNEL COMMITTEE - June 22, 2023.**

10.A.1. **Financial and Compliance Audit for year-end September 30, 2022.** The Public Finance, Judiciary, and Personnel Committee recommended approval of the Financial and Compliance Audit as presented. The report was adopted with a motion by Augustine-Schulte and a second by Jablonski. Augustine-Schulte, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.

10.A.2. **Change to public property director and parks and recreation manager positions.** The Public Finance, Judiciary, and Personnel Committee recommends approval of the proposed changes to the Public Property Director and Park and Recreation Manager positions. The report was adopted with a motion by Augustine-Schulte and a second by Freshour. Augustine-Schulte, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.

11. **REPORTS OF SPECIAL COMMITTEES:** None

12. **REPORTS ON LEGISLATION:** None

13. **NEW BUSINESS:**

13.A. **Appointment of Dustin Balesteri as police officer.** Augustine-Schulte read

a brief resume and the mayor's appointment of Dustin Balesteri was ratified with a motion by Jablonski and a second by Bahr. Augustine-Schulte, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”. Balesteri thanked the mayor and council for the appointment and said he looks forward to serving the citizens of Columbus.

13.B. **Quote from Rosenbauer in the amount of $136,835 for ladder truck repairs for fire department plus additional allowance of $23,165 for unforeseen findings for a total of $160,000.** Salak explained that the repairs are a budgeted item supplemented with a $60,000 donation from Forsberg Trust. The quote from Rosenbauer for ladder truck repairs was accepted with a motion by Lopez and a second by Augustine-Schulte. Augustine-Schulte, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.

13.C. **Quote from Busch Equipment Company, LLC in the amount of $15,000 for grain vacuum for agricultural rescue grain bin facility.** The quote from Busch Equipment Company, LLC for a grain vacuum was accepted with a motion by Bahr and a second by Schilling. Augustine-Schulte, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.

13.D. **Plans, specifications, and estimate of cost in the amount of $500,000 for Storm Water Drainage and Sidewalk Improvements 2023 and authorization to advertise for bids (Plans and specifications are on file in the engineering office).** The plans, specifications, estimate of cost, and authorization to advertise for bids for Storm Water Drainage and Sidewalk Improvements 2023 were approved with a motion by Bahr and a second by Lopez. Augustine-Schulte, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.

13.E. **Comments from mayor and city council members.** Bulkley announced that a ribbon cutting will be held at the new community building at 9 a.m. on Saturday with an open house to follow until noon.

14. **RESOLUTIONS:**

14.A. **Resolution No. R23-90 approving agreement with Sand Creek Construction Company in the amount of $41,500 for design phase services for Centennial Park Splash Pad using design-build policy.** Resolution No. R23-90 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE DESIGN BUILD AGREEMENT WITH SAND CREEK CONSTRUCTION IN THE AMOUNT OF $41,500 FOR DESIGN PHASE SERVICES FOR CENTENNIAL PARK SPLASH PAD, 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 Jablonski and a second by Bahr. Augustine-Schulte, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

14.B. **Resolution No. R23-91 approving agreement with HDR Engineering, Inc. in an amount not to exceed $224,900 for Water System Hydraulic Model and Master Plan.** Resolution No. R23-91 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN AGREEMENT BETWEEN OWNER AND ENGINEER WITH HDR ENGINEERING, INC. IN AN AMOUNT NOT TO EXCEED $224,900 FOR WATER SYSTEM HYDRAULIC MODEL AND MASTER PLAN, 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 Roth and a second by Bahr. Augustine-Schulte, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

14.C. **Resolution No. R23-92 accepting Rural Business Development Grant from United States Department of Agriculture in an amount not to exceed $99,999 for expansion of public parking from former city hall to former Columbus Rescue Mission.** Resolution No. R23-92 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, ACCEPTING A RURAL BUSINESS DEVELOPMENT GRANT FROM RURAL DEVELOPMENT IN AN AMOUNT NOT TO EXCEED $99,999, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; AND 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 Schilling and a second by Hiemer. Augustine-Schulte, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

14.D. **Resolution No. R23-93 supporting the concept of Highway 30 to Highway 64 connector road project.** Resolution No. R23-93 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, SUPPORTING THE HIGHWAY 30 TO HIGHWAY 64 CONNECTOR ROAD PROJECT AT THIS TIME was adopted with a motion by Bahr and a second by Hiemer. Augustine-Schulte, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

14.E. **Resolution No. R23-94 adopting city council rules.** Resolution No. R23-94 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF

COLUMBUS, NEBRASKA, ADOPTING THE RULES OF THE CITY COUNCIL IN ACCORD WITH SECTION 30.20 OF CHAPTER 30 OF TITLE III OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH was adopted with a motion by Lopez and a second by Freshour. Augustine-Schulte, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

15. ORDINANCES ON FIRST READING:

15.A. Ordinance No. 23-08 amending pay plan by changing grade for public property director and adding position of park & recreation director. The rules were suspended and Ordinance No. 23-08 entitled: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING THE PAY PLAN FOR ALL CLASSIFICATIONS WITHIN THE CITY BY MOVING PUBLIC PROPERTY DIRECTOR FROM GRADE C6 TO GRADE C4 AND ADDING PARK & RECREATION DIRECTOR TO GRADE C4 was read by number only with a motion by Hiemer and a second by Schilling. Augustine-Schulte, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay". Ordinance No. 23-08 was adopted with a motion by Hiemer and a second by Schilling. Augustine-Schulte, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

16. ORDINANCES ON SECOND READING:

16.A. Ordinance No. 23-07 amending city code to change City Council and Planning Commission meeting times to 6 p.m. On its second reading, Ordinance No. 23-07 entitled: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING SECTION 30.17 OF CHAPTER 30 OF TITLE III AND SECTION 32.038 OF CHAPTER 30 OF TITLE III OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) TO CHANGE THE STARTING TIME OF CITY COUNCIL AND PLANNING COMMISSION MEETINGS TO 6 P.M.; 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.

17. ORDINANCES ON THIRD READING: None

18. CONSIDERATION OF PAYROLL AND BILLS ON FILE: Included in Consent Agenda.

19. UNFINISHED BUSINESS: None

20. ADJOURNMENT: The meeting adjourned at 7:28 p.m.

Presented and approved this 17 day of July 2023.

OFFICE OF THE CITY CLERK
:Janelle Kline

4.B. Minutes of July 5, 2023, Community Development Agency meeting.

COMMUNITY DEVELOPMENT AGENCY
June 5, 2023

A meeting of the City Council, as the Community Development Agency, of the City of Columbus, Nebraska, was convened in open and public session on July 5, 2023, at 7:31 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 on June 3, 2023, 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 acknowledgment 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, Hope Freshour, Troy Hiemer, Rich Jablonski, Kat Lopez, Prent Roth, and Ron Schilling. Also, present was Mayor James Bulkley. City staff members included 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, Park and Recreation Manager Betsy Eckhardt, and Communications Manager Matt Lindberg.

2. **Resolution No. R23-95 approving redevelopment contract with Ace Oversize Storage, LLC for Ace Commercial redevelopment project.** Vasicek explained that the redevelopment project is for a commercial building on the east end of town and is a Tax Increment Financing project. Resolution No. R23-95 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AS THE GOVERNING BODY OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A REDEVELOPMENT CONTRACT FOR A REDEVELOPMENT PROJECT UNDERTAKEN BY ACE OVERSIZE STORAGE, LLC, AS SET FORTH IN THE "REDEVELOPMENT PLAN FOR THE ACE COMMERCIAL REDEVELOPMENT PROJECT" was adopted with a motion by Jablonski and a second by Bahr. Augustine-Schulte, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.

2. **Adjournment**: The meeting adjourned at 7:33 p.m.

Presented and approved this 17 day of July 2023.

OFFICE OF THE CITY CLERK
:Janelle Kline

4.C. Quote from Warren Garage Door, Inc. in the amount of $25,212.50 for overhead door replacement at Transfer Station.



The City of Columbus

PUBLIC WORKS DEPARTMENT
Utility Billing • Water/Sewer Utility • Wastewater • MSW Transfer Station • Street
Director (402) 562-4286 Utility Billing (402) 562-4220

DATE: July 11, 2023

TO: CITY ADMINISTRATOR / MAYOR / CITY COUNCIL

FROM: CHUCK SLIVA, PUBLIC WORKS DIRECTOR

RE: REPLACEMENT / REPAIR QUOTE FOR OVERHEAD DOOR AT TRANSFER STATION.

RECOMMENDATION: Authorize staff to accept low quote from Warren Garage Door, Inc. to replace one 16' X 28' Dura Coil door that is in need of replacement in the amount of $25,212.50.

DISCUSSION: Utility staff was only able to solicit two quotes. Warren Garage Door, Inc. from Norfolk, NE was low quote for the complete door replacement and install for $25,212.50.

FISCAL IMPACT: $25,212.50 from operations building maintenance budget.

ALTERNATIVES: Risk the possibility of complete failure and disconnect.

RECOMMENDATION: ___***Chuck Sliva***_____
Director of Public Works

APPROVAL: _____
Finance Director

_____
City Administrator

EQUAL HOUSING OPPORTUNITY



The City of Columbus

PUBLIC WORKS DEPARTMENT
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FISCAL IMPACT: $25,212.50 from operations building maintenance budget.

ALTERNATIVES: Risk the possibility of complete failure and disconnect.

RECOMMENDATION: ***Chuck Sliva***
Director of Public Works

APPROVAL:
Finance Director

City Administrator

EQUAL HOUSING OPPORTUNITY

Warren Garage Door, Inc.
600 South 37th Street
Norfolk, NE 68701-9607
Ph. 402-371-7755 **Fax** 402-371-4466

Estimate

Date	Estimate #
5/23/2023	45075

Bill To:

CITY OF COLUMBUS
ACCOUNTS PAYABLE
PO BOX 1677
COLUMBUS, NE 68702-1677

Ship To:

TRANSFER STATION
UPPER LEVEL
DOOR #2 OR 3

P.O. #	Terms	Job	Ph.	Fax	Alt.
	Net 30	RETROFIT	402-562-4253		402-563-3180

Qty.	Description	Unit Price	Total
	NOTE: All opening preparation, jamb extensions, painting and electrical wiring (including low voltage wiring) to be done by others. New vinyl stops are 1-1/2" wide and may or may not cover the same space as existing stops. Product needs to be installed within 45 days of delivery to our facility. After that time neither the manufacturer nor Warren Garage Door will be held responsible for possible concealed damage. ESTIMATED FREIGHT IS INCLUDED. ACTUAL FREIGHT CHARGES ARE DETERMINED AT TIME OF SHIPMENT. ADDITIONAL CHARGES TO BE ADDED IF REQUIRED. WGD WILL ATTEMPT TO RECONNECT EXISTING OPERATOR WIRING. IF WIRING IS NOT LONG ENOUGH, AN ELECTRICIAN WILL BE REQUIRED. JOB CONTACT: Richard Eaton (402-910-6759)		
1	16' 0" x 28' 0" Raynor DuraCoil Standard (FF), 22ga. Flat Steel Slat Rolling Service Door. Gray in color. Curtain has black powdercoated guides. Includes Headplate Cover, Hood Baffle, Guide Seal and Bottom Astragal. PLEASE NOTE: Raynor neither warrants nor implies any durability of primed or finish coatings on our rolling products. It is the inherent nature of the rolling product to create wear on the contacting slat surfaces as the curtain coils and uncoils about itself. This wear is expected and is accelerated by the environment in which the product is used and the frequency of use, whether manual or motor operated. Raynor consistently uses high quality coatings and other materials to help reduce this inevitable wear. Raynor warrants DuraCoil rolling service doors and their component parts against defects in material and workmanship for a period of 1 year. EXISTING DOOR REMOVED AND HAULED. EXISTING OPERATOR SALVAGED AND REINSTALLED. NEW DOOR INSTALLED.	24,788.00	24,788.00
1	Type 'B' Bracket Mount to Headplate Kit	202.00	202.00
5	Feet of #50 Chain	4.50	22.50
1	1-3/4" Sprocket	200.00	200.00
	~~ PRICING UPDATE ~~~~~ May 23, 2023 > Updated to current pricing Total change to estimate +$306.00 ~~~~~~~~~~~~~~~~~~~~~~~~~~		

Due to market volatility, estimate is subject to price changes at the time order is placed.

Total $25,212.50

THANK YOU FOR ASKING US TO SUBMIT A BID. Past due accounts will be assessed the greater of a $10.00 re-billing fee or interest at 18% APR. No returns on electrical parts.

APPROVAL SIGNATURE: _____

Overhead Door Company of Columbus, NE

The Genuine. The Original.

2781 54th Ave
Columbus, NE 68601-2061

Contact: Ian Ciurej
Phone: +1402-564-3915
Email: ian.ciurej@modoorproducts.com

This proposal is valid till Friday, July 7, 2023 Quote: SQRHX000010-1 | Created: 6/7/2023 8:20 AM

Job:
TRANSFER STATION
570 14th Ave, Columbus, NE 68601

Prepared For:
COLUMBUS TRANSFER STATION
570 14th Ave, Columbus, NE 68601

	Item	Qty	Unit (USD)	Extended (USD)
1	**610.RD 610, 16' 2" x 28' 0" Opening**	1	$47,589.98	$47,589.98
	Mounting: R: Steel, Face Mount E Guide; L: Steel, Face Mount E Guide; Lintel - Steel, Header - Steel			
	Curtain: Windload - 20 PSF, F265, Steel, Galvanized, Gray, 22 gauge, Interior Mtd Above Lintel, Var.Freq.Windlock, Wrapped on Pipe - Yes			
	Operation: Motor Supplied by Manufacturer, Front Of Hood, Right Hand			
	Operator: RHX - Heavy Duty, 1 HP, 208/230/460V 3Phase 60Hz, Crank, Extended Limit - Yes, Wireless Monitored Edge, Friction Clutch, Brake, Primary - Wireless Entrapment, Receiver,Built-In,Std, (1) 1 Channel,315 390 RSX OCDFX1.S			
	Bottom Bar: Double Angle, Steel, Powder Coat-Black, Electric 2Wire Wireless ASO			
	Guide: Steel, Powder Coat-Black, Double Flared Entry			
	Hood: Round, Steel, Gray, Primed			
	Bracket: Steel, Powder Coat-Black			
	Misc: Export			
	Last Changed: 6/7/2023 8:25 AM CST			
2	**610.RD 610, 12' 2" x 28' 0" Opening**	1	$40,570.79	$40,570.79
	Mounting: R: Steel, Face Mount E Guide; L: Steel, Face Mount E Guide; Lintel - Steel, Header - Steel			
	Curtain: Windload - 20 PSF, F265, Steel, Galvanized, Gray, 22 gauge, Interior Mtd Above Lintel, Var.Freq.Windlock, Wrapped on Pipe - Yes			
	Operation: Motor Supplied by Manufacturer, Front Of Hood, Right Hand			
	Operator: RHX - Heavy Duty, 1 HP, 208/230/460V 3Phase 60Hz, Crank, Extended Limit - Yes, Wireless Monitored Edge, Friction Clutch, Brake, Primary - Wireless Entrapment, Receiver,Built-In,Std, (1) 1 Channel,315 390 RSX OCDFX1.S			
	Bottom Bar: Double Angle, Steel, Powder Coat-Black, Electric 2Wire Wireless ASO			
	Guide: Steel, Powder Coat-Black, Double Flared Entry			
	Hood: Round, Steel, Gray, Primed			
	Bracket: Steel, Powder Coat-Black			
	Misc: Export			
	Last Changed: 6/7/2023 8:30 AM CST			

Total (USD): $88,160.77

4.D. Resolution No. 23-96 authorizing payment of various improvement projects.

Draft

RESOLUTION NO. R23-96

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 BOYD JONES CONSTRUCTION CO., COMMUNITY BUILDING, $474,137.77; GEHRING CONSTRUCTION AND READY MIX CO. INC., SID NO. 189 48 AVENUE FROM 23 STREET TO SOUTH OF BRADSHAW PARK ENTRANCE & CONCRETE PAVING IMPROVEMENTS 2023, $181,721.00.

WHEREAS, the mayor and council of the City of Columbus, Nebraska, hereby find and determine that pursuant to contract, labor, equipment, and materials have been furnished for improvements in the following designated districts and projects within said City, to wit:

Boyd Jones Construction Co.	Community Building	$181,721.00
Gehring Construction & Ready-Mix Co.	SID No. 189 48 Ave. from 23 St. to S. of Bradshaw Prk Entrance & Concrete Paving Improve 2023	$474,137.77

that the respective special engineer has prepared and filed with the city clerk a certificate of progress respecting said improvements, copies of which are attached and are hereby incorporated herein by reference and made a part hereof as if fully set forth herein; and that pursuant to said contract, the plans, specifications, and said certificate of progress, there is due the respective contractor on account the amount as set forth in the attached.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, that the said improvements in the aforesaid districts and projects and the respective certificate of progress be and are hereby accepted and adopted; that a check be issued and made payable to the respective contractor in the amount and in the manner as set forth in the respective certificate of progress; that each check shall be drawn on the appropriate and respective fund; that each check shall be redeemed and paid upon collection of special assessments and sale of various purpose bonds at the completion of each of said districts and projects.

INTRODUCED BY COUNCIL MEMBER_____

PASSED AND ADOPTED THIS _____ DAY OF _____, 2023.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF PAGES

TO OWNER:
City of Columbus, NE
PO Box 1677
Columbus, NE 68602-1677

FROM CONTRACTOR:
Boyd Jones Construction Co.
950 S. 10th St., STE 100
Omaha, NE 68108

CONTRACT FOR:

PROJECT:
Library / Cultural Arts Facility

VIA ARCHITECT:

APPLICATION NO: 31

PERIOD TO: 6/30/23
Start: 6/1/23
Finish: 6/30/23

PROJECT NOS: 16-026

CONTRACT DATE:

Distribution to:
- [ ] OWNER
- [ ] ARCHITECT
- [ ] CONTRACTOR
- [ ]
- [ ]

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM		$ 26,201,578.00
2. Net change by Change Orders		$ 126,518.15
3. CONTRACT SUM TO DATE (Line 1 ± 2)		$ 26,328,096.15
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)		$ 24,942,106.53
5. RETAINAGE:		
a. 5 % of Completed Work (Column D + E on G703)	$ 1,234,782.99	
b. ____ % of Stored Material	$ 0.00	
Total Retainage (Lines 5a + 5b or Total in Column I of G703)		$ 1,234,782.99
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)		$ 23,707,323.54
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)		$ 23,233,185.77
8. CURRENT PAYMENT DUE		$ 474,137.77
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)		$ 2,620,772.61

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	$0.00	$0.00
Total approved this Month	$0.00	$0.00
TOTALS	$0.00	$0.00
NET CHANGES by Change Order	$0.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR:

By: [signature] Date: 7/7/2023

State of: Nebraska County of: Douglas
Subscribed and sworn to before me this 7 day of July
Notary Public: Nicole Rager
My Commission expires: 9-1-2025

GENERAL NOTARY - State of Nebraska
NICOLE RAGER
My Comm. Exp. Sept. 1, 2025

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED . . . . . $ 474,137.77

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and onthe Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:

By: [signature] Date: 07-10-2023

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Richard J. Bogus 7-10-2023

Users may obtain validation of this document by requesting a completed AIA Document D401 - Certification of Document's Authenticity from the Licensee.

Project **Columbus Community Building**
Address **2504 14th Street**
City/State **Columbus NE 68601**
Job # **16-026**

Application Number **31**
Application Date 7/6/2023
Period To: 6/30/2023

Item #	Description of Work	Original Value	Change Orders	Contingency Adjustment	Current Value	Work Completed From Prev	THIS APPLICATION This Period	Stored Materials	Total Completed & Stored	% Complet	Balance to Finish	prev retainage	5% Retainage
1	PreConstruction	15,667.00			15,667.00	15,667.00	-		15,667.00	100%	0.00	0.00	0.00
2	General Conditions	1,568,862.00		155,953.94	1,724,815.94	1,618,422.46	91,176.29		1,709,598.75	99%	15,217.19	80,921.12	85,479.94
3	Clean-up	537,879.00		74,548.95	612,427.95	555,422.54	55,912.41		611,334.95	100%	1,093.00	27,771.13	30,566.75
4	Reimbursable Expenses	401,995.00		289,111.34	691,106.34	670,066.91	16,500.13		686,567.04	99%	4,539.30	33,503.35	34,328.35
5	Temporary space buildout	111,596.00		(3,286.48)	108,309.52	108,280.11	29.41		108,309.52	100%	0.00	220.07	221.54
6	Insurance	93,320.00		(26,747.60)	66,572.40	66,572.00	-		66,572.00	100%	0.40	3,328.60	3,328.60
7	Fencing	40,733.00		10,759.14	51,492.14	51,492.14	-		51,492.14	100%	0.00	2,574.61	2,574.61
8	Site Utilities	387,885.00		(80,758.00)	307,127.00	304,143.00	-		304,143.00	99%	2,984.00	15,207.15	15,207.15
9	Demo Library	850,633.00			850,633.00	407,505.39	-		407,505.39	48%	443,127.61	20,375.27	20,375.27
10	Surveying	19,500.00		9,500.00	29,000.00	23,112.92	1,460.75		24,573.67	85%	4,426.33	1,155.65	1,228.68
11	Aggregate Piers	120,970.00		(4,015.00)	116,955.00	116,955.00	-		116,955.00	100%	0.00	0.00	0.00
12	Foundations	233,731.00		(17,291.00)	216,440.00	216,440.00	-		216,440.00	100%	0.00	10,822.00	10,822.00
13	Steel Decking	614,600.00		(100.00)	614,500.00	614,500.00	-		614,500.00	100%	0.00	30,725.00	30,725.00
14	Rebar	108,115.00		10,295.00	118,410.00	118,410.00	-		118,410.00	100%	0.00	5,920.50	5,920.50
15	Masonry	1,194,384.00		(36,406.00)	1,157,978.00	1,157,978.00	-		1,157,978.00	100%	0.00	57,898.90	57,898.90
16	Structural Steel	1,965,272.00		9,568.00	1,974,840.00	1,974,840.00	-		1,974,840.00	100%	0.00	98,742.00	98,742.00
17	Steel Erection	492,000.00		(36,040.65)	455,959.35	455,959.35	-		455,959.35	100%	0.00	22,797.97	22,797.97
18	Stair B allowance	170,000.00		(158,498.69)	11,501.31	9,946.00	-		9,946.00	86%	1,555.31	0.00	0.00
19	Concrete Flatwork/paving	763,471.00		39,323.79	802,794.79	662,937.30	12,878.68		675,815.98	84%	126,978.81	33,146.87	33,790.80
20	Fireproofing	173,811.00		(173,811.00)	-	-	-		-	0%	0.00	0.00	0.00
21	Membrane roofing	719,758.00		877.06	720,635.06	714,665.51	5,969.55		720,635.06	100%	0.00	35,733.28	36,031.75
22	Joint Sealants	82,600.00		10,000.00	92,600.00	35,200.00	14,000.00		49,200.00	53%	43,400.00	1,760.00	2,460.00
23	Doors/Frames & hardware	265,761.00		30,686.99	296,447.99	296,447.99	-		296,447.99	100%	0.00	14,822.40	14,822.40
24	Overhead and coiling doors	63,095.00		21,726.00	84,821.00	80,654.00	-		80,654.00	95%	4,167.00	4,032.70	4,032.70
25	Storefront, glazing, comp panels	2,029,820.00		(143,900.00)	1,885,920.00	1,865,339.00	-		1,865,339.00	99%	20,581.00	93,266.95	93,266.95
26	Flooring-Resinous & sealed	36,415.00		(6,175.00)	30,240.00	30,240.00	-		30,240.00	100%	0.00	1,512.00	1,512.00
27	Flooring-carpet,tile, resilient	454,146.00		28,342.00	482,488.00	418,806.92	10,091.00	-	428,897.92	89%	53,590.08	20,940.35	21,444.90
28	Flooring-Terrazzo	224,245.00		21,088.00	245,333.00	195,192.00	50,141.00		245,333.00	100%	0.00	9,759.60	12,266.65
29	Flooring-Access	32,457.00		(677.00)	31,780.00	31,780.00	-		31,780.00	100%	0.00	1,589.00	1,589.00
30	Paint	299,033.00			299,033.00	250,000.00	23,368.00	-	273,368.00	91%	25,665.00	12,500.00	13,668.40
31	Elevator	276,212.00		5,052.00	281,264.00	281,264.00	-	-	281,264.00	100%	0.00	14,063.20	14,063.20
32	Fire Protection	294,129.00		(26,434.00)	267,695.00	259,200.00	415.50		259,615.50	97%	8,079.50	12,960.00	12,980.78
33	Mechanical Complete	2,914,670.00		62,957.00	2,977,627.00	2,904,358.66	20,348.51		2,924,707.17	98%	52,919.83	145,217.93	146,235.36
34	Electrical/site work	2,443,931.00	121,070.00	177,300.00	2,742,301.00	2,722,535.90	14,436.00	-	2,736,971.90	100%	5,329.10	136,126.80	136,848.60
35	Rough and Finish Carpentry	212,957.00		83,877.55	296,834.55	247,453.55	49,381.00		296,834.55	100%	0.00	12,372.68	14,841.73
36	Casework materials	104,980.00		22,830.32	127,810.32	126,622.74	-		126,622.74	99%	1,187.58	6,331.14	6,331.14
37	Wood paneling	63,757.00		(11,863.81)	51,893.19	38,929.99	1,584.20		40,514.19	78%	11,379.00	1,946.50	2,025.71
38	Drywall and ceilings	2,945,105.00		10,189.27	2,955,294.27	2,951,327.54	289.09		2,951,616.63	100%	3,677.64	147,566.38	147,580.83
39	Directories/plaques/allowance	70,000.00		(70,000.00)	-	-	-		-	0%	0.00	0.00	0.00
40	Monument signage	32,144.00		51,541.00	83,685.00	16,649.00	-		16,649.00	20%	67,036.00	832.45	832.45
41	Toilet accy, toilet partitions	65,798.00			65,798.00	61,970.50	315.63		62,286.13	95%	3,511.87	3,098.53	3,114.31
42	Operable partition/Smoke curtain	177,820.00			177,820.00	177,820.00	-	-	177,820.00	100%	0.00	8,891.00	8,891.00
43	Appliances	45,561.00		859.66	46,420.66	42,252.98	-		42,252.98	91%	4,167.68	2,112.65	2,112.65
44	Projection Screens	30,649.00		3,578.00	34,227.00	34,227.00	-		34,227.00	100%	0.00	1,711.35	1,711.35
45	Window Coverings	150,948.00		25,211.00	176,159.00	83,300.00	27,004.79		110,304.79	63%	65,854.21	4,165.00	5,515.24
46	Stone and solid surface tops	96,000.00		2,706.00	98,706.00	90,965.60	-		90,965.60	92%	7,740.40	4,548.28	4,548.28
47	Site furnishings	64,090.00		(9,131.78)	54,958.22	54,588.79	155.44		54,744.23	100%	213.99	2,729.44	2,737.21
48	Landscape and irrigation	184,218.00		(39,000.00)	145,218.00	2,345.36	57,385.00		59,730.36	41%	85,487.64	117.27	2,986.52
49	Data room sprinkler	14,500.00			14,500.00	9,700.00	-		9,700.00	67%	4,800.00	485.00	485.00
50	Radon system	38,900.00		(3,500.00)	35,400.00	35,400.00	-		35,400.00	100%	0.00	1,770.00	1,770.00
51	Commissioning			27,600.00	27,600.00	13,800.00	5,520.00		19,320.00	70%	8,280.00	690.00	966.00
52	Luxor One Postal Boxes			24,798.00	24,798.00	4,068.00	20,730.00		24,798.00	100%	0.00	203.40	1,239.90
53	CM Epoxy flooring			30,400.00	30,400.00	-	-		-	0%	30,400.00	0.00	0.00

Project **Columbus Community Building**
Address **2504 14th Street**
City/State **Columbus NE 68601**
Job # **16-026**

Application Number **31**
Application Date 7/6/2023
Period To: 6/30/2023

Item #	Description of Work	Original Value	Change Orders	Contingency Adjustment	Current Value	Work Completed From Prev	THIS APPLICATION This Period	Stored Materials	Total Completed & Stored	% Complet	Balance to Finish	prev retainage	5% Retainage
54					-	-	-		-	0%	0.00	0.00	0.00
55					-	-	-		-	0%	0.00	0.00	0.00
56					-	-	-		-	0%	0.00	0.00	0.00
57					-	-	-		-	0%	0.00	0.00	0.00
58					-	-	-		-	0%	0.00	0.00	0.00
59	Construction Contingency	607,732.00		(386,646.00)	221,086.00	-	-		-	0%	221,086.00	0.00	0.00
60	Payment and Performance Bonds	174,457.00		(6,398.00)	168,059.00	168,059.00	-		168,059.00	100%	0.00	8,402.95	8,402.95
61						-	-		-		0.00	0.00	0.00
62	Fee	1,121,266.00	5,448.15		1,126,714.15	1,049,200.00	20,000.00		1,069,200.00	95%	57,514.15	52,460.00	53,460.00
	Guaranteed Maximum Price Tota	26,201,578	126,518.15	-	26,328,096.15	24,443,014.15	499,092.38	-	24,942,106.53	95%	1,385,989.62	1,209,828.38	1,234,782.99

Approved Change Orders included above:

Total CO Approved to Date	**-**

126,518.15

Contingency Change Log:

Total Adjustments	-
Original Contingency	607,732.00
Current Remaining Contingency	**607,732.00**

Customer	Name			Billed Unit Price	Units	Billed Amount
City Colum	**City of Columbus**					
16026	**Columbus Library/Cultural Arts**					
2	General Conditions					
	Labor	Project Manager		163.45	80.0000	13,076.00
		Project Engineer Regular		99.05	124.5000	12,331.11
		Safety Manager Regular		112.89	11.5000	1,298.26
		Contract Administrator Regular		73.49	8.0000	587.84
		Safety Director Regular		144.84	12.0000	1,738.08
		Supervisor Regular		118.22	368.0000	43,503.12
	Subcontract	Safety Solutions				140.00
	Equipment	Copier		15.00	4.0000	60.00
		Project Management Software		30.00	4.0000	120.00
		Computer		42.00	6.0000	252.00
		Pickup		269.00	8.0000	2,152.00
	Other	AT&T				43.38
		CC - Ace Hardware				36.89
		CC - Casey’s				974.44
		CC - Casey's				529.18
		CC - Dual Stop				75.00
		CC - Hyvee				456.36
		CC - Kum & Go				231.39
		CC - Loup Power District				2,215.54
		CC - Love's				176.28
		CC - Menards				261.98
		CC - QuickTrip				74.34
		CC - Sapp Bros				125.00
		CC - Walmart				348.36
		Loup Power District				8,559.59
		Riverside Portables				959.85
		Verizon				551.01
		Per Diem				299.29
			General Conditions Total		626.0000	91,176.29
3	Clean-up					
	Labor	Laborer Regular		55.38	167.0000	9,248.46
		Equipment Operator Regular		79.88	88.0000	7,029.00
		Bldg Carpenter Regular		76.68	184.0000	14,109.12
	Subcontract	Building Services				16,601.05
		Neff Towing				825.00
	Equipment	Skidsteer		1,093.00	3.0000	3,279.00
	Other	CC - Tractor Supply				103.67
		Hilltop Rolloff LLC dba Callaw				4,717.11
			Clean-up Total		442.0000	55,912.41

Customer	Name			Billed Unit Price	Units	Billed Amount
City Colum	**City of Columbus**					
16026	**Columbus Library/Cultural Arts**					
4	Reimbursable Expenses					
	Labor	Laborer Regular		55.38	11.0000	609.18
		Equipment Operator Regular		79.88	20.0000	1,597.50
		Equipment Operator Overtime		110.76	.5000	55.38
		Foreman Regular		83.07	9.5000	789.18
	Other	CC - Ace Hardware				73.80
		CC - Bomgaars				38.49
		CC - Menards				538.13
		Too Fast Supply LLC				205.59
		Mileage		.58	920.0000	533.60
		Mileage		.58	3,822.0000	2,216.76
		Per Diem				1,050.00
		Per Diem				980.00
		Mileage		.58	2,002.0000	1,161.16
		Per Diem				550.00
		Mileage		.58	3,822.0000	2,216.76
		Per Diem				1,150.00
		Mileage		.58	182.0000	105.56
		Per Diem				2,520.00
		Mileage		.58	188.0000	109.04
			Reimbursable Expenses Total		10,977.0000	16,500.13
5	Temporary space buildout					
	Other	Per Diem				29.41
			Temporary space buildout Total		.0000	29.41
10	Surveying					
	Subcontract	Olsson, Inc.				1,460.75
			Surveying Total		.0000	1,460.75
19	Concrete Flatwork/paving					
	Subcontract	Heartland Concrete				12,878.68
			Concrete Flatwork/paving Total		.0000	12,878.68
21	Membrane roofing					
	Subcontract	Stonebrook Roofing				5,969.55
			Membrane roofing Total		.0000	5,969.55
22	Joint Sealants					
	Subcontract	Senegal				14,000.00
			Joint Sealants Total		.0000	14,000.00

Customer	Name			Billed Unit Price	Units	Billed Amount
City Colum	**City of Columbus**					
16026	**Columbus Library/Cultural Arts**					
27	Flooring-capret, tile, resilie					
	Subcontract	Kelly's Carpet Ltd.				10,091.00
			Flooring-capret, tile, resilie Total		.0000	10,091.00
28	Flooring - Terrazzo					
	Subcontract	DeMarco Bros				50,141.00
			Flooring - Terrazzo Total		.0000	50,141.00
30	Painting					
	Subcontract	Kucera Painting, Inc				23,368.00
			Painting Total		.0000	23,368.00
32	Fire Protectionr					
	Other	General Fire & Safety Equip Co				415.50
			Fire Protectionr Total		.0000	415.50
33	Mechanical Complete					
	Subcontract	Prairie Mechanical				20,348.51
			Mechanical Complete Total		.0000	20,348.51
34	Electrical/site work					
	Subcontract	Kidwell, Inc.				14,436.00
			Electrical/site work Total		.0000	14,436.00
35	Rough and finish Carpentry					
	Subcontract	Contour Construction				49,381.00
			Rough and finish Carpentry Total		.0000	49,381.00
37	Wood paneling					
	Subcontract	Custom Woodworks				1,584.20
			Wood paneling Total		.0000	1,584.20
38	Drywall and ceilings					
	Material	Nystrom Inc				289.09
			Drywall and ceilings Total		.0000	289.09
41	Toilet accy, toilet partitions					
	Material	CC - Webstrauant				315.63
			Toilet accy, toilet partitions Total		.0000	315.63

Customer	Name		Billed Unit Price	Units	Billed Amount
City Colum	**City of Columbus**				
16026	**Columbus Library/Cultural Arts**				
45	Window Coverings				
	Subcontract	Craftsman Window Covering			27,004.79
		Window Coverings Total		.0000	27,004.79
47	Site furnishings				
	Material	CC - Menards			155.44
		Site furnishings Total		.0000	155.44
48	Landscape and Irrigation				
	Subcontract	Jensen Gardens			37,560.00
		USA-Hoich Irrigation, Inc.			19,825.00
		Landscape and Irrigation Total		.0000	57,385.00
51	Commissioning				
	Subcontract	TUNE Facilities, LLC			5,520.00
		Commissioning Total		.0000	5,520.00
52	Luxor One Postal Boxes				
	Subcontract	Luxer Corporation dba LuxerOne			20,730.00
		Luxor One Postal Boxes Total		.0000	20,730.00
		Subtotal			479,092.38
		Contractor's Fee			20,000.00
		Work Completed This Period			499,092.38

Verizon - June 10th, 2023

Date Range :4/19/23 - 5/18/23

Wireless number	Code	User name	Billing cycle date	Total additional charges		
402-250-0046	16-026	Chase Koory	5/18/2023	$ 57.51		
531-444-7588	16-026	Chase Koory	5/18/2023	$ 21.06		
402-239-8611	16-026 (141 Hours)	CJ Bolen	5/18/2023	$ 418.07		
531-205-8110	16-026 (148 Hours)	Ethan Fitzler	5/18/2023	$ 30.23		
402-618-9280	16-026 (40 Hours)	Mitch Tomcak	5/18/2023	$ 24.14	$	551.01
402-637-8040	18-032 (33 Hours)	Harvey Brewster	5/18/2023	$ 14.23	$	14.23
402-657-4547	19-048	Lambert Larson	5/18/2023	$ 46.84	$	46.84
402-690-8060	20-004	Scott Mosher	5/18/2023	$ 40.85		
531-267-0404	20-004 (75 Hours)	Blake Kempton	5/18/2023	$ 50.80	$	91.65
515-240-6929	20-012 (28 Hours	Nick Brown	5/18/2023	$ 22.06	$	22.06
402-670-0727	20-014 (44 Hours)	Chad Cooper	5/18/2023	$ 12.66	$	12.66
402-637-8040	20-017 (40 Hours)	Harvey Brewster	5/18/2023	$ 16.97	$	16.97
402-926-8173	20-035	John Stene	5/18/2023	$ 40.85		
531-205-8642	20-035	John Stene	5/18/2023	$ 26.06		
531-800-2646	20-035	John Stene	5/18/2023	$ 48.06		
402-618-4382	20-035	Liam Ryan	5/18/2023	$ 40.85		
531-283-0640	20-035	Liam Ryan	5/18/2023	$ 1,419.08	$	1,574.90
531-205-8110	20-038 (25 Hours)	Ethan Fitzler	5/18/2023	$ 5.31	$	5.31
402-669-5809	21-014 (102 Hours)	Jake Davis	5/18/2023	$ 73.16	$	73.16
531-541-0663	21-016 (24 Hours)	Jake Davis	5/18/2023	$ 17.27	$	17.27
402-657-5420	21-017	Jeff Gustafson	5/18/2023	$ 40.29		
402-669-6833	21-017 (105.5 Hours)	Scott Hotchkiss	5/18/2023	$ 33.09	$	73.38
402-515-8784	21-019	Ray Christensen	5/18/2023	$ 40.85	$	40.85
531-800-1317	21-023	Adam Guthrie	5/18/2023	$ 40.85		
531-800-2967	21-023	Adam Guthrie	5/18/2023	$ 41.06		
531-444-6120	21-023	Baxter Ford West	5/18/2023	$ 48.06		
402-651-3531	21-023	Jacob Herbener Hotspot	5/18/2023	$ 48.06		

402-516-5796	21-023	Jake Herbener	5/18/2023	$ 48.06	$	226.09
402-239-4461	21-027	Adam Kemmerle	5/18/2023	$ 20.08		
402-672-2050	21-027	Adam Kemmerle	5/18/2023	$ 61.68		
402-306-8528	21-027	Curtis Alley	5/18/2023	$ 54.73		
531-205-0114	21-027	Curtis Alley	5/18/2023	$ 21.06		
531-800-4426	21-027	Curtis Alley MIFI	5/18/2023	$ 61.16		
402-740-2028	21-027	Jason Balzer	5/18/2023	$ 40.85		
531-800-1446	21-027	Jason Balzer	5/18/2023	$ 41.06	$	300.62
402-670-0278	21-030	Shawn Miller	5/18/2023	$ 40.85		
531-389-0918	21-030	Shawn Miller Jetpack	5/18/2023	$ 48.06	$	88.91
402-953-6120	21-032	Steve Haith	5/18/2023	$ 40.85		
531-205-3923	21-032	Steve Haith	5/18/2023	$ 48.06	$	88.91
402-618-8678	21-039	Janessa Andrioccio	5/18/2023	$ 40.85	$	40.85
531-205-0180	21-041	Zach Harris	5/18/2023	$ 48.06		
402-657-4458	21-041	Zach Harris Hotspot	5/18/2023	$ 48.06	$	96.12
402-419-4562	21-044	Alex Zakrzewski	5/18/2023	$ 40.85		
531-267-0400	21-044	Alexander Zakrzewski	5/18/2023	$ 20.08		
531-389-3988	21-044 (19.5 Hours)	Mitch Tomcak	5/18/2023	$ 11.76	$	72.69
531-239-0025	21-047	Brandon Jackson	5/18/2023	$ 40.60		
531-283-0683	21-047	Brandon Jackson	5/18/2023	$ 21.06		
402-504-2099	21-047	Chris Hartley	5/18/2023	$ 50.85		
531-272-1003	21-047 (16 Hours)	CJ Bolen	5/18/2023	$ 46.45	$	158.96
402-957-4844	22-002	Brian Buboltz	5/18/2023	$ 40.85		
402-957-4845	22-002	Brian Buboltz	5/18/2023	$ 40.08		
402-699-7968	22-002	Brian Buboltz Mifi	5/18/2023	$ 48.06	$	128.99
402-239-1841	22-004	Jarrett Branz	5/18/2023	$ 42.82		
531-267-0401	22-004	Jarrett Branz	5/18/2023	$ 20.08		
531-267-9744	22-004	Luis Valdivia	5/18/2023	$ 53.55		
402-657-5696	22-004	Pedro Perez	5/18/2023	$ 61.68		
531-267-2362	22-004	Pedro Perez	5/18/2023	$ 21.06		
531-777-2125	22-004	Pedro Perez - MIFI	5/18/2023	$ 48.06	$	247.25
531-205-7849	22-012 (28 Hours)	Nick Brown	5/18/2023	$ 22.06	$	22.06
402-521-4018	22-015	Jeff Smyser	5/18/2023	$ 40.85		
402-957-0479	22-015	Jeff Smyser	5/18/2023	$ 48.06		

402-669-2896	22-015	Jeff Smyser #2	5/18/2023	$ 40.29		
515-567-0649	22-015	Tate Klocke	5/18/2023	$ 40.85		
531-205-7849	22-015 (59 Hours)	Nick Brown	5/18/2023	$ 47.79	$	217.84
402-983-0487	22-017	Matt Stier	5/18/2023	$ 70.58		
531-283-1374	22-017	Matt Stier	5/18/2023	$ 37.22		
531-389-3423	22-017	Matt Stier	5/18/2023	$ 48.06	$	155.86
402-670-2752	22-019	Mark Laux	5/18/2023	$ (14.02)		
402-681-7050	22-019	Mark Laux	5/18/2023	$ 57.51		
531-215-3114	22-019	Mark Laux	5/18/2023	$ 31.06		
402-953-7161	22-019	Mark Laux Hotspot	5/18/2023	$ 48.06		
531-541-0663	22-019 (16 Hours)	Jake Davis	5/18/2023	$ 11.18		
402-637-8040	22-019 (54 Hours)	Harvey Brewster	5/18/2023	$ 23.53		
402-813-6485	22-019 (83 Hours)	Kyle Andersen	5/18/2023	$ 45.52	$	202.84
402-515-4029	22-020	Adam Schafersman	5/18/2023	$ 54.73		
531-267-3102	22-020	Adam Schafersman	5/18/2023	$ 21.06		
402-619-9155	22-020	Schafersman Hotspot	5/18/2023	$ 48.06		
531-389-3988	22-020 (44 Hours)	Mitch Tomcak	5/18/2023	$ 26.01		
531-800-2065	22-020 (73 Hours)	Kyle Andersen	5/18/2023	$ 40.36	$	190.22
531-225-3334	22-024	Joel Backhuus	5/18/2023	$ 41.06		
531-272-1367	22-024	Joel Backhuus	5/18/2023	$ 40.29		
402-669-6833	22-024 (24 Hours)	Scott Hotchkiss	5/18/2023	$ 7.76		
402-670-0727	22-024 (99 Hours	Chad Cooper	5/18/2023	$ 28.19	$	117.30
531-267-9732	22-025 (34 Hours)	Blake Kempton	5/18/2023	$ 22.83	$	22.83
531-205-8110	23-006 (25 Hours)	Ethan Fitzler	5/18/2023	$ 5.31	$	5.31
Total				**4,923.94**	$	4,923.94

Boyd Jones CONSTRUCTION

EXHIBIT A

PAY REQUEST FORM (**Please Make Copies**)

PROJECT NAME: 16-026 Columbus Civic Center
PAYMENT REQUEST NO.: 11 INVOICE NO: 11
BILLING PERIOD FROM: 6/1/23 TO: 6/30/23

STATEMENT OF CONTRACT AMOUNT

1. Original Contract Amount	$ 846401.61
2. Approved Change Orders	$ 49064.03
2a. Needed Change Orders	$
3. Adjusted Contract Amount	$ 895465.64

PROGRESS BILLING

4. Work Completed on Contract (72 % to date) (SEE ATTACHED SCHEDULE OF VALUES)	$ 674057.79
5. Less Amount Retained (10 %)	$ 67405.78
6. Total Work Less Retention	$ 606652.01
7. Less Previous Amount Invoiced	$ 595061.20
8. AMOUNT DUE THIS REQUEST	$ 11590.81

(Requests are due by the **25th** of the Month)

CERTIFICATE OF THE SUBCONTRACTOR

I hereby certify that the work performed and the materials supplied to date, as shown on the above, represent the actual value of accomplishment under the terms of the Contract (and all authorized changes thereto) between Boyd Jones Construction Co and the undersigned, relating to the above referenced project.

I also certify that payments, less applicable retention, have been made through the period covered by the previous payments received from the Contractor, to (1) all subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with the Federal, State, and Local tax laws, including Social Security laws and Unemployment Compensation laws insofar as applicable to the performance of the Contract.

In consideration of the payments received, and upon receipt of the payment of this request, the undersigned hereby waives, releases and forever discharges Boyd Jones Construction, Boyd Jones's surety, and the project owner through the date hereof, from all action's, causes of action, claims, and demands that the undersigned, his heirs, legal representative, and assignees may now have or that might subsequently accrue to the undersigned arising out of or in any manner Connected with, directly or indirectly, labor performed, materials furnished, or any other work performed on the above referenced project.

Date: 5/25/23

Company: Heartland Concrete & Construction inc.
By: _____
Print Name: Shaun van der Torre
Title: Project Manager

APPLICATION AND CERTIFICATE FOR PAYMENT

CONSTRUCTION MANAGER-ADVISOR EDITION

AIA DOCUMENT G702/Cma

CONTRACTOR: **Boyd Jones Construction**

SUBCONTRACTOR: **Heartland Concrete & Construction Inc.**
9295 Osborne Dr West, Hastings, NE 68901

CONTRACT FOR:

PROJECT: Columbus Community Center

APPLICATION NUMBER: **11**
PERIOD TO: **06/30/23**
PROJECT NOS.:
CONTRACT DATE:

VIA CONSTRUCTION MANAGER:
VIA ARCHITECT:

Distribution to:
[ ] OWNER
[ ] CONSTRUCTION
[ ] ARCHITECT
[X] CONTRACTOR

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in accordance with the Contract.
Continuation Sheet, AIA Document G703, is attached.

1.	**ORIGINAL CONTRACT SUM**		$846,401.61
2.	**Net Change By Change Orders**.....		$49,064.03
3.	**CONTRACT SUM TO DATE**	(Line 1 +2).....	$895,465.64
4.	**TOTAL COMPLETED & STORED TO DATE**..... (Column G on G703)		$674,057.79
5.	**RETAINAGE:**		
	a. 10% % of Completed Work (Columns D & E on G703)	$67,405.78	
	b. 10% % of Stored Material (Column F on G703)	$0.00	
	Total Retainage (Line 5a + 5b or Total in Column 1 of G703)		$67,405.78
6.	**TOTAL EARNED LESS RETAINAGE**..... (Line 4 less Line 5 Total)		$606,652.01
7.	**LESS PREVIOUS CERTIFICATES FOR PAYMENT** (Line 6 from prior Certificate)		$595,061.20
8.	**CURRENT PAYMENT DUE**		$11,590.81
9.	**BALANCE TO FINISH, INCLUDING RETAINAGE** (Line 3 less Line 6)	$ 288,813.63	

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	$0.00	
Total Approved this Month	$0.00	
TOTALS	$0.00	$0.00
NET CHANGES by Change Order		$0.00

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.
CONTRACTOR:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed t and not the truthfulness, accuracy, or validity of that document.

By: _____ Date: **06/23/23**
State of: County of:
Subscribed and sworn before me on this **23th day of June, 2023** by: _____ proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Notary: **My Commissioning Expires:**

CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Construction Manager certifies that to the best of his knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED..... $ 11,590.81

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that changed to conform to the amount certified.).

CONSTRUCTION MGR:
By:_____ Date:_____

ARCHITECT:
By:_____ Date: _____

This certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under

CONTINUATION SHEET - Schedule of Values

AIA DOCUMENT G703

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT,
containing Contractor's signed Certification is attached.
In tabulations below, amounts are stated to the nearest dollar.
Use column 1 on Contracts where variable retainage for line items may apply.

APPLICATION NO:
APPLICATION DATE: **05/25/23**
PERIOD TO: **05/31/23**
ARCHITECT'S PROJECT NO:

A	B	C	D	E	F	G		H	I
ITEM	DESCRIPTION OF WORK	SCHEDULED	WORK COMPLETED		MATERIALS STORED (NOT IN D OR E)	TOTAL AND STORED TO DATE (D+E+F)	%	BALANCE (C-G)	RETAINAGE
			APPLICATION (D+E)						
1	6" paving	$110,701.58	$28,672.85	$0.00		$28,672.85		$82,028.73	$2,867.29
2	8" paving	$69,876.52	$69,587.81	$0.00		$69,587.81		$288.71	$6,958.78
	5" sidewalk	$97,057.61	$51,169.24	$12,878.68		$64,047.92		$33,009.69	$6,404.79
3	Monolithic curb and gutter	$5,032.32	$5,032.32	$0.00		$5,032.32		$0.00	$503.23
4	5" SOD	$201,165.00	$201,165.00	$0.00		$201,165.00		$0.00	$20,116.50
5	4" SOG	$87,798.43	$87,798.43	$0.00		$87,798.43		$0.00	$8,779.84
6	6" SOG	$29,195.14	$29,195.14	$0.00		$29,195.14		$0.00	$2,919.51
7	Stoop caps	$6,367.91	$1,462.66	$0.00		$1,462.66		$4,905.25	$146.27
8	Concrete filled metal pan stairs	$27,886.10	$27,886.10	$0.00		$27,886.10		$0.00	$2,788.61
9	Granual fill	$25,064.00	$25,064.00	$0.00		$25,064.00		$0.00	$2,506.40
10	Walks	$97,058.00	$0.00	$0.00		$0.00		$97,058.00	$0.00
11	Planters	$46,594.00	$45,036.53	$0.00		$45,036.53		$1,557.47	$4,503.65
12	Tie rebar instead of WWM	$5,790.00	$5,790.00	$0.00		$5,790.00		$0.00	$579.00
13	Accelerator	$15,454.00	$15,454.00	$0.00		$15,454.00		$0.00	$1,545.40
14	Hot water	$7,727.00	$7,727.00	$0.00		$7,727.00		$0.00	$772.70
15	HC inserts	$2,560.00	$0.00	$0.00		$0.00		$2,560.00	$0.00
17	Bond	$11,074.00	$11,074.00	$0.00		$11,074.00		$0.00	$1,107.40
18			$0.00	$0.00		$0.00		$0.00	$0.00
20			$0.00	$0.00		$0.00		$0.00	$0.00
21			$0.00	$0.00		$0.00		$0.00	$0.00
22			$0.00	$0.00		$0.00		$0.00	$0.00
23			$0.00	$0.00		$0.00		$0.00	$0.00
24			$0.00	$0.00		$0.00		$0.00	$0.00
SUB TOTALS:		**$846,401.61**	**$612,115.08**	**$12,878.68**	**$0.00**	**$624,993.76**	**74%**	**$221,407.85**	**$62,499.38**
	Change Orders								
	CO#1	$8,282.40	$8,282.40	$0.00		$8,282.40		$0.00	$828.24
	CO#2	$13,395.50	$13,395.50	$0.00		$13,395.50		$0.00	$1,339.55
	CO#4	$9,772.67	$9,772.67	$0.00		$9,772.67			$977.27
	CO#5 (trench drains)	$17,613.46	$17,613.46	$0.00		$17,613.46		$0.00	$1,761.35
CHANGE ORDER TOTALS:		**$49,064.03**	**$49,064.03**	**$0.00**	**$0.00**	**$49,064.03**	**100%**	**$0.00**	**$4,906.40**
	GRAND TOTALS	**$895,465.64**	**$661,179.11**	**$12,878.68**	**$0.00**	**$674,057.79**	**75%**	**$221,407.85**	**$67,405.78**

Boyd Jones
CONSTRUCTION

EXHIBIT A

PAY REQUEST FORM (**Please Make Copies**)

PROJECT NAME: 16-026 Columbus Civic Center
PAYMENT REQUEST NO.: 7 INVOICE NO: 7
BILLING PERIOD FROM: 6/26/2023 TO: 6/30/2023

STATEMENT OF CONTRACT AMOUNT

1. Original Contract Amount	$ 727,308.00
2. Approved Change Orders	$ -11,744.85
2a. Needed Change Orders	$ 0
3. Adjusted Contract Amount	$ 715,563.06

PROGRESS BILLING

4. Work Completed on Contract (100 % to date) (SEE ATTACHED SCHEDULE OF VALUES)	$ 715,563.06
5. Less Amount Retained (10 %)	$ 71,556.31
6. Total Work Less Retention	$ 644,006.75
7. Less Previous Amount Invoiced	$ 638,634.16
8. AMOUNT DUE THIS REQUEST	$ 5,372.60

(Requests are due by the **25th** of the Month)

CERTIFICATE OF THE SUBCONTRACTOR

I hereby certify that the work performed and the materials supplied to date, as shown on the above, represent the actual value of accomplishment under the terms of the Contract (and all authorized changes thereto) between Boyd Jones Construction Co and the undersigned, relating to the above referenced project.

I also certify that payments, less applicable retention, have been made through the period covered by the previous payments received from the Contractor, to (1) all subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with the Federal, State, and Local tax laws, including Social Security laws and Unemployment Compensation laws insofar as applicable to the performance of the Contract.

In consideration of the payments received, and upon receipt of the payment of this request, the undersigned hereby waives, releases and forever discharges Boyd Jones Construction, Boyd Jones's surety, and the project owner through the date hereof, from all action's, causes of action, claims, and demands that the undersigned, his heirs, legal representative, and assignees may now have or that might subsequently accrue to the undersigned arising out of or in any manner Connected with, directly or indirectly, labor performed, materials furnished, or any other work performed on the above referenced project.

Date: 6/26/2023

Company: Stonebrook Exterior
By: Don Pannier
Print Name: Don pannier
Title: PM

Application and Certificate for Payment

AIA DOCUMENT G702

TO (GENERAL CONTRACTOR): BOYD JONES CONSTRUCTION
950 S 10TH STREET SUITE 100
OMAHA NE 68108

PROJECT: COLUMBUS COMMUNITY CENTER
2500 14TH STREET
COLUMBUS NE 68601

APPLICATION NO: 7
APPLICATION DATE: 6/26/2023
PERIOD TO: 6/30/2023
PROJECT NO: 16-026

FROM (SUBCONTRACTOR): Stonebrook Exterior, Inc.
1919 SOUTH 40TH STREET, SUITE 222
LINCOLN, NE 68506

SUBCONTRACT DATE: 11/1/2021

P.O.#: LCCOLU210348

TRADE OF WORK: ROOFING

SUBCONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the Contract
Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM		$ 727,308.00
2. Net change by Change Orders		$ (11,744.85)
3. SUBCONTRACT SUM TO DATE (Line 1 ± 2)		$ 715,563.15
4. TOTAL COMPLETED & STORED TO DATE (Column I on G703)		$ 715,563.06
5. RETAINAGE:		
a. 10% of Completed Work (Column F + G on G703)	$71,556.31	
b. 10% of Stored Material (Column H on G703)		
TOTAL RETAINAGE (Line 5a + 5b or Total in Column I on G703)		$71,556.31
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total)		$ 644,006.75
7. LESS PREVIOUS CERTIFICATE FOR PAYMENT (Line 6 from prior Certificate)		$ 638,634.16
8. CURRENT PAYMENT DUE NOW		$ 5,372.60
9. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6)	$ 71,556.40	

CHANGE ORDER SUMMARY		DEDUCTIONS	ADDITIONS
Total Changes approved in previous months by Owner		11,744.85	
Total approved this month only			
Net Changes by Change Order	TOTAL	($11,744.85)	

The undersigned Subcontractor certifies that to the best of the Subcontractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Subcontract Documents, that all amounts have been paid by the Contractor for Work for which previous Certification for Payment were issued and payments received from the Contractor, and that current payment shown herein is now due.

SUBCONTRACTOR: Stonebrook Exterior

By: [signature] Date: 6/26/23

State of: Nebraska
County of: Lancaster
Subscribed & Sworn to before me this 26 day of June, 2023.

[signature]
Notary Public
My Commission expires: May 14 2024

State of Nebraska – General Notary
LAURA HANISZEWSKI
My Commission Expires
May 14, 2024

Continuation Sheet

AIA DOCUMENT G703

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT,
containing Contractor's signed Certification is attached.
In tabulations below, amounts are stated to the nearest dollar.
Use column I on Contractrs where variable retainage for line items may apply

APPLICATION NUMBER: 7
APPLICATION DATE: 6/26/2023
PERIOD TO: 6/30/2023
CONTRACTOR'S PROJECT NO: 16-026

A	B	C	D	E	F	G	H	I		J	K	
ITEM NO.	DESCRIPTION OF WORK	ORIGINAL SCHEDULE OF VALUES	CHANGE ORDERS	TOTAL SOV (C + D)	WORK COMPLETED FROM PREVIOUS APPLICATION (F + G + H)	WORK COMPLETED THIS PERIOD (ONLY)	MATERIALS PRESENTLY STORED (Not in F or G)	TOTAL COMPLETED AND STORED TO DATE (F + G + H)	PERCENT COMPLETE % (I / E)	BALANCE TO FINISH (E - I)	CURRENT RETAINAGE	TOTAL RETAINAGE (IF VARIABLE RATE)
1	TPO ROOFING MATERIAL	547,138.47		547,138.47	547,138.47			547,138.47	100.0%			54,713.85
2	TPO ROOFING LABOR	51,780.40		51,780.40	46,780.00	5,000.40		51,780.40	100.0%		500.04	5,178.04
3	SHEET METAL MATERIAL	7,761.60		7,761.60	7,761.60			7,761.60	100.0%			776.16
4	SHEET METAL LABOR	3,920.00		3,920.00	3,520.00	400.00		3,920.00	100.0%		40.00	392.00
5	EQUIPMENT	11,069.44		11,069.44	10,569.44	500.00		11,069.44	100.0%		50.00	1,106.94
6	BOND	16,004.00		16,004.00	16,004.00			16,004.00	100.0%			1,600.40
7	GENERAL CONDITIONS	89,634.00		89,634.00	86,250.00	3,384.00		89,634.00	100.0%		338.40	8,963.40
8									#DIV/0!			
9	CO#1 PR-16A		(11,744.85)	(11,744.85)	(8,430.00)	(3,314.85)		(11,744.85)	100.0%		(331.49)	(1,174.49)
10									#DIV/0!			
11									#DIV/0!			
12									#DIV/0!			
13									#DIV/0!			
14									#DIV/0!			
15									#DIV/0!			
16									#DIV/0!			
17									#DIV/0!			
18									#DIV/0!			
19									#DIV/0!			
20									#DIV/0!			
21									#DIV/0!			
22									#DIV/0!			
23									#DIV/0!			
24									#DIV/0!			
25									#DIV/0!			
	TOTAL	$ 727,307.91	$ (11,744.85)	$ 715,563.06	$ 709,593.51	$ 5,969.55	$ -	$ 715,563.06	100%	$ -	$ 596.96	$ 71,556.31

Boyd Jones
CONSTRUCTION

EXHIBIT A

PAY REQUEST FORM (**Please Make Copies**)

PROJECT NAME: 16-026 Columbus Civic Center
PAYMENT REQUEST NO.: 4 INVOICE NO:
BILLING PERIOD FROM: 06/01/2023 TO: 06/30/2023

STATEMENT OF CONTRACT AMOUNT

1. Original Contract Amount	$ 59,850.00
2. Approved Change Orders	$ 12,850.00
2a. Needed Change Orders	$
3. Adjusted Contract Amount	$ 72,700.00

PROGRESS BILLING

4. Work Completed on Contract (68 % to date) (SEE ATTACHED SCHEDULE OF VALUES)	$ 49,200.00
5. Less Amount Retained (10 %)	$ 4,920.00
6. Total Work Less Retention	$ 44,280.00
7. Less Previous Amount Invoiced	$ 31,680.00
8. AMOUNT DUE THIS REQUEST	$ 12,600.00

(Requests are due by the **25th** of the Month)

CERTIFICATE OF THE SUBCONTRACTOR

I hereby certify that the work performed and the materials supplied to date, as shown on the above, represent the actual value of accomplishment under the terms of the Contract (and all authorized changes thereto) between Boyd Jones Construction Co and the undersigned, relating to the above referenced project.

I also certify that payments, less applicable retention, have been made through the period covered by the previous payments received from the Contractor, to (1) all subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with the Federal, State, and Local tax laws, including Social Security laws and Unemployment Compensation laws insofar as applicable to the performance of the Contract.

In consideration of the payments received, and upon receipt of the payment of this request, the undersigned hereby waives, releases and forever discharges Boyd Jones Construction, Boyd Jones's surety, and the project owner through the date hereof, from all action's, causes of action, claims, and demands that the undersigned, his heirs, legal representative, and assignees may now have or that might subsequently accrue to the undersigned arising out of or in any manner Connected with, directly or indirectly, labor performed, materials furnished, or any other work performed on the above referenced project.

Date: 06/20/2023

Company: Senegal Specialty Contracting
By: Gary Hammer
Print Name: Gary Hammer
Title: President

Boyd Jones Construction Co.,. 950 South 10th Street, Suite 100, Omaha, Nebraska 68108 Phone 402-553-1804 Fax 402-561-7705

CONTINUATION SHEET

SHEET 703

Sheet 702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Subcontractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 4
APPLICATION DATE: 6/20/23
PERIOD TO: 6/30/23
PROJECT NO: 16026-7900

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED FROM PREVIOUS APPLICATION (D + E)	WORK COMPLETED THIS PERIOD	MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
	Sheet Waterproofing	8,500.00	8,500.00	0.00		$8,500.00	100.00%	0.00	$850.00
	Ext Expansion at Bldg Stoops, Planters &	10,000.00	0.00	8,000.00		$8,000.00	80.00%	2,000.00	$0.00
	Sidewalk Joints Per Drawings	21,000.00	0.00	6,000.00		$6,000.00	28.57%	15,000.00	$600.00
	Brick Control Joints	5,500.00	5,500.00	0.00		$5,500.00	100.00%	0.00	$550.00
	CMU Control Joints Both Sides at Stair	1,850.00	1,850.00	0.00		$1,850.00	100.00%	0.00	$185.00
	New Hollow Metal Door Frames Both S	6,500.00	0.00	0.00		$0.00	0.00%	6,500.00	$0.00
	Sealed Concrete Expansion	1,750.00	1,750.00	0.00		$1,750.00	100.00%	0.00	$175.00
	Sealed Concrete Saw Cuts 8x8 Urethane	4,750.00	4,750.00	0.00		$4,750.00	100.00%	0.00	$475.00
	CO# 1 - Fire Safing	12,850.00	12,850.00	0.00		$12,850.00	100.00%	0.00	$1,285.00
	GRAND TOTALS	$72,700.00	$35,200.00	$14,000.00	$0.00	$49,200.00	67.68%	$23,500.00	$4,120.00

Boyd Jones
CONSTRUCTION

EXHIBIT A

PAY REQUEST FORM (**Please Make Copies**)

PROJECT NAME: Columbus Community Center
PAYMENT REQUEST NO.: 7 INVOICE NO: 155301
BILLING PERIOD FROM: 5/20/23 TO: 6/20/23

STATEMENT OF CONTRACT AMOUNT

1. Original Contract Amount	$ 404.070.92
2. Approved Change Orders	$ 78,418.00
3. Adjusted Contract Amount	$ 482,488.92

PROGRESS BILLING

4. Work Completed on Contract (88.89 % to date) (SEE ATTACHED SCHEDULE OF VALUES)	$ 428,897.92
5. Less Amount Retained (10 %)	$ 42,889.79
6. Total Work Less Retention	$ 386,008.13
7. Less Previous Amount Invoiced	$ 376.926.23
8. AMOUNT DUE THIS REQUEST	$ 9.081.90

(Requests are due by the ____ 0f the Month)

CERTIFICATE OF THE SUBCONTRACTOR

I hereby eertify that the work performed and the materials supplied to date, as shown on the above, represent the aetual value of aeeomplishment under the terms of the Contract (and all authorized ehanges thereto) between Boyd Jones Construction and the undersigned, relating to the above referenced projeet.

I also certify that payments, less applicable retention, have been made through the period covered by the previous payments reeeived from the Contractor, to (1) all subcontractors and (2) for all materials and labor used in or in eonneetion with the performance of this contraet. I further eertify I have complied with the Federal, State, and Local tax laws, ineluding Soeial Security laws and Unemployment Compensation laws insofar as applieable to the performanee of the Contract.

In consideration of the payments received, and upon reeeipt of the payment of this request, the undersigned hereby waives, releases and forever diseharges Boyd Jones Construetion, Boyd Jones's surety, and the project owner from all action's, eauses of action, elaims, and demands that the undersigned, his heirs, legal representative, and assignees may now have or that might subsequently aeerue to the undersigned arising out of or in any manner Connected with, directly or indirectly, labor performed, materials furnished, or any other work performed on the above referenced project.

Date: 6/23/23

Company: Kelly's Carpet Omaha
By: Ashlyn Mendoza
Print Name: Ashlyn Mendoza
Title: Commercial Administrative Assistant

CONTINUATION SHEET

SHEET 703

Sheet 702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Subcontractor's signed certification is attached.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 7
APPLICATION DATE: 6/20/23
PERIOD TO: 6/30/23
PROJECT NO: 155301

Kelly's Carpet Omaha, Ltd.

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
	Carpet	$235,910.00	$229,621.00	$6,289.00		$235,910.00	100.00%	$0.00	$23,591.00
	Tile	96,895.00	96,895.00			$96,895.00	100.00%	$0.00	$9,689.50
	Rubber	53,860.00	53,860.00			$53,860.00	100.00%	$0.00	$5,386.00
	Base	14,140.00	10,628.00	3,512.00		$14,140.00	100.00%	$0.00	$1,414.00
	Transitions	290.00	0.00	290.00		$290.00	100.00%	$0.00	$29.00
	Bid Bond	2,975.92	2,975.92			$2,975.92	100.00%	$0.00	$297.59
	CO1 PR#14 Tile Changes	1,063.00	1,063.00			$1,063.00	100.00%	$0.00	$106.30
	CO2 PR#21 Stair Treads	19,268.00	19,268.00			$19,268.00	100.00%	$0.00	$1,926.80
	CO3 PR#31 Casework Modi	890.00	890.00			$890.00	100.00%	$0.00	$89.00
	CO4 CP-1 Change	2,935.00	2,935.00			$2,935.00	100.00%	$0.00	$293.50
	CO5 Add 6" Vinyl Base	1,298.00	1,298.00			$1,298.00	100.00%	$0.00	$129.80
	CO6 PR#63 Add CT in MR	4,140.00	4,140.00			$4,140.00	100.00%	$0.00	$414.00
	CO7 Add 2.5" Vinyl Base	(6,000.00)	(6,000.00)			($6,000.00)	100.00%	$0.00	($600.00)
	CO8 Change Elevators D&E to RF3	1,233.00	1,233.00			$1,233.00	100.00%	$0.00	$123.30
	CO9 Childrens Museum Flooring	53,591.00				$0.00	0.00%	$53,591.00	$0.00
	GRAND TOTALS	$482,488.92	$418,806.92	$10,091.00	$0.00	$428,897.92	88.89%	$53,591.00	$42,889.79

Boyd Jones
CONSTRUCTION

EXHIBIT A

PAY REQUEST FORM (**Please Make Copies**)

PROJECT NAME: 16-026 Columbus Civic Center
PAYMENT REQUEST NO.: 3 INVOICE NO: 19390
BILLING PERIOD FROM: 5-25-2023 TO: 6-30-2023

STATEMENT OF CONTRACT AMOUNT

1. Original Contract Amount	$ 224,245.00
2. Approved Change Orders	$ 21,088.00
2a. Needed Change Orders	$ —
3. Adjusted Contract Amount	$ 245,333.00

PROGRESS BILLING

4. Work Completed on Contract (100 % to date) (SEE ATTACHED SCHEDULE OF VALUES)	$ 245,333.00
5. Less Amount Retained (10 %)	$ 24,533.30
6. Total Work Less Retention	$ 220,799.70
7. Less Previous Amount Invoiced	$ 175,672.80
8. AMOUNT DUE THIS REQUEST	$ 45,126.90

(Requests are due by the **25th** of the Month)

CERTIFICATE OF THE SUBCONTRACTOR

I hereby certify that the work performed and the materials supplied to date, as shown on the above, represent the actual value of accomplishment under the terms of the Contract (and all authorized changes thereto) between Boyd Jones Construction Co and the undersigned, relating to the above referenced project.

I also certify that payments, less applicable retention, have been made through the period covered by the previous payments received from the Contractor, to (1) all subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with the Federal, State, and Local tax laws, including Social Security laws and Unemployment Compensation laws insofar as applicable to the performance of the Contract.

In consideration of the payments received, and upon receipt of the payment of this request, the undersigned hereby waives, releases and forever discharges Boyd Jones Construction, Boyd Jones's surety, and the project owner through the date hereof, from all action's, causes of action, claims, and demands that the undersigned, his heirs, legal representative, and assignees may now have or that might subsequently accrue to the undersigned arising out of or in any manner Connected with, directly or indirectly, labor performed, materials furnished, or any other work performed on the above referenced project.

Date: 6-26-2023

Company: DeMarco Bros. Company
By: 
Print Name: Arvin DeMarco
Title: President

TO: BOYD JONES CONSTRUCTION
FROM: DEMARCO BROS. COMPANY
PROJECT: COLUMBUS COMMUNITY CENTER

APPLICATION #: 3
APPLICATION DATE: 6/26/2023
PERIOD TO: 6/30/2023

CONTINUATION SHEET

A	B	C	D	E	F	G		H	I
Item no.	Description of Work	Scheduled Value	Work Completed: From Previous Application (D +E)	Work Completed: This Period	Materials Presently Stored (not in) (D or E)	Total Completed & Stored to Date (D + E + F)	% (G / C)	Balance to Finish (C - G)	Retainage (if variable) (rate)
						$0.00		$0.00	$0.00
C	RESINOUS MATRIX TERRAZZO FLOORING - AREAS 101, 109, 110, 111, 112, 121, 121A, 121B, 121C, 121D, B100, 218, 219, 235, B200, B300	$224,245.00	$179,396.00	$44,849.00		$224,245.00	100%	$0.00	$22,424.50
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
1	ADD #1: INSTALL TERRAZZO COVE BASE AT 1ST, 2ND & 3RD FLOOR - PR #033	$26,460.00	$21,168.00	$5,292.00		$26,460.00	100%	$0.00	$2,646.00
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
2	DEDUCT #2: ELIMINATE TERRAZZO FLOORING AND BASE WHERE BENCH IS INSTALLED AT STAIR B - PR #078	($5,372.00)	($5,372.00)			($5,372.00)	100%	$0.00	($537.20)
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
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						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
						$0.00		$0.00	$0.00
		$245,333.00	$195,192.00	$50,141.00	$0.00	$245,333.00		$0.00	$24,533.30

Boyd Jones
CONSTRUCTION

EXHIBIT A

PAY REQUEST FORM (**Please Make Copies**)

PROJECT NAME: 16-026 Columbus Civic Center
PAYMENT REQUEST NO.: 6 INVOICE NO: 6
BILLING PERIOD FROM: 6-1 TO: 7-1-23

STATEMENT OF CONTRACT AMOUNT

1. Original Contract Amount	$ 293,368.50
2. Approved Change Orders	$ 0
2a. Needed Change Orders	$ 0
3. Adjusted Contract Amount	$ 293,368.50

PROGRESS BILLING

4. Work Completed on Contract (~ % to date) (SEE ATTACHED SCHEDULE OF VALUES)	$ 273,368
5. Less Amount Retained (10 %)	$ 13,668.00
6. Total Work Less Retention	$ 259,700.00
7. Less Previous Amount Invoiced	$ 225,000.00
8. AMOUNT DUE THIS REQUEST	$ 34,700.00

(Requests are due by the **25th** of the Month)

CERTIFICATE OF THE SUBCONTRACTOR

I hereby certify that the work performed and the materials supplied to date, as shown on the above, represent the actual value of accomplishment under the terms of the Contract (and all authorized changes thereto) between Boyd Jones Construction Co and the undersigned, relating to the above referenced project.

I also certify that payments, less applicable retention, have been made through the period covered by the previous payments received from the Contractor, to (1) all subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with the Federal, State, and Local tax laws, including Social Security laws and Unemployment Compensation laws insofar as applicable to the performance of the Contract.

In consideration of the payments received, and upon receipt of the payment of this request, the undersigned hereby waives, releases and forever discharges Boyd Jones Construction, Boyd Jones's surety, and the project owner through the date hereof, from all action's, causes of action, claims, and demands that the undersigned, his heirs, legal representative, and assignees may now have or that might subsequently accrue to the undersigned arising out of or in any manner Connected with, directly or indirectly, labor performed, materials furnished, or any other work performed on the above referenced project.

Date: 6-29-23

Company: Hughes Painting Co
By: [signature]
Print Name: Rick Hughes
Title: President

CONTINUATION SHEET

AIA DOCUMENT G703

PAGE OF PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 6

APPLICATION DATE: 6/15/23

PERIOD TO: 6-1 TO 7-1-23

CONTRACTOR'S PROJECT NO:

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
	PAINTING	293,368.50	250,000.00	23,368.00		273,368.00		20,000.50	13,668
	GRAND TOTALS	**293,368.50**	**250,000.00**	**23,368.00**		**273,368.00**		**20,000.50**	**13,668**

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THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVENUE, N.W. WASHINGTON, D.C. 20006-5232

DocuSign Envelope ID: F2B5D3A7-03FE-49DC-A40E-4F4414DD6CA6

Boyd Jones

Attachment A

PAY REQUEST FORM **(Please save a copy)**

PROJECT NAME: Columbus Comm Bldg

PAYMENT REQUEST NO.: 18 INVOICE NO: 809800

BILLING PERIOD FROM: 06/01/2023 TO: 06/30/2023

STATEMENT OF CONTRACT AMOUNT

1. Original Contract Amount	$ 2,896,000.00
2. Approved Change Orders	$ 78,127.25
2a. Needed Change Orders	$
3. Adjusted Contract Amount	$ 2,974,127.00

PROGRESS BILLING

4. Work Completed on Contract (____ % to date) (SEE ATTACHED SCHEDULE OF VALUES)	$ 2,971,670.02
5. Less Amount Retained (10 %)	$ 77,186.92
6. Total Work Less Retention	$ 2,894,483.10
7. Less Previous Amount Invoiced	$ 2,875,152.01
8. AMOUNT DUE THIS REQUEST	$ 19,331.09

(Requests are due by the 20th of the Month and must be emailed to accountspayable@boydjones.biz. Paper and faxed copies will NOT be accepted)

CERTIFICATE OF THE SUBCONTRACTOR

I hereby certify that the work performed and the materials supplied to date, as shown on the above, represent the actual value of accomplishment under the terms of the Contract (and all authorized changes thereto) between Boyd Jones Construction Co and the undersigned, relating to the above referenced project.

I also certify that payments, less applicable retention, have been made through the period covered by the previous payments received from the Contractor, to (1) all subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with the Federal, State, and Local tax laws, including Social Security laws and Unemployment Compensation laws insofar as applicable to the performance of the Contract.

In consideration of the payments received, and upon receipt of the payment of this request, the undersigned hereby waives, releases and forever discharges Boyd Jones Construction, Boyd Jones's surety, and the project owner through the date hereof, from all action's, causes of action, claims, and demands that the undersigned, his heirs, legal representative, and assignees may now have or that might subsequently accrue to the undersigned arising out of or in any manner Connected with, directly or indirectly, labor performed, materials furnished, or any other work performed on the above referenced project.

Date: 06/20/2023

Company: Prairie Mechanical

By: Tammy Barker

Print Name: Tammy Barker

Title: Controller

REQUEST FOR PAYMENT

From: Prairie Mechanical Corporation
2842 Tucker Street
Omaha, NE 68112

To: Boyd Jones Construction
950 S 10th Street
Suite 100
Omaha, NE 68108

Invoice: 809800
Draw: 18
Invoice date: 6/20/2023
Period ending date: 6/30/2023

Contract For:

Request for payment:

Original contract amount	$2,896,000.00	
Approved changes	$78,127.25	
Revised contract amount		$2,974,127.25
Contract completed to date		$2,971,670.02
Add-ons to date	$0.00	
Taxes to date	$0.00	
Less retainage	$77,186.92	
Total completed less retainage		$2,894,483.10
Less previous requests	$2,875,152.01	
Current request for payment		$19,331.09
Current billing		$20,348.51
Current additional charges	$0.00	
Current tax	$0.00	
Less current retainage	$1,017.42	
Current amount due		$19,331.09
Remaining contract to bill	$79,644.15	

Project: P-21-0063
Boyd Jones-Columbus Comm Bldg

Contract date:

Architect:

Scope:

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Changes approved in previous months by Owner	98,284.25	-20,157.00
Total approved this Month		
TOTALS	98,284.25	-20,157.00
NET CHANGES by Change Order	78,127.25	

I hereby certify that the work performed and the materials supplied to date , as shown on the above represent the actual value of the accomplishment under the terms of the Contract (and all authorized changes thereof) between the undersigned and the Boyd Jones Construction relating to the above referenced project . I also certify that the contractor has paid all amounts previously billed and paid by the owner .

CONTRACTOR: Prairie Mechanical Corporation

By: _____

Date: 6-20-2023

State Of Nebraska
County Of Douglas

Subscribed and sworn to before me this 20 day of June, 2023

Notary Public _____

My commission expires: 1/31/2027

GENERAL NOTARY - State of Nebraska
SHANA NYSTROM
My Comm. Exp. January 31, 2027

REQUEST FOR PAYMENT DETAIL

Project: P-21-0063 / Boyd Jones-Columbus Comm Invoice: 809800 Draw: 18 Period Ending Date: 6/30/2023

Item ID	Description	Total Contract Amount	Previously Completed Work	Work Completed This Period	Presently Stored Materials	Completed And Stored To Date	% Comp	Balance To Finish	Retainage Balance
1	SF Material	8,330.80	8,330.80			8,330.80	100.00		218.68
2	SM Material	123,241.55	123,241.55			123,241.55	100.00		3,111.85
3	PL Material	245,722.52	243,265.29			243,265.29	99.00	2,457.23	6,081.63
4	SF Subcontractor	1.04	1.04			1.04	100.00		0.02
5	SM Subcontractor	300,426.18	297,421.92	3,004.26		300,426.18	100.00		7,886.18
6	PL Subcontractor	109,652.49	109,652.49			109,652.49	100.00		2,741.31
7	SF Equipment	26,082.65	26,082.65			26,082.65	100.00		652.06
8	SM Equipment	805,703.38	805,703.38			805,703.38	100.00		20,142.58
9	PL Equipment	213,748.33	213,748.33			213,748.33	100.00		5,610.89
10	SF Miscellaneous	63,929.61	63,929.61			63,929.61	100.00		1,598.24
11	SM Miscellaneous	109,909.15	109,909.15			109,909.15	100.00		2,747.72
12	PL Miscellaneous	108,670.74	108,670.74			108,670.74	100.00		2,716.77
13	SF Labor	40,577.86	40,577.86			40,577.86	100.00		1,115.89
14	SM Labor	393,118.60	393,118.60			393,118.60	100.00		9,926.24
15	PL Labor	346,885.10	329,540.85	17,344.25		346,885.10	100.00		10,406.56
16	CO #1	-11,157.00	-11,157.00			-11,157.00	100.00		-278.92
17	CO #2	5,483.00	5,483.00			5,483.00	100.00		137.07
18	CO #3	5,333.00	5,333.00			5,333.00	100.00		133.32
19	CO #4	11,882.00	11,882.00			11,882.00	100.00		297.05
20	CO #5	13,514.08	13,514.08			13,514.08	100.00		337.85
21	CO #6	400.92	400.92			400.92	100.00		10.02
22	CO #7	338.04	338.04			338.04	100.00		8.45
23	CO #8	114.14	114.14			114.14	100.00		2.85
24	CO #9	30,612.82	30,612.82			30,612.82	100.00		765.32
25	CO #10	8,509.40	8,509.40			8,509.40	100.00		212.73
26	CO #11	1,269.85	1,269.85			1,269.85	100.00		31.74
27	CO #12	741.00	741.00			741.00	100.00		18.52
28	CO #13	20,086.00	20,086.00			20,086.00	100.00		1,004.30
29	CO #14	-9,000.00	-9,000.00			-9,000.00	100.00		-450.00
	Totals	2,974,127.25	2,951,321.51	20,348.51		2,971,670.02	99.92	2,457.23	77,186.92

Boyd Jones
CONSTRUCTION

EXHIBIT A

PAY REQUEST FORM (**Please Make Copies**)

PROJECT NAME: 16-026 Columbus Civic Center
PAYMENT REQUEST NO.: 23 INVOICE NO: 222337
BILLING PERIOD FROM: 06/01/2023 TO: 06/30/2023

STATEMENT OF CONTRACT AMOUNT

1. Original Contract Amount	$ 2,386,188.00
2. Approved Change Orders	$ 356,113.0
2a. Needed Change Orders	$ 0
3. Adjusted Contract Amount	$ 2,736,521.90

PROGRESS BILLING

4. Work Completed on Contract (99.79 % to date) (SEE ATTACHED SCHEDULE OF VALUES)	$ 2,736,521.90
5. Less Amount Retained (10 %)	$ 136,826.10
6. Total Work Less Retention	$ 2,599,695.80
7. Less Previous Amount Invoiced	$ 2,585,981.60
8. AMOUNT DUE THIS REQUEST	$ 13,714.20

(Requests are due by the **25th** of the Month)

CERTIFICATE OF THE SUBCONTRACTOR

I hereby certify that the work performed and the materials supplied to date, as shown on the above, represent the actual value of accomplishment under the terms of the Contract (and all authorized changes thereto) between Boyd Jones Construction Co and the undersigned, relating to the above referenced project.

I also certify that payments, less applicable retention, have been made through the period covered by the previous payments received from the Contractor, to (1) all subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with the Federal, State, and Local tax laws, including Social Security laws and Unemployment Compensation laws insofar as applicable to the performance of the Contract.

In consideration of the payments received, and upon receipt of the payment of this request, the undersigned hereby waives, releases and forever discharges Boyd Jones Construction, Boyd Jones's surety, and the project owner through the date hereof, from all action's, causes of action, claims, and demands that the undersigned, his heirs, legal representative, and assignees may now have or that might subsequently accrue to the undersigned arising out of or in any manner Connected with, directly or indirectly, labor performed, materials furnished, or any other work performed on the above referenced project.

Date: 06/23/2023

Company: Kidwell, Inc
By: _____
Print Name: Ryan Theil
Title: President

Application and Certificate For Payment

Invoice: 222337

To Owner:	Boyd Jones Construction 950 South 10th Street Suite #100 Omaha, NE 68108	Project:	Boyd/Columbus Comm Bldg 2504 14th Street Columbus, NE 68601	Application No: 23 Period To: 06/23/23 Architect's Project No:	Date: 06/23/2023
From (Contractor):	Kidwell Inc. 3333 Folkways Circle Lincoln, NE 68504	Contractor Job Number:	21-0148-10	Contract Date:	
Phone:	402 475-9151	Via (Architect):			
		Contract For:	16026-16010		

Contractor's Application For Payment

Change Order Summary	Number	Date Approved	Additions	Deductions
Change orders approved in previous months by owner			351,735.00	-2,297.00
Change orders approved this month	CO 23	06/12/23	6,675.00	
Totals			6,675.00	
Net change by change orders			356,113.00	

Original contract sum	2,386,188.00
Net change by change orders	356,113.00
Contract sum to date	2,742,301.00
Total completed and stored to date	2,736,521.90
Retainage	
5.0% of completed work	136,826.10
0.0% of stored material	0.00
Total retainage	136,826.10
Total earned less retainage	2,599,695.80
Less previous certificates of payment	2,585,981.60
0.000% of taxable amount	0.00
Current sales tax	0.00
Current payment due	**13,714.20**
Balance to finish, including retainage	142,605.20

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief the work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

Contractor:

By: _____ Date: 6/23/23

State of: Nebraska County of: Lancaster

Subscribed and sworn to before me this 23 day of June 2023 (year). Notary public: _____

My commission expires 9/24/2023.

State of Nebraska – General Notary
LISA A. WILLIAMS
My Commission Expires
September 24, 2023

Architect's Certificate for Payment

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the Amount Certified.

Amount Certified: $ _____

Architect:

By: _____ Date: _____

This Certification is not negotiable. The Amount Certified is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Application and Certificate For Payment -- page 2

To Owner: Boyd Jones Construction
From (Contractor): Kidwell Inc.
Project: Boyd/Columbus Comm Bldg

Application No: 23 Date: 06/23/23 Period To: 06/23/23
Contractor's Job Number: 21-0148-10
Architect's Project No:

Item Number	Description	Scheduled Value	Work Completed: Previous Application	Work Completed: This Period	Materials Presently Stored	Completed and Stored to Date	%	Balance to Finish	Retention	Memo
001	Bond	23,625.00	23,625.00	0.00	0.00	23,625.00	100.00	0.00	1,181.25	
002	Project Managment	8,348.00	8,348.00	0.00	0.00	8,348.00	100.00	0.00	417.40	
003	Temp Power	14,379.00	14,379.00	0.00	0.00	14,379.00	100.00	0.00	718.95	
004	Underground Work/Equipment	64,474.00	62,240.90	0.00	0.00	62,240.90	96.54	2,233.10	3,112.05	
005	Branch Rough-In	569,871.00	569,871.00	0.00	0.00	569,871.00	100.00	0.00	28,493.55	
006	Branch Finish	51,826.00	51,826.00	0.00	0.00	51,826.00	100.00	0.00	2,591.30	
007	Feeders/Gear/Generator	418,511.00	418,511.00	0.00	0.00	418,511.00	100.00	0.00	20,925.55	
008	Light Fixtures & Controls	938,893.00	937,829.00	0.00	0.00	937,829.00	99.89	1,064.00	46,891.45	
009	Fire Alarm	105,132.00	105,132.00	0.00	0.00	105,132.00	100.00	0.00	5,256.60	
010	Cable Tray	8,123.00	8,123.00	0.00	0.00	8,123.00	100.00	0.00	406.15	
011	Data Cabling	183,006.00	179,654.00	3,352.00	0.00	183,006.00	100.00	0.00	9,150.30	
CO 1	Electrical Electrical	6,407.00	6,407.00	0.00	0.00	6,407.00	100.00	0.00	320.35	
CO 1.1	Cabling Cabling	-711.00	-711.00	0.00	0.00	-711.00	100.00	0.00	-35.55	
CO 10	Add end caps closure strips	7,641.00	7,641.00	0.00	0.00	7,641.00	100.00	0.00	382.05	
CO 11	Add Elec, Split Conf Rm 329	6,752.00	6,752.00	0.00	0.00	6,752.00	100.00	0.00	337.60	
CO 11.1	Add Elec, Split Conf Rm 329	1,048.00	1,048.00	0.00	0.00	1,048.00	100.00	0.00	52.40	
CO 12	Eliminate pow	-2,297.00	-2,297.00	0.00	0.00	-2,297.00	100.00	0.00	-114.85	
CO 13	Power for Cafe	1,637.00	1,637.00	0.00	0.00	1,637.00	100.00	0.00	81.85	
CO 14	CE 112 - Electrical Items Electrical	11,090.62	11,090.62	0.00	0.00	11,090.62	100.00	0.00	554.53	
CO 14.1	CE 112 - Cabling Items Cabling	-325.62	-325.62	0.00	0.00	-325.62	100.00	0.00	-16.28	
CO 15	Electrical Changes	39,514.00	39,514.00	0.00	0.00	39,514.00	100.00	0.00	1,975.70	
CO 16	T&M work for PR #57	41,653.00	41,653.00	0.00	0.00	41,653.00	100.00	0.00	2,082.65	
CO 17	Floor box community Billing Tota	2,765.00	2,765.00	0.00	0.00	2,765.00	100.00	0.00	138.25	
CO 18	Fire Alarm Devices	8,583.00	8,583.00	0.00	0.00	8,583.00	100.00	0.00	429.15	
CO 19	Multiple Changes to Contract	13,103.00	13,103.00	0.00	0.00	13,103.00	100.00	0.00	655.15	
CO 2	Dedicated Circuits	1,391.00	1,391.00	0.00	0.00	1,391.00	100.00	0.00	69.55	

Application and Certificate For Payment -- page 3

To Owner: Boyd Jones Construction
From (Contractor): Kidwell Inc.
Project: Boyd/Columbus Comm Bldg

Application No: 23 Date: 06/23/23 Period To: 06/23/23
Contractor's Job Number: 21-0148-10
Architect's Project No:

Item Number	Description	Scheduled Value	Work Completed: Previous Application	Work Completed: This Period	Materials Presently Stored	Completed and Stored to Date	%	Balance to Finish	Retention	Memo
CO 20	CE #148 - Vertical Data Rack	5,364.00	5,364.00	0.00	0.00	5,364.00	100.00	0.00	268.20	
CO 21	Add power & switch	9,500.00	9,500.00	0.00	0.00	9,500.00	100.00	0.00	475.00	
CO 22	AV/TV Boxes	7,482.00	2,500.00	2,500.00	0.00	5,000.00	66.83	2,482.00	250.00	
CO 22.1	AV/TV Boxes	1,254.00	0.00	1,254.00	0.00	1,254.00	100.00	0.00	62.70	
CO 23	Power for hardware	6,675.00	0.00	6,675.00	0.00	6,675.00	100.00	0.00	333.75	
CO 3	Multiple changes to contract	22,007.00	22,007.00	0.00	0.00	22,007.00	100.00	0.00	1,100.35	
CO 3.1	Multiple changes to contract	207.00	207.00	0.00	0.00	207.00	100.00	0.00	10.35	
CO 4	Electrical	33,972.00	33,317.00	655.00	0.00	33,972.00	100.00	0.00	1,698.60	
CO 5	Add Electric	677.00	677.00	0.00	0.00	677.00	100.00	0.00	33.85	
CO 6	Multiple changes to contract	8,645.00	8,645.00	0.00	0.00	8,645.00	100.00	0.00	432.25	
CO 7	Change is per PR#030-Electrica	681.00	681.00	0.00	0.00	681.00	100.00	0.00	34.05	
CO 8	Oven Breaker Change	328.00	328.00	0.00	0.00	328.00	100.00	0.00	16.40	
CO 9	AV system Rough In Electrical	107,811.00	107,811.00	0.00	0.00	107,811.00	100.00	0.00	5,390.55	
CO 9.1	AV System Rough In Cabling	13,259.00	13,259.00	0.00	0.00	13,259.00	100.00	0.00	662.95	
	Application Total	2,742,301.00	2,722,085.90	14,436.00	0.00	2,736,521.90	99.79	5,779.10	136,826.10	

DocuSign Envelope ID: 57F6C2D0-5481-449B-87BA-CB9BA5B6C75E

Boyd Jones

Attachment A

PAY REQUEST FORM **(Please save a copy)**

PROJECT NAME: 16-026 Columbus Civic Center
PAYMENT REQUEST NO.: Five INVOICE NO: 5
BILLING PERIOD FROM: 06/01/2023 TO: 06/30/2023

STATEMENT OF CONTRACT AMOUNT

1.	Original Contract Amount	$ 183,053.00
2.	Approved Change Orders	$ 4,994.00
2a.	Needed Change Orders	$ 0.00
3.	Adjusted Contract Amount	$ 188,047.00

PROGRESS BILLING

4.	Work Completed on Contract (99 % to date) (SEE ATTACHED SCHEDULE OF VALUES)	$ 185,312.00
5.	Less Amount Retained (10 %)	$ 18,531.20
6.	Total Work Less Retention	$ 166,780.80
7.	Less Previous Amount Invoiced	$ 122,337.90
8.	AMOUNT DUE THIS REQUEST	$ 44,442.90

(Requests are due by the 20th of the Month and must be emailed to accountspayable@boydjones.biz. Paper and faxed copies will NOT be accepted)

CERTIFICATE OF THE SUBCONTRACTOR

I hereby certify that the work performed and the materials supplied to date, as shown on the above, represent the actual value of accomplishment under the terms of the Contract (and all authorized changes thereto) between Boyd Jones Construction Co and the undersigned, relating to the above referenced project.

I also certify that payments, less applicable retention, have been made through the period covered by the previous payments received from the Contractor, to (1) all subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with the Federal, State, and Local tax laws, including Social Security laws and Unemployment Compensation laws insofar as applicable to the performance of the Contract.

In consideration of the payments received, and upon receipt of the payment of this request, the undersigned hereby waives, releases and forever discharges Boyd Jones Construction, Boyd Jones's surety, and the project owner through the date hereof, from all action's, causes of action, claims, and demands that the undersigned, his heirs, legal representative, and assignees may now have or that might subsequently accrue to the undersigned arising out of or in any manner Connected with, directly or indirectly, labor performed, materials furnished, or any other work performed on the above referenced project.

Date: June 20, 2023

Company: Contour Construction
By: Tim Neneman
Print Name: Tim Neneman
Title: Project Manager

CONTINUATION SHEET

AIA DOCUMENT G703

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing
Contractor's signed Certification is attached.
In tabulations below, amounts are stated to the nearest dollar.
Use Column I on contracts where variable retainage for line items may apply.

APPLICATION NUMBER: One
APPLICATION DATE: 20-Jun-23
PERIOD TO: 30-Jun-23
ARCHITECT'S PROJECT NO: 16-026
PROJECT: Columbus Community Center

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE 10.00%
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
	Installation of the following								
1	Finish Carpentry Installation	$46,965.00	$17,755.00	$27,800.00		$45,555.00	97%	$1,410.00	$4,555.50
2	Casework Installation	$45,050.00	$42,750.00	$2,300.00		$45,050.00	100%	$0.00	$4,505.00
3	Door & Hardware Installation	$56,420.00	$43,095.00	$12,000.00		$55,095.00	98%	$1,325.00	$5,509.50
4	Washroom Accessory Installation	$24,058.00	$22,183.00	$1,875.00		$24,058.00	100%	$0.00	$2,405.80
5	Building Specialties Installation	$10,560.00	$7,800.00	$2,760.00		$10,560.00	100%	$0.00	$1,056.00
6						$0.00	0%	$0.00	$0.00
7	Change Order No. 1	$190.00	$190.00			$190.00	100%	$0.00	$19.00
8						$0.00	0%	$0.00	$0.00
9	Change Order No. 2	$4,194.00	$1,548.00	$2,646.00		$4,194.00	100%	$0.00	$419.40
10						$0.00	0%	$0.00	$0.00
11	Change Order No. 3	$610.00	$610.00			$610.00	100%	$0.00	$61.00
12						$0.00	0%	$0.00	$0.00
13						$0.00	0%	$0.00	$0.00
14						$0.00	0%	$0.00	$0.00
15						$0.00	0%	$0.00	$0.00
16						$0.00	0%	$0.00	$0.00
17						$0.00	0%	$0.00	$0.00
18						$0.00	0%	$0.00	$0.00
19						$0.00	0%	$0.00	$0.00
20						$0.00	0%	$0.00	$0.00
21						$0.00	0%	$0.00	$0.00
22						$0.00	0%	$0.00	$0.00
23						$0.00	0%	$0.00	$0.00
24						$0.00	0%	$0.00	$0.00
25						$0.00	0%	$0.00	$0.00
26						$0.00	0%	$0.00	$0.00
27						$0.00	0%	$0.00	$0.00
28						$0.00	0%	$0.00	$0.00
29						$0.00	0%	$0.00	$0.00
	TOTALS	$188,047.00	$135,931.00	$49,381.00	$0.00	$185,312.00	99%	$2,735.00	$18,531.20

DOCUMENT G703 . APPLICATION AND CERTIFICATE FOR PAYMENT . 1992 EDITION . AIA . © 1992
AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVENUE, N. W. WASHINGTON, D.C. 20006-5232

Boyd Jones

Attachment A

PAY REQUEST FORM **(Please save a copy)**

PROJECT NAME: 16-026 Columbus Civic Center
PAYMENT REQUEST NO.: 8 INVOICE NO:
BILLING PERIOD FROM: 6/1/23 TO: 6/30/23

STATEMENT OF CONTRACT AMOUNT

1.	Original Contract Amount	$ 37,207.30
2.	Approved Change Orders	$ 4,891.04
2a.	Needed Change Orders	$ ~~0~~ 0
3.	Adjusted Contract Amount	$ 42,098.40

PROGRESS BILLING

4.	Work Completed on Contract (____ % to date) (SEE ATTACHED SCHEDULE OF VALUES)	$ 40,514.19
5.	Less Amount Retained (~~10~~ 5%)	$ 2,525.71
6.	Total Work Less Retention	$ 37,988.48
7.	Less Previous Amount Invoiced	$ 36,483.49
8.	AMOUNT DUE THIS REQUEST	$ 1,504.99

(Requests are due by the 20th of the Month and must be emailed to accountspayable@boydjones.biz. Paper and faxed copies will NOT be accepted)

CERTIFICATE OF THE SUBCONTRACTOR

I hereby certify that the work performed and the materials supplied to date, as shown on the above, represent the actual value of accomplishment under the terms of the Contract (and all authorized changes thereto) between Boyd Jones Construction Co and the undersigned, relating to the above referenced project.

I also certify that payments, less applicable retention, have been made through the period covered by the previous payments received from the Contractor, to (1) all subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with the Federal, State, and Local tax laws, including Social Security laws and Unemployment Compensation laws insofar as applicable to the performance of the Contract.

In consideration of the payments received, and upon receipt of the payment of this request, the undersigned hereby waives, releases and forever discharges Boyd Jones Construction, Boyd Jones's surety, and the project owner through the date hereof, from all action's, causes of action, claims, and demands that the undersigned, his heirs, legal representative, and assignees may now have or that might subsequently accrue to the undersigned arising out of or in any manner Connected with, directly or indirectly, labor performed, materials furnished, or any other work performed on the above referenced project.

Date: 6/20/23

Company: Custom Woodworks
By:
Print Name: Travis Ringenberg
Title: Vice President

BILLING WORKSHEET

8028 Columbus Community Center

Client Name: $0
Project Name: 8028 Columbus Community Center
Project Number: P-22-1185

Application Number: 6
Application Date: 6/20/2023
Period To: 6/30/2023
Contract # 21216.08

A ITEM NO	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D COMPLETED PREVIOUS PERIODS	E COMPLETED THIS PERIOD	F MATERIALS STORED	G TOTAL COMPLETED & STORED	% COMPLETED	H BALANCE TO FINISH	I RETAINAGE 6.23%
Original Contract:									
1	SHOPS	6,616.99	6,616.99	0.00	0.00	6,616.99	100.00%	0.00	419.78
2	- Stair A, C, & D	4,222.02	4,222.02	0.00	0.00	4,222.02	100.00%	0.00	267.84
3	101 - Lobby	6,757.68	6,757.68	0.00	0.00	6,757.68	100.00%	0.00	428.69
4	203 - Library	14,272.18	14,272.18	0.00	0.00	14,272.18	100.00%	0.00	905.40
5	313 - Corridor	2,527.50	2,527.50	0.00	0.00	2,527.50	100.00%	0.00	160.34
6	Stair B - Light Cap Trim	2,810.99	2,810.99	0.00	0.00	2,810.99	100.00%	0.00	178.32
Total Original Contract:		**$ 37,207.36**		**$ -**	**$ -**	**$ 37,207.36**		**$ -**	**$ 2,360.37**
Approved Changes:									
7	CO #1	1,722.63	1,722.63	0.00	0.00	1,722.63	100.00%	0.00	86.13
8	Corridor 313 Panels CO	3,168.41	0.00	1,584.20	0.00	1,584.20	50.00%	1,584.21	79.21
Total		**$ 4,891.04**		**$ 1,584.20**	**$ -**	**$ 3,306.83**		**$ 1,584.21**	**$ 165.34**
Current Contract:		**$ 42,098.40**	**$ 38,929.99**	**$ 1,584.20**	**$ -**	**$ 40,514.19**		**$ 1,584.21**	**$ 2,525.71**
Pending Changes:									
Total	**$ -**	**$ -**		**$ -**	**$ -**	**$ -**		**$ -**	**$ -**
Billed Retainage:									
Total	**$ -**	**$ -**	**$ -**	**$ -**			**0.00%**	**$ -**	

Boyd Jones
CONSTRUCTION

EXHIBIT A

PAY REQUEST FORM (**Please Make Copies**)

PROJECT NAME: 16-026 Columbus Civic Center
PAYMENT REQUEST NO.: 4 INVOICE NO: 30203
BILLING PERIOD FROM: 4-25-23 TO: 6-25-23

STATEMENT OF CONTRACT AMOUNT

1. Original Contract Amount	$ 150,386.00
2. Approved Change Orders	$
2a. Needed Change Orders	$ 31,489.00
3. Adjusted Contract Amount	$ 181,875.00

PROGRESS BILLING

4. Work Completed on Contract (65% % to date) (SEE ATTACHED SCHEDULE OF VALUES)	$ 118857.00
5. Less Amount Retained (~~10%~~ XXXX) 5%	$ 5942.85
6. Total Work Less Retention	$ 112914.15
7. Less Previous Amount Invoiced	$ 83094.60
8. AMOUNT DUE THIS REQUEST	$ 29,819.55

(Requests are due by the **25th** of the Month)

CERTIFICATE OF THE SUBCONTRACTOR

I hereby certify that the work performed and the materials supplied to date, as shown on the above, represent the actual value of accomplishment under the terms of the Contract (and all authorized changes thereto) between Boyd Jones Construction Co and the undersigned, relating to the above referenced project.

I also certify that payments, less applicable retention, have been made through the period covered by the previous payments received from the Contractor, to (1) all subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with the Federal, State, and Local tax laws, including Social Security laws and Unemployment Compensation laws insofar as applicable to the performance of the Contract.

In consideration of the payments received, and upon receipt of the payment of this request, the undersigned hereby waives, releases and forever discharges Boyd Jones Construction, Boyd Jones's surety, and the project owner through the date hereof, from all action's, causes of action, claims, and demands that the undersigned, his heirs, legal representative, and assignees may now have or that might subsequently accrue to the undersigned arising out of or in any manner Connected with, directly or indirectly, labor performed, materials furnished, or any other work performed on the above referenced project.

Date: 6-9-23

Company: Craftsman Window Coverings
By: [signature]
Print Name: R. L. Towey
Title: Office Manager

APPLICATION AND CERTIFICATE FOR PAYMENT (Continuation Sheet)

CONTINUATION SHEET OF APPLICATION AND CERTIFICATE FOR PAYMENT
In tabulations below, amounts are stated to the nearest dollar. Use Column I on contracts variable retainage for line items may apply.

From: Craftsman Window Coverings
11526 Cary St Omaha 68128

APPLICATION NO: 4
APPLICATION DATE: 6/9/2023
PERIOD TO: 6/25/2023

A	B	C	D	E	F	G		H	I
			WORK COMPLETED						
ITEM NO	DESCRIPTION OF WORK	SCHEDULED VALUE	PREVIOUS APPLICATION D+E	THIS PERIOD	MATERIALS PRESENTLY STORED (not in D or E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G DIVIDED BY C)	BALANCE TO FINISH (C-G)	RETAINAGE (IF VARIABLE RATE)
1	Shades	80634.00	80634.00			80634.00	100%	0.00	
2	Drapes	60252.00				0.00	0%	60252.00	
3	Install	9500.00	6834.00	1500.00		8334.00	88%	1166.00	75.00
c/o 1	changed to DC motors shades	31489.00		29889.00		29889.00	95%	1600.00	1494.45
						0.00	#DIV/0!	0.00	
						0.00	#DIV/0!	0.00	
						0.00	#DIV/0!	0.00	
		181875.00	87468.00	31389.00	0.00	118857.00	65%	63018.00	1569.45

Project: Columbus Community Center

Boyd Jones
CONSTRUCTION

EXHIBIT A

PAY REQUEST FORM (**Please Make Copies**)

PROJECT NAME: COLUMBUS COMMUNITY CENTER
PAYMENT REQUEST NO.: 1 INVOICE NO: 1
BILLING PERIOD FROM: 6/1/2023 - ~~6/30/2023~~ TO: 6/30/2023

STATEMENT OF CONTRACT AMOUNT

1. Original Contract Amount	$ 105,321.53
2. Approved Change Orders	$ —
3. Adjusted Contract Amount	$ 105,321.53

PROGRESS BILLING

4. Work Completed on Contract (35.66% to date) (SEE ATTACHED SCHEDULE OF VALUES)	$ 37,560.00
5. Less Amount Retained (10 %)	$ 3,756.00
6. Total Work Less Retention	$ 94,789.38
7. Less Previous Amount Invoiced	$ 0.00
8. AMOUNT DUE THIS REQUEST	$ 33,804.00

(Requests are due by the ____ 0f the Month)

CERTIFICATE OF THE SUBCONTRACTOR

I hereby certify that the work performed and the materials supplied to date, as shown on the above, represent the actual value of accomplishment under the terms of the Contract (and all authorized changes thereto) between Boyd Jones Construction and the undersigned, relating to the above referenced project.

I also certify that payments, less applicable retention, have been made through the period covered by the previous payments received from the Contractor, to (1) all subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with the Federal, State, and Local tax laws, including Social Security laws and Unemployment Compensation laws insofar as applicable to the performance of the Contract.

In consideration of the payments received, and upon receipt of the payment of this request, the undersigned hereby waives, releases and forever discharges Boyd Jones Construction, Boyd Jones's surety, and the project owner from all action's, causes of action, claims, and demands that the undersigned, his heirs, legal representative, and assignees may now have or that might subsequently accrue to the undersigned arising out of or in any manner Connected with, directly or indirectly, labor performed, materials furnished, or any other work performed on the above referenced project.

Date: 6-27-23

Company: JENSEN GARDENS
By: Paul Nelson
Print Name: Paul Nelson
Title: DIRECTOR OF COMMERCIAL DIVISION

APPLICATION AND CERTIFICATE FOR PAYMENT

TO (OWNER): City of Columbus, NE
2424 14th St
Columbus, NE 68602

PROJECT: Columbus Community Center
2500 14th St
Columbus, NE 68601

APPLICATION # 1
PERIOD TO: 30-Jun-23

PROJECT # 16-026
ARCH. PROJECT # 0

DISTRIBUTE TO:
☐ OWNER
☐ ARCHITECT
☐ CONTRACTOR

FROM (CONTRACTOR): Jensen Gardens
20714 Hwy 50
Springfield, NE

VIA (ARCH.): Bahr Vermeer Haecker Architects
440 No 8th Street Suite 100
Lincoln, NE 68508

CONTRACT FOR: Landscape

CONTRACT DATE: 7-Oct-22

CONTRACTOR'S APPLICATION FOR PAYMENT

CHANGE ORDER SUMMARY			
Total Previously Approved by Owner		ADDITIONS	DEDUCTIONS
Change Orders Approved this Month by Owner			
Number	Date Approved		
TOTALS		0	0
NET CHANGE BY CHANGE ORDER			0

1 ORIGINAL CONTRACT SUM		$ 105,321.53
2 Net Change by Change Orders		$ -
3 CONTRACT SUM TO DATE (Line 1 + 2)		$ 105,321.53
4 TOTAL COMPLETED AND STORED TO DATE		$ 37,560.00
5 RETAINAGE		
a 10% of Completed Work	3,756.00	
b 10% of Stored Materials		
Total Retainage		3,756.00
6 TOTAL EARNED LESS RETAINAGE		$ 33,804.00
7 LESS PREVIOUS CERTIFICATE FOR PAYMENT (Line 6 from prior Certificate)		$ -
8 CURRENT PAYMENT DUE		$ 33,804.00
9 BALANCE TO FINISH, PLUS RETAINAGE		$ 71,517.53

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates of Payment were issued and payments received from the Owner, and that the current payment shown herein is now due.

CONTRACTOR:

By: _____ Date: 6-20-23

State of: Nebraska County of: Sarpy
Subscribed and sworn to before me this _____ day of _____
Notary Public:
My Comission Expires:

ARCHITECT'S APPLICATION FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the amount indicated, the quality of the Work is in accordance with the Contract Documents and the Contractor is entitled to payment on the AMOUNT CERTIFIED

AMOUNT CERTIFIED $
(Attach explanation if amount certified differs from the amount applied for)

ARCHITECT:

By: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract

Project #:	16-026	***App #:***	1	***Paid From:***	1-Jun-23
Project Name:	Columbus Community Center	***App. Date:***	20-Jun-23	***Paid To:***	30-Jun-23
Arch. Proj. #:		***Retainage:***	10%		

Report Code #	*Item Number*	*Description of Work*	*Original Scheduled Value*	*Change to Date*	*Adjusted Scheduled Value*	*Work Completed*		*Materials Presently Stored*	*Total Complete and Stored*	*% Complete*	*Balance To Finish*	*Retainage*
						Previous	*This Period*					
	1	Planting	100,770.41	-	100,770.41	-	37,560.00	-	37,560.00	37.27%	63,210.41	3,756.00
	2	Sod & Fine Grading	4,551.12	-	4,551.12	-	-	-	-	0.00%	4,551.12	-
	3			-	-	-	-	-	-	#DIV/0!	-	-
	4			-	-	-	-	-	-	#DIV/0!	-	-
	5			-	-	-	-	-	-	#DIV/0!	-	-
	6			-	-	-	-	-	-	#DIV/0!	-	-
	7			-	-	-	-	-	-	#DIV/0!	-	-
	8			-	-	-	-	-	-	#DIV/0!	-	-
	9			-	-	-	-	-	-	#DIV/0!	-	-
	10			-	-	-	-	-	-	#DIV/0!	-	-
	11			-	-	-	-	-	-	#DIV/0!	-	-
	12			-	-	-	-	-	-	#DIV/0!	-	-
	13			-	-	-	-	-	-	#DIV/0!	-	-
	14			-	-	-	-	-	-	#DIV/0!	-	-
	15			-	-	-	-	-	-	#DIV/0!	-	-
	16			-	-	-	-	-	-	#DIV/0!	-	-
	17			-	-	-	-	-	-	#DIV/0!	-	-
	18			-	-	-	-	-	-	#DIV/0!	-	-
	19			-	-	-	-	-	-	#DIV/0!	-	-
	20			-	-	-	-	-	-	#DIV/0!	-	-
	21			-	-	-	-	-	-	#DIV/0!	-	-
	22			-	-	-	-	-	-	#DIV/0!	-	-
	23			-	-	-	-	-	-	#DIV/0!	-	-
	24			-	-	-	-	-	-	#DIV/0!	-	-
	25			-	-	-	-	-	-	#DIV/0!	-	-
	26			-	-	-	-	-	-	#DIV/0!	-	-
	27			-	-	-	-	-	-	#DIV/0!	-	-
	28			-	-	-	-	-	-	#DIV/0!	-	-
	29	TOTAL	105,321.53	-	105,321.53	-	37,560.00	-	37,560.00	35.66%	67,761.53	3,756.00

PAYMENT APPLICATION

TO:	Boyd Jones	**PROJECT**	**16-026**	**APPLICATION #:**	**1**	**DISTRIBUTION TO:**
	950 S 10th Street Suite 100	**NAME AND**	Columbus Civic Center			
	Omaha NE 68108	**LOCATION:**	Columbus NE	**PERIOD THRU:**	**6/30/2023**	___ OWNER
FROM:		**ARCHITECT:**		Owner Project #		___ ARCHITECT
				DATE OF CONTRACT:	**10/19/2022**	X CONTRACTOR

CONTRACTOR'S SUMMARY OF WORK

Application is made for payment as shown below:
Continuation Page is attached

1	**CONTRACT AMOUNT**		$ 39,650.00
2	**SUM OF ALL CHANGE ORDERS**		$ -
3	**CURRENT CONTRACT AMOUNT**		$ 39,650.00
4	**TOTAL COMPLETED AND STORED (Column G on Continuation Page)**		$ 19,825.00
5	**RETAINAGE:**		
	A. 5% Of Completed Work (Columns D & E on Continuation Page)	$ 991.25	
	B. 0% of Material Stored (Column F on Continuation Page)	$ -	
	Total Retainage (Line 5a + 5b or Column I on Continuation Page		$ 991.25
6	**TOTAL COMPLETED AND STORED LESS RETAINAGE: (Line 4 minus line 5 Total)**		$ 18,833.75
7	**LESS PREVIOUS CERTIFICATES FOR PAYMENT:**		$ -
8	**CURRENT PAYMENT DUE:**		**$ 18,833.75**
9	**BALANCE TO FINISH: (Line 3 - Line 6)**		$ 20,816.25

SUMMARY OF CHANGE ORDERS	ADDITIONS	DEDUCTIONS
Total changes approved in previous months		
Total approved this month		
TOTALS	$ -	$ -
NET CHANGES	$ -	

Contractor's signature below is his assurance to Owner, concerning the payment herin applied for, that: (1) the Work has been performed as required in the Contract Documents, (2) all sums previously paid to Contractor under the Contract have been used to pay Contractor's costs for labor, materials and other obligationsunder the Contract for Work previously paid for, and (3) Contractor is legally entitiled to this payment

CONTRACTOR: Hoich Irrigation

By: _____ Date: 6/30/2023

State of: Nebraska

County of: Sarpy

Subscribed and sworn to before me this 30 day of June 2023

Notary Public: _____

My Comission Expires: 2-Apr-26

JEANNETTE K ANNDANNANDUS
State of Nebraska-General Notary
My Commission Expires
April 02, 2026

PAYMENT APPLICATION DETAILS

Customer: Boyd Jones
Project: 16-026

Application Number: 1
For Period Ending: 6/30/2023

A	B	C	D	E	F	G		H	I
			Work Completed						
Item Number	Description	Scheduled Value	From Previous Application	This Period Value	Materials Presently Stored	Completed and Stored To Date	Total %	Balance to Finish	Retainage Value
1	Irrigation Install	$ 39,650.00	$ -		$ -	$ 19,825.00	50%	$ 19,825.00	$ 991.25
TOTALS		$ 39,650.00	$ -	$ -	$ -	$ 19,825.00	50%	$ 19,825.00	$ 991.25

Contractor's Application and Certificate of Payment

	Contractor's Application for Payment No:	8
	Application Period: (From - to)	6/20/23 to 7/5/23
To: City of Columbus (Owner)	From (Contractor): Gehring Construction and Ready Mix Co., Inc.	Contractor's Project No.:
Project Name: SID No. 189 48th Ave. from 23rd St. to S. of Bradshaw Park Entrance & Concrete Paving Improvements 2023		Via (Consulting Engineer / Architect): City of Columbus
Fiscal Year Budget Number: 200-200-57200-23025 & 200-200-57300-20071		

Application For Payment

Field Order and Change Order Summary

Field (FO#) and Change Orders (CO#) Approved:		
Number	Additions	Deductions
FO1	$ 16,120.00	
FO2	$ 10,343.00	
TOTALS	$ 26,463.00	$ -
NET CHANGE	$ 26,463.00	

1. ORIGINAL CONTRACT PRICE	$	3,613,722.25
2. Net change by Field Order and Change Orders	$	26,463.00
3. Current Contract Price (Line 1 ± 2)	$	3,640,185.25
4. TOTAL COMPLETED AND STORED TO DATE (Column H on Progress Estimate)	$	2,667,206.00
5. RETAINAGE: (Capped at 10% at 50% of Line 3)	$	182,009.26
(When line 4 is over 50% of Line 3 do calculation of Line 3 x .5 x .1 to get Retainage)		
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5)	$	2,485,196.74
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)	$	2,303,475.74
8. AMOUNT DUE THIS APPLICATION (Line 6 - Line 7)	$	181,721.00
9. BALANCE TO FINISH, PLUS RETAINAGE (Line 3- Line 6)	$	1,154,988.51
(To double check Line 9 Take Column I + Line 5 should = Line 9 calculations)		

Contractor's Certification

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

Contractor: Gehring Construction & Ready Mix Co., Inc.

By: Stephen Anderson Date: 7-5-23

Printed/Typed Name: Stephen Anderson

Payment of: _____
(Line 8 or other - attach explanation of the other amount)

is recommended by: _____ _____
(Consulting Engineer/Architect) (Date)

Payment of: $ 181,721.00
(Line 8 or other - attach explanation of the other amount)

is approved by: Richard J. Bogus 7-10-2023
(City Engineer) (Date)

Approved by: _____ _____
Funding Agency (if applicable) (Date)

Revision 2 10/23/2020

APPLICATION AND CERTIFICATE FOR PAYMENT

Containing Contractor's signed Certification is attached

Project Name:	SID No. 189 48th Ave. from 23rd St. to S. of Bradshaw Park Entrance & Concrete Paving Improvements 2023				Contractor's Pay Application:				8		
Application Period: (From - To)			6/20/23 to 7/5/23								
A			B	C	D	E	F	G	H		I
Item											
Bid Item No.	Description	Unit of Measure	Bid Quantity	Unit Price	Bid Value (D*E)	Estimated Quantity Installed	Value Installed (G*E)	Material Presently Stored	Total Completed and Stored to Date (F+G)	% (F) B (H/F*100)	Balance to Finish (D - H)
PROJECT A: SID NO. 189 48 Ave. from 23 St. to S Bradshaw Park Entrance (CIP 23-25)											
1	Mobilization	JOB	1	$ 75,000.00	$ 75,000.00	0.30	$ 22,500.00		$ 22,500.00	30	$ 52,500.00
2	Traffic & Pedestrian Control, including Detour	JOB	1	$ 10,000.00	$ 10,000.00	0.40	$ 4,000.00		$ 4,000.00	40	$ 6,000.00
3	NPDES, SWPPP, & BMP Maintenance	JOB	1	$ 8,000.00	$ 8,000.00	0.50	$ 4,000.00		$ 4,000.00	50	$ 4,000.00
4	Curb or Grate Inlet Filter BMP	EA	20	$ 200.00	$ 4,000.00	14	$ 2,800.00		$ 2,800.00	70	$ 1,200.00
5	Remove & Mill Asphalt Paving	SY	6,704	$ 8.00	$ 53,632.00	6,928	$ 55,424.00		$ 55,424.00	103	$ (1,792.00)
6	Remove Concrete Paving	SY	1,496	$ 16.00	$ 23,936.00	1,716	$ 27,456.00		$ 27,456.00	115	$ (3,520.00)
7	Remove Culvert All Sizes Including Headwalls & FES	LF	350	$ 12.00	$ 4,200.00	313	$ 3,756.00		$ 3,756.00	89	$ 444.00
8	Remove Inlet	EA	2	$ 1,000.00	$ 2,000.00		$ -		$ -	0	$ 2,000.00
9	Remove Junction Box	EA	1	$ 1,500.00	$ 1,500.00		$ -		$ -	0	$ 1,500.00
10	Remove & Reset Stop Sign	EA	2	$ 300.00	$ 600.00	4	$ 1,200.00		$ 1,200.00	200	$ (600.00)
11	Temporary Road Surfacing and Maintenance	JOB	1	$ 50,000.00	$ 50,000.00	1	$ 50,000.00		$ 50,000.00	100	$ -
12	Remove Concrete Header	LF	33	$ 25.00	$ 825.00	33	$ 825.00		$ 825.00	100	$ -
13	9-inch P.C. Concrete with 1 1/4" Doweled Paving NDOT Type 47B-3500	SY	9,460	$ 65.00	$ 614,900.00	9,524	$ 619,060.00		$ 619,060.00	101	$ (4,160.00)
14	8-inch P.C. Concrete Driveway Paving NDOT Type 47B-3500	SY	47	$ 65.00	$ 3,055.00	44	$ 2,860.00		$ 2,860.00	94	$ 195.00
15	6-inch P.C. Concrete Street Paving NDOT Type 47B-3500	SY	504	$ 60.00	$ 30,240.00	504	$ 30,240.00		$ 30,240.00	100	$ -
16	6-inch P.C. Concrete Trail Paving, including Handicap Ramps, NDOT Type 47B-3500	SY	1,696	$ 60.00	$ 101,760.00	1,978	$ 118,680.00		$ 118,680.00	117	$ (16,920.00)
17	6-inch P.C. Concrete Driveway Paving, NDOT Type 47B-3500	SY	601	$ 60.00	$ 36,060.00	411	$ 24,660.00		$ 24,660.00	68	$ 11,400.00
18	5-inch P.C. Concrete Sidewalk Paving, NDOT Type 47B-3500	SY	335	$ 75.00	$ 25,125.00	374	$ 28,050.00		$ 28,050.00	112	$ (2,925.00)
19	9-inch P.C. Concrete Street Paving, NDOT Type 47B-3500	SY	353	$ 65.00	$ 22,945.00	474	$ 30,810.00		$ 30,810.00	134	$ (7,865.00)
20	1.5 Foot Concrete Header	LF	105	$ 20.00	$ 2,100.00	74	$ 1,480.00		$ 1,480.00	70	$ 620.00
21	ADA Handicap Ramp Detectable Warning Panel	SF	216	$ 38.00	$ 8,208.00	260	$ 9,880.00		$ 9,880.00	120	$ (1,672.00)
22	4-inch Aggregate Paving Subbase	SY	11,142	$ 16.00	$ 178,272.00	11,142	$ 178,272.00		$ 178,272.00	100	$ -
23	Underdrain System, including 4-inch Perforated PVC Pipe, Rock, Fabric, Complete in Place	LF	4,780	$ 14.00	$ 66,920.00	4,780	$ 66,920.00		$ 66,920.00	100	$ -
24	Adjust Manhole to Grade	EA	6	$ 1,000.00	$ 6,000.00	6	$ 6,000.00		$ 6,000.00	100	$ -
25	Adjust Water Valve Box to Grade	EA	6	$ 1,000.00	$ 6,000.00	10	$ 10,000.00		$ 10,000.00	167	$ (4,000.00)
26	Monument Well	EA	1	$ 1,000.00	$ 1,000.00		$ -		$ -	0	$ 1,000.00
TOTAL PAGE ONE (ITEMS 1-26)					**$ 1,336,278.00**		**$ 1,298,873.00**	**$ -**	**$ 1,298,873.00**		**$ 37,405.00**

Project Name:	SID No. 189 48th Ave. from 23rd St. to S. of Bradshaw Park Entrance & Concrete Paving Improvements 2023					Contractor's Pay Application:						8
Application Period: (From - To)			6/20/23 to 7/5/23									
A			B	C	D	E	F	G	H		I	
Item												
Bid Item No.	Description	Unit of Measure	Bid Quantity	Unit Price	Bid Value (D*E)	Estimated Quantity Installed	Value Installed (G*E)	Material Presently Stored	Total Completed and Stored to Date (F+G)	% (F) B (H/F*100)	Balance to Finish (D - H)	
27	6-foot Open Throat Inlet	EA	12.0	$ 6,000.00	$ 72,000.00	12	$ 72,000.00		$ 72,000.00	100	$ -	
28	Grate Inlet	EA	6	$ 5,800.00	$ 34,800.00	6	$ 34,800.00		$ 34,800.00	100	$ -	
29	Junction Box Type A	EA	3	$ 5,800.00	$ 17,400.00	3	$ 17,400.00		$ 17,400.00	100	$ -	
30	Junction Box Type B	EA	4	$ 5,800.00	$ 23,200.00	4	$ 23,200.00		$ 23,200.00	100	$ -	
31	Remove and Salvage Flared End Section	EA	1	$ 600.00	$ 600.00	1	$ 600.00		$ 600.00	100	$ -	
32	Patch Existing Junction Box	EA	1	$ 800.00	$ 800.00	1	$ 800.00		$ 800.00	100	$ -	
33	Plug 18-inch RCP	EA	2	$ 650.00	$ 1,300.00	2	$ 1,300.00		$ 1,300.00	100	$ -	
34	8-inch PVC SDR26 Sanitary Sewer Main with Bedding	LF	230	$ 58.00	$ 13,340.00	230	$ 13,340.00		$ 13,340.00	100	$ -	
35	Manhole	VF	26.5	$ 850.00	$ 22,525.00	26.5	$ 22,525.00		$ 22,525.00	100	$ -	
36	Connect to Existing Sanitary Sewer Manhole	EA	3	$ 1,200.00	$ 3,600.00	3	$ 3,600.00		$ 3,600.00	100	$ -	
37	8-inch Plugs	EA	3	$ 200.00	$ 600.00	3	$ 600.00		$ 600.00	100	$ -	
38	24-inch RCP Class III Storm Sewer	LF	610	$ 91.00	$ 55,510.00	610	$ 55,510.00	$ -	$ 55,510.00	100	$ -	
39	18-inch RCP Class III Storm Sewer	LF	338	$ 74.00	$ 25,012.00	338	$ 25,012.00	$ -	$ 25,012.00	100	$ -	
40	15-inch RCP Class III Storm Sewer	LF	223	$ 70.00	$ 15,610.00	223	$ 15,610.00	$ -	$ 15,610.00	100	$ -	
41	30-inch RCP	LF	485	$ 115.00	$ 55,775.00	485	$ 55,775.00	$ -	$ 55,775.00	100	$ -	
42	Connect to Existing Box Inlet	EA	1	$ 2,000.00	$ 2,000.00	1	$ 2,000.00		$ 2,000.00	100	$ -	
43	Connect to Existing Junction Box	EA	1	$ 2,000.00	$ 2,000.00	1	$ 2,000.00		$ 2,000.00	100	$ -	
44	Speed Limit Sign & Telespar Post, with No Parking Signs, All Speeds	EA	7	$ 295.00	$ 2,065.00	6	$ 1,770.00		$ 1,770.00	86	$ 295.00	
45	No Parking Sign with Telespar Post	EA	8	$ 230.00	$ 1,840.00	8	$ 1,840.00		$ 1,840.00	100	$ -	
46	No Parking Here to Road with Telespar Post	EA	2	$ 215.00	$ 430.00	2	$ 430.00		$ 430.00	100	$ -	
47	Stop Sign Ahead on Telespar Post	EA	1	$ 300.00	$ 300.00	1	$ 300.00		$ 300.00	100	$ -	
48	Pedestrian Crossing with Arrow Sign on Telespar Post	EA	2	$ 290.00	$ 580.00	2	$ 580.00		$ 580.00	100	$ -	
49	Pedestrian Crossing Ahead Sign on Telespar Post	EA	2	$ 340.00	$ 680.00	2	$ 680.00		$ 680.00	100	$ -	
50	Delineator Angled Sign on Telespar Post	EA	6	$ 220.00	$ 1,320.00	6	$ 1,320.00		$ 1,320.00	100	$ -	
51	Hydro Seed Disturbed Areas	ACRE	1.6	$ 14,000.00	$ 22,400.00		$ -		$ -	0	$ 22,400.00	
52	Sod	SF	14,623	$ 2.50	$ 36,557.50		$ -		$ -	0	$ 36,557.50	
53	Relocate Fire Hydrant	EA	2	$ 3,000.00	$ 6,000.00		$ -		$ -	0	$ 6,000.00	
54	Relocate Sampling Station	EA	1	$ 1,500.00	$ 1,500.00		$ -		$ -	0	$ 1,500.00	
55	Over excavation & Crushed Concrete	TON	500	$ 75.00	$ 37,500.00		$ -		$ -	0	$ 37,500.00	
56	Earthwork, Final Grading, Backfilling, and Shaping	JOB	1	$ 100,000.00	$ 100,000.00	0.75	$ 75,000.00		$ 75,000.00	75	$ 25,000.00	
FO1	Lower 12" Water Main for Storm Sewer Crossing	EA	1	$ 16,120.00	$ 16,120.00	1	$ 16,120.00		$ 16,120.00	100	$ -	
FO2	Lower 4" Water Main into Bradshaw Addition	JOB	1	$ 10,343.00	$ 10,343.00	1	$ 10,343.00		$ 10,343.00	100	$ -	
	TOTAL PAGE 2 (PROJECT A ITEMS 27-56)				**$ 583,707.50**		**$ 454,455.00**	**$ -**	**$ 454,455.00**		**$ 129,252.50**	
GRAND TOTAL PROJECT A (ITEMS 1-56)					**$ 1,919,985.50**		**$ 1,753,328.00**	**$ -**	**$ 1,753,328.00**		**$ 166,657.50**	

Project Name:	SID No. 189 48th Ave. from 23rd St. to S. of Bradshaw Park Entrance & Concrete Paving Improvements 2023				Contractor's Pay Application:				8		
Application Period: (From - To)			6/20/23 to 7/5/23								
A			B	C	D	E	F	G	H		I
Item											
Bid Item No.	Description	Unit of Measure	Bid Quantity	Unit Price	Bid Value (D*E)	Estimated Quantity Installed	Value Installed (G*E)	Material Presently Stored	Total Completed and Stored to Date (F+G)	% (F) B (H/F*100)	Balance to Finish (D - H)
PROJECT B: 48th Ave. from Howard Blvd. to 27 St. & 34th-38th Street (CIP 20-71)											
1	Mobilization	JOB	1	$ 15,000.00	$ 15,000.00		$ -		$ -	0	$ 15,000.00
2	Traffic & Pedestrian Control	JOB	1	$ 7,500.00	$ 7,500.00	0.40	$ 3,000.00		$ 3,000.00	40	$ 4,500.00
3	Curb or Grate Inlet Filter BMP	EA	12	$ 300.00	$ 3,600.00	3	$ 900.00		$ 900.00	25	$ 2,700.00
4	Remove Paving, including Sawing	SY	6,740	$ 18.00	$ 121,320.00	1,336	$ 24,048.00		$ 24,048.00	20	$ 97,272.00
5	Remove & Reset Sign with Telespar Post	EA	7	$ 300.00	$ 2,100.00	3	$ 900.00		$ 900.00	43	$ 1,200.00
6	Remove Storm Sewer	LF	45	$ 40.00	$ 1,800.00		$ -		$ -	0	$ 1,800.00
7	Remove Storm Sewer Junction Box	EA	1	$ 1,500.00	$ 1,500.00		$ -		$ -	0	$ 1,500.00
8	Remove and Reset Mailbox	EA	1	$ 600.00	$ 600.00	2	$ 1,200.00		$ 1,200.00	200	$ (600.00)
9	Temporary Aggregate Surfacing at Street Intersections	JOB	1	$ 10,000.00	$ 10,000.00		$ -		$ -	0	$ 10,000.00
10	9-inch P.C. Concrete Doweled Paving, NDOT Type 47B-3500	SY	5,732	$ 66.00	$ 378,312.00	1,226	$ 80,916.00		$ 80,916.00	21	$ 297,396.00
11	7-inch P.C. Concrete Paving, NDOT Type 47B-3500	SY	625	$ 66.00	$ 41,250.00	59	$ 3,894.00		$ 3,894.00	9	$ 37,356.00
12	6-inch P.C. Concrete Driveway Paving, Type 47B-3500	SY	426	$ 66.00	$ 28,116.00	51	$ 3,366.00		$ 3,366.00	12	$ 24,750.00
13	5-inch P.C. Concrete Sidewalk Paving, NDOT Type 47B-3500	SY	68	$ 77.00	$ 5,236.00		$ -		$ -	0	$ 5,236.00
14	ADA Handicap Ramp Detectable Warning Panels	SF	80	$ 40.00	$ 3,200.00		$ -		$ -	0	$ 3,200.00
15	4-inch Foundation Course	SY	7,358	$ 16.00	$ 117,728.00	1,226	$ 19,616.00		$ 19,616.00	17	$ 98,112.00
16	4-inch Perforated Pipe Underdrain Systems	LF	3,213	$ 14.00	$ 44,982.00	285	$ 3,990.00		$ 3,990.00	9	$ 40,992.00
17	36-inch RCP Class III Storm Sewer	LF	45	$ 125.00	$ 5,625.00		$ -		$ -	0	$ 5,625.00
18	Storm Sewer Junction Box	EA	1	$ 6,000.00	$ 6,000.00		$ -		$ -	0	$ 6,000.00
19	Adjust Inlet to Grade	EA	9	$ 2,000.00	$ 18,000.00		$ -		$ -	0	$ 18,000.00
20	Adjust Manhole to Grade	EA	3	$ 1,000.00	$ 3,000.00	1	$ 1,000.00		$ 1,000.00	33	$ 2,000.00
21	Adjust Water Valve Box to Grade	EA	5	$ 1,000.00	$ 5,000.00		$ -		$ -	0	$ 5,000.00
22	Over Excavation and Crushed Concrete	TON	300	$ 75.00	$ 22,500.00		$ -		$ -	0	$ 22,500.00
23	Earthwork, Final Grading, Backfilling, & Shaping	JOB	1	$ 80,000.00	$ 80,000.00		$ -		$ -	0	$ 80,000.00
24	Sodding, Watering, & Maintenance	SF	8,525	$ 2.75	$ 23,443.75		$ -		$ -	0	$ 23,443.75
25	Hydroseeding	ACRES	0.15	$ 14,000.00	$ 2,100.00		$ -		$ -	0	$ 2,100.00
GRAND TOTAL PROJECT B (ITEMS 1-25)					**$ 947,912.75**		**$ 142,830.00**		**$ 142,830.00**		**$ 805,082.75**

Project Name:	SID No. 189 48th Ave. from 23rd St. to S. of Bradshaw Park Entrance & Concrete Paving Improvements 2023				Contractor's Pay Application:						8
Application Period: (From - To)			6/20/23 to 7/5/23								
A			B	C	D	E	F	G	H		I
Item											
Bid Item No.	Description	Unit of Measure	Bid Quantity	Unit Price	Bid Value (D*E)	Estimated Quantity Installed	Value Installed (G*E)	Material Presently Stored	Total Completed and Stored to Date (F+G)	% (F) B (H/F*100)	Balance to Finish (D - H)
PROJECT C: 36th Street from 48th to 50th Avenue (CIP 20-71)											
1	Mobilization	JOB	1	$ 7,500.00	$ 7,500.00	1	$ 7,500.00		$ 7,500.00	100	$ -
2	Traffic & Pedestrian Control	JOB	1	$ 5,000.00	$ 5,000.00	1	$ 5,000.00		$ 5,000.00	100	$ -
3	Curb or Grate Inlet Filter BMP	EA	6	$ 300.00	$ 1,800.00	6	$ 1,800.00		$ 1,800.00	100	$ -
4	Remove Paving, including Sawing	SY	3,997	$ 18.00	$ 71,946.00	4,028	$ 72,504.00		$ 72,504.00	101	$ (558.00)
5	Remove & Rebuild Inlet (and 3 Junction Boxes)	EA	6	$ 4,500.00	$ 27,000.00	9	$ 40,500.00		$ 40,500.00	150	$ (13,500.00)
6	Remove & Reset Mailbox	EA	4	$ 600.00	$ 2,400.00	7	$ 4,200.00		$ 4,200.00	175	$ (1,800.00)
7	Temporary Aggregate Surfacing Driveways (Sidewalks west end and 12" RCP pipe)	JOB	1	$ 10,000.00	$ 10,000.00	1	$ 10,000.00		$ 10,000.00	100	$ -
8	7-inch P.C. Concrete Paving, NDOT Type 47B-3500	SY	3,758	$ 66.00	$ 248,028.00	3,786	$ 249,876.00		$ 249,876.00	101	$ (1,848.00)
9	6-inch P.C. Concrete Driveway Paving NDOT Type 47B-3500	SY	239	$ 66.00	$ 15,774.00	242	$ 15,972.00		$ 15,972.00	101	$ (198.00)
10	Adjust Manhole to Grade (1 Valve Box)	EA	3	$ 1,000.00	$ 3,000.00	0.75	$ 750.00		$ 750.00	25	$ 2,250.00
11	Over Excavation & Crushed Concrete	TON	50	$ 75.00	$ 3,750.00		$ -		$ -	0	$ 3,750.00
12	Earthwork, Final Grading, Backfilling, & Shaping	JOB	1	$ 20,000.00	$ 20,000.00	1	$ 20,000.00		$ 20,000.00	100	$ -
13	Sodding, Watering, & Maintenance	SF	12,192	$ 2.75	$ 33,528.00	11,200	$ 30,800.00		$ 30,800.00	92	$ 2,728.00
GRAND TOTAL PROJECT C (ITEMS 1-13)					**$ 449,726.00**		**$ 458,902.00**		**$ 458,902.00**		**$ (9,176.00)**
ADDITIONAL PROJECT NO. 1: 40th Avenue from 27th Street to the North (CIP 20-71)											
1	Mobilization	JOB	1	$ 7,500.00	$ 7,500.00	1	$ 7,500.00		$ 7,500.00	100	$ -
2	Traffic & Pedestrian Control	JOB	1	$ 5,000.00	$ 5,000.00	1	$ 5,000.00		$ 5,000.00	100	$ -
3	Curb or Grate Inlet Filter BMP	EA	4	$ 300.00	$ 1,200.00		$ -		$ -	0	$ 1,200.00
4	Remove Paving, including Sawing	SY	2,600	$ 18.00	$ 46,800.00	2,592	$ 46,656.00		$ 46,656.00	100	$ 144.00
5	Remove & Reset Mailbox	EA	12	$ 600.00	$ 7,200.00	1	$ 600.00		$ 600.00	8	$ 6,600.00
6	Temporary Aggregate Surfacing Driveways (sidewalks, repair of inlet, 2025 casting)	JOB	1	$ 10,000.00	$ 10,000.00	0.460	$ 4,600.00		$ 4,600.00	46	$ 5,400.00
7	7-inch P.C. Concrete Paving, NDOT Type 47B-3500	SY	2,372	$ 70.00	$ 166,040.00	2,372	$ 166,040.00		$ 166,040.00	100	$ -
8	6-inch P.C. Concrete Driveway Paving NDOT Type 47B-3500	SY	220	$ 70.00	$ 15,400.00	220	$ 15,400.00		$ 15,400.00	100	$ -
9	Adjust Manhole to Grade	EA	2	$ 1,000.00	$ 2,000.00	2	$ 2,000.00		$ 2,000.00	100	$ -
10	Over Excavation & Crushed Concrete	TON	50	$ 75.00	$ 3,750.00	622	$ 46,650.00		$ 46,650.00	1244	$ (42,900.00)
11	Earthwork, Final Grading, Backfilling, & Shaping	JOB	1	$ 10,000.00	$ 10,000.00	1	$ 10,000.00		$ 10,000.00	100	$ -
12	Sodding, Watering, & Maintenance	SF	7,712	$ 2.75	$ 21,208.00	2,800	$ 7,700.00		$ 7,700.00	36	$ 13,508.00
GRAND TOTAL ADDITIONAL PROJECT NO. 1 (ITEMS 1-12)					**$ 296,098.00**		**$ 312,146.00**		**$ 312,146.00**		**$ (16,048.00)**
GRAND TOTAL PROJECTS A, B, C, & ADDITIONAL PROJECT NO. 1					**$ 3,613,722.25**		**$ 2,667,206.00**		**$ 2,667,206.00**		**$ 946,516.25**

4.E. Finance Department reports.

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
02359	911 CUSTOM LLC				
07/18/2023	INVOICE	53349	SURVIVAL ARMOR NAME TAPE, FRONT ID FLAP - W(	33.00	
			Total:	33.00	
			Net of 1 Invoices / 0 Checks	33.00	
MISC	A & T, LLC				
07/18/2023	INVOICE	07/07/2023	UB refund for account: 100-08190-03	22.33	
			Total:	22.33	
			Net of 1 Invoices / 0 Checks	22.33	
02057	A TO Z MESSAGING				
07/18/2023	INVOICE	16929	ANSWERING SERVICE	125.00	
			Total:	125.00	
			Net of 1 Invoices / 0 Checks	125.00	
00116	ACE HARDWARE & GARDEN CNT				
07/18/2023	INVOICE	195497/5	SCREWDRIVER SET	36.98	
07/18/2023	INVOICE	195488/5	2 CYCLE OIL	53.85	
07/18/2023	INVOICE	195485/5	POLYCUT TRIMMER HEAD	42.79	
07/18/2023	INVOICE	195535/5	OUTLET DPLX	0.79	
07/18/2023	INVOICE	195464/5	COMMAND STRIPS, HANGING STRIPS	31.75	
07/18/2023	INVOICE	195375/5	COUPLING GLV, NIPPLE	32.90	
07/18/2023	INVOICE	195415/5	BATTERY	6.99	
07/18/2023	INVOICE	195441/5	TRIMER LINE, SHOULDER STUD	19.23	
07/18/2023	INVOICE	195454/5	CABLE TIE, CORD EXT	25.98	
07/18/2023	INVOICE	195452/5	BRUSH & CADDY	8.59	
07/18/2023	INVOICE	195448/5	CAULK, BLOTS, CLOSET RING, WAX RING	54.13	
07/18/2023	INVOICE	195228/5	CHIP BRUSHES	40.14	
07/18/2023	INVOICE	195271/5	COUPLE INSERT, ADAPTER	20.41	
07/18/2023	INVOICE	195259/5	SANDPAPER	5.34	
07/18/2023	INVOICE	195255/5	ELEMENT 4500W 240 VOLT, PUSH COUPLING, BRAD	47.36	
07/18/2023	INVOICE	195254/5	SUPPLY HOSE	109.99	
07/18/2023	INVOICE	195277/5	CLAMP, NUTS, BOLTS, SCREWS	9.99	
07/18/2023	INVOICE	195300/5	COUPL HOSE PLASTIC SHUTOFF	4.99	
07/18/2023	INVOICE	195299/5	CLOROX WIPES	6.59	
			Total:	558.79	
			Net of 19 Invoices / 0 Checks	558.79	
03104	ACE SANITATION SERVICE INC.				
07/18/2023	INVOICE	488630049328	GARBAGE SERVICE 6/01-6/30	55.00	
07/18/2023	INVOICE	488630049316	GARBAGE SERVICE 6/01-6/30	55.00	
			Total:	110.00	
			Net of 2 Invoices / 0 Checks	110.00	
10370	ADDEPT MEDIA LLC				
07/18/2023	INVOICE	81066	ADVERTISING HUMPHREY DEMOCRAT	190.00	
			Total:	190.00	
			Net of 1 Invoices / 0 Checks	190.00	
00180	ADVANCE AUTO PARTS				

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
07/18/2023	INVOICE	5606314264186	AIR FILTER, INNER AIR FILTER	62.67	
07/18/2023	INVOICE	5606315150762	BATTERY	122.99	
			Total:	185.66	
			Net of 2 Invoices / 0 Checks	185.66	
10420	AKRS EQUIPMENT				
07/18/2023	INVOICE	3530969	GASKET KIT	376.02	
			Total:	376.02	
			Net of 1 Invoices / 0 Checks	376.02	
11016	ALBERS AUSTIN				
07/18/2023	INVOICE	7.06.2023	UMP MEN'S LEAGUE: 6/27	60.00	
			Total:	60.00	
			Net of 1 Invoices / 0 Checks	60.00	
01031	ANDERSON FORD OF LINCOLN				
07/18/2023	INVOICE	15778	3 - 2023/24 POLICE UTILITY VEHICLES	151,692.00	
			Total:	151,692.00	
			Net of 1 Invoices / 0 Checks	151,692.00	
10930	AOI CORPORATION				
07/18/2023	INVOICE	27010	50% DEPOSIT - BYME ELECTRICAL	786.84	
07/18/2023	INVOICE	24940	50% DEPOSIT - 6 SINGLE SCREEN MONITOR ARM SI	563.43	
			Total:	1,350.27	
			Net of 2 Invoices / 0 Checks	1,350.27	
00418	AQUA-CHEM INC				
07/18/2023	INVOICE	00202867	CHEMICALS	5,345.60	
			Total:	5,345.60	
			Net of 1 Invoices / 0 Checks	5,345.60	
00587	AQUA-PURE INC				
07/18/2023	INVOICE	COLNE2307	MONTHLY SERVICE CONTRACT-NORTH & SOUTH WELLS	16,012.21	
			Total:	16,012.21	
			Net of 1 Invoices / 0 Checks	16,012.21	
10561	ARNOLD MOTOR SUPPLY				
07/18/2023	INVOICE	78NV074598	15W40	19.23	
07/18/2023	INVOICE	78NV071885	METRIC O-RING ASSORTMENT	18.99	
07/18/2023	INVOICE	78NV074185	DOOR HINGE PIN & BUSHING KIT	17.54	
07/18/2023	INVOICE	78NV074156	TUBE RED MAX SYN #2, RAVEN NITRILE XL	34.87	
			Total:	90.63	
			Net of 4 Invoices / 0 Checks	90.63	
10264	ASSOCIATED FIRE PROTECTION				
07/18/2023	INVOICE	96009	FA SYSTEM SERVICE - SEMI ANNUAL INSPECTION	420.00	
			Total:	420.00	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Net of 1 Invoices / 0 Checks	420.00	
00107	AT&T MOBILITY				
07/18/2023	INVOICE	287321675065X06282	WIRELESS	80.08	
			Total:	80.08	
			Net of 1 Invoices / 0 Checks	80.08	
00278	AWARDS & ENGRAVING				
07/18/2023	INVOICE	12022	TREE PLATES	80.00	
			Total:	80.00	
			Net of 1 Invoices / 0 Checks	80.00	
10243	BAUER UNDERGROUND INC.				
07/18/2023	INVOICE	14469	COMMUNITY BUILDING REROUTE	24,650.00	
			Total:	24,650.00	
			Net of 1 Invoices / 0 Checks	24,650.00	
00461	BEHLEN TOWING LLC				
07/18/2023	INVOICE	30500	TOWING	150.00	
07/18/2023	INVOICE	31462	TOWING	150.00	
07/18/2023	INVOICE	31471	TOWING	150.00	
07/18/2023	INVOICE	31475	TOWING	150.00	
07/18/2023	INVOICE	30152	TOWING	150.00	
07/18/2023	INVOICE	30426	TOWING	150.00	
07/18/2023	INVOICE	31483	TOWING	150.00	
07/18/2023	INVOICE	31146	TOWING	150.00	
			Total:	1,200.00	
			Net of 8 Invoices / 0 Checks	1,200.00	
03256	BLACK HILLS ENERGY				
07/18/2023	INVOICE	0778 7198 98 JULY	NATURAL GAS	56.85	
07/18/2023	INVOICE	6942 7542 63 JULY	NATURAL GAS	1,574.47	
07/18/2023	INVOICE	0815 1921 72 JULY	NATURAL GAS	299.56	
07/18/2023	INVOICE	8429 6210 02 JULY	NATURAL GAS	170.78	
07/18/2023	INVOICE	6007 1329 48 JULY	NATURAL GAS	149.60	
07/18/2023	INVOICE	5317 1214 84 JULY	NATURAL GAS	77.74	
07/18/2023	INVOICE	4447 5106 07 JULY	NATURAL GAS	62.59	
07/18/2023	INVOICE	6310 3990 85 JULY	NATURAL GAS	50.50	
07/18/2023	INVOICE	5431 5180 01 JULY	NATURAL GAS	46.17	
07/18/2023	INVOICE	5915 3548 20 JULY	NATURAL GAS	46.17	
07/18/2023	INVOICE	7504 0422 35 JULY	NATURAL GAS	40.23	
07/18/2023	INVOICE	5048 9157 09 JULY	NATURAL GAS	38.60	
07/18/2023	INVOICE	1450 5796 12 JULY	NATURAL GAS	109.49	
			Total:	2,722.75	
			Net of 13 Invoices / 0 Checks	2,722.75	
11015	BORCHERS DEVON				
07/18/2023	INVOICE	7.06.2023	UMP MIXED LEAGUE: 6/28	90.00	
			Total:	90.00	
			Net of 1 Invoices / 0 Checks	90.00	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
00240	BOUND TREE MEDICAL LLC				
07/18/2023	INVOICE	85012121	COLD PACK	38.47	
07/18/2023	INVOICE	85012120	SUPRAGLOTTIC AIRWAY KIT, SUCTION KIT	301.85	
07/18/2023	INVOICE	85003237	DEFIBRILLATION PADS, AIRWAY KIT, FILTERLINE	1,260.03	
			Total:	1,600.35	
			Net of 3 Invoices / 0 Checks	1,600.35	
02485	BOYD JONES CONSTRUCTION CO				
07/18/2023	INVOICE	31	LIBRARY/CULTURAL ARTS FACILITY	474,137.77	
			Total:	474,137.77	
			Net of 1 Invoices / 0 Checks	474,137.77	
01770	BRUNKHORST ENGINE MACHINE & REBUILD				
07/18/2023	INVOICE	095134	PRESSURE TEST HEAD, RESURFACE CYLINDER HEAD	120.00	
			Total:	120.00	
			Net of 1 Invoices / 0 Checks	120.00	
MISC	BUGGI JERRY				
07/18/2023	INVOICE	07/07/2023	UB refund for account: 200-44541-01	1.65	
			Total:	1.65	
			Net of 1 Invoices / 0 Checks	1.65	
10547	BVH ARCHITECTURE				
07/18/2023	INVOICE	45364	LIBRARY, CHILDRENS MUSEUM & CITY HALL	8,756.02	
			Total:	8,756.02	
			Net of 1 Invoices / 0 Checks	8,756.02	
00091	CAROLINA SOFTWARE				
07/18/2023	INVOICE	87290	WASTEWORKS SOFTWARE SUPPORT	200.00	
			Total:	200.00	
			Net of 1 Invoices / 0 Checks	200.00	
10604	CASEY'S MAIL SERVICE LLC				
07/18/2023	INVOICE	2970	DAILY MAIL, WATER STATEMENTS	4,637.27	
			Total:	4,637.27	
			Net of 1 Invoices / 0 Checks	4,637.27	
02551	CENTER FOR MUNICIPAL SOLUTIONS				
07/18/2023	INVOICE	14116-005	COLUMBUS NE T-MOBILE 1314 17TH ST	450.00	
07/18/2023	INVOICE	49928-003	COLUMBUS NE VERIZON - 1314 17TH STREET MOD	50.00	
			Total:	500.00	
			Net of 2 Invoices / 0 Checks	500.00	
01209	CENTER POINT LARGE PRINT				
07/18/2023	INVOICE	1997542	MATERIALS	94.08	
07/18/2023	INVOICE	2024388	MATERIALS	95.28	
			Total:	189.36	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Net of 2 Invoices / 0 Checks	189.36	
03136	CENTRAL COMMUNITY COLLEGE				
07/18/2023	INVOICE	001938413	HEARTSAVER CPR - HIGGINS	74.00	
			Total:	74.00	
			Net of 1 Invoices / 0 Checks	74.00	
00293	CENTRAL VALLEY AG COOPERATIVE				
07/18/2023	INVOICE	2075344	CONERSTONE PLUS, STRIKE THREE, MOJAVE	410.91	
			Total:	410.91	
			Net of 1 Invoices / 0 Checks	410.91	
01148	CENTURY LINK				
07/18/2023	INVOICE	402D33-0443 JULY 1	E911 PHONE CHARGES	930.00	
			Total:	930.00	
			Net of 1 Invoices / 0 Checks	930.00	
10795	CHESTERMAN COMPANY				
07/18/2023	INVOICE	11033190	CONCESSION POP GERRARD PARK	945.92	
07/18/2023	INVOICE	11040848	CONCESSIONS POP GERRARD PARK	1,824.35	
07/18/2023	INVOICE	11055124	CONCESSIONS POP GERRARD PARK	413.86	
			Total:	3,184.13	
			Net of 3 Invoices / 0 Checks	3,184.13	
00567	CITY OF COLUMBUS				
07/18/2023	INVOICE	300-54059-00 JULY	WATER & SEWER	1,147.48	
07/18/2023	INVOICE	200-21960-05 JULY	WATER & SEWER	118.98	
07/18/2023	INVOICE	200-39575-00 JULY	WATER & SEWER	25.82	
07/18/2023	INVOICE	300-47514-00 JULY	WATER & SEWER	919.01	
07/18/2023	INVOICE	300-47518-00 JULY	WATER & SEWER	82.25	
07/18/2023	INVOICE	300-62105-00 JULY	WATER & SEWER	82.25	
07/18/2023	INVOICE	300-62155-00 JULY	WATER & SEWER	285.13	
07/18/2023	INVOICE	200-21980-02 JULY	WATER & SEWER	229.45	
07/18/2023	INVOICE	100-13650-01 JULY	WATER & SEWER	148.36	
07/18/2023	INVOICE	200-21805-00 JULY	WATER & SEWER	94.76	
07/18/2023	INVOICE	200-28755-00 JULY	WATER & SEWER	42.92	
07/18/2023	INVOICE	300-47516-00 JULY	WATER & SEWER	63.49	
07/18/2023	INVOICE	200-37998-00 JULY	WATER & SEWER	599.97	
07/18/2023	INVOICE	200-39771-00 JULY	WATER & SEWER	29.79	
07/18/2023	INVOICE	200-41055-00 JULY	WATER & SEWER	25.82	
07/18/2023	INVOICE	200-44032-00 JULY	WATER & SEWER	89.97	
07/18/2023	INVOICE	300-44985-02 JULY	WATER & SEWER	25.19	
07/18/2023	INVOICE	300-44986-00 JULY	WATER & SEWER	108.99	
07/18/2023	INVOICE	300-44995-00 JULY	WATER & SEWER	95.68	
07/18/2023	INVOICE	300-45761-00 JULY	WATER & SEWER	265.44	
07/18/2023	INVOICE	300-45762-00 JULY	WATER & SEWER	26.93	
07/18/2023	INVOICE	300-47515-00 JULY	WATER & SEWER	7,572.70	
07/18/2023	INVOICE	300-47517-00 JULY	WATER & SEWER	762.01	
07/18/2023	INVOICE	300-49665-00 JULY	WATER & SEWER	145.77	
07/18/2023	INVOICE	300-50035-00 JULY	WATER & SEWER	57.58	
07/18/2023	INVOICE	300-57935-00 JULY	WATER & SEWER	1,012.71	
07/18/2023	INVOICE	300-57936-00 JULY	WATER & SEWER	261.15	
07/18/2023	INVOICE	300-57937-00 JULY	WATER & SEWER	170.94	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
07/18/2023	INVOICE	300-61005-00 JULY	WATER & SEWER	425.20	
07/18/2023	INVOICE	400-65101-00 JULY	WATER & SEWER	1,018.14	
07/18/2023	INVOICE	400-69475-00 JULY	WATER & SEWER	640.66	
07/18/2023	INVOICE	400-81020-00 JULY	WATER & SEWER	464.93	
07/18/2023	INVOICE	300-57934-00 JULY	WATER & SEWER	257.62	
07/18/2023	INVOICE	200-39615-01 JULY	WATER & SEWER	110.89	
07/18/2023	INVOICE	300-57938-00 JULY	WATER & SEWER	95.47	
07/18/2023	INVOICE	400-70005-01 JULY	WATER & SEWER	276.75	
			Total:	17,780.20	
			Net of 36 Invoices / 0 Checks	17,780.20	
10398	CLAY HILLS AG				
07/18/2023	INVOICE	132842	2,4-D, PADLOCK PLUS, PRAMITOL, BUCCANEER	3,521.80	
			Total:	3,521.80	
			Net of 1 Invoices / 0 Checks	3,521.80	
10816	CLOSSON ROD				
07/18/2023	INVOICE	7.06.2023	UMP MEN'S LEAGUE: 6/27; MIXED LEAGUE: 6/28	150.00	
			Total:	150.00	
			Net of 1 Invoices / 0 Checks	150.00	
00262	CLUB PROPHET SYSTEMS				
07/18/2023	INVOICE	INV1559929	MONTHLY TEE SHEET, ONLINE RESERVATIONS	500.00	
			Total:	500.00	
			Net of 1 Invoices / 0 Checks	500.00	
02542	CNC REPAIR LLC				
07/18/2023	INVOICE	7739	LUBE OIL FILTER VIN #2917	47.83	
07/18/2023	INVOICE	7754	LUBE OILF FILTER VIN #7738	42.00	
07/18/2023	INVOICE	7753	LUBE OIL FILTER VIN #5404	42.00	
07/18/2023	INVOICE	7842	BRAKE PADS & ROTORS, HALFSHAFT VIN #5403	828.03	
07/18/2023	INVOICE	7773	AC LINES, FREON, OXYGEN SENSOR VIN #1009	1,159.10	
07/18/2023	INVOICE	7782	INSTALL NEW SEAT BLET VIN #7979	272.95	
07/18/2023	INVOICE	7866	LUBE OIL FILTER VIN # 1647	42.00	
07/18/2023	INVOICE	7893	LUBE OIL FILTER, CABIN AIR FILTER VIN #8537	100.20	
07/18/2023	INVOICE	7917	STRUTS, USED WHEEL, TIRE VIN #7979	1,192.50	
07/18/2023	INVOICE	7926	LUBE OIL FILTER VIN #7839	42.00	
			Total:	3,768.61	
			Net of 10 Invoices / 0 Checks	3,768.61	
10829	COLUMBUS BASEBALL ASSOC INC				
07/18/2023	INVOICE	7.05.2023	UMPIRE FEE REIMBURSEMENT, 5% CONTRIBUTION	10,235.00	
			Total:	10,235.00	
			Net of 1 Invoices / 0 Checks	10,235.00	
10768	COLUMBUS CREDIT SERVICES				
07/18/2023	INVOICE	ACCTY150 JUNE 23	COLLECTIONS	317.16	
			Total:	317.16	
			Net of 1 Invoices / 0 Checks	317.16	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
MISC	COLUMBUS ELECTRONICS				
07/18/2023	INVOICE	07/07/2023	UB refund for account: 200-42272-00	5.34	
			Total:	5.34	
			Net of 1 Invoices / 0 Checks	5.34	
03139	COLUMBUS PLUMBING COMPANY				
07/18/2023	INVOICE	0006005	2 - KOHLER BOWLS	410.00	
			Total:	410.00	
			Net of 1 Invoices / 0 Checks	410.00	
00127	COLUMBUS SCREEN PRINTING				
07/18/2023	INVOICE	035298	T-SHIRTS, HOODIES	567.00	
			Total:	567.00	
			Net of 1 Invoices / 0 Checks	567.00	
00271	COLUMBUS TELEGRAM				
07/18/2023	INVOICE	113-00024900	SUBSCRIPTION	519.00	
07/18/2023	INVOICE	118-60106294	WEEKLY AD	504.00	
07/18/2023	INVOICE	118-60003415	MEETING NOTICES, ORDINANCE	828.88	
			Total:	1,851.88	
			Net of 3 Invoices / 0 Checks	1,851.88	
03143	COLUMBUS TIRE & SERVICE				
07/18/2023	INVOICE	1-25490	REPAIR TIRE	25.00	
			Total:	25.00	
			Net of 1 Invoices / 0 Checks	25.00	
10866	COLUMBUS YOUTH SOFTBALL ASSOCIATION				
07/18/2023	INVOICE	72	CONCESSIONS, BATHROOM SUPPLIES	135.00	
			Total:	135.00	
			Net of 1 Invoices / 0 Checks	135.00	
01250	COMMONWEALTH ELECTRIC COMPANY				
07/18/2023	INVOICE	11527	INSTALLED CIRCUITS FOR CONCESSION COMPUTERS	645.00	
			Total:	645.00	
			Net of 1 Invoices / 0 Checks	645.00	
11008	CONFLUENCE INC				
07/18/2023	INVOICE	26683	23009 PAWNEE PARK/GERRARD PARK RENOVATION P	31,128.44	
			Total:	31,128.44	
			Net of 1 Invoices / 0 Checks	31,128.44	
02718	CORE & MAIN LP				
07/18/2023	INVOICE	S623899	27- 51M S/POINT M2 WIRED	5,076.00	
			Total:	5,076.00	
			Net of 1 Invoices / 0 Checks	5,076.00	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
01525	CORNHUSKER MARRIOTT HOTEL				
07/18/2023	INVOICE	5469	KELLI KEYES	238.00	
			Total:	238.00	
			Net of 1 Invoices / 0 Checks	238.00	
03147	CORNHUSKER PUBLIC POWER DIST				
07/18/2023	INVOICE	415030001 JULY 23	ELECTRICITY	90.04	
07/18/2023	INVOICE	415030005 JULY 23	ELECTRICITY	37.08	
07/18/2023	INVOICE	415030006 JULY 23	ELECTRICITY	183.95	
07/18/2023	INVOICE	415030008 JULY 23	ELECTRICITY	192.06	
07/18/2023	INVOICE	415030007 JULY 23	ELECTRICITY	254.70	
07/18/2023	INVOICE	415030009 JULY 23	ELECTRICITY	155.65	
			Total:	913.48	
			Net of 6 Invoices / 0 Checks	913.48	
MISC	CRITSER ALEX & GRUBAUGH JENA				
07/18/2023	INVOICE	07/07/2023	UB refund for account: 100-13681-03	52.00	
			Total:	52.00	
			Net of 1 Invoices / 0 Checks	52.00	
03149	CULLIGAN OF COLUMBUS				
07/18/2023	INVOICE	268696	SALT SOLAR DELIVERED 40#	50.00	
07/18/2023	INVOICE	269008	POU COOLER 7/01 TO 7/31	41.00	
07/18/2023	INVOICE	269038	REVERSE OSMOSIS 7/01 TO 7/31	32.00	
07/18/2023	INVOICE	269045	REVERSE OSMOSIS 7/01 TO 7/31	64.50	
			Total:	187.50	
			Net of 4 Invoices / 0 Checks	187.50	
MISC	CUNNINGHAM TOM				
07/18/2023	INVOICE	07/07/2023	UB refund for account: 100-02300-00	29.31	
			Total:	29.31	
			Net of 1 Invoices / 0 Checks	29.31	
00270	DANKO EMERGENCY EQUIPMENT				
07/18/2023	INVOICE	130472	NRS ZEN RESCUE PFD	614.00	
07/18/2023	INVOICE	130357	GEAR REPAIRS	125.00	
07/18/2023	INVOICE	130380	HEBERT HOSE CLAMP	750.00	
			Total:	1,489.00	
			Net of 3 Invoices / 0 Checks	1,489.00	
MISC	DIAL PROPERTIES				
07/18/2023	INVOICE	07/07/2023	UB refund for account: 200-40358-00	102.22	
			Total:	102.22	
			Net of 1 Invoices / 0 Checks	102.22	
00374	DUNBAR DOUGLAS				
07/18/2023	INVOICE	7.01.2023	MONTHLY CONTRACT	7,018.00	
07/18/2023	INVOICE	7012023GOLF	LIQUOR COMMISSIONS	14,438.76	
07/18/2023	INVOICE	7012023GOLF	MONTHLY COMMISSIONS	13,910.49	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	35,367.25	
			Net of 3 Invoices / 0 Checks	35,367.25	
03158	EAKES OFFICE SOLUTIONS				
07/18/2023	INVOICE	8753101-0	FILE FOLDERS	25.72	
07/18/2023	INVOICE	8747092-0	LAMINATE CARD	40.05	
07/18/2023	INVOICE	8746823-0	BLK RIBBON	12.57	
07/18/2023	INVOICE	INV467682	COPIER CONTRACT	123.40	
07/18/2023	INVOICE	C8743343-0	RETURN - REEL CARD W/BELT CLIP	(222.24)	
07/18/2023	INVOICE	8746824-0	LETTER TRAY	46.25	
07/18/2023	INVOICE	8752103-0	PRV FILTER	247.62	
07/18/2023	INVOICE	8749742-0	SHEET PROTECTORS, BLANK CERTIFICATES	29.63	
07/18/2023	INVOICE	8746861-0	NAME AND "IMPORTANT" STAMPS	50.30	
07/18/2023	INVOICE	8737950-0	ENVELOPES - WATER OFFICE	3,255.39	
07/18/2023	INVOICE	8750617-0	MOUSEPADS	26.97	
			Total:	3,635.66	
			Net of 11 Invoices / 0 Checks	3,635.66	
MISC	EISENMANN LESLIE				
07/18/2023	INVOICE	07/07/2023	UB refund for account: 400-69620-16	3.86	
			Total:	3.86	
			Net of 1 Invoices / 0 Checks	3.86	
00191	ELECTRIC PUMP INC				
07/18/2023	INVOICE	0901750-IN	PURE AIR FILTRATION MEDIA	4,991.50	
			Total:	4,991.50	
			Net of 1 Invoices / 0 Checks	4,991.50	
03161	ELECTRICAL ENGINEERING &				
07/18/2023	INVOICE	8288592-00	UR-I IDC CONN/100 PK	20.92	
			Total:	20.92	
			Net of 1 Invoices / 0 Checks	20.92	
01597	ELECTRONIC ENGINEERING				
07/18/2023	INVOICE	853004734	INSTALL CUSTOMER SUPPLIED EQUIPMENT-VEHICLE	14,826.95	
07/18/2023	INVOICE	853004772	INSTALL CUSTOMER SUPPLIED EQUIPMENT-VEHICLE	9,451.95	
07/18/2023	INVOICE	853004773	INSTALL CUSTOMER SUPPLIED EQUIPMENT-VEHICLE	9,451.95	
			Total:	33,730.85	
			Net of 3 Invoices / 0 Checks	33,730.85	
00392	ELECTRONIC SYSTEMS INC				
07/18/2023	INVOICE	34773	REPLACE WIRELESS DOOR CONTACT	495.80	
			Total:	495.80	
			Net of 1 Invoices / 0 Checks	495.80	
03165	FASTENAL COMPANY				
07/18/2023	INVOICE	NECOL250565	SUPPLIES	54.08	
07/18/2023	INVOICE	NECOL250566	BLUE & GREEN 4X5	652.75	
07/18/2023	INVOICE	NECOL250574	IDEAL 56188	316.50	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	1,023.33	
			Net of 3 Invoices / 0 Checks	1,023.33	
01776	FBINAA-NEBRASKA INC				
07/18/2023	INVOICE	SHERER	FBINAA LUNCHEON	15.00	
			Total:	15.00	
			Net of 1 Invoices / 0 Checks	15.00	
00609	FIRST IMPRESSIONS				
07/18/2023	INVOICE	6013	2,000 ADHESIVE NOTES	900.00	
			Total:	900.00	
			Net of 1 Invoices / 0 Checks	900.00	
00242	FIRST NATIONAL BANK OMAHA				
07/18/2023	INVOICE	11343528451589845	AMAZON - PLEDGE	46.92	
07/18/2023	INVOICE	85087EE006821	AMERICINN - DARIK SALAK TRAINING	480.96	
07/18/2023	INVOICE	6.21.23-6.23.21	MEALS & PARKING FOR KELLI KEYES TRAINING IN	63.56	
07/18/2023	INVOICE	318100436104	COMMAND STRIPS, STORAGE BOXES	76.28	
07/18/2023	INVOICE	11181244997095418	AMAZON- TACTICAL FLASHLIGHT MCCARTHY QM	117.69	
07/18/2023	INVOICE	4132	DUSTERS	71.10	
07/18/2023	INVOICE	118	USPS - PRIORITY MAIL	14.55	
07/18/2023	INVOICE	983499	APCO INTERNATIONAL - EMD-M ONLINE SVOBODA	277.00	
07/18/2023	INVOICE	84421	HEADSETS DIRECT	747.14	
07/18/2023	INVOICE	28949705	POSITIVE PROMOTIONS - CAN COOLERS, SQUEEZE I	627.90	
07/18/2023	INVOICE	78804399	NFM - CHEST FREEZER (ARPA FUNDS)	1,048.00	
07/18/2023	INVOICE	819099	COLUMBUS TRANSMISSION	125.00	
07/18/2023	INVOICE	11359734058909041	NETWORK MANAGEMENT CARD	272.89	
07/18/2023	INVOICE	11310043642947430	SMART UPS WITH SMART CONNECT	483.12	
07/18/2023	INVOICE	11247245935803443	LAPTOP CARRYING CASE	31.44	
07/18/2023	INVOICE	11343403287601007	SURGE PROTECTOR	188.10	
07/18/2023	INVOICE	11200504247482605	IPHONE CHARGER	18.50	
07/18/2023	INVOICE	11357121518297815	CABLE FOR PRINTER	129.58	
07/18/2023	INVOICE	11231268860301869	ETHERNET CABLE	118.80	
07/18/2023	INVOICE	11228935019046620	SURGE PROTECTOR	250.50	
07/18/2023	INVOICE	11292162802926606	WATERPROOF PADLOCKS	43.99	
07/18/2023	INVOICE	11262982967316229	WIRELESS KEYBOARD & MOUSE	79.99	
07/18/2023	INVOICE	11216671258314668	ETHERNET CABLE	59.40	
07/18/2023	INVOICE	11243810031769844	TONER	646.54	
07/18/2023	INVOICE	11254401557769032	WIRELESS KEYBOARD & MOUSE	79.99	
07/18/2023	INVOICE	6536791973377	AMAZON BUSINESS PRIME MEMBERSHIP	179.00	
07/18/2023	INVOICE	11237104051345054	AMAZON - 7 PORT USB 3.0 HUB	44.95	
07/18/2023	INVOICE	11397062020603467	AMAZON - CANON INK/PHOTO PAPER PACK	56.00	
07/18/2023	INVOICE	11349025973382623	AMAZON - LASER PRINTER	479.97	
07/18/2023	INVOICE	11369372722148261	AMAZON - CHARGER FOR MACBOOK	44.95	
07/18/2023	INVOICE	11317397050842614	AMAZON - INDUSTRIAL POWER STRIP	658.20	
07/18/2023	INVOICE	11327991182157035	AMAZON - SINEWAVE UPS SYSTEM 10 OUTLETS	309.90	
07/18/2023	INVOICE	6.12.2023POLICE	HARRAH'S CASINO TRAINING - STRECKER & ANDER	178.83	
07/18/2023	INVOICE	5504284	OFFICE SUPPLY.COM- OFFICE SUPPLIES	143.53	
07/18/2023	INVOICE	11367417200069834	AMAZON - SILICONE WRISTBANDS	175.99	
07/18/2023	INVOICE	5490132	OFFICE SUPPLY.COM - BALLPOINT PENS	52.80	
07/18/2023	INVOICE	288273	ZUMA OFFICE SUPPLY - SCRATCH PADS	78.32	
07/18/2023	INVOICE	900481454	B & H - BATTERY BOX	47.50	
07/18/2023	INVOICE	11335645979972264	AMAZON - SILICONE WRISTBANDS	175.99	
07/18/2023	INVOICE	6.13.2023POLICE	HARRAH'S - CREDIT	(50.00)	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
07/18/2023	INVOICE	90D10FC4-0002	SEMBLY AI	10.00	
07/18/2023	INVOICE	1577943	ICANVAS	332.21	
07/18/2023	INVOICE	7042023BHM	BHM WORLD HERALD SUBSCRIPTION	29.99	
07/18/2023	INVOICE	25297	ASSOCIATION OF STATE FLOOD PLAIN MANAGERS	80.00	
07/18/2023	INVOICE	INV200134155	ZOOM - STANDARD PRO ANNUAL	149.90	
07/18/2023	INVOICE	2.11.2023	MARRIOTT CORNHUSKER - REFUND	(259.16)	
07/18/2023	INVOICE	02143	NE FLOODPLAIN & STORMWATER MGR ASSOC	125.00	
07/18/2023	INVOICE	02146	NE FLOODPLAIN & STORMWATER MGR ASSOC	125.00	
07/18/2023	INVOICE	207350	SUPER SAVER - BOMB POPS	3.98	
07/18/2023	INVOICE	759127	SAM'S CLUB-CONCESSIONS	376.20	
07/18/2023	INVOICE	805027	SUPER SAVER - WATER	8.64	
07/18/2023	INVOICE	685241	SUPER SAVER - WATER	20.88	
07/18/2023	INVOICE	166219	SAM'S CLUB	591.18	
07/18/2023	INVOICE	808465	SAM'S CLUB	500.36	
07/18/2023	INVOICE	11452470055571405	AMAZON - COIN WRAPPERS	9.99	
07/18/2023	INVOICE	11455039578140258	AMAZON - WASTE BAGS	46.98	
07/18/2023	INVOICE	11259618746337866	AMAZON - NACHO CHEESE	94.95	
07/18/2023	INVOICE	11448715713255465	AMAZON - PROFESSIONAL BLENDER	215.97	
07/18/2023	INVOICE	3123900	SLEEP INN - ROOMS FOR UMPIRES	6,593.96	
07/18/2023	INVOICE	01813	WALMART - CONCESSIONS	83.84	
07/18/2023	INVOICE	6.16.2023	AMAZON - WATER BOMB SPLASH BALLS	11.99	
07/18/2023	INVOICE	6.16.2023	AMAZON - GRIZZLY TARPS, INFLATABLE POOL	48.98	
07/18/2023	INVOICE	24	SWEET HARVEST POPCORN	4.00	
07/18/2023	INVOICE	74	SWEET HARVEST POPCORN	6.50	
07/18/2023	INVOICE	02	SWEET HARVEST POPCORN	8.00	
07/18/2023	INVOICE	43	SWEET HARVEST POPCORN	6.50	
07/18/2023	INVOICE	7100046052223	LAKESHORE LEARNING- REFUNDED TAX	(15.15)	
07/18/2023	INVOICE	11434066766905057	AMAZON - SILVERWARE SET, TUMBLER DRINKING G:	173.95	
07/18/2023	INVOICE	11457479368321058	AMAZON - FUNKO POP	20.35	
07/18/2023	INVOICE	708552	TACO BELL	69.61	
07/18/2023	INVOICE	6162023	FAX PLUS	17.99	
07/18/2023	INVOICE	BIG RED PRINTING	GRAND OPENING BOOKMARKS	414.05	
07/18/2023	INVOICE	11489954774989016	AMAZON - PRESENTATION BOARDS, AVATAR: THE W:	44.95	
07/18/2023	INVOICE	725007068	FUN EXPRESS	463.84	
07/18/2023	INVOICE	6292023	CONSTANT CONTACT	66.50	
07/18/2023	INVOICE	HD01430600029EUS	ADOBE CREATIVE CLOUD ALL APS	37.44	
07/18/2023	INVOICE	3388770506	HILTON PALMER HOUSE	941.01	
07/18/2023	INVOICE	11318948232130628	AMAZON - CREDIT	(59.39)	
07/18/2023	INVOICE	ORD001360	CALL FOR BACKUP	99.00	
07/18/2023	INVOICE	7.11.2023	JESSICA WILKINSON MEALS - TRIP TO CHICAGO	304.31	
07/18/2023	INVOICE	UBER	UBER	53.99	
07/18/2023	INVOICE	11439327484098611	BOOKS	25.97	
07/18/2023	INVOICE	11378103308304220	DVD, PALSTIC CLIPBOARDS	37.22	
07/18/2023	INVOICE	11212753795173848	BOOKS	114.51	
07/18/2023	INVOICE	141	RUNZA	22.02	
			Total:	20,732.88	
			Net of 85 Invoices / 0 Checks	20,732.88	
10720	FORVIS LLP				
07/18/2023	INVOICE	BK01833462	FINAL BILLING	14,115.00	
			Total:	14,115.00	
			Net of 1 Invoices / 0 Checks	14,115.00	
10660	FREEDOM ROAD				
07/18/2023	INVOICE	7.01.2023	FRANKFORT SQUARE 7-22-2023	1,500.00	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	1,500.00	
			Net of 1 Invoices / 0 Checks	1,500.00	
MISC	FREY VERLENE				
07/18/2023	INVOICE	07/07/2023	UB refund for account: 200-23300-17	36.45	
			Total:	36.45	
			Net of 1 Invoices / 0 Checks	36.45	
00169	FRONTIER				
07/18/2023	INVOICE	40256277850209002	NWP ALARM 6/30/23 TO 7/29/23	90.94	
07/18/2023	INVOICE	30818801750912722	PHONE/INTERNET/FAX LINES	2,107.00	
07/18/2023	INVOICE	30818802060523942	E911 PHONE CHARGES 06/30/23 TO 07/29/23	294.16	
			Total:	2,492.10	
			Net of 3 Invoices / 0 Checks	2,492.10	
01789	GAVER TIRE & AUTO CENTER INC				
07/18/2023	INVOICE	76670	4 TIRES - 2011 FORD EXPLORER	765.26	
			Total:	765.26	
			Net of 1 Invoices / 0 Checks	765.26	
03174	GEHRING CONSTRUCTION &				
07/18/2023	INVOICE	70496	17TH ST & 19TH AVE	222.10	
07/18/2023	INVOICE	70260	REBAR	163.20	
07/18/2023	INVOICE	70507	31ST STREET & 38TH AVE	1,107.38	
07/18/2023	INVOICE	8	SID #189 48TH AVE FROM 23RD ST TO S OF BRAD	181,721.00	
			Total:	183,213.68	
			Net of 4 Invoices / 0 Checks	183,213.68	
MISC	GILLETTE RICHARD				
07/18/2023	INVOICE	07/07/2023	UB refund for account: 300-55710-00	85.07	
			Total:	85.07	
			Net of 1 Invoices / 0 Checks	85.07	
MISC	G-O RAPID LUBE & MORE LLC				
07/18/2023	INVOICE	07/07/2023	UB refund for account: 200-21500-02	36.21	
			Total:	36.21	
			Net of 1 Invoices / 0 Checks	36.21	
10401	GOLFNOW				
07/18/2023	INVOICE	INV00079151	WEBSITE/EMAIL HOSTING	185.66	
			Total:	185.66	
			Net of 1 Invoices / 0 Checks	185.66	
02594	GREAT PLAINS BUILDING SUPPLY				
07/18/2023	INVOICE	2306-514938	TEX LAP SIDING	24.22	
07/18/2023	INVOICE	2306-514895	50# ATHLETIC FIELD MARKER	608.16	
			Total:	632.38	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Net of 2 Invoices / 0 Checks	632.38	
02075	GREAT PLAINS COMMUNICATIONS				
07/18/2023	INVOICE	996-426-0026	INTERNET SERVICE 07/01-07/31	239.95	
			Total:	239.95	
			Net of 1 Invoices / 0 Checks	239.95	
11017	GUTIERREZ JUAN				
07/18/2023	INVOICE	7.06.2023	UMP MEN'S LEAGUE: 6/27; MIXED LEAGUE: 6/28	150.00	
			Total:	150.00	
			Net of 1 Invoices / 0 Checks	150.00	
03183	HADLEY-BRAITHWAIT COMPANY				
07/18/2023	INVOICE	229169	CONCESSIONS - PLUNGE	97.00	
07/18/2023	INVOICE	229113	CONSESSIONS	100.90	
07/18/2023	INVOICE	229068	CONCESSIONS	129.85	
07/18/2023	INVOICE	229114	TOILET PAPER	58.95	
			Total:	386.70	
			Net of 4 Invoices / 0 Checks	386.70	
00272	HAWKINS INC				
07/18/2023	INVOICE	6510471	CHEMICALS	2,127.09	
07/18/2023	INVOICE	6510468	CHEMICALS	3,538.68	
			Total:	5,665.77	
			Net of 2 Invoices / 0 Checks	5,665.77	
03185	HDR ENGINEERING INC				
07/18/2023	INVOICE	1200535532	LOST CREEK PARKWAY SEWER PROJECT	8,419.13	
07/18/2023	INVOICE	1200535534	DESIGN/CONSTRUCTION PHASE LOST CREEK PRKWY I	5,097.35	
07/18/2023	INVOICE	1200536199	WATER & WASTEWATER USER RATE STUDY	1,653.51	
			Total:	15,169.99	
			Net of 3 Invoices / 0 Checks	15,169.99	
01424	HEARTLAND NATURAL GAS LLC				
07/18/2023	INVOICE	122251	NATURAL GAS	4.80	
07/18/2023	INVOICE	122253	NATURAL GAS	0.67	
07/18/2023	INVOICE	122248	NATURAL GAS	0.34	
07/18/2023	INVOICE	122252	NATURAL GAS	14.38	
07/18/2023	INVOICE	122246	NATURAL GAS	18.17	
07/18/2023	INVOICE	122244	NATURAL GAS	463.99	
07/18/2023	INVOICE	122250	NATURAL GAS	4.80	
07/18/2023	INVOICE	122245	NATURAL GAS	5.13	
07/18/2023	INVOICE	122256	NATURAL GAS	1.04	
07/18/2023	INVOICE	122254	NATURAL GAS	31.20	
07/18/2023	INVOICE	122258	NATURAL GAS	7.55	
07/18/2023	INVOICE	122255	NATURAL GAS	2,731.82	
07/18/2023	INVOICE	122257	NATURAL GAS	221.71	
			Total:	3,505.60	
			Net of 13 Invoices / 0 Checks	3,505.60	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
10975	HEARTLAND OFFICE CLEANERS				
07/18/2023	INVOICE	20827	JULY CLEANING	500.00	
			Total:	500.00	
			Net of 1 Invoices / 0 Checks	500.00	
MISC	HILMER DORIS				
07/18/2023	INVOICE	07/07/2023	UB refund for account: 100-02300-01	22.89	
			Total:	22.89	
			Net of 1 Invoices / 0 Checks	22.89	
01122	HOA SOLUTIONS INC				
07/18/2023	INVOICE	11201	FIELD LABOR, CABLE	3,080.26	
07/18/2023	INVOICE	11222	NEW ANTENNA	1,156.85	
			Total:	4,237.11	
			Net of 2 Invoices / 0 Checks	4,237.11	
01724	HOBBY LOBBY				
07/18/2023	INVOICE	122590993	WEARABLE ART	32.89	
			Total:	32.89	
			Net of 1 Invoices / 0 Checks	32.89	
00403	HOWERTER MD MARK S				
07/18/2023	INVOICE	MONHTLY	EMERGENCY MEDICAL DIRECTOR	616.00	
			Total:	616.00	
			Net of 1 Invoices / 0 Checks	616.00	
03192	HY-VEE INC				
07/18/2023	INVOICE	0154	COOKIES, FRUIT SNACKS, TWINKIES	58.39	
07/18/2023	INVOICE	0012	ONE STEP 2 PLY	7.79	
07/18/2023	INVOICE	0095	ICE, WATER	6.28	
07/18/2023	INVOICE	5879901461	WATER FOR WORKERS	188.58	
			Total:	261.04	
			Net of 4 Invoices / 0 Checks	261.04	
03194	INGRAM LIBRARY SERVICES, INC				
07/18/2023	INVOICE	76526031	MATERIALS	34.36	
			Total:	34.36	
			Net of 1 Invoices / 0 Checks	34.36	
01079	INLAND TRUCK PARTS & SERVICE				
07/18/2023	INVOICE	IN-1405600	LH/RH OUTER NUT, L/S & R/S INNER, STUDS	228.75	
			Total:	228.75	
			Net of 1 Invoices / 0 Checks	228.75	
MISC	JACKSON MEADOWS L P				
07/18/2023	INVOICE	07/07/2023	UB refund for account: 400-79686-02	21.75	
			Total:	21.75	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Net of 1 Invoices / 0 Checks	21.75	
03199	JACKSON SERVICES INC				
07/18/2023	INVOICE	5085247	MATS	42.92	
07/18/2023	INVOICE	5086096	UNIFORMS	26.48	
07/18/2023	INVOICE	5086094	UNIFORMS	98.53	
07/18/2023	INVOICE	5086095	MATS, BAR TOWELS, SHOP TOWELS	33.47	
07/18/2023	INVOICE	5086093	MATS, ROLLER TOWELS, UNIFORMS	153.67	
07/18/2023	INVOICE	5086086	UNIFORMS	134.93	
07/18/2023	INVOICE	5084163	UNIFORMS	73.42	
07/18/2023	INVOICE	5084162	UNIFORMS	25.56	
07/18/2023	INVOICE	5083416	MATS, MOPS, POLISH TOWELS, WINDSHIELD WIPES	133.51	
07/18/2023	INVOICE	5084178	MATS	52.56	
07/18/2023	INVOICE	5079919	UNIFORMS	242.81	
07/18/2023	INVOICE	5087837	REFUND - MINIMUM STOP CHARGE	(13.29)	
07/18/2023	INVOICE	5079926	UNIFORMS	121.01	
07/18/2023	INVOICE	5079929	UNIFORMS	26.48	
07/18/2023	INVOICE	5079928	MAT	2.92	
07/18/2023	INVOICE	5079927	UNIFORMS	98.53	
07/18/2023	INVOICE	5079920	UNIFORMS	134.93	
07/18/2023	INVOICE	5078042	TEA TOWELS, BAR MOP	31.40	
07/18/2023	INVOICE	5078021	MAT	24.70	
07/18/2023	INVOICE	5078020	UNIFORMS	73.42	
07/18/2023	INVOICE	5078019	UNIFORMS	25.56	
			Total:	1,543.52	
			Net of 21 Invoices / 0 Checks	1,543.52	
MISC	JANSEN SHEILA				
07/18/2023	INVOICE	07/07/2023	UB refund for account: 400-79662-04	26.31	
			Total:	26.31	
			Net of 1 Invoices / 0 Checks	26.31	
00532	JEO CONSULTING GROUP INC				
07/18/2023	INVOICE	142561	FLOOD MITIGATION & RESILIENCY PLAN	11,251.60	
07/18/2023	INVOICE	142562	FLOODPLAIN ADMINISTRATION SUPPORT	2,012.50	
			Total:	13,264.10	
			Net of 2 Invoices / 0 Checks	13,264.10	
03202	KELLY SUPPLY COMPANY				
07/18/2023	INVOICE	S12286122-0	3/8 COMPRESSION X 3/8 MNPT PFA	460.18	
07/18/2023	INVOICE	S12286313-0	PVC COUP, ELL, FLO-SPAN, PVC CEMENT, PRIMER	168.67	
07/18/2023	INVOICE	S12286380-0	PVC COUP S X S	88.02	
07/18/2023	INVOICE	S12286212-0	HYDRAULIC FITTINGS	4.68	
			Total:	721.55	
			Net of 4 Invoices / 0 Checks	721.55	
11047	KINGS III OF AMERICA LLC				
07/18/2023	INVOICE	2482982	ELEVATOR PHONES - MONITORING SERVICE 6/27/2	103.33	
07/18/2023	INVOICE	2482988	VIDEO MONITORING 6/27/23-7/31/23	22.67	
07/18/2023	INVOICE	2482986	CONNECTION FEE, ELEVATOR PHONES	103.33	
07/18/2023	INVOICE	2482984	VIDEO MONITORING 6/27/23-7/31/23	22.67	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	252.00	
			Net of 4 Invoices / 0 Checks	252.00	
03205	KIRKHAM MICHAEL & ASSOCIATES				
07/18/2023	INVOICE	93789	HANGAR FLOOR & APROM REHAB FOR BLDING 1406	1,560.56	
			Total:	1,560.56	
			Net of 1 Invoices / 0 Checks	1,560.56	
11048	KWIKBOOST LLC				
07/18/2023	INVOICE	INV276157	TABLE TOP PHONE CHARGING STATION, CHARGING :	2,640.00	
			Total:	2,640.00	
			Net of 1 Invoices / 0 Checks	2,640.00	
00394	LABOR RELATIONS INFO SYSTEM				
07/18/2023	INVOICE	38421	RENEWAL OF SUBSCRIPTION	150.00	
			Total:	150.00	
			Net of 1 Invoices / 0 Checks	150.00	
00012	LAKEVIEW SMALL ENGINE INC				
07/18/2023	INVOICE	051151	EXHAUST GASKET	9.90	
			Total:	9.90	
			Net of 1 Invoices / 0 Checks	9.90	
02236	LANGUAGE LINE SERVICES INC				
07/18/2023	INVOICE	11044747	OVER THE PHONE INTERPRETATION	61.98	
			Total:	61.98	
			Net of 1 Invoices / 0 Checks	61.98	
02596	LAWSON PRODUCTS				
07/18/2023	INVOICE	9310736711	1/4 DOT PTC LAWSON BRASS ASSORTMENT	356.49	
			Total:	356.49	
			Net of 1 Invoices / 0 Checks	356.49	
10932	LIBRARY FURNITURE INTERNATIONAL	LLC			
07/18/2023	INVOICE	8575	SHELVING	162,945.09	
07/18/2023	INVOICE	8576	FURNITURE	80,741.03	
			Total:	243,686.12	
			Net of 2 Invoices / 0 Checks	243,686.12	
10229	LINGO				
07/18/2023	INVOICE	1196747009	E911 PHONE SERVICE 6/01/2023-6/30/2023	51.68	
07/18/2023	INVOICE	1196609615	5/01/2023 - 5/31/2023	51.68	
			Total:	103.36	
			Net of 2 Invoices / 0 Checks	103.36	
03214	LOUP POWER DISTRICT				
07/18/2023	INVOICE	400099 JULY 23	ELECTRICITY	319.84	
07/18/2023	INVOICE	400029 JULY 23	ELECTRICITY	85.86	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
07/18/2023	INVOICE	400030 JULY 23	ELECTRICITY	33.45	
07/18/2023	INVOICE	400031 JULY 23	ELECTRICITY	88.56	
07/18/2023	INVOICE	400032 JULY 23	ELECTRICITY	84.01	
07/18/2023	INVOICE	400033 JULY 23	ELECTRICITY	94.34	
07/18/2023	INVOICE	400034 JULY 23	ELECTRICITY	25.43	
07/18/2023	INVOICE	400036 JULY 23	ELECTRICITY	2,443.71	
07/18/2023	INVOICE	400037 JULY 23	ELECTRICITY	40.52	
07/18/2023	INVOICE	400039 JULY 23	ELECTRICITY	67.22	
07/18/2023	INVOICE	400040 JULY 23	ELECTRICITY	27,296.97	
07/18/2023	INVOICE	400041 JULY 23	ELECTRICITY	400.61	
07/18/2023	INVOICE	400042 JULY 23	ELECTRICITY	31.42	
07/18/2023	INVOICE	400044 JULY 23	ELECTRICITY	39.21	
07/18/2023	INVOICE	400046 JULY 23	ELECTRICITY	26.38	
07/18/2023	INVOICE	400047 JULY 23	ELECTRICITY	247.49	
07/18/2023	INVOICE	400048 JULY 23	ELECTRICITY	357.79	
07/18/2023	INVOICE	400049 JULY 23	ELECTRICITY	261.74	
07/18/2023	INVOICE	400051 JULY 23	ELECTRICITY	25.00	
07/18/2023	INVOICE	400052 JULY 23	ELECTRICITY	65.23	
07/18/2023	INVOICE	400055 JULY 23	ELECTRICITY	25.75	
07/18/2023	INVOICE	400057 JULY 23	ELECTRICITY	92.71	
07/18/2023	INVOICE	400059 JULY 23	ELECTRICITY	179.88	
07/18/2023	INVOICE	400060 JULY 23	ELECTRICITY	11,722.79	
07/18/2023	INVOICE	400061 JULY 23	ELECTRICITY	61.27	
07/18/2023	INVOICE	400062 JULY 23	ELECTRICITY	35.70	
07/18/2023	INVOICE	400063 JULY 23	ELECTRICITY	33.77	
07/18/2023	INVOICE	400065 JULY 23	ELECTRICITY	5,270.02	
07/18/2023	INVOICE	400068 JULY 23	ELECTRICITY	62.45	
07/18/2023	INVOICE	400069 JULY 23	ELECTRICITY	37.09	
07/18/2023	INVOICE	400070 JULY 23	ELECTRICITY	10,214.21	
07/18/2023	INVOICE	400071 JULY 23	ELECTRICITY	34.63	
07/18/2023	INVOICE	400072 JULLLY 23	ELECTRICITY	33.77	
07/18/2023	INVOICE	400073 JULY 23	ELECTRICITY	39.02	
07/18/2023	INVOICE	400075 JULY 23	ELECTRICITY	33.35	
07/18/2023	INVOICE	400076 JULY 23	ELECTRICITY	32.70	
07/18/2023	INVOICE	400077 JULY 23	ELECTRICITY	27.35	
07/18/2023	INVOICE	400079 JULY 23	ELECTRICITY	197.98	
07/18/2023	INVOICE	400081 JULY 23	ELECTRICITY	60.18	
07/18/2023	INVOICE	400083 JULY 23	ELECTRICITY	59.24	
07/18/2023	INVOICE	400084 JULY 23	ELECTRICITY	40.19	
07/18/2023	INVOICE	400085 JULY 23	ELECTRICITY	29.60	
07/18/2023	INVOICE	400088 JULY 23	ELECTRICITY	33.72	
07/18/2023	INVOICE	400089 JULY 23	ELECTRICITY	61.68	
07/18/2023	INVOICE	400090 JULY 23	ELECTRICITY	62.32	
07/18/2023	INVOICE	400091 JULY 23	ELECTRICITY	139.58	
07/18/2023	INVOICE	400092 JULY 23	ELECTRICITY	31.42	
07/18/2023	INVOICE	400093 JULY 23	ELECTRICITY	38.48	
07/18/2023	INVOICE	400094 JULY 23	ELECTRICITY	121.85	
07/18/2023	INVOICE	400095 JULY 23	ELECTRICITY	33.56	
07/18/2023	INVOICE	400096 JULY 23	ELECTRICITY	1,079.52	
07/18/2023	INVOICE	400097 JULY 23	ELECTRICITY	119.54	
07/18/2023	INVOICE	400098 JULY 23	ELECTRICITY	98.50	
07/18/2023	INVOICE	169003 JULY 23	ELECTRICITY	27.35	
07/18/2023	INVOICE	169004 JULY 23	ELECTRICITY	1,020.24	
07/18/2023	INVOICE	169005 JULY 23	ELECTRICITY	31.10	
07/18/2023	INVOICE	169008 JULY 23	ELECTRICITY	27.78	
07/18/2023	INVOICE	169009 JULY 23	ELECTRICITY	27.03	
07/18/2023	INVOICE	169016 JULY 23	ELECTRICITY	396.86	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
07/18/2023	INVOICE	169017 JULY 23	ELECTRICITY	25.00	
07/18/2023	INVOICE	169018 JULY 23	ELECTRICITY	10.13	
07/18/2023	INVOICE	169019 JULY 23	ELECTRICITY	461.76	
07/18/2023	INVOICE	169020 JULY 23	ELECTRICITY	12.91	
07/18/2023	INVOICE	169022 JULY 23	ELECTRICITY	25.00	
07/18/2023	INVOICE	169023 JULY 23	ELECTRICITY	273.62	
07/18/2023	INVOICE	169024 JULY 23	ELECTRICITY	60.40	
07/18/2023	INVOICE	169026 JULY 23	ELECTRICITY	87.70	
07/18/2023	INVOICE	169027 JULY 23	ELECTRICITY	12.91	
07/18/2023	INVOICE	169028 JULY 23	ELECTRICITY	532.82	
07/18/2023	INVOICE	169029 JULY 23	ELECTRICITY	1,163.81	
07/18/2023	INVOICE	169030 JULY 23	ELECTRICITY	126.12	
07/18/2023	INVOICE	169031 JULY 23	ELECTRICITY	72.81	
07/18/2023	INVOICE	169033 JULY 23	ELECTRICITY	35.51	
07/18/2023	INVOICE	169034 JULY 23	ELECTRICITY	25.00	
07/18/2023	INVOICE	169035 JULY 23	ELECTRICITY	25.00	
07/18/2023	INVOICE	169036 JULY 23	ELECTRICITY	167.72	
07/18/2023	INVOICE	169038 JULY 23	ELECTRICITY	4,802.89	
07/18/2023	INVOICE	169039 JULY 23	ELECTRICITY	35.17	
07/18/2023	INVOICE	169041 JULY 23	ELECTRICITY	34.63	
07/18/2023	INVOICE	169043 JULY 23	ELECTRICITY	36.56	
07/18/2023	INVOICE	169044 JULY 23	ELECTRICITY	38.27	
07/18/2023	INVOICE	169045 JULY 23	ELECTRICITY	38.70	
07/18/2023	INVOICE	169046 JULY 23	ELECTRICITY	36.00	
07/18/2023	INVOICE	169047 JULY 23	ELECTRICITY	25.00	
07/18/2023	INVOICE	169048 JULY 23	ELECTRICITY	37.95	
07/18/2023	INVOICE	169050 JULY 23	ELECTRICITY	153.46	
07/18/2023	INVOICE	169051 JULY 23	ELECTRICITY	25.00	
07/18/2023	INVOICE	169053 JULY 23	ELECTRICITY	48.29	
07/18/2023	INVOICE	169055 JULY 23	ELECTRICITY	25.00	
07/18/2023	INVOICE	169056 JULY 23	ELECTRICITY	40.09	
07/18/2023	INVOICE	169057 JULY 23	ELECTRICITY	25.00	
07/18/2023	INVOICE	169058 JULY 23	ELECTRICITY	39.77	
07/18/2023	INVOICE	169060 JULY 23	ELECTRICITY	28.21	
07/18/2023	INVOICE	169061 JULY 23	ELECTRICITY	32.70	
07/18/2023	INVOICE	169062 JULY 23	ELECTRICITY	161.55	
07/18/2023	INVOICE	169064 JULY 23	ELECTRICITY	53.25	
07/18/2023	INVOICE	169065 JULY 23	ELECTRICITY	436.80	
07/18/2023	INVOICE	169066 JULY 23	ELECTRICITY	40.84	
07/18/2023	INVOICE	169067 JULY 23	ELECTRICITY	1,027.25	
07/18/2023	INVOICE	169068 JULY 23	ELECTRICITY	1,260.48	
07/18/2023	INVOICE	169069 JULY 23	ELECTRICITY	358.80	
07/18/2023	INVOICE	169072 JULY 23	ELECTRICITY	250.00	
07/18/2023	INVOICE	169073 JULY 23	ELECTRICITY	37.52	
07/18/2023	INVOICE	169074 JULY 23	ELECTRICITY	30.67	
07/18/2023	INVOICE	169077 JULY 23	ELECTRICITY	25.11	
07/18/2023	INVOICE	169080 JULY 23	ELECTRICITY	131.34	
07/18/2023	INVOICE	169081 JULY 23	ELECTRICITY	36.13	
07/18/2023	INVOICE	169082 JULY 23	ELECTRICITY	102.88	
07/18/2023	INVOICE	169083 JULY 23	ELECTRICITY	1,690.56	
07/18/2023	INVOICE	169084 JULY 23	ELECTRICITY	2,591.14	
07/18/2023	INVOICE	169085 JULY 23	ELECTRICITY	2,520.05	
07/18/2023	INVOICE	169086 JULY 23	ELECTRICITY	2,093.46	
07/18/2023	INVOICE	169087 JULY 23	ELECTRICITY	146.35	
07/18/2023	INVOICE	169089 JULY 23	ELECTRICITY	33.77	
07/18/2023	INVOICE	169090 JULY 23	ELECTRICITY	35.91	
07/18/2023	INVOICE	169091 JULY 23	ELECTRICITY	131.23	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
07/18/2023	INVOICE	169092 JULY 23	ELECTRICITY	658.94	
07/18/2023	INVOICE	169093 JULY 23	ELECTRICITY	63.14	
07/18/2023	INVOICE	169094 JULY 23	ELECTRICITY	48.81	
07/18/2023	INVOICE	169096 JULY 23	ELECTRICITY	1,563.04	
07/18/2023	INVOICE	169097 JULY 23	ELECTRICITY	29.49	
07/18/2023	INVOICE	169098 JULY 23	ELECTRICITY	35.13	
07/18/2023	INVOICE	169099 JULY 23	ELECTRICITY	25.00	
07/18/2023	INVOICE	169107 JULY 23	ELECTRICITY	48.20	
07/18/2023	INVOICE	169112 JULY 23	ELECTRICITY	136.49	
07/18/2023	INVOICE	169116 JULY 23	ELECTRICITY	43.80	
07/18/2023	INVOICE	169118 JULY 23	ELECTRICITY	42.98	
07/18/2023	INVOICE	169120 JULY 23	ELECTRICITY	2,315.04	
07/18/2023	INVOICE	169121 JULY 23	ELECTRICITY	4,929.60	
07/18/2023	INVOICE	169122 JULY 23	ELECTRICITY	3,276.00	
07/18/2023	INVOICE	169123 JULY 23	ELECTRICITY	45.54	
07/18/2023	INVOICE	169124 JULY 23	ELECTRICITY	56.26	
07/18/2023	INVOICE	169125 JULY 23	ELECTRICITY	47.13	
07/18/2023	INVOICE	169126 JULY 23	ELECTRICITY	80.43	
07/18/2023	INVOICE	169127 JULY 23	ELECTRICITY	48.31	
07/18/2023	INVOICE	169130 JULY 23	ELECTRICITY	37.61	
07/18/2023	INVOICE	169131 JULY 23	ELECTRICITY	4.15	
07/18/2023	INVOICE	169132 JULY 23	ELECTRICITY	56.67	
07/18/2023	INVOICE	400001 JULY 23	ELECTRICITY	864.64	
07/18/2023	INVOICE	400002 JULY 23	ELECTRICITY	1,408.81	
07/18/2023	INVOICE	400003 JULY 23	ELECTRICITY	312.02	
07/18/2023	INVOICE	400004 JULY 23	ELECTRICITY	496.75	
07/18/2023	INVOICE	400005 JULY 23	ELECTRICITY	27.89	
07/18/2023	INVOICE	400006 JULY 23	ELECTRICITY	25.00	
07/18/2023	INVOICE	400008 JULY 23	ELECTRICITY	25.43	
07/18/2023	INVOICE	400009 JULY 23	ELECTRICITY	51.54	
07/18/2023	INVOICE	400010 JULY 23	ELECTRICITY	48.11	
07/18/2023	INVOICE	400011 JULY 23	ELECTRICITY	28.64	
07/18/2023	INVOICE	400012 JULY 23	ELECTRICITY	29.17	
07/18/2023	INVOICE	400013 JULY 23	ELECTRICITY	34.31	
07/18/2023	INVOICE	400015 JULY 23	ELECTRICITY	377.64	
07/18/2023	INVOICE	400016 JULY 23	ELECTRICITY	47.34	
07/18/2023	INVOICE	400017 JULY 23	ELECTRICITY	45.22	
07/18/2023	INVOICE	400018 JULY 23	ELECTRICITY	43.83	
07/18/2023	INVOICE	400019 JULY 23	ELECTRICITY	179.30	
07/18/2023	INVOICE	400020 JULY 23	ELECTRICITY	386.88	
07/18/2023	INVOICE	400023 JULY 23	ELECTRICITY	328.11	
07/18/2023	INVOICE	400024 JULY 23	ELECTRICITY	32.70	
07/18/2023	INVOICE	400025 JULY 23	ELECTRICITY	72.94	
07/18/2023	INVOICE	400026 JULY 23	ELECTRICITY	66.09	
07/18/2023	INVOICE	400028 JULY 23	ELECTRICITY	70.45	
07/18/2023	INVOICE	169014 JULY 23	ELECTRICITY	5,401.92	
07/18/2023	INVOICE	169049 JULY 23	ELECTRICITY	1,303.88	
			Total:	110,825.33	
			Net of 163 Invoices / 0 Checks	110,825.33	
10825	LUTJEN JAROD				
07/18/2023	INVOICE	7.06.2023	UMP MEN'S LEAGUE: 6/27; COED LEAGUE: 6/28	150.00	
			Total:	150.00	
			Net of 1 Invoices / 0 Checks	150.00	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
01806	M & L INC				
07/18/2023	INVOICE	6.01.23-6.30.23	YARD WASTE REMOVAL 6/01/2023 - 6/30/2023	5,135.70	
			Total:	5,135.70	
			Net of 1 Invoices / 0 Checks	5,135.70	
02806	MACQUEEN EQUIPMENT				
07/18/2023	INVOICE	P11401	DIRT SHOE RUNNER	218.38	
			Total:	218.38	
			Net of 1 Invoices / 0 Checks	218.38	
11040	MAHASKA MARKETS				
07/18/2023	INVOICE	MARO018493	COLD BREW	92.00	
			Total:	92.00	
			Net of 1 Invoices / 0 Checks	92.00	
03212	MATHESON-LINWELD				
07/18/2023	INVOICE	52189715	MEDICAL OXYGEN	29.25	
			Total:	29.25	
			Net of 1 Invoices / 0 Checks	29.25	
11049	MCCLURE SUE				
07/18/2023	INVOICE	7.06.2023	REGISTRATION FEE BABYSITTING COURSE	200.00	
			Total:	200.00	
			Net of 1 Invoices / 0 Checks	200.00	
10692	MEDLINE INDUSTRIES INC				
07/18/2023	INVOICE	2272882828	IV START KIT	147.36	
			Total:	147.36	
			Net of 1 Invoices / 0 Checks	147.36	
03220	MENARDS				
07/18/2023	INVOICE	88365	BEAM CLAMP, CARR BOLT, HEX BOLT, ANGLE BRAC	147.84	
07/18/2023	INVOICE	89082	30 QT SPORTSMAN COOLER	29.99	
07/18/2023	INVOICE	88799	MULTI-USE HOOKS	24.97	
07/18/2023	INVOICE	88794	DOWNSPOT BAND, ELBOW, SIDE ELBOW	14.35	
07/18/2023	INVOICE	88790	LINSEED OIL	9.99	
07/18/2023	INVOICE	88728	GORILLA TAPE, PVC CONDUIT	59.01	
07/18/2023	INVOICE	88896	BUTANE FUEL, JIGSAW BLADES, BUTANE TORCH	62.95	
07/18/2023	INVOICE	88957	2 GAL TANK SPRAYER	15.69	
07/18/2023	INVOICE	88943	LATEX WHITE PAINT	20.98	
07/18/2023	INVOICE	89375	SOFTSOAP	24.80	
07/18/2023	INVOICE	89374	BRAKELEEN, WD-40, MULTI-PURPOSE LUBE	33.64	
07/18/2023	INVOICE	89314	NYLON FLAG, OUTLET, GLOVES, QUICK SNAP	88.66	
07/18/2023	INVOICE	89441	TARP STRAP, EYE BOLT, WASHERS	24.37	
			Total:	557.24	
			Net of 13 Invoices / 0 Checks	557.24	
03222	MID-AMERICAN RESEARCH				
07/18/2023	INVOICE	0794403-IN	BACTERIZER QT	148.00	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
07/18/2023	INVOICE	0794406-IN	DOOMSDAY, VEG-A-KILL PLUS	1,191.75	
07/18/2023	INVOICE	0794618-IN	4 CASES LINERS	336.00	
			Total:	1,675.75	
			Net of 3 Invoices / 0 Checks	1,675.75	
00205	MID-STATE ENGINEERING & TESTING				
07/18/2023	INVOICE	22047	LIBRARY-CULTURAL ARTS CENTER-CITY HALL	189.00	
			Total:	189.00	
			Net of 1 Invoices / 0 Checks	189.00	
03224	MIDWEST LABORATORIES INC				
07/18/2023	INVOICE	1141146	WATER TESTING	1,963.34	
			Total:	1,963.34	
			Net of 1 Invoices / 0 Checks	1,963.34	
00463	MIKE'S TOWING				
07/18/2023	INVOICE	39747	TOWING	150.00	
07/18/2023	INVOICE	39715	TOWING	150.00	
07/18/2023	INVOICE	39716	TOWING	150.00	
07/18/2023	INVOICE	39758	TOWING	150.00	
07/18/2023	INVOICE	39763	TOWING	150.00	
			Total:	750.00	
			Net of 5 Invoices / 0 Checks	750.00	
03230	MOTION INDUSTRIES INC				
07/18/2023	INVOICE	NE07-00490798	Z64010	2,582.75	
			Total:	2,582.75	
			Net of 1 Invoices / 0 Checks	2,582.75	
02850	MOTION PICTURE LICENSING CORP				
07/18/2023	INVOICE	504422521	MPLC UMBRELLA LICENSE 8/16/12 TO 8/15/2024	1,030.06	
			Total:	1,030.06	
			Net of 1 Invoices / 0 Checks	1,030.06	
10832	MR GOLF CAR INC				
07/18/2023	INVOICE	41308	RENTAL CARS TOURNAMENT 6/24/23	1,380.00	
			Total:	1,380.00	
			Net of 1 Invoices / 0 Checks	1,380.00	
10824	MROCZEK CODY				
07/18/2023	INVOICE	7.05.2023	SOFTBALL TOURNAMENT DIRECTOR: 6/24, 6/30; B	2,660.00	
			Total:	2,660.00	
			Net of 1 Invoices / 0 Checks	2,660.00	
00153	MUELLER SPRINKLERS				
07/18/2023	INVOICE	35846	CABLE-THROTTLE	43.46	
			Total:	43.46	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Net of 1 Invoices / 0 Checks	43.46	
11018	MW MINI MELTS LLC				
07/18/2023	INVOICE	1085	MINI MELTS	2,256.00	
			Total:	2,256.00	
			Net of 1 Invoices / 0 Checks	2,256.00	
00029	NEBRASKA STATE FIRE MARSHAL				
07/18/2023	INVOICE	95396	ANNUAL INSPECTION	120.00	
			Total:	120.00	
			Net of 1 Invoices / 0 Checks	120.00	
MISC	NEW PLANET REAL ESTATE INVESTMENTS,				
07/18/2023	INVOICE	07/07/2023	UB refund for account: 200-29310-06	2.60	
			Total:	2.60	
			Net of 1 Invoices / 0 Checks	2.60	
03241	NEWMAN SIGNS INC.				
07/18/2023	INVOICE	TRFINV047516	SIGNS	337.43	
07/18/2023	INVOICE	TRFINV047572	SIGNS	113.71	
			Total:	451.14	
			Net of 2 Invoices / 0 Checks	451.14	
10518	NORTHEAST COMMUNITY COLLEGE				
07/18/2023	INVOICE	200050909	CLASSES FOR AARON PEREZ	1,160.00	
			Total:	1,160.00	
			Net of 1 Invoices / 0 Checks	1,160.00	
03249	OCCUPATIONAL HEALTH SERV				
07/18/2023	INVOICE	1895	NON DOT COLLECTION & TESTING, VACINATIONS	796.00	
07/18/2023	INVOICE	2376	NON DOT COLLECTION & TESTING	739.00	
07/18/2023	INVOICE	2219	COLLECTION & TESTING, VACCINATION	256.00	
			Total:	1,791.00	
			Net of 3 Invoices / 0 Checks	1,791.00	
00874	OCLC, INC				
07/18/2023	INVOICE	1000320573	WORLDSHARE ILL	1,519.32	
			Total:	1,519.32	
			Net of 1 Invoices / 0 Checks	1,519.32	
MISC	OFF PROPERTIES				
07/18/2023	INVOICE	07/07/2023	UB refund for account: 300-49750-21	6.75	
			Total:	6.75	
			Net of 1 Invoices / 0 Checks	6.75	
02852	OLSON'S PEST TECHNICIANS				
07/18/2023	INVOICE	302661	PEST CONTROL	150.00	
07/18/2023	INVOICE	302662	PEST CONTROL	50.00	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
07/18/2023	INVOICE	302663	PEST CONTROL	85.00	
07/18/2023	INVOICE	302664	PEST CONTROL	55.00	
07/18/2023	INVOICE	302665	PEST CONTROL	50.00	
07/18/2023	INVOICE	304381	PEST CONTROL	75.00	
07/18/2023	INVOICE	304379	PEST CONTROL	57.50	
07/18/2023	INVOICE	304380	PEST CONTROL	70.00	
			Total:	592.50	
			Net of 8 Invoices / 0 Checks	592.50	
01451	ONE CALL CONCEPTS INC				
07/18/2023	INVOICE	3060123	LOCATE FEES	510.96	
			Total:	510.96	
			Net of 1 Invoices / 0 Checks	510.96	
01307	ONE SOURCE				
07/18/2023	INVOICE	2022126911	BACKGROUND CHECKS	35.00	
07/18/2023	INVOICE	2022126910	BACKGROUND CHECKS	139.00	
			Total:	174.00	
			Net of 2 Invoices / 0 Checks	174.00	
00176	O'REILLY AUTOMOTIVE INC				
07/18/2023	INVOICE	0681-231104	BRAKE CLEAN	48.66	
07/18/2023	INVOICE	0681-231685	INTK CLNR, MAF CLNR	15.88	
			Total:	64.54	
			Net of 2 Invoices / 0 Checks	64.54	
10411	PAPER TIGER SHREDDING				
07/18/2023	INVOICE	182820	2 64 GALLON CONTAINERS	60.00	
			Total:	60.00	
			Net of 1 Invoices / 0 Checks	60.00	
01869	PERFORMANCE PRINTING INC				
07/18/2023	INVOICE	28789	EVIDENCE COLLECTION LOG FORMS	215.54	
			Total:	215.54	
			Net of 1 Invoices / 0 Checks	215.54	
00345	PETE LIEN & SONS INC.				
07/18/2023	INVOICE	CD99070237	QUICKLIME FINES	6,798.10	
			Total:	6,798.10	
			Net of 1 Invoices / 0 Checks	6,798.10	
03258	PETTY CASH				
07/18/2023	INVOICE	7.06.2023	PETTY CASH	127.14	
07/18/2023	INVOICE	745	PLATTE COUNTY REGISTER OF DEEDS - RELEASE Al	10.00	
			Total:	137.14	
			Net of 2 Invoices / 0 Checks	137.14	
00155	PLATTE COUNTY				

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
07/18/2023	INVOICE	MONTHLY	COUNTY ATTORNEY SERVICES	3,408.00	
			Total:	3,408.00	
			Net of 1 Invoices / 0 Checks	3,408.00	
01077	PLATTE VALLEY COMMUNICATIONS				
07/18/2023	INVOICE	062300219	CHECKED & PULLED QUANTAR, PROGRAMMED MTR200(	213.75	
07/18/2023	INVOICE	052300264	FACTORY REPAIR	190.00	
			Total:	403.75	
			Net of 2 Invoices / 0 Checks	403.75	
10241	POMP'S TIRE SERVICE INC.				
07/18/2023	INVOICE	1440017747	TIRE	97.00	
07/18/2023	INVOICE	1440017763	USED TRUCK TIRE	97.00	
07/18/2023	INVOICE	1440017798	TIRE	381.00	
07/18/2023	INVOICE	1440017876	REPAIR TIRES	375.48	
			Total:	950.48	
			Net of 4 Invoices / 0 Checks	950.48	
01829	PPG ARCHITECTURAL FINISHES INC				
07/18/2023	INVOICE	836603033471	WHITE & YELLOW	7,287.36	
			Total:	7,287.36	
			Net of 1 Invoices / 0 Checks	7,287.36	
10913	PREMIER PROPERTY MANAGEMENT LLC				
07/18/2023	INVOICE	7.01.2023	MONTHLY LEASE PAYMENT-COLUMBUS FAMILY RESOU(	10,609.99	
			Total:	10,609.99	
			Net of 1 Invoices / 0 Checks	10,609.99	
00493	PSYCHOLOGICAL RESOURCES				
07/18/2023	INVOICE	2306244	PSYCHOLOGICAL EVALUATIONS	300.00	
07/18/2023	INVOICE	2306082	PSYCHOLOGICAL EVALUATIONS	300.00	
			Total:	600.00	
			Net of 2 Invoices / 0 Checks	600.00	
03264	REARDON LAWN & GARDEN INC				
07/18/2023	INVOICE	3722	OIL DRAIN VALVE KIT	47.98	
07/18/2023	INVOICE	5020	OIL FILTER	12.99	
			Total:	60.97	
			Net of 2 Invoices / 0 Checks	60.97	
00356	RECREATION SUPPLY COMPANY				
07/18/2023	INVOICE	507937	4"X28" SELF ADHESIVE BLACK & YELLOW	813.60	
			Total:	813.60	
			Net of 1 Invoices / 0 Checks	813.60	
10872	RIVERSIDE PORTABLES LLC				
07/18/2023	INVOICE	I2772	PORTABLE RESTROOM-LAN CHAIRS ON THE SQUARE	380.00	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	380.00	
			Net of 1 Invoices / 0 Checks	380.00	
MISC	RUE 21				
07/18/2023	INVOICE	07/07/2023	UB refund for account: 200-40377-04	36.25	
			Total:	36.25	
			Net of 1 Invoices / 0 Checks	36.25	
10643	RUTT'S HEATING & A/C INC				
07/18/2023	INVOICE	10870	A/C UNIT FROZE & SHUT DOWN	165.00	
			Total:	165.00	
			Net of 1 Invoices / 0 Checks	165.00	
03269	SACKETT ELECTRIC INC				
07/18/2023	INVOICE	23-7264	TRACE MAIN SERVICE PROBLEM IN CART BLDG	118.75	
			Total:	118.75	
			Net of 1 Invoices / 0 Checks	118.75	
03270	SAPP BROS COLUMBUS INC				
07/18/2023	INVOICE	CP0061402	FUEL	263.97	
07/18/2023	INVOICE	IN4171896	FUEL	7,128.00	
07/18/2023	INVOICE	IN4178952	FUEL	982.01	
07/18/2023	INVOICE	IN4178949	FUEL	1,472.12	
07/18/2023	INVOICE	IN4179821	FUEL	5,680.00	
07/18/2023	INVOICE	IN4182246	DIESEL EXHAUST FLUID	120.45	
07/18/2023	INVOICE	IN4187067	FUEL	9,717.95	
07/18/2023	INVOICE	IN4191074	FUEL	8,890.00	
07/18/2023	INVOICE	IN4175776	AMERI/BLU 32.5% DEF 55 GAL DRUM	129.45	
07/18/2023	INVOICE	IN4185361	AMERIGUARD 80W-90 5GAL PAIL	120.25	
07/18/2023	INVOICE	CP0059222	FUEL	47.00	
			Total:	34,551.20	
			Net of 11 Invoices / 0 Checks	34,551.20	
02805	SCHEMMER ASSOCIATES INC.				
07/18/2023	INVOICE	09071.001-3	R23-37 23RD ST WATER & SEWER CONSTRUCTION II	30,712.97	
			Total:	30,712.97	
			Net of 1 Invoices / 0 Checks	30,712.97	
03271	SCHIEFFER SIGNS INC				
07/18/2023	INVOICE	45897	BENCH PLAQUE	240.00	
			Total:	240.00	
			Net of 1 Invoices / 0 Checks	240.00	
03275	SECURITY EQUIPMENT INC				
07/18/2023	INVOICE	797721	ACCESS CARDS	495.00	
			Total:	495.00	
			Net of 1 Invoices / 0 Checks	495.00	
MISC	SELECTSAT WIRELESS				

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
07/18/2023	INVOICE	07/07/2023	UB refund for account: 100-17020-06	3.11	
			Total:	3.11	
			Net of 1 Invoices / 0 Checks	3.11	
00465	SERVICEMASTER BY SHEVLIN				
07/18/2023	INVOICE	10247	JANITORIAL SERVICES	5,790.55	
07/18/2023	INVOICE	10246	JANITORIAL SERVICES	3,120.75	
07/18/2023	INVOICE	10191	MONTHLY JANITORIAL SERVICES	2,413.00	
			Total:	11,324.30	
			Net of 3 Invoices / 0 Checks	11,324.30	
03276	SHERWIN-WILLIAMS CO				
07/18/2023	INVOICE	61843	SAVER LUBE 8OZ	11.89	
07/18/2023	INVOICE	58427	SAVER LUBE 8OZ	11.89	
07/18/2023	INVOICE	51773	GLASS BEADS	1,306.00	
			Total:	1,329.78	
			Net of 3 Invoices / 0 Checks	1,329.78	
01090	SHEVLIN SUPPLY				
07/18/2023	INVOICE	6761	BATH TISSUE, CENTER PULL TOWELS	358.08	
07/18/2023	INVOICE	6760	WHITE TOWELS, BATH TISSUE	162.43	
07/18/2023	INVOICE	6783	PAPER TOWELS, ROLL TOWEL, BATH TISSUE, LINEI	540.60	
07/18/2023	INVOICE	6782	TOWELS, ROLL TOWEL, BATH TISSUE, LINERS	540.60	
07/18/2023	INVOICE	6773	NITRILE GLOVES, KITCHEN ROLL TOWELS	121.30	
			Total:	1,723.01	
			Net of 5 Invoices / 0 Checks	1,723.01	
03277	SIPPLE, HANSEN, EMERSON,				
07/18/2023	INVOICE	1-00M JUNE 23	LEGAL SERVICES	4,749.30	
			Total:	4,749.30	
			Net of 1 Invoices / 0 Checks	4,749.30	
03280	STATE OF NEBR DEPT OF REVENUE				
07/18/2023	INVOICE	6302023POOLS	JUNE 2023 SALES TAX POOLS	14,180.05	
07/18/2023	INVOICE	6302023GOLF	JUNE 2023 GOLF SALES TAX	8,857.79	
07/18/2023	INVOICE	06302023UTILITY	JUNE 2023 UTILITY SALES TAX	52,390.48	
			Total:	75,428.32	
			Net of 3 Invoices / 0 Checks	75,428.32	
MISC	STOKES ART				
07/18/2023	INVOICE	07/07/2023	UB refund for account: 300-57860-00	2.20	
			Total:	2.20	
			Net of 1 Invoices / 0 Checks	2.20	
00105	SUPER SAVER				
07/18/2023	INVOICE	122703	WATER, BUNS, POP	237.00	
07/18/2023	INVOICE	122651	GROCERIES	38.80	
			Total:	275.80	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Net of 2 Invoices / 0 Checks	275.80	
00110	SYSCO LINCOLN				
07/18/2023	INVOICE	16170153P	CREDIT - SALES ERROR	(39.55)	
07/18/2023	INVOICE	561065051	CREDIT - SALES ERROR ROAST BEEF	(885.09)	
07/18/2023	INVOICE	561062625	GROCERIES- CUP LIDS	2,891.97	
07/18/2023	INVOICE	561040431	GROCERIES, CUPS, LIDS, ECELAB RINSE, COFFEE	3,206.77	
07/18/2023	INVOICE	561051416	GROCERIES, CUP LIDS	2,361.48	
07/18/2023	INVOICE	561027795	GROCERIES, PAPER TOWELS	1,967.11	
07/18/2023	INVOICE	561027176	BUTTERBUDS BUTTER MIST	101.78	
07/18/2023	INVOICE	561049255	CREDIT - NIAGARA WATER	(36.57)	
07/18/2023	INVOICE	561032367	CONCESSIONS	747.47	
07/18/2023	INVOICE	561055655	PYROTEX OVEN MITT	67.70	
07/18/2023	INVOICE	561075071	CONCESSIONS	1,911.07	
07/18/2023	INVOICE	561025717	CONCESSIONS	2,235.61	
07/18/2023	INVOICE	561027796	CONCESSIONS	1,194.32	
07/18/2023	INVOICE	561038398	CONCESSIONS	1,077.79	
07/18/2023	INVOICE	561040432	CONCESSIONS	1,423.17	
07/18/2023	INVOICE	561043372	CONCESSIONS	786.19	
07/18/2023	INVOICE	561049444	CONCESSIONS	2,089.62	
07/18/2023	INVOICE	561051417	CONCESSIONS	939.61	
07/18/2023	INVOICE	561054696	CONCESSIONS	1,848.82	
07/18/2023	INVOICE	561060558	CONCESSIONS	1,954.57	
07/18/2023	INVOICE	561062626	CONCESSIONS	1,917.02	
07/18/2023	INVOICE	561066621	CONCESSIONS	847.74	
			Total:	28,608.60	
			Net of 22 Invoices / 0 Checks	28,608.60	
00313	T-BONE FUEL DELIVERY				
07/18/2023	INVOICE	2878	#1 OR #2 DYED - GENERATOR LIBRARY/CITY HALL	814.52	
			Total:	814.52	
			Net of 1 Invoices / 0 Checks	814.52	
02743	TELECOMMUNICATION SYSTEMS INC.				
07/18/2023	INVOICE	04INV-000043297	MONTHKY CIRCUIT FEES	1,970.67	
			Total:	1,970.67	
			Net of 1 Invoices / 0 Checks	1,970.67	
10987	THE GOLF SHOP				
07/18/2023	INVOICE	135	MONTHKY TERMINAL USAGE FEE FOR JUNE	3,365.08	
			Total:	3,365.08	
			Net of 1 Invoices / 0 Checks	3,365.08	
10326	THE LIFEGUARD STORE				
07/18/2023	INVOICE	INV001335430	SWIM SUITS, WHISTLES, LANYARDS	1,700.75	
			Total:	1,700.75	
			Net of 1 Invoices / 0 Checks	1,700.75	
02034	THREE RIVERS LIBRARY SYSTEM				
07/18/2023	INVOICE	482	2023 ANNUAL MEETING	5.00	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	5.00	
			Net of 1 Invoices / 0 Checks	5.00	
03128	TIRE OUTLET INC				
07/18/2023	INVOICE	246094	REPAIR	15.00	
07/18/2023	INVOICE	246189	TIRE	46.00	
07/18/2023	INVOICE	246239	TIRE	41.00	
07/18/2023	INVOICE	246452	REPAIR	15.00	
07/18/2023	INVOICE	245282	WHEEL	46.00	
07/18/2023	INVOICE	246184	USED TIRE	53.00	
07/18/2023	INVOICE	246120	REPAIR	15.00	
			Total:	231.00	
			Net of 7 Invoices / 0 Checks	231.00	
10589	TK ELEVATOR CORPORATION				
07/18/2023	INVOICE	1000531144	MAINTENANCE CONTRACT	228.75	
			Total:	228.75	
			Net of 1 Invoices / 0 Checks	228.75	
03283	TRACTOR SUPPLY CREDIT PLAN				
07/18/2023	INVOICE	595953	ADJUSTABLE WRENCH, PLIERS	61.97	
07/18/2023	INVOICE	593530	LOCK OINS	12.98	
07/18/2023	INVOICE	595256	EXTREME DUTY GREASE	119.80	
07/18/2023	INVOICE	200387357	2 LEAF EYE TO EYE, TIRE	162.98	
			Total:	357.73	
			Net of 4 Invoices / 0 Checks	357.73	
00550	TRUCK CENTER COMPANIES				
07/18/2023	INVOICE	XA111030133:01	COMP 12V, RECEIVER DRIER	325.04	
07/18/2023	INVOICE	XA111029868:01	HOSE-AC	81.10	
07/18/2023	INVOICE	XA111029934:01	CREDIT - HOSE AC H04 TO EVAP	(81.10)	
07/18/2023	INVOICE	XA111029933:01	HOSE-AC H02 TO COMPR	185.20	
07/18/2023	INVOICE	XA111029989:01	HEADLAMP REFLECTOR, HALOGEN CAPSULE	49.12	
			Total:	559.36	
			Net of 5 Invoices / 0 Checks	559.36	
00357	TURFWERKS				
07/18/2023	INVOICE	OI55038	ASSY THERMO, GASKET	88.62	
			Total:	88.62	
			Net of 1 Invoices / 0 Checks	88.62	
01413	TWIN RIVERS VETERINARY CLINIC				
07/18/2023	INVOICE	175851	VETERINARY SERVICES	1,125.90	
			Total:	1,125.90	
			Net of 1 Invoices / 0 Checks	1,125.90	
00100	U & I SANITATION				
07/18/2023	INVOICE	8865-298	JUNE SERVICE	50.00	
07/18/2023	INVOICE	8865-289	JUNE SERVICE	119.50	
07/18/2023	INVOICE	19384	3.13 TON - 6-7-23	385.11	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	554.61	
			Net of 3 Invoices / 0 Checks	554.61	
00369	UNIVERSITY OF NE-LINCOLN				
07/18/2023	INVOICE	7.06.2023	REGISTRATION FEE & COURSE BOOKLET BABYSITTI	800.00	
			Total:	800.00	
			Net of 1 Invoices / 0 Checks	800.00	
03294	USA BLUE BOOK				
07/18/2023	INVOICE	INV00052016	BLUE-WHITE TUBE ASSEMBLY, MAINTENANCE KIT	499.57	
			Total:	499.57	
			Net of 1 Invoices / 0 Checks	499.57	
00404	USDA, APHIS				
07/18/2023	INVOICE	3004628804	PERSONNEL COMPENSATION, PROGRAM SUPPORT	3,703.71	
			Total:	3,703.71	
			Net of 1 Invoices / 0 Checks	3,703.71	
00664	UTILITY SERVICE CO INC				
07/18/2023	INVOICE	584697	584698, 584699, 584700 QUARTERLY TANK & TOWI	20,622.32	
			Total:	20,622.32	
			Net of 1 Invoices / 0 Checks	20,622.32	
10948	VAN DYKE CARR0LL				
07/18/2023	INVOICE	7.01.2023	OPEN/CLOSE CEMETERY GATES	146.50	
			Total:	146.50	
			Net of 1 Invoices / 0 Checks	146.50	
10961	VERIZON				
07/18/2023	INVOICE	348000043214	GPS UNITS	28.40	
			Total:	28.40	
			Net of 1 Invoices / 0 Checks	28.40	
01181	VERIZON WIRELESS				
07/18/2023	INVOICE	9938221176	CELL PHONE MAY 27 - JUN 26	1,226.74	
07/18/2023	INVOICE	9938270361	CELL PHONE MAY 27 - JUN 26	2,510.45	
07/18/2023	INVOICE	9938270362	CELL PHONE JUN 13 - JUN 26 - ELLEY COFFIN	166.66	
			Total:	3,903.85	
			Net of 3 Invoices / 0 Checks	3,903.85	
03154	WASTE CONNECTIONS OF NEBRASKA				
07/18/2023	INVOICE	6663633T054	GARBAGE SERVICE - JUNE	250.96	
			Total:	250.96	
			Net of 1 Invoices / 0 Checks	250.96	
02708	WELLNESS PARTNERS LLC				
07/18/2023	INVOICE	4849	MONTHLY NEWSLETTER	10.00	

Vendor Code / Post Date	Vendor Name / Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	10.00	
			Net of 1 Invoices / 0 Checks	10.00	
00385	WEST POINT IMPLEMENT OF				
07/18/2023	INVOICE	I509989	O-RING	1.03	
07/18/2023	INVOICE	I509972	O-RING	7.24	
			Total:	8.27	
			Net of 2 Invoices / 0 Checks	8.27	
00994	WILKENS INDUSTRIES INC				
07/18/2023	INVOICE	33224	TRAN TRAILER	115,420.00	
			Total:	115,420.00	
			Net of 1 Invoices / 0 Checks	115,420.00	
10246	WILKINSON, JESSICA				
07/18/2023	INVOICE	7.11.2023	MILEAGE - ALA ANNUAL CONFERENCE	136.26	
			Total:	136.26	
			Net of 1 Invoices / 0 Checks	136.26	
			invoices and 0 checks for 173 vendors:	1,894,990.07	

INVOICE REGISTER REPORT FOR CITY OF COLUMBUS, NE
EXP CHECK RUN DATES 07/18/2023 - 07/18/2023
BOTH JOURNALIZED AND UNJOURNALIZED
OPEN

Inv Ref#	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
89369	CITY OF COLUMBUS	06/30/2023	07/18/2023	7,572.70	7,572.70	Open	N
89417	ELECTRONIC ENGINEERING	02/07/2023	07/18/2023	9,451.95	9,451.95	Open	N
89418	ELECTRONIC ENGINEERING	02/07/2023	07/18/2023	9,451.95	9,451.95	Open	N
89456	SERVICEMASTER BY SHEVLIN	07/01/2023	07/18/2023	5,790.55	5,790.55	Open	N
89546	DUNBAR DOUGLAS	07/01/2023	07/18/2023	7,018.00	7,018.00	Open	N
89574	LOUP POWER DISTRICT	07/05/2023	07/18/2023	5,270.02	5,270.02	Open	N
89708	LOUP POWER DISTRICT	07/05/2023	07/18/2023	5,401.92	5,401.92	Open	N
89719	AQUA-CHEM INC	06/28/2023	07/18/2023	5,345.60	5,345.60	Open	N
89779	PETE LIEN & SONS INC.	06/30/2023	07/18/2023	6,798.10	6,798.10	Open	N
89783	SAPP BROS COLUMBUS INC	06/01/2023	07/18/2023	7,128.00	7,128.00	Open	N
89786	SAPP BROS COLUMBUS INC	06/13/2023	07/18/2023	5,680.00	5,680.00	Open	N
89788	SAPP BROS COLUMBUS INC	06/22/2023	07/18/2023	9,717.95	9,717.95	Open	N
89789	SAPP BROS COLUMBUS INC	06/27/2023	07/18/2023	8,890.00	8,890.00	Open	N
89854	M & L INC	06/30/2023	07/18/2023	5,135.70	5,135.70	Open	N
89874	BVH ARCHITECTURE	07/08/2023	07/18/2023	8,756.02	8,756.02	Open	N
89877	HDR ENGINEERING INC	07/06/2023	07/18/2023	8,419.13	8,419.13	Open	N
89878	HDR ENGINEERING INC	07/06/2023	07/18/2023	5,097.35	5,097.35	Open	N
89960	FIRST NATIONAL BANK OMAHA	06/11/2023	07/18/2023	6,593.96	6,593.96	Open	N
90026	CORE & MAIN LP	07/10/2023	07/18/2023	5,076.00	5,076.00	Open	N
90039	PPG ARCHITECTURAL FINISHES INC	06/22/2023	07/18/2023	7,287.36	7,287.36	Open	N
90068	STATE OF NEBR DEPT OF REVENUE	07/01/2023	07/18/2023	8,857.79	8,857.79	Open	N

# of Invoices:	21	# Due: 21	Totals:	148,740.05	148,740.05
# of Credit Memos:	0	# Due: 0	Totals:	0.00	0.00
Net of Invoices and Credit Memos:				148,740.05	148,740.05

INVOICE REGISTER REPORT FOR CITY OF COLUMBUS, NE
EXP CHECK RUN DATES 07/18/2023 - 07/18/2023
BOTH JOURNALIZED AND UNJOURNALIZED
OPEN

Inv Ref#	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
--- TOTALS BY FUND ---							
	100 - GENERAL FUND			79,920.44	79,920.44		
	200 - STREETS/ENGINEERING			16,177.36	16,177.36		
	500 - UTILITY SERVICE			15,217.23	15,217.23		
	520 - WATER			15,443.37	15,443.37		
	570 - SOLID WASTE DIVISION			21,981.65	21,981.65		
--- TOTALS BY DEPT/ACTIVITY ---							
	100 - GENERAL ADMINISTRATION			1,463.40	1,463.40		
	110 - POLICE			24,583.90	24,583.90		
	130 - LIBRARY			13,083.17	13,083.17		
	150 - PARKS			6,593.96	6,593.96		
	151 - PAWNEE PLUNGE WATER PARK			12,918.30	12,918.30		
	155 - VAN BERG GOLF COURSE			10,135.97	10,135.97		
	156 - QUAIL RUN GOLF COURSE			11,141.74	11,141.74		
	200 - STREETS			16,177.36	16,177.36		
	500 - WASTEWATER COLLECTION			8,419.13	8,419.13		
	501 - WASTEWATER TREATMENT FAC			6,798.10	6,798.10		
	520 - WATER			15,443.37	15,443.37		
	570 - TRANSFER STATION			21,981.65	21,981.65		

INVOICE GL DISTRIBUTION REPORT FOR CITY OF COLUMBUS, NE
EXP CHECK RUN DATES 07/18/2023 - 07/18/2023
UNJOURNALIZED
BOTH OPEN AND PAID

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 100 GENERAL ADMINISTRATION					
100-100-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	MARRIOTT CORNHUSKER - REFUND	(259.16)	
100-100-53200	PROFESSIONAL SERVICES	FORVIS LLP	FINAL BILLING	14,115.00	
100-100-53200	PROFESSIONAL SERVICES	SIPPLE, HANSEN, EMERSON,	LEGAL SERVICES	4,749.30	
100-100-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	WIRELESS KEYBOARD & MOUSE	241.89	
100-100-53400	COMPUTER SUPPORT/MAINT	SECURITY EQUIPMENT INC	ACCESS CARDS	495.00	
100-100-54310	BUILDING MAINTENANCE	FIRST NATIONAL BANK OMAHA	WATERPROOF PADLOCKS	43.99	
100-100-54310	BUILDING MAINTENANCE	JACKSON SERVICES INC	MATS	52.56	
100-100-54310	BUILDING MAINTENANCE	OLSON'S PEST TECHNICIANS	PEST CONTROL	150.00	
100-100-54380	MAINTENANCE AGREEMENTS	FIRST NATIONAL BANK OMAHA	SEMBLY AI	10.00	
100-100-54380	MAINTENANCE AGREEMENTS	KINGS III OF AMERICA LLC	ELEVATOR PHONES - MONITORING SERVICE 6/	252.00	
100-100-55500	PUBLICATIONS AND NOTICES	COLUMBUS TELEGRAM	MEETING NOTICES, ORDINANCE	828.88	
100-100-55900	MISCELLANEOUS	FIRST NATIONAL BANK OMAHA	AMAZON BUSINESS PRIME MEMBERSHIP	179.00	
100-100-55900	MISCELLANEOUS	PETTY CASH	PLATTE COUNTY REGISTER OF DEEDS - RELEA	10.00	
100-100-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	COMMAND STRIPS, HANGING STRIPS	48.33	
100-100-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	COMMAND STRIPS, STORAGE BOXES	408.49	
100-100-56010	SUPPLIES	HY-VEE INC	ICE, WATER	6.28	
100-100-56010	SUPPLIES	MENARDS	MULTI-USE HOOKS	49.77	
100-100-56010	SUPPLIES	SHEVLIN SUPPLY	TOWELS, ROLL TOWEL, BATH TISSUE, LINERS	540.60	
100-100-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	FILE FOLDERS	260.29	
100-100-56030	CLEANING SUPPLIES/SERVICE	SERVICEMASTER BY SHEVLIN	JANITORIAL SERVICES	3,120.75	
100-100-56040	POSTAGE AND FREIGHT	CASEY'S MAIL SERVICE LLC	DAILY MAIL, WATER STATEMENTS	98.69	
100-100-56050	FUEL	T-BONE FUEL DELIVERY	#1 OR #2 DYED - GENERATOR LIBRARY/CITY	407.26	
100-100-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	1,260.48	
100-100-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	229.45	
100-100-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	96.12	
100-100-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAY 27 - JUN 26	503.18	
100-100-56250	REFUSE	PAPER TIGER SHREDDING	2 64 GALLON CONTAINERS	60.00	
100-100-56250	REFUSE	WASTE CONNECTIONS OF NEBRA	GARBAGE SERVICE - JUNE	125.48	
100-100-56410	BOOKS AND PUBLICATIONS	FIRST NATIONAL BANK OMAHA	BHM WORLD HERALD SUBSCRIPTION	29.99	
100-100-56410	BOOKS AND PUBLICATIONS	WELLNESS PARTNERS LLC	MONTHLY NEWSLETTER	10.00	
100-100-56620	EMERGENCY MANAGEMENT	BLACK HILLS ENERGY	NATURAL GAS	46.17	
100-100-56620	EMERGENCY MANAGEMENT	HEARTLAND NATURAL GAS LLC	NATURAL GAS	4.80	
100-100-56620	EMERGENCY MANAGEMENT	LOUP POWER DISTRICT	ELECTRICITY	366.71	
100-100-57200	CAPITAL-LAND & BUILDINGS	BAUER UNDERGROUND INC.	COMMUNITY BUILDING REROUTE	24,650.00	
100-100-57200-20003	CAPITAL-LAND & BUILDINGS	JEO CONSULTING GROUP INC	FLOOD MITIGATION & RESILIENCY PLAN	11,251.60	
100-100-57200-21092	CAPITAL-LAND & BUILDINGS	AOI CORPORATION	50% DEPOSIT - BYME ELECTRICAL	432.08	
100-100-57200-21092	CAPITAL-LAND & BUILDINGS	BOYD JONES CONSTRUCTION CO	LIBRARY/CULTURAL ARTS FACILITY	157,217.20	
100-100-57200-21092	CAPITAL-LAND & BUILDINGS	BVH ARCHITECTURE	LIBRARY, CHILDRENS MUSEUM & CITY HALL	1,463.40	
100-100-57200-21092	CAPITAL-LAND & BUILDINGS	LIBRARY FURNITURE INTERNA1	SHELVING	77,979.55	
100-100-57200-21092	CAPITAL-LAND & BUILDINGS	MID-STATE ENGINEERING & TE	LIBRARY-CULTURAL ARTS CENTER-CITY HALL	94.50	
100-100-57510-23002	CAPITAL-EQUIPMENT	MENARDS	BEAM CLAMP, CARR BOLT, HEX BOLT, ANGLE	147.84	
		Total For Dept 100 GENERAL ADMINISTRATION		301,777.47	
Dept 102 COLUMBUS AREA TRANSIT					
100-102-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	COLLECTION & TESTING, VACCINATION	67.00	
100-102-54310	BUILDING & GROUNDS MAINT	OLSON'S PEST TECHNICIANS	PEST CONTROL	50.00	
100-102-54330	VEHICLE MAINTENANCE	TIRE OUTLET INC	REPAIR	30.00	
100-102-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	MAT	24.70	
100-102-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	40.23	
100-102-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	1.04	
100-102-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	136.49	
100-102-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	95.68	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 102 COLUMBUS AREA TRANSIT					
100-102-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	18.05	
100-102-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAY 27 - JUN 26	42.75	
		Total For Dept 102 COLUMBUS AREA TRANSIT		505.94	
Dept 103 COLUMBUS SENIOR CENTER					
100-103-54510-III-B	BUILDING RENTAL/LEASE	PREMIER PROPERTY MANAGEMEN	MONTHLY LEASE PAYMENT-COLUMBUS FAMILY F	7,320.89	
100-103-54510-III-C	BUILDING RENTAL/LEASE	PREMIER PROPERTY MANAGEMEN	MONTHLY LEASE PAYMENT-COLUMBUS FAMILY F	3,289.10	
100-103-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	NFM - CHEST FREEZER (ARPA FUNDS)	1,048.00	
100-103-56010-III-B	SUPPLIES	CULLIGAN OF COLUMBUS	REVERSE OSMOSIS 7/01 TO 7/31	32.25	
100-103-56010-III-B	SUPPLIES	SYSCO LINCOLN	GROCERIES, CUPS, LIDS, ECELAB RINSE, CC	121.62	
100-103-56010-III-C	SUPPLIES	CULLIGAN OF COLUMBUS	REVERSE OSMOSIS 7/01 TO 7/31	32.25	
100-103-56010-III-C	SUPPLIES	SYSCO LINCOLN	GROCERIES- CUP LIDS	173.46	
100-103-56020-III-B	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	NAME AND "IMPORTANT" STAMPS	25.15	
100-103-56020-III-C	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	NAME AND "IMPORTANT" STAMPS	25.15	
100-103-56030-III-C	CLEANING SUPPLIES/SERVICE	SYSCO LINCOLN	GROCERIES, CUPS, LIDS, ECELAB RINSE, CC	318.06	
100-103-56300-III-C	FOOD COSTS	SYSCO LINCOLN	CREDIT - SALES ERROR	8,889.55	
		Total For Dept 103 COLUMBUS SENIOR CENTER		21,275.48	
Dept 105 FINANCE					
100-105-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAY 27 - JUN 26	128.25	
		Total For Dept 105 FINANCE		128.25	
Dept 106 CITY CLERK					
100-106-52700	TRAINING AND TUITION	CORNHUSKER MARRIOTT HOTEL	KELLI KEYES	238.00	
100-106-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	MEALS & PARKING FOR KELLI KEYES TRAININ	63.56	
		Total For Dept 106 CITY CLERK		301.56	
Dept 108 HUMAN RESOURCES					
100-108-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	102.16	
		Total For Dept 108 HUMAN RESOURCES		102.16	
Dept 110 POLICE					
100-110-52700	TRAINING AND TUITION	FBINAA-NEBRASKA INC	FBINAA LUNCHEON	15.00	
100-110-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	HARRAH'S CASINO TRAINING - STRECKER & F	227.83	
100-110-52700	TRAINING AND TUITION	LABOR RELATIONS INFO SYSTE	RENEWAL OF SUBSCRIPTION	150.00	
100-110-52700	TRAINING AND TUITION	PETTY CASH	PETTY CASH	83.53	
100-110-52710	EMPLOYEE RECRUITMENT/RETENTION	FIRST IMPRESSIONS	2,000 ADHESIVE NOTES	900.00	
100-110-52710	EMPLOYEE RECRUITMENT/RETENTION	FIRST NATIONAL BANK OMAHA	AMAZON - SILICONE WRISTBANDS	351.98	
100-110-52710	EMPLOYEE RECRUITMENT/RETENTION	ONE SOURCE	BACKGROUND CHECKS	17.00	
100-110-52710	EMPLOYEE RECRUITMENT/RETENTION	PETTY CASH	PETTY CASH	6.98	
100-110-52810	UNIFORMS-QUARTERMASTER	911 CUSTOM LLC	SURVIVAL ARMOR NAME TAPE, FRONT ID FLAI	33.00	
100-110-52810	UNIFORMS-QUARTERMASTER	FIRST NATIONAL BANK OMAHA	AMAZON- TACTICAL FLASHLIGHT MCCARTHY QM	117.69	
100-110-53200	PROFESSIONAL SERVICES	LANGUAGE LINE SERVICES INC	OVER THE PHONE INTERPRETATION	61.98	
100-110-53200	PROFESSIONAL SERVICES	OCCUPATIONAL HEALTH SERV	NON DOT COLLECTION & TESTING, VACINATIC	1,535.00	
100-110-53200	PROFESSIONAL SERVICES	PLATTE COUNTY	COUNTY ATTORNEY SERVICES	3,408.00	
100-110-53200	PROFESSIONAL SERVICES	PSYCHOLOGICAL RESOURCES	PSYCHOLOGICAL EVALUATIONS	600.00	
100-110-53200	PROFESSIONAL SERVICES	TWIN RIVERS VETERINARY CLI	VETERINARY SERVICES	1,125.90	
100-110-53200	PROFESSIONAL SERVICES	USDA, APHIS	PERSONNEL COMPENSATION, PROGRAM SUPPORT	3,703.71	
100-110-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON - 7 PORT USB 3.0 HUB	44.95	
100-110-54310	BUILDING MAINTENANCE	NEBRASKA STATE FIRE MARSHA	ANNUAL INSPECTION	120.00	
100-110-54330	VEHICLE MAINTENANCE	CNC REPAIR LLC	LUBE OIL FILTER VIN #2917	3,768.61	
100-110-54330	VEHICLE MAINTENANCE	COLUMBUS TIRE & SERVICE	REPAIR TIRE	25.00	
100-110-54330	VEHICLE MAINTENANCE	MENARDS	TARP STRAP, EYE BOLT, WASHERS	24.37	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 110 POLICE					
100-110-54380	MAINTENANCE AGREEMENTS	OLSON'S PEST TECHNICIANS	PEST CONTROL	85.00	
100-110-54380	MAINTENANCE AGREEMENTS	TK ELEVATOR CORPORATION	MAINTENANCE CONTRACT	228.75	
100-110-54530	VEHICLE TOWING	BEHLEN TOWING LLC	TOWING	1,200.00	
100-110-54530	VEHICLE TOWING	MIKE'S TOWING	TOWING	750.00	
100-110-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	B & H - BATTERY BOX	47.50	
100-110-56010	SUPPLIES	PETTY CASH	PETTY CASH	33.69	
100-110-56010	SUPPLIES	SHEVLIN SUPPLY	WHITE TOWELS, BATH TISSUE	162.43	
100-110-56020	OFFICE SUPPLIES	FIRST NATIONAL BANK OMAHA	OFFICE SUPPLY.COM- OFFICE SUPPLIES	274.65	
100-110-56020	OFFICE SUPPLIES	PERFORMANCE PRINTING INC	EVIDENCE COLLECTION LOG FORMS	215.54	
100-110-56030	CLEANING SUPPLIES/SERVICE	SERVICEMASTER BY SHEVLIN	MONTHLY JANITORIAL SERVICES	2,413.00	
100-110-56040	POSTAGE AND FREIGHT	PETTY CASH	PETTY CASH	2.94	
100-110-56050	FUEL	SAPP BROS COLUMBUS INC	FUEL	5,680.00	
100-110-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	135.95	
100-110-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	21.61	
100-110-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	2,488.12	
100-110-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	384.42	
100-110-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	231.29	
100-110-56250	REFUSE	WASTE CONNECTIONS OF NEBRA	GARBAGE SERVICE - JUNE	125.48	
100-110-57520-21005	CAPITAL-VEHICLES	ANDERSON FORD OF LINCOLN	3 - 2023/24 POLICE UTILITY VEHICLES	50,564.00	
100-110-57520-21005	CAPITAL-VEHICLES	ELECTRONIC ENGINEERING	INSTALL CUSTOMER SUPPLIED EQUIPMENT-VEH	9,451.95	
100-110-57520-21006	CAPITAL-VEHICLES	ANDERSON FORD OF LINCOLN	3 - 2023/24 POLICE UTILITY VEHICLES	50,564.00	
100-110-57520-21006	CAPITAL-VEHICLES	ELECTRONIC ENGINEERING	INSTALL CUSTOMER SUPPLIED EQUIPMENT-VEH	9,451.95	
100-110-57520-21007	CAPITAL-VEHICLES	ANDERSON FORD OF LINCOLN	3 - 2023/24 POLICE UTILITY VEHICLES	50,564.00	
100-110-57520-21007	CAPITAL-VEHICLES	ELECTRONIC ENGINEERING	INSTALL CUSTOMER SUPPLIED EQUIPMENT-VEH	14,826.95	
		Total For Dept 110 POLICE		216,223.75	
Dept 120 FIRE					
100-120-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	AMERICINN - DARIK SALAK TRAINING	480.96	
100-120-54310	BUILDING MAINTENANCE	CULLIGAN OF COLUMBUS	SALT SOLAR DELIVERED 40#	25.00	
100-120-54310	BUILDING MAINTENANCE	U & I SANITATION	JUNE SERVICE	252.30	
100-120-54320	EQUIPMENT MAINTENANCE	DANKO EMERGENCY EQUIPMENT	GEAR REPAIRS	125.00	
100-120-56010	SUPPLIES	MENARDS	30 QT SPORTSMAN COOLER	29.99	
100-120-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	MATS, MOPS, POLISH TOWELS, WINDSHIELD W	66.76	
100-120-56050	FUEL	SAPP BROS COLUMBUS INC	FUEL	259.93	
100-120-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	178.20	
100-120-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	232.00	
100-120-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	1,736.86	
100-120-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	712.12	
100-120-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	239.95	
100-120-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAY 27 - JUN 26	613.37	
100-120-57510-23011	CAPITAL-EQUIPMENT	DANKO EMERGENCY EQUIPMENT	NRS ZEN RESCUE PFD	1,364.00	
		Total For Dept 120 FIRE		6,316.44	
Dept 121 RESCUE					
100-121-52700	TRAINING AND TUITION	NORTHEAST COMMUNITY COLLEC	CLASSES FOR AARON PEREZ	1,160.00	
100-121-53200	PROFESSIONAL SERVICES	HOWERTER MD MARK S	EMERGENCY MEDICAL DIRECTOR	616.00	
100-121-54310	BUILDING MAINTENANCE	CULLIGAN OF COLUMBUS	SALT SOLAR DELIVERED 40#	25.00	
100-121-54310	BUILDING MAINTENANCE	U & I SANITATION	JUNE SERVICE	252.31	
100-121-55930	REFUNDS	COLUMBUS CREDIT SERVICES	COLLECTIONS	317.16	
100-121-56010	SUPPLIES	BOUND TREE MEDICAL LLC	COLD PACK	1,600.35	
100-121-56010	SUPPLIES	MATHESON-LINWELD	MEDICAL OXYGEN	29.25	
100-121-56010	SUPPLIES	MEDLINE INDUSTRIES INC	IV START KIT	147.36	
100-121-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	MATS, MOPS, POLISH TOWELS, WINDSHIELD W	66.75	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 121 RESCUE					
100-121-56050	FUEL	SAPP BROS COLUMBUS INC	FUEL	180.49	
100-121-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	178.21	
100-121-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	231.99	
100-121-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	1,736.86	
100-121-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	712.11	
100-121-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	239.94	
100-121-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAY 27 - JUN 26	613.37	
		Total For Dept 121 RESCUE		8,107.15	
Dept 130 LIBRARY					
100-130-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	HILTON PALMER HOUSE	1,299.31	
100-130-52700	TRAINING AND TUITION	THREE RIVERS LIBRARY SYSTE	2023 ANNUAL MEETING	5.00	
100-130-52700	TRAINING AND TUITION	WILKINSON, JESSICA	MILEAGE - ALA ANNUAL CONFERENCE	136.26	
100-130-53400-PATRN	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	FAX PLUS	17.99	
100-130-53400-STAFF	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	AMAZON - CHARGER FOR MACBOOK	44.95	
100-130-53410	ELECTRONIC CATALOGING	OCLC, INC	WORLDSHARE ILL	1,519.32	
100-130-55400	ADVERTISING AND PROMOTION	COLUMBUS TELEGRAM	WEEKLY AD	504.00	
100-130-55400	ADVERTISING AND PROMOTION	FIRST NATIONAL BANK OMAHA	GRAND OPENING BOOKMARKS	505.54	
100-130-56010-BUILD	SUPPLIES	HY-VEE INC	ONE STEP 2 PLY	7.79	
100-130-56020	OFFICE SUPPLIES	FIRST NATIONAL BANK OMAHA	DVD, PALSTIC CLIPBOARDS	17.26	
100-130-56030	CLEANING SUPPLIES/SERVICE	SERVICEMASTER BY SHEVLIN	JANITORIAL SERVICES	5,790.55	
100-130-56030	CLEANING SUPPLIES/SERVICE	SHEVLIN SUPPLY	PAPER TOWELS, ROLL TOWEL, BATH TISSUE,	540.60	
100-130-56050	FUEL	T-BONE FUEL DELIVERY	#1 OR #2 DYED - GENERATOR LIBRARY/CITY	407.26	
100-130-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	39.14	
100-130-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	0.34	
100-130-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	1,027.25	
100-130-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	94.76	
100-130-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAY 27 - JUN 26	42.75	
100-130-56240-PATRN	TELEPHONE	GREAT PLAINS COMMUNICATION	INTERNET SERVICE 07/01-07/31	239.95	
100-130-56250	REFUSE	U & I SANITATION	JUNE SERVICE	50.00	
100-130-56400-ADULT	PROGRAMS	FIRST NATIONAL BANK OMAHA	SWEET HARVEST POPCORN	488.84	
100-130-56400-CHILD	PROGRAMS	FIRST NATIONAL BANK OMAHA	LAKESHORE LEARNING- REFUNDED TAX	(74.54)	
100-130-56400-YASCH	PROGRAMS	FIRST NATIONAL BANK OMAHA	AMAZON - FUNKO POP	20.35	
100-130-56400-YASRP	PROGRAMS	FIRST NATIONAL BANK OMAHA	TACO BELL	69.61	
100-130-56400-YASRP	PROGRAMS	HY-VEE INC	COOKIES, FRUIT SNACKS, TWINKIES	58.39	
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	CENTER POINT LARGE PRINT	MATERIALS	189.36	
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	FIRST NATIONAL BANK OMAHA	AMAZON - PRESENTATION BOARDS, AVATAR: T	39.92	
100-130-56410-CHILD	BOOKS AND PUBLICATIONS	FIRST NATIONAL BANK OMAHA	BOOKS	114.51	
100-130-56410-SUBSC	BOOKS AND PUBLICATIONS	COLUMBUS TELEGRAM	SUBSCRIPTION	519.00	
100-130-56410-YOUNG	BOOKS AND PUBLICATIONS	FIRST NATIONAL BANK OMAHA	BOOKS	25.97	
100-130-56410-YOUNG	BOOKS AND PUBLICATIONS	INGRAM LIBRARY SERVICES, I	MATERIALS	34.36	
100-130-57200-20030	CAPITAL-LAND & BUILDINGS	AOI CORPORATION	50% DEPOSIT - BYME ELECTRICAL	918.19	
100-130-57200-20030	CAPITAL-LAND & BUILDINGS	BOYD JONES CONSTRUCTION CO	LIBRARY/CULTURAL ARTS FACILITY	316,920.57	
100-130-57200-20030	CAPITAL-LAND & BUILDINGS	BVH ARCHITECTURE	LIBRARY, CHILDRENS MUSEUM & CITY HALL	7,292.62	
100-130-57200-20030	CAPITAL-LAND & BUILDINGS	FIRST NATIONAL BANK OMAHA	LAPTOP CARRYING CASE	2,437.28	
100-130-57200-20030	CAPITAL-LAND & BUILDINGS	KWIKBOOST LLC	TABLE TOP PHONE CHARGING STATION, CHARG	2,640.00	
100-130-57200-20030	CAPITAL-LAND & BUILDINGS	LIBRARY FURNITURE INTERNAT	SHELVING	165,706.57	
100-130-57200-20030	CAPITAL-LAND & BUILDINGS	MID-STATE ENGINEERING & TE	LIBRARY-CULTURAL ARTS CENTER-CITY HALL	94.50	
		Total For Dept 130 LIBRARY		509,785.52	
Dept 140 CEMETERY					
100-140-53520	CONTRACT SERVICES	VAN DYKE CARR0LL	OPEN/CLOSE CEMETERY GATES	146.50	
100-140-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	74.90	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 140 CEMETERY					
100-140-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	25.82	
100-140-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAY 27 - JUN 26	42.75	
		Total For Dept 140 CEMETERY		289.97	
Dept 145 COMMUNITY DEVELOPMENT					
100-145-53200	PROFESSIONAL SERVICES	CENTER FOR MUNICIPAL SOLUT	COLUMBUS NE T-MOBILE 1314 17TH ST	500.00	
100-145-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	ASSOCIATION OF STATE FLOOD PLAIN MANAGE	8.00	
100-145-54330	VEHICLE MAINTENANCE	GAVER TIRE & AUTO CENTER I	4 TIRES - 2011 FORD EXPLORER	765.26	
100-145-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	SHEET PROTECTORS, BLANK CERTIFICATES	29.63	
100-145-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAY 27 - JUN 26	299.25	
		Total For Dept 145 COMMUNITY DEVELOPMENT		1,602.14	
Dept 150 PARKS					
100-150-52710	EMPLOYEE RECRUITMENT/RETENTION	ONE SOURCE	BACKGROUND CHECKS	35.00	
100-150-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	52.04	
100-150-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	ASSOCIATION OF STATE FLOOD PLAIN MANAGE	8.00	
100-150-54310	BUILDING MAINTENANCE	ACE HARDWARE & GARDEN CNT	CABLE TIE, CORD EXT	25.98	
100-150-54310	BUILDING MAINTENANCE	COLUMBUS PLUMBING COMPANY	2 - KOHLER BOWLS	410.00	
100-150-54320	EQUIPMENT MAINTENANCE	ACE HARDWARE & GARDEN CNT	CAULK, BLOTS, CLOSET RING, WAX RING	54.13	
100-150-54320	EQUIPMENT MAINTENANCE	ARNOLD MOTOR SUPPLY	15W40	36.77	
100-150-54320	EQUIPMENT MAINTENANCE	MUELLER SPRINKLERS	CABLE-THROTTLE	43.46	
100-150-54320	EQUIPMENT MAINTENANCE	REARDON LAWN & GARDEN INC	OIL DRAIN VALVE KIT	60.97	
100-150-54320	EQUIPMENT MAINTENANCE	TIRE OUTLET INC	WHEEL	99.00	
100-150-54320	EQUIPMENT MAINTENANCE	TURFWERKS	ASSY THERMO, GASKET	88.62	
100-150-54490	IRRIGATION MAINTENANCE	ACE HARDWARE & GARDEN CNT	COUPLE INSERT, ADAPTER	67.77	
100-150-55900	MISCELLANEOUS	FIRST NATIONAL BANK OMAHA	DUSTERS	71.10	
100-150-56010	SUPPLIES	ARNOLD MOTOR SUPPLY	TUBE RED MAX SYN #2, RAVEN NITRILE XL	34.87	
100-150-56010	SUPPLIES	AWARDS & ENGRAVING	TREE PLATES	80.00	
100-150-56010	SUPPLIES	CULLIGAN OF COLUMBUS	POU COOLER 7/01 TO 7/31	41.00	
100-150-56010	SUPPLIES	GREAT PLAINS BUILDING SUPI	50# ATHLETIC FIELD MARKER	608.16	
100-150-56010	SUPPLIES	MID-AMERICAN RESEARCH	BACTERIZER QT	148.00	
100-150-56010	SUPPLIES	SCHIEFFER SIGNS INC	BENCH PLAQUE	240.00	
100-150-56020	OFFICE SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - CANON INK/PHOTO PAPER PACK	56.00	
100-150-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	74.73	
100-150-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	1.69	
100-150-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	6,577.60	
100-150-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	4,643.48	
100-150-56230	WATER AND SEWER	JACKSON SERVICES INC	UNIFORMS	25.56	
100-150-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAY 27 - JUN 26	205.53	
100-150-56300	FOOD COSTS	CHESTERMAN COMPANY	CONCESSION POP GERRARD PARK	3,184.13	
100-150-56300	FOOD COSTS	COLUMBUS YOUTH SOFTBALL AS	CONCESSIONS, BATHROOM SUPPLIES	135.00	
100-150-56300	FOOD COSTS	FIRST NATIONAL BANK OMAHA	SUPER SAVER - BOMB POPS	1,741.00	
100-150-56300	FOOD COSTS	HOBBY LOBBY	WEARABLE ART	32.89	
100-150-56300	FOOD COSTS	SUPER SAVER	WATER, BUNS, POP	275.80	
100-150-56400	PROGRAMS	ALBERS AUSTIN	UMP MEN'S LEAGUE: 6/27	60.00	
100-150-56400	PROGRAMS	BORCHERS DEVON	UMP MIXED LEAGUE: 6/28	90.00	
100-150-56400	PROGRAMS	CLOSSON ROD	UMP MEN'S LEAGUE: 6/27; MIXED LEAGUE: 6	150.00	
100-150-56400	PROGRAMS	COLUMBUS BASEBALL ASSOC IN	UMPIRE FEE REIMBURSEMENT, 5% CONTRIBUTI	10,235.00	
100-150-56400	PROGRAMS	FIRST NATIONAL BANK OMAHA	SLEEP INN - ROOMS FOR UMPIRES	6,593.96	
100-150-56400	PROGRAMS	FREEDOM ROAD	FRANKFORT SQUARE 7-22-2023	1,500.00	
100-150-56400	PROGRAMS	GUTIERREZ JUAN	UMP MEN'S LEAGUE: 6/27; MIXED LEAGUE: 6	150.00	
100-150-56400	PROGRAMS	LUTJEN JAROD	UMP MEN'S LEAGUE: 6/27; COED LEAGUE: 6/	150.00	
100-150-56400	PROGRAMS	MCCLURE SUE	REGISTRATION FEE BABYSITTING COURSE	200.00	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 150 PARKS					
100-150-56400	PROGRAMS	MROCZEK CODY	SOFTBALL TOURNAMENT DIRECTOR: 6/24, 6/3	2,660.00	
100-150-56400	PROGRAMS	UNIVERSITY OF NE-LINCOLN	REGISTRATION FEE & COURSE BOOKLET BABYS	800.00	
100-150-56400-SQURE	PROGRAMS	RIVERSIDE PORTABLES LLC	PORTABLE RESTROOM-LAN CHAIRS ON THE SQU	380.00	
100-150-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVE	JUNE 2023 SALES TAX POOLS	471.52	
100-150-57300-23012	CAPITAL-NEW CONSTRUCTION	CONFLUENCE INC	23009 PAWNEE PARK/GERRARD PARK RENOVATI	31,128.44	
		Total For Dept 150 PARKS		73,727.20	
Dept 151 PAWNEE PLUNGE WATER PARK					
100-151-52710	EMPLOYEE RECRUITMENT/RETENTION	ONE SOURCE	BACKGROUND CHECKS	17.00	
100-151-52800	UNIFORMS	COLUMBUS SCREEN PRINTING	T-SHIRTS, HOODIES	400.00	
100-151-52800	UNIFORMS	THE LIFEGUARD STORE	SWIM SUITS, WHISTLES, LANYARDS	1,000.00	
100-151-53200	PROFESSIONAL SERVICES	JACKSON SERVICES INC	MATS	74.32	
100-151-53200	PROFESSIONAL SERVICES	OLSON'S PEST TECHNICIANS	PEST CONTROL	75.00	
100-151-53400	COMPUTER SUPPORT/MAINT	COMMONWEALTH ELECTRIC COMI	INSTALLED CIRCUITS FOR CONCESSION COMPU	645.00	
100-151-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	NETWORK MANAGEMENT CARD	756.01	
100-151-54310	BUILDING MAINTENANCE	ACE HARDWARE & GARDEN CNT	OUTLET DPLX	0.79	
100-151-54310	BUILDING MAINTENANCE	ELECTRONIC SYSTEMS INC	REPLACE WIRELESS DOOR CONTACT	495.80	
100-151-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	AMAZON - COIN WRAPPERS	9.99	
100-151-56010	SUPPLIES	SHEVLIN SUPPLY	BATH TISSUE, CENTER PULL TOWELS	358.08	
100-151-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	LAMINATE CARD	40.05	
100-151-56030	CLEANING SUPPLIES/SERVICE	MID-AMERICAN RESEARCH	4 CASES LINERS	336.00	
100-151-56030	CLEANING SUPPLIES/SERVICE	SHEVLIN SUPPLY	NITRILE GLOVES, KITCHEN ROLL TOWELS	121.30	
100-151-56060	CHEMICALS	AQUA-CHEM INC	CHEMICALS	5,345.60	
100-151-56190	PERSONAL PROTECTIVE SUPP	FIRST NATIONAL BANK OMAHA	AMAZON - WASTE BAGS	46.98	
100-151-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	1,574.47	
100-151-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	2,763.02	
100-151-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	10,214.21	
100-151-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	7,572.70	
100-151-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	92.42	
100-151-56300	FOOD COSTS	FIRST NATIONAL BANK OMAHA	AMAZON - PROFESSIONAL BLENDER	215.97	
100-151-56300	FOOD COSTS	HADLEY-BRAITHWAIT COMPANY	CONCESSIONS - PLUNGE	327.75	
100-151-56300	FOOD COSTS	MAHASKA MARKETS	COLD BREW	92.00	
100-151-56300	FOOD COSTS	MW MINI MELTS LLC	MINI MELTS	2,256.00	
100-151-56300	FOOD COSTS	SYSCO LINCOLN	BUTTERBUDS BUTTER MIST	19,105.91	
100-151-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVE	JUNE 2023 SALES TAX POOLS	13,476.15	
		Total For Dept 151 PAWNEE	PLUNGE WATER PARK	67,412.52	
Dept 152 AQUATIC CENTER POOL					
100-152-52800	UNIFORMS	COLUMBUS SCREEN PRINTING	T-SHIRTS, HOODIES	167.00	
100-152-52800	UNIFORMS	THE LIFEGUARD STORE	SWIM SUITS, WHISTLES, LANYARDS	700.75	
100-152-53200	PROFESSIONAL SERVICES	OLSON'S PEST TECHNICIANS	PEST CONTROL	57.50	
100-152-54310	BUILDING MAINTENANCE	KELLY SUPPLY COMPANY	3/8 COMPRESSION X 3/8 MNPT PFA	460.18	
100-152-54310	BUILDING MAINTENANCE	RECREATION SUPPLY COMPANY	4"X28" SELF ADHESIVE BLACK & YELLOW	813.60	
100-152-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	170.78	
100-152-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	221.71	
100-152-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	4,802.89	
100-152-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	599.97	
100-152-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	95.16	
100-152-56400	PROGRAMS	MOTION PICTURE LICENSING C	MPLC UMBRELLA LICENSE 8/16/12 TO 8/15/2	1,030.06	
100-152-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVE	JUNE 2023 SALES TAX POOLS	232.38	
		Total For Dept 152 AQUATIC	CENTER POOL	9,351.98	
Dept 155 VAN BERG GOLF COURSE					

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 155 VAN BERG GOLF COURSE					
100-155-52710	EMPLOYEE RECRUITMENT/RETENTION	ONE SOURCE	BACKGROUND CHECKS	34.00	
100-155-53500	COMMISSION ON CARTS	DUNBAR DOUGLAS	MONTHLY COMMISSIONS	2,576.34	
100-155-53510	COMMISSION ON LIQUOR	DUNBAR DOUGLAS	LIQUOR COMMISSIONS	1,317.38	
100-155-53520	CONTRACT SERVICES	DUNBAR DOUGLAS	MONTHLY CONTRACT	2,316.00	
100-155-53530	COMMISSION ON GREEN FEES	DUNBAR DOUGLAS	MONTHLY COMMISSIONS	2,291.18	
100-155-53540	COMMISSION ON PASSES	DUNBAR DOUGLAS	MONTHLY COMMISSIONS	22.20	
100-155-54320	EQUIPMENT MAINTENANCE	TIRE OUTLET INC	TIRE	41.00	
100-155-54490	IRRIGATION MAINTENANCE	KELLY SUPPLY COMPANY	PVC COUP, ELL, FLO-SPAN, PVC CEMENT, PF	256.69	
100-155-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	SCREWDRIVER SET	69.88	
100-155-56010	SUPPLIES	TRACTOR SUPPLY CREDIT PLAN	LOCK OINS	12.98	
100-155-56020	OFFICE SUPPLIES	ACE HARDWARE & GARDEN CNT	BRUSH & CADDY	8.59	
100-155-56050	FUEL	SAPP BROS COLUMBUS INC	FUEL	1,472.12	
100-155-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	46.17	
100-155-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	6,399.09	
100-155-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	82.25	
100-155-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVE	JUNE 2023 GOLF SALES TAX	2,418.05	
		Total For Dept 155 VAN BERG GOLF COURSE		19,363.92	
Dept 156 QUAIL RUN GOLF COURSE					
100-156-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	COLLECTION & TESTING, VACCINATION	67.00	
100-156-53200	PROFESSIONAL SERVICES	CLUB PROPHET SYSTEMS	MONTHLY TEE SHEET, ONLINE RESERVATIONS	500.00	
100-156-53200	PROFESSIONAL SERVICES	GOLFNOW	WEBSITE/EMAIL HOSTING	185.66	
100-156-53500	COMMISSION ON CARTS	DUNBAR DOUGLAS	MONTHLY COMMISSIONS	4,366.73	
100-156-53510	COMMISSION ON LIQUOR	DUNBAR DOUGLAS	LIQUOR COMMISSIONS	13,121.38	
100-156-53520	CONTRACT SERVICES	DUNBAR DOUGLAS	MONTHLY CONTRACT	4,702.00	
100-156-53530	COMMISSION ON GREEN FEES	DUNBAR DOUGLAS	MONTHLY COMMISSIONS	4,528.23	
100-156-53540	COMMISSION ON PASSES	DUNBAR DOUGLAS	MONTHLY COMMISSIONS	125.81	
100-156-54310	BUILDING MAINTENANCE	OLSON'S PEST TECHNICIANS	PEST CONTROL	70.00	
100-156-54310	BUILDING MAINTENANCE	RUTT'S HEATING & A/C INC	A/C UNIT FROZE & SHUT DOWN	165.00	
100-156-54310	BUILDING MAINTENANCE	SACKETT ELECTRIC INC	TRACE MAIN SERVICE PROBLEM IN CART BLDG	118.75	
100-156-54320	EQUIPMENT MAINTENANCE	LAKEVIEW SMALL ENGINE INC	EXHAUST GASKET	9.90	
100-156-54320	EQUIPMENT MAINTENANCE	SAPP BROS COLUMBUS INC	AMERIGUARD 80W-90 5GAL PAIL	120.25	
100-156-54520	EQUIPMENT RENTAL/PURCHASE	MR GOLF CAR INC	RENTAL CARS TOURNAMENT 6/24/23	1,380.00	
100-156-55400	ADVERTISING AND PROMOTION	ADDEPT MEDIA LLC	ADVERTISING HUMPHREY DEMOCRAT	190.00	
100-156-55920	MISC FEES	THE GOLF SHOP	MONTHKY TERMINAL USAGE FEE FOR JUNE	3,365.08	
100-156-56010	SUPPLIES	JACKSON SERVICES INC	UNIFORMS	13.19	
100-156-56050	FUEL	SAPP BROS COLUMBUS INC	FUEL	982.01	
100-156-56110	PRO-SHOP SUPPLIES	HADLEY-BRAITHWAIT COMPANY	TOILET PAPER	58.95	
100-156-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	38.60	
100-156-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	4.80	
100-156-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	1,822.94	
100-156-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	367.38	
100-156-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	95.16	
100-156-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAY 27 - JUN 26	82.76	
100-156-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVE	JUNE 2023 GOLF SALES TAX	6,439.74	
		Total For Dept 156 QUAIL RUN GOLF COURSE		42,921.32	
		Total For Fund 100 GENERAL FUND		1,279,192.77	
Fund 200 STREETS/ENGINEERING					
Dept 200 STREETS					
200-200-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	RUNZA	22.02	
200-200-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	214.41	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 200 STREETS/ENGINEERING					
Dept 200 STREETS					
200-200-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	ASSOCIATION OF STATE FLOOD PLAIN MANAGE	20.00	
200-200-54310	BUILDING MAINTENANCE	OLSON'S PEST TECHNICIANS	PEST CONTROL	18.33	
200-200-54320	EQUIPMENT MAINTENANCE	PLATTE VALLEY COMMUNICATIC	FACTORY REPAIR	190.00	
200-200-54320	EQUIPMENT MAINTENANCE	TRACTOR SUPPLY CREDIT PLAN	2 LEAF EYE TO EYE, TIRE	162.98	
200-200-54450	STREET MAINTENANCE	GEHRING CONSTRUCTION &	REBAR	1,270.58	
200-200-54450	STREET MAINTENANCE	GREAT PLAINS BUILDING SUPI	TEX LAP SIDING	24.22	
200-200-56010	SUPPLIES	CLAY HILLS AG	2,4-D, PADLOCK PLUS, PRAMITOL, BUCCANEE	3,521.80	
200-200-56010	SUPPLIES	HY-VEE INC	WATER FOR WORKERS	188.58	
200-200-56010	SUPPLIES	PPG ARCHITECTURAL FINISHES	WHITE & YELLOW	7,287.36	
200-200-56010	SUPPLIES	SAPP BROS COLUMBUS INC	DIESEL EXHAUST FLUID	120.45	
200-200-56010	SUPPLIES	SHERWIN-WILLIAMS CO	SAVER LUBE 8OZ	1,329.78	
200-200-56050	FUEL	SAPP BROS COLUMBUS INC	FUEL	8,890.00	
200-200-56090	SMALL TOOLS	TRACTOR SUPPLY CREDIT PLAN	ADJUSTABLE WRENCH, PLIERS	61.97	
200-200-56120	TRAFFIC SIGNS	FASTENAL COMPANY	IDEAL 56188	316.50	
200-200-56120	TRAFFIC SIGNS	MENARDS	GORILLA TAPE, PVC CONDUIT	59.01	
200-200-56120	TRAFFIC SIGNS	NEWMAN SIGNS INC.	SIGNS	451.14	
200-200-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	35.35	
200-200-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	5.29	
200-200-56220	ELECTRICITY	CORNHUSKER PUBLIC POWER DI	ELECTRICITY	594.30	
200-200-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	29,982.17	
200-200-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	111.27	
200-200-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAY 27 - JUN 26	168.26	
200-200-56250	REFUSE	ACE SANITATION SERVICE INC	GARBAGE SERVICE 6/01-6/30	55.00	
200-200-57200-23025	CAPITAL-LAND & BUILDINGS	GEHRING CONSTRUCTION &	SID #189 48TH AVE FROM 23RD ST TO S OF	136,721.00	
200-200-57300-20071	CAPITAL-NEW CONSTRUCTION	GEHRING CONSTRUCTION &	SID #189 48TH AVE FROM 23RD ST TO S OF	45,000.00	
200-200-57300-20071	CAPITAL-NEW CONSTRUCTION	SCHEMMER ASSOCIATES INC.	R23-37 23RD ST WATER & SEWER CONSTRUCTI	30,712.97	
		Total For Dept 200 STREETS		267,534.74	
Dept 202 MECHANICS SHOP					
200-202-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	28.40	
200-202-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	TONER	646.54	
200-202-56130	SUPPLIES FOR RESALE	ADVANCE AUTO PARTS	AIR FILTER, INNER AIR FILTER	185.66	
200-202-56130	SUPPLIES FOR RESALE	AKRS EQUIPMENT	GASKET KIT	376.02	
200-202-56130	SUPPLIES FOR RESALE	BRUNKHORST ENGINE MACHINE	PRESSURE TEST HEAD, RESURFACE CYLINDER	120.00	
200-202-56130	SUPPLIES FOR RESALE	INLAND TRUCK PARTS & SERVI	LH/RH OUTER NUT, L/S & R/S INNER, STUDS	228.75	
200-202-56130	SUPPLIES FOR RESALE	LAWSON PRODUCTS	1/4 DOT PTC LAWSON BRASS ASSORTMENT	356.49	
200-202-56130	SUPPLIES FOR RESALE	MACQUEEN EQUIPMENT	DIRT SHOE RUNNER	218.38	
		Total For Dept 202 MECHANICS SHOP		2,160.24	
		Total For Fund 200 STREETS/ENGINEERING		269,694.98	
Fund 205 AIRPORT					
Dept 205 AIRPORT					
205-205-54320	EQUIPMENT MAINTENANCE	KELLY SUPPLY COMPANY	HYDRAULIC FITTINGS	4.68	
205-205-54320	EQUIPMENT MAINTENANCE	WEST POINT IMPLEMENT OF	O-RING	8.27	
205-205-54480	HANGAR MAINTENANCE	MENARDS	DOWNSPOT BAND, ELBOW, SIDE ELBOW	14.35	
205-205-56010	SUPPLIES	MENARDS	2 GAL TANK SPRAYER	49.33	
205-205-56030	CLEANING SUPPLIES/SERVICE	HEARTLAND OFFICE CLEANERS	JULY CLEANING	250.00	
205-205-56070	FERTILIZER	CENTRAL VALLEY AG COOPERAT	CONERSTONE PLUS, STRIKE THREE, MOJAVE	410.91	
205-205-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	1,080.10	
205-205-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	25.82	
205-205-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAY 27 - JUN 26	85.50	
205-205-56260	UTILITIES - FSS BUILDING	CITY OF COLUMBUS	WATER & SEWER	55.45	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 205 AIRPORT					
Dept 205 AIRPORT					
205-205-57200-22025	CAPITAL-LAND & BUILDINGS	KIRKHAM MICHAEL & ASSOCIA1	HANGAR FLOOR & APROM REHAB FOR BLDING 1	1,560.56	
		Total For Dept 205 AIRPORT		3,544.97	
		Total For Fund 205 AIRPORT		3,544.97	
Fund 220 COMMUNICATIONS - E911					
Dept 220 E911					
220-220-52700	TRAINING AND TUITION	CENTRAL COMMUNITY COLLEGE	HEARTSAVER CPR - HIGGINS	74.00	
220-220-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	APCO INTERNATIONAL - EMD-M ONLINE SVOBC	277.00	
220-220-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	COLLECTION & TESTING, VACCINATION	67.00	
220-220-52710	EMPLOYEE RECRUITMENT/RETENTION	ONE SOURCE	BACKGROUND CHECKS	71.00	
220-220-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	HEADSETS DIRECT	747.14	
220-220-54320	EQUIPMENT MAINTENANCE	ASSOCIATED FIRE PROTECTION	FA SYSTEM SERVICE - SEMI ANNUAL INSPECT	420.00	
220-220-56010	SUPPLIES	CULLIGAN OF COLUMBUS	REVERSE OSMOSIS 7/01 TO 7/31	32.00	
220-220-56010	SUPPLIES	FIRST NATIONAL BANK OMAHA	POSITIVE PROMOTIONS - CAN COOLERS, SQUE	627.90	
220-220-56030	CLEANING SUPPLIES/SERVICE	FIRST NATIONAL BANK OMAHA	AMAZON - PLEDGE	46.92	
220-220-56030	CLEANING SUPPLIES/SERVICE	HEARTLAND OFFICE CLEANERS	JULY CLEANING	250.00	
220-220-56040	POSTAGE AND FREIGHT	FIRST NATIONAL BANK OMAHA	USPS - PRIORITY MAIL	14.55	
220-220-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	539.76	
220-220-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	55.44	
220-220-56240	TELEPHONE	AT&T MOBILITY	WIRELESS	80.08	
220-220-56240	TELEPHONE	CENTURY LINK	E911 PHONE CHARGES	930.00	
220-220-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	919.05	
220-220-56240	TELEPHONE	LINGO	E911 PHONE SERVICE 6/01/2023-6/30/2023	103.36	
220-220-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAY 27 - JUN 26	42.75	
220-220-57510-21084	CAPITAL-EQUIPMENT	PLATTE VALLEY COMMUNICATIC	CHECKED & PULLED QUANTAR, PROGRAMMED MT	213.75	
		Total For Dept 220 E911		5,511.70	
		Total For Fund 220 COMMUNICATIONS - E911		5,511.70	
Fund 225 COMMUNICATIONS-EC-911 EQUIPMENT SHARING					
Dept 225 EC-911 EQUIPMENT SHARING					
225-225-56240	TELEPHONE	TELECOMMUNICATION SYSTEMS	MONTHKY CIRCUIT FEES	1,970.67	
		Total For Dept 225 EC-911 EQUIPMENT SHARING		1,970.67	
		Total For Fund 225 COMMUNICATIONS-EC-911 EQUIPMENT SHAI		1,970.67	
Fund 500 UTILITY SERVICE					
Dept 000					
500-000-20100	CSX-1	A & T, LLC	UB refund for account: 100-08190-03	303.44	
		Total For Dept 000		303.44	
Dept 500 WASTEWATER COLLECTION					
500-500-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	134.93	
500-500-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	ASSOCIATION OF STATE FLOOD PLAIN MANAGE	12.00	
500-500-54310	BUILDING MAINTENANCE	OLSON'S PEST TECHNICIANS	PEST CONTROL	18.34	
500-500-54320	EQUIPMENT MAINTENANCE	O'REILLY AUTOMOTIVE INC	BRAKE CLEAN	32.27	
500-500-54390	SYSTEM MAINTENANCE	ACE HARDWARE & GARDEN CNT	COUPL HOSE PLASTIC SHUTOFF	4.99	
500-500-54390	SYSTEM MAINTENANCE	ELECTRIC PUMP INC	PURE AIR FILTRATION MEDIA	4,991.50	
500-500-54390	SYSTEM MAINTENANCE	FASTENAL COMPANY	BLUE & GREEN 4X5	326.37	
500-500-54390	SYSTEM MAINTENANCE	ONE CALL CONCEPTS INC	LOCATE FEES	255.48	
500-500-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	ENVELOPES - WATER OFFICE	1,627.70	
500-500-56020	OFFICE SUPPLIES	FIRST NATIONAL BANK OMAHA	IPHONE CHARGER	18.50	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 500 UTILITY SERVICE					
Dept 500 WASTEWATER COLLECTION					
500-500-56040	POSTAGE AND FREIGHT	CASEY'S MAIL SERVICE LLC	DAILY MAIL, WATER STATEMENTS	2,269.29	
500-500-56220	ELECTRICITY	CORNHUSKER PUBLIC POWER DI	ELECTRICITY	319.18	
500-500-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	2,278.24	
500-500-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	18.55	
500-500-56240	TELEPHONE	A TO Z MESSAGING	ANSWERING SERVICE	62.50	
500-500-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAY 27 - JUN 26	349.81	
500-500-56250	REFUSE	ACE SANITATION SERVICE INC	GARBAGE SERVICE 6/01-6/30	27.50	
500-500-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVE	JUNE 2023 UTILITY SALES TAX	41,062.36	
500-500-57300-20091	CAPITAL-NEW CONSTRUCTION	HDR ENGINEERING INC	LOST CREEK PARKWAY SEWER PROJECT	8,419.13	
500-500-57510-23038	CAPITAL-EQUIPMENT	HDR ENGINEERING INC	WATER & WASTEWATER USER RATE STUDY	1,653.51	
		Total For Dept 500 WASTEWATER COLLECTION		63,882.15	
Dept 501 WASTEWATER TREATMENT FAC					
500-501-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	197.06	
500-501-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	WIRELESS KEYBOARD & MOUSE	79.99	
500-501-54320	EQUIPMENT MAINTENANCE	ARNOLD MOTOR SUPPLY	METRIC O-RING ASSORTMENT	18.99	
500-501-54320	EQUIPMENT MAINTENANCE	FASTENAL COMPANY	SUPPLIES	54.08	
500-501-54320	EQUIPMENT MAINTENANCE	MOTION INDUSTRIES INC	Z64010	2,582.75	
500-501-54320	EQUIPMENT MAINTENANCE	TRACTOR SUPPLY CREDIT PLAN	EXTREME DUTY GREASE	119.80	
500-501-54330	VEHICLE MAINTENANCE	FIRST NATIONAL BANK OMAHA	COLUMBUS TRANSMISSION	125.00	
500-501-54330	VEHICLE MAINTENANCE	TIRE OUTLET INC	REPAIR	15.00	
500-501-55640	COMPLIANCE TESTING	MIDWEST LABORATORIES INC	WATER TESTING	1,963.34	
500-501-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	BATTERY	6.99	
500-501-56010	SUPPLIES	MENARDS	BUTANE FUEL, JIGSAW BLADES, BUTANE TORC	151.61	
500-501-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	MATS, BAR TOWELS, SHOP TOWELS	36.39	
500-501-56060	CHEMICALS	MID-AMERICAN RESEARCH	DOOMSDAY, VEG-A-KILL PLUS	1,191.75	
500-501-56060	CHEMICALS	PETE LIEN & SONS INC.	QUICKLIME FINES	6,798.10	
500-501-56100	LABORATORY	ACE HARDWARE & GARDEN CNT	SUPPLY HOSE	109.99	
500-501-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	149.60	
500-501-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	15.05	
500-501-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	16,652.39	
500-501-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	1,540.27	
500-501-56240	TELEPHONE	FRONTIER	PHONE/INTERNET/FAX LINES	102.16	
500-501-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAY 27 - JUN 26	85.50	
		Total For Dept 501 WASTEWATER TREATMENT FAC		31,995.81	
		Total For Fund 500 UTILITY SERVICE		96,181.40	
Fund 520 WATER					
Dept 000					
520-000-20100	CWX-1	COLUMBUS ELECTRONICS	UB refund for account: 200-42272-00	159.05	
		Total For Dept 000		159.05	
Dept 520 WATER					
520-520-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	COLLECTION & TESTING, VACCINATION	55.00	
520-520-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	281.77	
520-520-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	ASSOCIATION OF STATE FLOOD PLAIN MANAGE	12.00	
520-520-54310	BUILDING MAINTENANCE	ACE HARDWARE & GARDEN CNT	TRIMER LINE, SHOULDER STUD	24.57	
520-520-54310	BUILDING MAINTENANCE	OLSON'S PEST TECHNICIANS	PEST CONTROL	18.33	
520-520-54320	EQUIPMENT MAINTENANCE	O'REILLY AUTOMOTIVE INC	BRAKE CLEAN	32.27	
520-520-54390	SYSTEM MAINTENANCE	ACE HARDWARE & GARDEN CNT	2 CYCLE OIL	136.78	
520-520-54390	SYSTEM MAINTENANCE	FASTENAL COMPANY	BLUE & GREEN 4X5	326.38	
520-520-54390	SYSTEM MAINTENANCE	GEHRING CONSTRUCTION &	17TH ST & 19TH AVE	222.10	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 520 WATER					
Dept 520 WATER					
520-520-54390	SYSTEM MAINTENANCE	HOA SOLUTIONS INC	FIELD LABOR, CABLE	4,237.11	
520-520-54390	SYSTEM MAINTENANCE	MENARDS	LINSEED OIL	9.99	
520-520-54390	SYSTEM MAINTENANCE	ONE CALL CONCEPTS INC	LOCATE FEES	255.48	
520-520-54390	SYSTEM MAINTENANCE	USA BLUE BOOK	BLUE-WHITE TUBE ASSEMBLY, MAINTENANCE K	499.57	
520-520-54390	SYSTEM MAINTENANCE	UTILITY SERVICE CO INC	584698, 584699, 584700 QUARTERLY TANK &	20,622.32	
520-520-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	ENVELOPES - WATER OFFICE	1,627.69	
520-520-56040	POSTAGE AND FREIGHT	CASEY'S MAIL SERVICE LLC	DAILY MAIL, WATER STATEMENTS	2,269.29	
520-520-56060	CHEMICALS	AQUA-PURE INC	MONTHLY SERVICE CONTRACT-NORTH & SOUTH	16,012.21	
520-520-56060	CHEMICALS	HAWKINS INC	CHEMICALS	5,665.77	
520-520-56135	AMR RADIO EXPENSE	CORE & MAIN LP	27- 51M S/POINT M2 WIRED	5,076.00	
520-520-56135	AMR RADIO EXPENSE	ELECTRICAL ENGINEERING &	UR-I IDC CONN/100 PK	20.92	
520-520-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	15.15	
520-520-56210	NATURAL GAS	HEARTLAND NATURAL GAS LLC	NATURAL GAS	2.26	
520-520-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	21,211.47	
520-520-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	152.72	
520-520-56240	TELEPHONE	A TO Z MESSAGING	ANSWERING SERVICE	62.50	
520-520-56240	TELEPHONE	FRONTIER	NWP ALARM 6/30/23 TO 7/29/23	260.64	
520-520-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAY 27 - JUN 26	555.32	
520-520-56250	REFUSE	ACE SANITATION SERVICE INC	GARBAGE SERVICE 6/01-6/30	27.50	
520-520-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVE	JUNE 2023 UTILITY SALES TAX	9,249.14	
520-520-57200-22031	CAPITAL-LAND & BUILDINGS	HDR ENGINEERING INC	DESIGN/CONSTRUCTION PHASE LOST CREEK PF	5,097.35	
		Total For Dept 520 WATER		94,039.60	
		Total For Fund 520 WATER		94,198.65	
Fund 560 STORMWATER UTILITY					
Dept 000					
560-000-20100	SUF-6	BUGGI JERRY	UB refund for account: 200-44541-01	16.66	
		Total For Dept 000		16.66	
Dept 560 STORMWATER UTILITY					
560-560-52700	TRAINING AND TUITION	FIRST NATIONAL BANK OMAHA	NE FLOODPLAIN & STORMWATER MGR ASSOC	250.00	
560-560-53200	PROFESSIONAL SERVICES	JEO CONSULTING GROUP INC	FLOODPLAIN ADMINISTRATION SUPPORT	2,012.50	
560-560-53400	COMPUTER SUPPORT/MAINT	FIRST NATIONAL BANK OMAHA	ASSOCIATION OF STATE FLOOD PLAIN MANAGE	8.00	
560-560-53400	COMPUTER SUPPORT/MAINT	VERIZON	GPS UNITS	28.40	
560-560-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	42.92	
560-560-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVE	JUNE 2023 UTILITY SALES TAX	2,078.98	
		Total For Dept 560 STORMWATER UTILITY		4,420.80	
		Total For Fund 560 STORMWATER UTILITY		4,437.46	
Fund 570 SOLID WASTE DIVISION					
Dept 000					
570-000-20100	SWD-1	BUGGI JERRY	UB refund for account: 200-44541-01	17.15	
		Total For Dept 000		17.15	
Dept 570 TRANSFER STATION					
570-570-52800	UNIFORMS	JACKSON SERVICES INC	MATS, ROLLER TOWELS, UNIFORMS	240.52	
570-570-53200	PROFESSIONAL SERVICES	OLSON'S PEST TECHNICIANS	PEST CONTROL	50.00	
570-570-53400	COMPUTER SUPPORT/MAINT	CAROLINA SOFTWARE	WASTEWORKS SOFTWARE SUPPORT	200.00	
570-570-54310	BUILDING MAINTENANCE	MENARDS	LATEX WHITE PAINT	20.98	
570-570-54320	EQUIPMENT MAINTENANCE	TIRE OUTLET INC	TIRE	46.00	
570-570-54330	VEHICLE MAINTENANCE	POMP'S TIRE SERVICE INC.	TIRE	950.48	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 570 SOLID WASTE DIVISION					
Dept 570 TRANSFER STATION					
570-570-54330	VEHICLE MAINTENANCE	TRUCK CENTER COMPANIES	COMP 12V, RECEIVER DRIER	559.36	
570-570-54580	COMPOSTING	M & L INC	YARD WASTE REMOVAL 6/01/2023 - 6/30/202	5,135.70	
570-570-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	MATS, ROLLER TOWELS, UNIFORMS	34.16	
570-570-56050	FUEL	SAPP BROS COLUMBUS INC	FUEL	16,845.95	
570-570-56220	ELECTRICITY	LOUP POWER DISTRICT	ELECTRICITY	436.80	
570-570-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	257.62	
570-570-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE MAY 27 - JUN 26	42.75	
570-570-57510-23045	CAPITAL-EQUIPMENT	WILKENS INDUSTRIES INC	TRAN TRAILER	115,420.00	
		Total For Dept 570 TRANSFER STATION		140,240.32	
		Total For Fund 570 SOLID WASTE DIVISION		140,257.47	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #

Fund Totals:

Fund 100 GENERAL FUND	1,279,192.77
Fund 200 STREETS/ENGINEI	269,694.98
Fund 205 AIRPORT	3,544.97
Fund 220 COMMUNICATIONS	5,511.70
Fund 225 COMMUNICATIONS-	1,970.67
Fund 500 UTILITY SERVICI	96,181.40
Fund 520 WATER	94,198.65
Fund 560 STORMWATER UTII	4,437.46
Fund 570 SOLID WASTE DIV	140,257.47
Total For All Funds:	1,894,990.07

4.F. Payroll and bills on file.

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

6. **SPECIAL PRESENTATIONS - None**

7. **PUBLIC HEARINGS**

7.A. Public hearing - Application of Scrib's House Moving, Inc., on behalf of JLO Properties LLC, for permit to move a house from 2054 Gruenther Drive to 2818 20 Street. (Planning Commission recommends approval.)

CITY OF COLUMBUS
MEMORANDUM

DATE: 06/19/2023

FROM: Andy Woehrer, Chief Building and Code Official

TO: City Administrator Tara Vasicek

RE: Scrib's House Moving to move house from 2054 Gruenther Drive to 2818 20th Street for JLO Properties LLC.

RECOMMENDATION:
Approve request- Recommend approval of the permit to move a house from 2054 Gruenther Drive to 2818 20th Street. The house has been inspected and is suitable for moving. The house will be updated including egress windows, smoke detectors, plumbing and electrical.

.
DISCUSSION:
An application has been received from Scrib's House Moving to move a house from 2054 Gruenther Drive to 2818 20th Street.

FISCAL IMPACT:
None

ALTERNATIVE:
Deny the request

SIGNATURE:

By: Andrew J Woehrer

Approved By:

CITY OF COLUMBUS

M E M O R A N D U M

DATE: June 20, 2023

TO: Planning Commission Members
Honorable Mayor and City Council
City Administrator Tara Vasicek
City Engineer Rick Bogus
Chief Building and Code Official Andy Woehrer
City Attorney Gene Schumacher

FROM: City Clerk's Office

RE: Public Hearings for July 10 Planning Commission Meeting

Application of Scrib's House Moving Inc., on behalf of JLO Properties LLC, to move house from 2054 Gruenther Drive to 2818 20 Street.

If you have questions regarding building move applications, please contact Chief Building and Code Official Andy Woeher (Andy.Woehrer@columbusne.us or 402-562-4239).

06/19/23

CITY OF COLUMBUS

APPLICATION FOR BUILDING MOVING

A PERMIT IS HEREBY REQUESTED TO MOVE THE FOLLOWING BUILDING OR STRUCTURE OUT OF, WITHIN OR THROUGH THE CITY OF COLUMBUS, IN ACCORDANCE WITH TITLE XI, CHAPTER 114 OF THE COLUMBUS CITY CODE, ANY CHANGES FROM THE APPROVED MOVING DATE AND TIME MUST BE SUBMITTED IN WRITING TO THE BUILDING OFFICIAL.

BUILDING MOVER AND EQUIPMENT

NAME Scrib's House Moving Inc

ADDRESS 109 N 12th Street

CITY David City STATE NE ZIP 68632

TELEPHONE 402 367 3835

LICENSED X YES ____ NO INSURED: X YES ____ NO
(Per Section 114.05 of Columbus City Code)

TYPE OF EQUIPMENT TO BE USED IN MOVING: ____

Please attach a certificate from the County Treasurer showing that all taxes and special assessments then due against the building and lot on which the building stands have been paid. ☐ Check if attached.

BUILDING TO BE MOVED

DESCRIPTION OF THE BUILDING: SINGLE FAMILY

CURRENT ADDRESS OF BUILDING: 2054 GRUENTHER DRIVE

CURRENT LEGAL DESCRIPTION: LOT NO. 23 BLOCK NO. E

ADDITION/SUBDIVISION WEST PARK 1st

FLOOR AREA (Sq. Feet) 1040

A photograph of the building is required. ☐ Check if attached.

LOCATION TO BE MOVED TO

ADDRESS: 2818 20 STREET

LEGAL DESCRIPTION; LOT NO. 8 BLOCK NO. 4 ADDITION/SUBDIVISION PEARSALL'S

LOT SIZE: 44 X 122 = 5368.00 SQUARE FEET

NUMBER OF STORIES WHEN COMPLETED: 1

PROPOSED USE OF THE BUILDING AT THE NEW SITE: RENTAL

BUILDING OWNER

NAME ILO PROPERTIES LLC

ADDRESS 5020 Howard BLVD.

CITY Columbus STATE NE ZIP 68601

TELEPHONE 402 564 5623

MOVING DATE

DATE: 7-18-2023 TIME WHICH THE BUILDING WILL BE MOVED: DAY LIGHT

LENGTH OF TIME REQUIRED FOR MOVING: 1 DAY

ROUTE (Attach map):

ATTACHED

HEIGHT & WIDTH

HEIGHT (When Loaded): 22 FEET 0 INCHES

Should the building in its height exceed 18 feet, a request to allow the same shall be submitted along with the application for moving permit setting forth the height of the loaded building, The notices required under Section 114.12 shall include the proposed request to exceed the height limitation and shall set forth the loaded height of the building to be moved. After public hearings before each such body, the Planning Commission and the City Council shall take such action as set forth in Section 114.08. The Planning Commission and the Mayor and City Council shall take into consideration those factors set forth in Sections 114.14 and 114.15 of the City Code.

WIDTH (including any overhang or extension): 22 FEET 0 INCHES

The maximum width is the narrowest street or road width on the designated route. The street or road width shall be defined as the maintained surface. The width includes the eaves or any other extension of the building.

In addition, the following documents must accompany this application:

✓ 1. A signed statement from electric, telephone and cable companies and also from any railroad, telegraph or other utility company that has lines crossing the proposed route that said move meets with their approval. If said move will interfere with said utility company, the signed statement must contain the nature and duration of the interference, the portions of the City to be affected and whether said utility company has approved the move.

✓ 2. Certification from the Police Chief or designee that he or his designee has reviewed the date, time, and route along with any recommendations for the move.

✓ 3. Verification that the Building Official has inspected the building to determine the feasibility of moving it and compliance with Chapter 14 of the City Code once relocated, and that following such inspection he has approved the building for the move subject to a list of what, if any, changes, alterations or corrections need to be made to the building once relocated. The building permit obtained for said relocated building shall require said list of changes, alterations or corrections to be complied with.

✓ 4. Verification that the Building Official has ascertained that the size, condition, proposed use and proposed construction alterations are in accordance with the Zoning Regulations of the City.

✓ 5. Verification that a building permit has been applied for and approved for the relocated building.

✓ (6) A signed statement from a tree service insured and registered with the City of Columbus as provided for in Section 96-11 of the Columbus City Code stating that any needed trimming of trees or shrubbery will not damage or otherwise disturb said trees or shrubbery.

The application shall be submitted to the City Clerk along with the required fee at least 21 calendar days before the Planning Commission meeting at which the application will be considered. The City Clerk shall then schedule the application for public hearing before the Planning Commission and before the City Council. The Building Official will report on the application for a moving permit to the Planning Commission, which shall investigate the matter. The Planning Commission, following ten days notice as required by the Notice provisions set forth in Section 114.12 of Columbus City Code, shall hold a public hearing and following such public hearing, shall recommend to the City Council the granting or denial of the permit. The City Council, after the ten day notice and publication requirements of Section 114.12 of Columbus City Code have been complied with, shall hold a public hearing thereon, and following such public hearing shall grant or deny the permit.

NOTIFICATIONS AS REQUIRED

NOTIFICATION ACKNOWLEDGED BY:	DATE
TELEPHONE: Don Rice	5/16/23
ELECTRICAL: Rob Brewer	5-16-23
CABLE TV: [illegible]	6-6-23
NATURAL GAS: Shaylon Pelster	5/19/23
POLICE DEPARTMENT: [illegible]	6/7/23
STREET DEPARTMENT: Clete Bohn	5/16/23
FIRE DEPARTMENT: [illegible]	5/15/23
COUNTY HIGHWAY DEPARTMENT IF APPLICABLE:	
RAILROAD OR OTHER UTILITY THAT HAS LINES CROSSING THE PROPOSED ROUTE: ALLO [illegible]	
COUNTY SHERIFF DEPARTMENT	

REQUIRED HEARING NOTICE AND PUBLICATION

Prior to consideration of a building moving application 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: Notice shall be posted in a conspicuous place on or near the property to which said house or building is to be moved (unless it is being moved outside the City) and on or near the building to be moved at least ten (10) days prior to the date of such public hearing. Each notice shall not be less than eighteen inches (18") in height and twenty-four inches (24") in width, with black letters of not less than one and one-half inches (1 1/2") in height on yellow or white background. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same. 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 of time and in the event any sign is removed, the applicant to make sure the signs remain posted for the ten day period of time 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.

3. Notice of Publication: At least ten days before the date of the hearing the City Clerk, at the expense of the applicant, 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. Said notice shall also contain the designated moving route. Notice by Personal Service or Mail: The applicant for such moving permit shall either personally serve or mail to the owners of all real estate within 300 feet of the real estate onto which the building is to be moved a written notice of the request for moving permit, setting forth the legal description and address of the location of the property onto which the building is to be moved, along with the date, time and place of such hearing at least ten days prior to the date of such hearing.

4. Affidavit of Compliance: The applicant shall be responsible for filing with the City Clerk on the date of the hearing an Affidavit of Hearing Notice Compliance. Said Affidavit shall verify that all notice requirements of this section have been complied with. Said Affidavit shall be submitted on a form approved by the City Clerk's Office.

NOTICE OF MOVING ROUTE

(A) Prior to the actual move of a building, the applicant for such moving permit shall provide Notice of the Move by publication in a daily newspaper having a general circulation in the City in a form as provided for in the Permit Application. The Notice shall be published at least seven (7) days before the scheduled move and shall contain the designated moving route and include notification that electrical power to the businesses or residences along the moving route may be affected by the move. The notice shall contain the name, address and telephone number of the following: the building owner, the building mover, and the utility companies. The notice shall also set forth the date of the move, an alternate date for such move, and a time frame within which the move is to take place.

(B) The applicant shall be responsible for filing an Affidavit of Publication provided by the Columbus Telegram with the City Clerk. The affidavit shall be filed before the move commences and shall verify that the notice requirement of this section has been complied with.

INDEMNIFICATION AND HOLD HARMLESS

By signing and submitting this application, as the building mover I understand and agree that should my permit/license be granted: I shall fully protect the City for damages sustained to persons or property, resulting from the moving of any building or parts thereof within the City and shall indemnify and keep the City harmless from any and all suits, costs, judgments, exactions, executions and liabilities as to personal injuries or property damage in connection with, or related to, either directly or indirectly, any building move or the issuance of such permit/license.

I HEREBY CERITY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS CORRECT AND THAT I AGREE TO ABIDE BY ANY AND ALL PROVISIONS MADE BY AUTHORIZED CITY OFFICALS OR BOARDS OR ORDINANCES OF THE CITY OF COLUMBUS, UPON WHICH THIS APPLICATION IS BASED. THE UNDERSIGNED AGREES TO READ AND ABIDE BY ALL PROVISIONS OF THE CITY COAD REGULATING BUILDING MOVING, SECTIONS 114.01 TO 114.25.

DATE 06/09/23

OWNER OF BUILDING (Signature Required)

FEES 67.-

Bill Sievers

BUILDING MOVER (Signature Required)

RECEIPT NO.

BUILDING INSPECTION

BUILDING INSPECTED BY: Ken Steiner

CONDITION SATISFACTORY FOR MOVING: YES K.S. NO

Ken Steiner

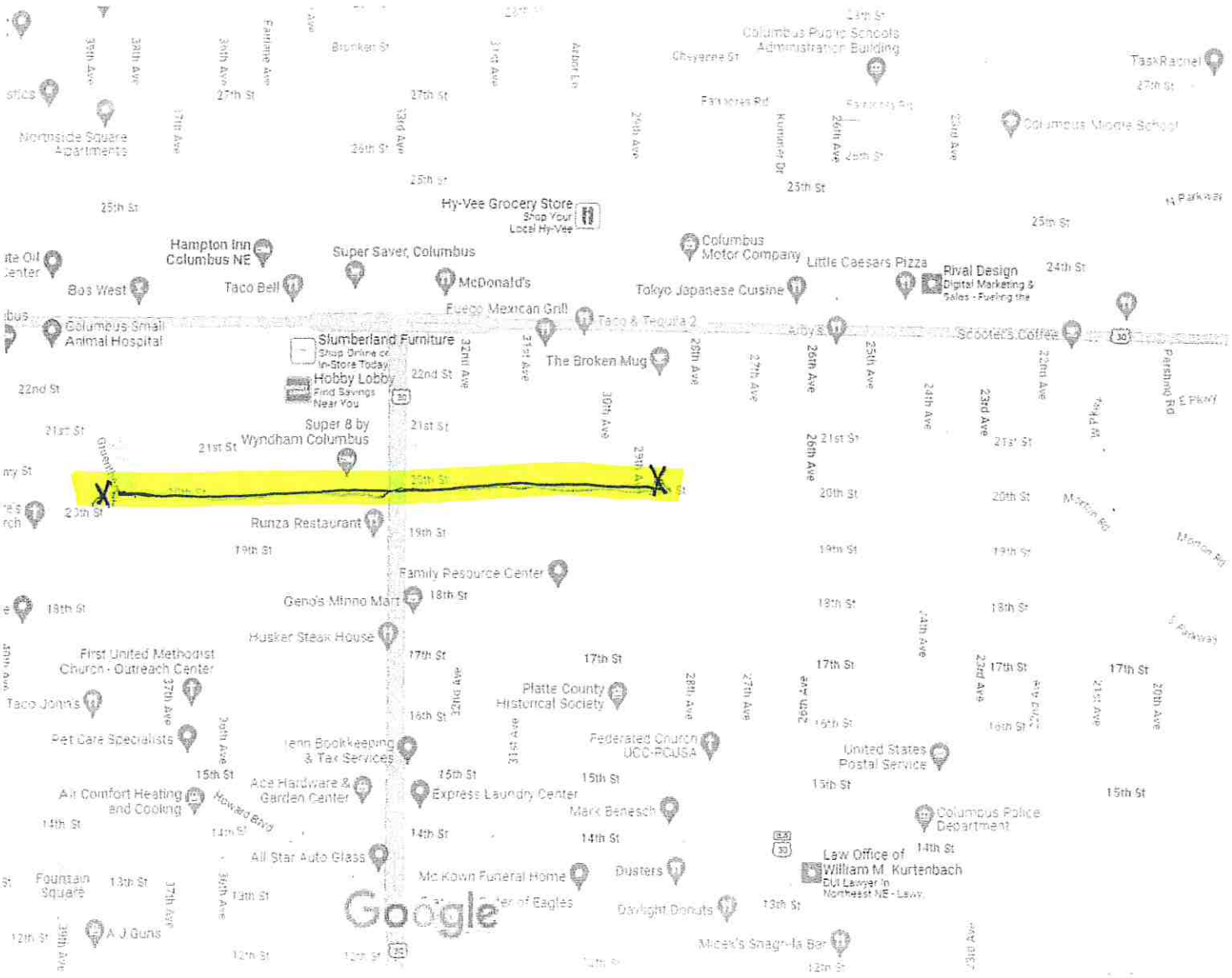
BUILDING INSPECTOR

PLANNING COMMISSION APPROVED DENIED DATE

CITY COUNCIL APPROVED DENIED DATE

PERMIT NO. ISSUED

WORK COMPLETED DATE:



Map data ©2023 Google 500 ft

John Obrist

From: David Scribner <scribsmoving@yahoo.com>
Sent: Wednesday, May 10, 2023 5:06 PM
To: John Obrist

John,

I measured the house I feel the house will load out at 22 feet. The route would be take 20th across the highway straight to new site. I see only a couple issues. The tree on the very south west corner will have to come down and the tree on the north east corner will need to have a limb or two that stick out on the road cut off. The trees in front of the existing house will need to be removed so I can drive the house into the hole

Bill Scribner
Scrib's House Moving
402-367-2855

Sent from Yahoo Mail for iPhone

NEBRASKA TREEWORKS INC.

4826 29TH Street

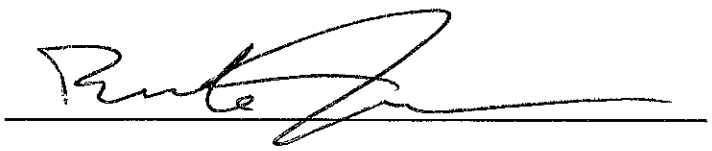
Columbus, NE 68601

402 563 8733

06/12/23

Nebraska TreeWorKs Inc. will take care of any needed trimming of trees or shrubbery will not damage or otherwise disturb any trees or shrubbery on the route of the House to be moved by JLO Properties LLC.

Randy Johnson



NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

6-16-23

Inside address

Dear: JLO properties

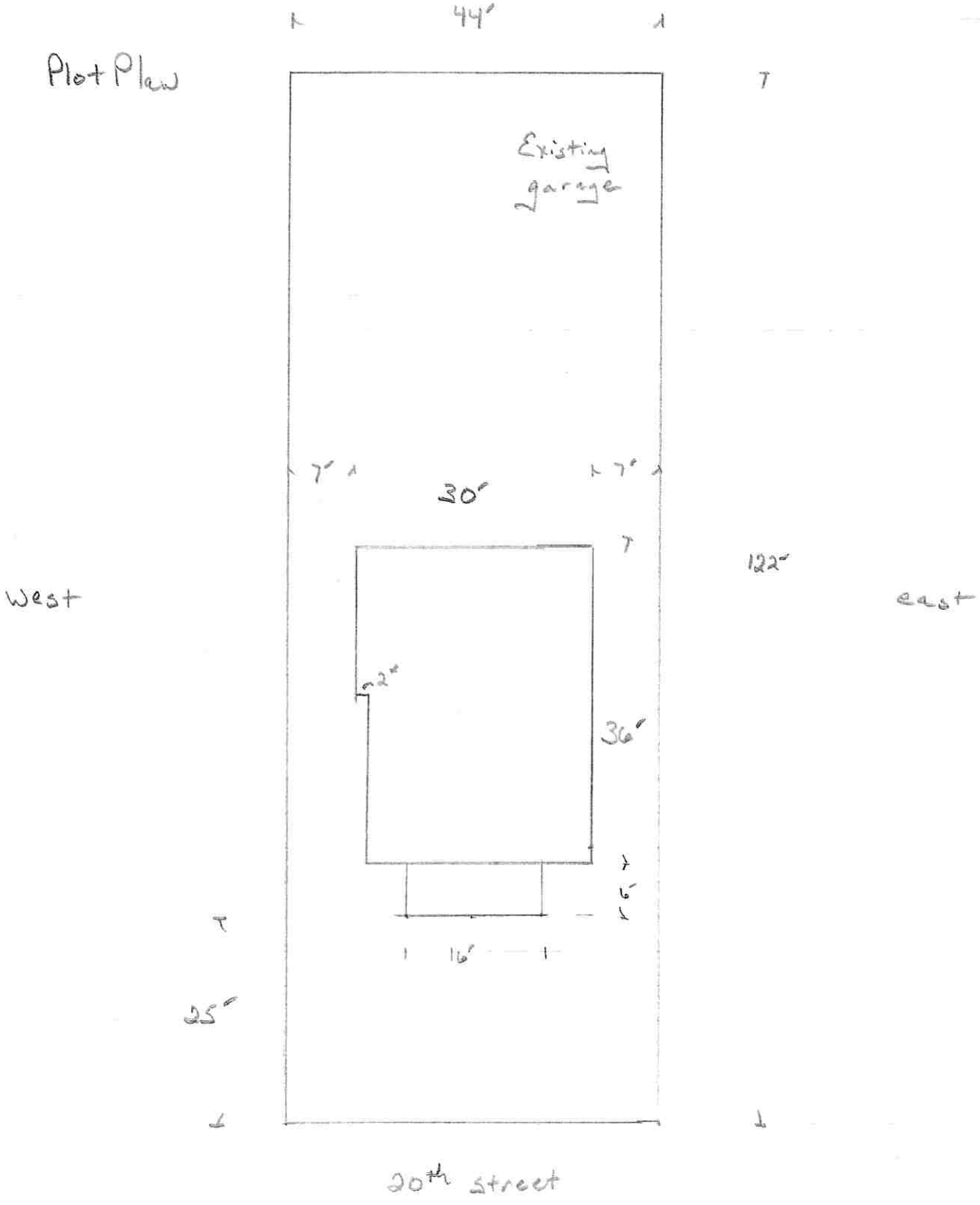
You have permission to cross Hwy 30 & 20th street on the island. If there are any damages, you will be held responsible.

Hwy Maint Supt
Warren Racely

Vicki Kramer, Director
Department of Transportation
District 3 Headquarters
408 North 13th Street
Norfolk, NE 68701-3714
OFFICE 402-370-3470 FAX 402-370-3473
NDOT.ContactUs@nebraska.gov
dot.nebraska.gov

2818 - 20th street

Plot Plan



PLANNING COMMISSION PUBLIC HEARING

AFFIDAVIT OF HEARING NOTICE COMPLIANCE
BUILDING MOVING

STATE OF NEBRASKA)
)SS.
COUNTY OF PLATTE)

Roger Evans, the undersigned affiant, being first duly sworn on oath, deposes and states as follows:

1. That the undersigned affiant is either the building owner or building mover who has made application for a building moving permit for the building:

Yellow House.
[insert building description]

located at 2054 GRUENTHER DRIVE
[insert address and legal description]
Lot 23 BLK E WEST PARK 1st Columbus, NE

to be moved to 2818 20 STREET
[insert address and legal description]
LOT 8 BLK 4 PEARSALL'S Columbus, NE

2. That the undersigned affiant caused the same information set forth in paragraph 3 above to be posted a notice in a conspicuous place on or near the above-described property or both such properties, if both are within the City of Columbus or its two-mile jurisdiction. Such notice was not less than 18 inches in height and 24 inches in width and had a white or yellow background and black letters not less than 1 ½ inches in height. The undersigned affiant caused said posted notice to be so placed upon said premises so that it was easily visible from the nearest street and was posted at least ten days before the Planning Commission Hearing. The undersigned affiant caused said sign to be laminated or otherwise protected from the weather and the sign remained visible and legible for said ten-day period. Said notice was posted on the 29th day of JUNE, 2023 and remained posted until the date of this Affidavit which is also the date of the scheduled hearing.

3. The notice which was posted as above set forth read as follows:

"NOTICE OF PUBLIC HEARING TO MOVE BUILDING"

[insert description of building]
to be moved from 2054 GRUENTHER DRIVE
[insert address and legal description]
Lot 23 BLK E WEST PARK 1st Columbus, NE
To 2818 20 STREET
[insert address and legal description]
LOT 8 BLK 4 PEARSALL'S Columbus, NE
to be held in the City Council Chambers, 1369 25 Avenue, Columbus, Nebraska on the _____ day of _____, 20____ at 7:00 p.m.

4. The undersigned affiant caused to be served upon the owners of all real estate within 300 feet of the real estate on to which the building is to be moved with written notice of such hearing by either personally serving them with such notice at least ten days prior to the date of the Planning Commission Hearing or by mailing said notice to them to their last known address at least ten days prior to such hearing. A list of the owners notified and their addresses appear on Exhibit "A", attached hereto. Said list comprises all of the owners of real estate within 300 feet of the real estate on to which the building is to be moved. A copy of the Notice served upon or sent to said owners is attached hereto, marked Exhibit "B".

DATED: 7-7-2023

FURTHER, YOUR AFFIANT SAITH NOT.

Affiant

Subscribed and sworn to before me this 7 day of July, 2023

Notary Public 5-15-24

GENERAL NOTARY - State of Nebraska
JOHN L. OBRIST JR.
My Comm. Exp. May 15, 2024

AFFIDAVIT OF MOVING PUBLICATION NOTICE COMPLIANCE
BUILDING MOVING

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

Roger Evans, the undersigned affiant, being first duly sworn on oath, deposes and states as follows:

1. That the undersigned affiant is the applicant for the moving permit which was granted for the following building: Yellow House
[insert building description]
located at 2054 GRUENTHER DRIVE
[insert address and legal description]
LOT 23 BLK E WEST PARK 1st Columbus, NE
to be moved to 2818 20th STREET
LOT 8 BLK 4 PEARSALL'S Columbus, NE
[insert address and legal description]

2. That the undersigned affiant provided publication of the moving route.

3. The Notice which was provided read as follows: (Attach copy of notice)

PUBLICATION OF THE MOVING ROUTE

NOTICE OF MOVING ROUTE

(A) Prior to the actual move of a building, the applicant for such moving permit shall provide Notice of the Move by publication in a daily newspaper having a general circulation on the City in a form as provided for in the Permit Application. The Notice shall be published at least seven (7) days before the scheduled move and shall contain the designated moving route and include notification that electrical power to the businesses or residences along the moving route may be affected by the move. The notice shall contain the name, address and telephone number of the following: the building owner, the building mover, and the utility companies. The notice shall also set forth the date of the move, an alternate date for such move, and a time frame within which the move is to take place.

FURTHER, YOUR AFFIANT SAITH NOT.

Affiant

Subscribed and sworn to before me this 7 day of July, 2023

GENERAL NOTARY - State of Nebraska
JOHN L. OBRIST JR.
My Comm. Exp. May 15, 2024

Notary Public 5-15-24

THIS FORM IS REQUIRED TO BE COMPLETED, EXECUTED AND FILED WITH THE CITY CLERK'S OFFICE BEFORE THE BUILDING MOVE COMMENCES.

7.B. Public hearing - Application of James Ferguson for final plat of Deerfield Park Townhouse 2nd Subdivision (38 Street east of 26 Avenue). (Applicant has requested this public hearing be continued.)

From: Whiting, Renee
To: Bogus, Richard; Kline, Janelle
Subject: FW: Deerfield Park Townhouse Second Subdivision - Remove from Agenda
Date: Friday, July 7, 2023 4:56:09 PM

From: Clark Grant <Clark@grantattorney.com>
Sent: Friday, July 7, 2023 4:53 PM
To: Clark's assistant <assistant@grantattorney.com>; Whiting, Renee <Renee.Whiting@columbusne.us>
Subject: RE: Deerfield Park Townhouse Second Subdivision

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is SAFE.

Renee,

Tremel Surveying will not be able to complete the additional work before Monday. We would like to remove these applications from the agenda for Monday. We are hoping to have things ready by the August meetings.

Clark J. Grant
Attorney at Law
1464 27th Avenue
Columbus, NE 68601
(402) 564-3274
clark@grantattorney.com

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

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, July 10, 2023, at 7 p.m. in the Council Chambers, 2500 14 St, Columbus, NE, on the final plat and development agreement Deerfield Park Townhouse 2nd Subdivision, a parcel of land located in lots 1-9, Deerfield Park Townhouse Addition to the City of Columbus, Platte County, NE, containing 18 Lots, (38 St and east of 26 Ave, Columbus, Platte County, NE) and at said time and place you may appear and be heard.

CITY OF COLUMBUS, NE
Janelle Kline, City Clerk

Publish: 06:29:23
Two Affidavits of Publication

7.C. Public hearing - Redevelopment Plan for the Flats at 5th Redevelopment Project located northwest of intersection of 5 Avenue and 24 Street. (Planning Commission recommends approval.)

*** Proof of Publication ***

Newspaper: COLUMBUS TELEGRAM

STATE OF NEBRASKA)
County of Platte) SS.

CITY OF COLUMBUS, NE

PO BOX 1677
COLUMBUS, NE 68602

ORDER NUMBER 1165527

The undersigned, being duly sworn, deposes and says she/he is a Clerk of the Columbus Telegram, a legal newspaper printed and published daily Tuesday-Saturday in Platte County, State of Nebraska and of general circulation in Platte County; that said newspaper has a bona fide circulation published within said county for more than 52 successive weeks immediately prior to the first date of the published notice, and is produced in an office maintained at the place of publication.

This affidavit is a true and correct copy of notice which appeared in said newspaper. The notice was

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

NOTICE IS HEREBY GIVEN that a public hearing before the Mayor and City Council of the City of Columbus, NE, will be held on Monday, July 17, 2023, at 7 P.M., in the City Council Chambers, 2500 14 St., Suite 3, Columbus, NE, to consider and possibly take action on a redevelopment plan entitled: "Redevelopment Plan for the Flats at 5th Redevelopment Project," for redevelopment pursuant to the Community Development Law, Nebraska Revised Statutes, sections 18-2101, et seq., within a portion of the blighted and substandard 23rd Street Corridor Area, approximately located to the northwest of the intersection of 5 Avenue and 24 Street, in Columbus, NE.

A map of the proposed area to be redeveloped and the cost-benefit analysis for the redevelopment project set forth in the redevelopment plan is available for review at the office of the City Clerk at 2424 14 St., Columbus, NE, telephone number 402-562-4224 and at said time and place, all interested parties may appear and be heard.

CITY OF COLUMBUS, NE
Janelle Kline, City Clerk
June 29, July 6, 2023
ZNEZ

Section: Class Legals

Category: 0099 LEGALS

PUBLISHED ON: 06/29/2023, 07/06/2023

TOTAL AD COST: 42.24

FILED ON: 7/6/2023

Clerk of the Columbus Telegram,

Printed name Chris Kraus

Signature Chris Kraus Date 7/6/23

Subscribed and sworn to before me this

July 6, 20 23

Tammi J. Eikenhorst Notary Public

GENERAL NOTARY - State of Nebraska
TAMMI J. EIKENHORST
My Comm. Exp. March 18, 2024

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

NOTICE IS HEREBY GIVEN that a public hearing before the Mayor and City Council of the City of Columbus, NE, will be held on Monday, July 17, 2023, at 7 P.M., in the City Council Chambers, 2500 14 St., Suite 3, Columbus, NE, to consider and possibly take action on a redevelopment plan entitled: "Redevelopment Plan for the Flats at 5th Redevelopment Project," for redevelopment pursuant to the Community Development Law, Nebraska Revised Statutes, sections 18-2101, et seq., within a portion of the blighted and substandard 23rd Street Corridor Area, approximately located to the northwest of the intersection of 5 Ave. and 24 St., in Columbus, NE.

A map of the proposed area to be redeveloped and the cost-benefit analysis for the redevelopment project set forth in the redevelopment plan is available for review at the office of the City Clerk at 2424 14 St., Columbus, NE, telephone number 402-562-4224 and at said time and place, all interested parties may appear and be heard.

CITY OF COLUMBUS, NE
Janelle Kline, City Clerk

Publish: 6:29:23; 7:06:23
Two Affidavits of Publication

REDEVELOPMENT PLAN FOR
THE 23RD STREET CORRIDOR REDEVELOPMENT AREA

(4J CAPITAL REDEVELOPMENT PROJECT – PHASE 2)

COLUMBUS, NEBRASKA

PREPARED JUNE, 2023

FOR

THE COMMUNITY DEVELOPMENT

AGENCY OF

COLUMBUS, NEBRASKA

A. Introduction

This Redevelopment Plan for a blighted and substandard area of the City of Columbus, Nebraska ("Redevelopment Plan"), prepared by the Community Development Agency of the City of Columbus, Nebraska (the "Agency"), is a guide for redevelopment activities to remove or eliminate blight and substandard conditions within the City of Columbus, Nebraska (the "City"). The Mayor and City Council of the City (the "Council"), recognizing that blighted and substandard conditions are a threat to the continued stability and vitality of the City, passed a resolution designating certain areas of the City to be blighted and substandard and in need of redevelopment pursuant to the requirements of section 18-2103 of the Nebraska Community Development Law, sections 18-2101 et. seq., as amended (the "Act"). One of the areas designated by the Council as blighted and substandard and in need of redevelopment is the area commonly referred to as "Redevelopment Area 6" a/k/a the "23rd Street Corridor Area" (referred to herein as the "Redevelopment Area").

This Redevelopment Plan submits the implementation of a second phase to the redevelopment project located in the Redevelopment Area, previously set forth via the "Redevelopment Plan for the 23rd Street Redevelopment Area (4J Capital Redevelopment Project)", related to the construction of an apartment complex. Construction of the same has been completed, and now 4J Capital 2, LLC ("Redeveloper"), wishes to expand the apartment complex via the incorporation of an additional phase adjacent to the initial project; with such additional phase utilizing the tax increment financing ("TIF") resources available for reimbursement of eligible costs, and to remove existing and avoid future blighted and substandard conditions, as further described in paragraph D of this Redevelopment Plan. The proposed expansion contemplates the construction of two additional apartment buildings, consisting of approximately 30 units each (i.e., 60 units total), together with such other public and private improvements related thereto. Such additional phase and/or expansion is hereinafter referred to as the "Redevelopment Project".

B. Redevelopment Area; Existing Conditions

Exhibit "A", attached hereto and incorporated herein, sets forth the boundaries of the Redevelopment Area. The Redevelopment Area is identical to "Redevelopment Area 6," which the Council previously declared blighted and substandard and in need of redevelopment. The Redevelopment Area is approximately located east of 33rd Avenue and west of East 11th Avenue, between 19th Street and 27th Street.

C. Project Site

Exhibit "B", attached hereto and incorporated herein, sets forth the boundaries and existing conditions of the area to be developed as part of the Redevelopment Project (the "Project Site"). The Project Site is completely engrossed within the blighted and substandard Redevelopment Area and is in need of redevelopment.

D. Conformance with the Comprehensive Plan

It is essential to the City's comprehensive plan that dilapidated, inadequate, or deteriorating portions of the City conform to the current and future needs of the City as it continues to grow and expand. The comprehensive plan recommends "contiguous growth of residential land use" throughout the neighborhood encompassing the Redevelopment Area.

Additionally, the "Envision Columbus 2040" plan states that the City's "inadequate housing supply remains one of the City's greatest challenges." The "2021 City of Columbus Housing Study" also noted the need for additional housing. The study included the following conclusions, among many other findings:

- The City should produce approximately 127 new housing units per year to meet demand.
- Given the lack of available sites in the City, medium and higher density projects should be prioritized to maximize the land that is available.
- The City is in need of additional rental and multifamily housing.
- The City should utilize tools such as TIF to carry out its housing needs and goals.

Redeveloper intends to develop the Project Site for the purpose of expanding the existing apartment complex to the north via the construction of approximately 60 additional apartment units. The City's comprehensive plan and other plans for development and expansion of the City contemplate the need for housing, with specific emphasis on multifamily and rentals. This Redevelopment Plan and the Redevelopment Project described herein furthers those goals and complies with the City's comprehensive plan for land use and development.

Exhibit "C", attached hereto and incorporated herein, shows the future use map (showing the Redevelopment Area and surrounding areas) included within the City's comprehensive plan. The map sets forth a B-2 (General Commercial) designation for future use of the Project Site. Multi-family residential is a permitted use within B-2 zoning districts under the City's zoning ordinance. Accordingly, the Redevelopment Project complies with the City's future use map and comprehensive plan.

E. Redevelopment Project Overview

The Project Site is located to the northwest of the intersection of 24th Street and East 5th Avenue. The Project Site is approximately 1.87 acres, currently made up of two vacant parcels. Redeveloper currently owns the Project Site. The Redevelopment Project will consist of the expansion of the apartment complex to the north via the construction of two additional apartment buildings with approximately 30 residential apartment units within each building (60 total), together with such other public and private improvements related thereto. Exhibit "D", attached hereto and incorporated herein, sets forth the proposed site plan for the Redevelopment Project. No public acquisition of the Project Site is necessary. No families will be displaced as a result of the Redevelopment Project.

F. Existing Conditions

1. Existing Land Use

The Project Site consists of vacant, undeveloped land.

2. Existing Zoning

The Project Site is currently zoned as B-2 (General Commercial). B-2 zoning permits multi-family residential development.

3. Existing Public Improvements

The street adjacent to the Project Site (East 5th Avenue) provides access to the Project Site. Water, sewer and other necessary infrastructure exists in the areas adjacent to the Project Site, but not within the Project Site.

G. Proposed Redevelopment

1. Public Improvements

The Redevelopment Project will require infrastructure improvements and other public improvements. Such anticipated public improvements (and costs related to the public improvements) for the Redevelopment Project are listed in Exhibit "F", attached hereto and incorporated herein. These improvements will include, but are not limited to:

a. Public Access; Traffic Flow, Street Layouts and Street Grades

The public street adjacent to the Project Site (East 5th Avenue) provides access to the Project Site. As shown on the site plan, Redeveloper will extend the internal private roadways from the existing apartment complex onto the Project Site. Redeveloper will cooperate with the City to address any issues related to increased traffic flow and other street improvement issues created by the Redevelopment Project. All streets, sidewalks and other infrastructure constructed by Redeveloper will be subject to review and approval by the City.

b. Construction of Water and Sewer Improvements.

Redeveloper will construct or extend water and sanitary sewer systems to provide appropriate service to the Project Site.

c. Other incidental improvements

The Project Site is currently undeveloped and will require grading to provide effective drainage throughout the area. The Project Site requires filling and grading to properly drain the ground water runoff and provide appropriate grading levels to erect the apartment buildings. Redeveloper also anticipates the construction/extension of electric, gas and telecommunications utilities to the buildings within the Project Site.

d. Additional public facilities or utilities

Other than the construction or extension of the utilities and infrastructure detailed above, Redeveloper and the City anticipate that the existing public facilities and utilities can adequately meet the demands of the Redevelopment Project.

e. Property Acquisition, Demolition and Disposal

No demolition, public acquisition of private property or relocation of families or businesses is necessary to accomplish the Redevelopment Project.

f. Population Density

The Project Site currently sits undeveloped and vacant. The Redevelopment Project will increase population density in the area. However, the City desires an increase in population density in the area to provide additional housing in the City. Adequate public infrastructure exists to accommodate the anticipated increase in population density.

g. Land Coverage

The Project Site currently consists of approximately 1.87 acres of undeveloped land. The Redevelopment Project will consist of the construction of two additional apartment buildings, as shown on the site plan set forth in Exhibit "D". The Redevelopment Project will comply with all applicable land coverage ratios required by the City.

h. Parking

The City's zoning ordinance requires 2 spaces per dwelling unit with 2 or more bedrooms, and 1.5 spaces for 1-bedroom dwelling units. The Redevelopment Project will be required to comply with the foregoing and any other parking requirements under the City's zoning ordinance.

g. Zoning, Building Code and Ordinance

The Project Site is zoned as B-2 (General Commercial). A change of zoning is not necessary for the construction of a multifamily residential apartment complex. Notwithstanding the foregoing, Redeveloper will be responsible for all zoning, building code, or ordinance changes that are necessary for the Redevelopment Project.

3. Private Improvements

Private improvements for the Redevelopment Project consist of the construction of two additional apartment buildings with approximately 30 units per building (60 units total). Redeveloper or other builders taking conveyance from Redeveloper will construct the private improvements. Paragraph I of this Redevelopment Plan details the anticipated implementation of the private improvements.

H. Project Costs

The total estimated cost of the Redevelopment Project is $10,615,000. A breakdown of the estimated costs of the Redevelopment Project is attached hereto and incorporated herein as Exhibit "E".

I. Implementation

Redeveloper anticipates construction of both the private and public improvements to begin in the summer of 2023, pending approval of this Redevelopment Plan. Redeveloper estimates that it will complete ~50% of construction by the end of 2023. Redeveloper anticipates that it will complete all construction by the summer of 2024. The anticipated start and completion dates for the Redevelopment Project are preliminary and subject to change based upon market conditions, availability of materials, workforce availability and other extraneous factors.

J. Financing

The City and Agency contemplate the use of TIF for the Redevelopment Project. Section 18-2147 of the Act authorizes the use of TIF. It provides that any ad valorem tax levied upon real property, or any portion thereof, in a redevelopment project shall be divided, for a period not to exceed fifteen years after the effective date as identified in the redevelopment contract, or amendment thereof, or in the resolution(s) of the authority authorizing the issuance of bonds pursuant to the Act, as follows:

(a) That portion of the ad valorem tax the levy produces at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body ("Base Tax Amount"); and

(b) That portion of the ad valorem tax on real property, as provided in the redevelopment contract or bond resolution, in the redevelopment project in excess of the Base Tax Amount, if any, (referred to herein as "TIF Revenues") shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in whole or in part, the redevelopment project.

With respect to the Redevelopment Project, the actual base tax year and Base Tax Amount will be set forth in the redevelopment contract and/or the resolution authorizing the TIF Indebtedness (defined below).

1. Necessity of TIF

In Redeveloper's application requesting TIF, Redeveloper stated that it would not be economically feasible to develop the Redevelopment Project, and thus it would not undertake the same, without TIF. Specifically, Redeveloper represented:

> "Construction costs are significantly greater than the as-complete fair market value of the apartments. Without TIF to assist with the public improvement costs, the projected internal rate of return of the Redevelopment Project is too low for investors given the risks involved in preparing the site, constructing the apartments, stabilizing the occupancy rates of the apartments, and other business risks. Without TIF, the project would not be feasible on the Project Site or in this area."

The City and Agency find Redeveloper's representations to be reasonable and accurate given the current market conditions consisting of high cost of goods and labor, along with soaring inflation and financing costs. As such, the City and Agency agree that the Redevelopment Project, as presented, is not economically viable, and Redeveloper would not undertake the same, without the assistance of TIF.

2. Sources and Uses of Financing

Based upon the projections provided in Exhibit "F", the Agency and Redeveloper contemplate issuance of a TIF bond or note in an amount not to exceed $1,205,000, at an interest rate not to exceed 6.00% per annum (the "TIF Indebtedness"). As shown on Exhibit "F", the anticipated TIF Indebtedness amount does not exceed the anticipated TIF-eligible costs.

The total estimated cost of the Redevelopment Project is $10,615,000. Redeveloper anticipates that the balance of the public and private costs exceeding the TIF Indebtedness will be financed by via mix of owner's equity, traditional bank financing, and a Rural Workforce Housing Fund loan in the amount of $1,250,000. The above figures are only projections and are subject to change as a result of market conditions and other extraneous factors.

K. Cost-Benefit Analysis

A cost-benefit analysis for the Redevelopment Project is attached as Exhibit "G" and incorporated herein.

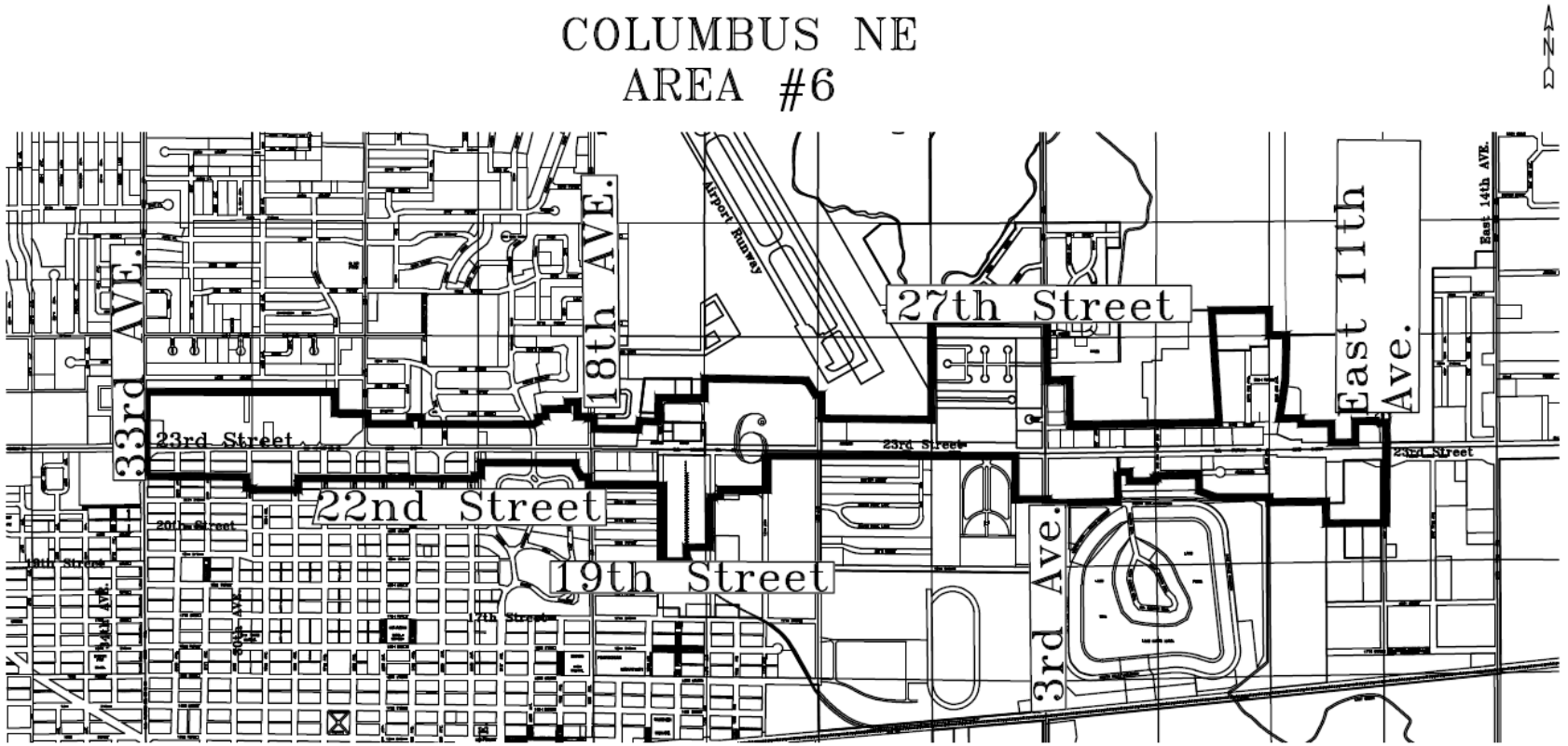
Exhibits:

Exhibit A: Redevelopment Project Area and Depiction of Existing Land Use
Exhibit B: Project Site
Exhibit C: Future Land Use
Exhibit D: Site Plan
Exhibit E: Estimated Construction Cost of the Redevelopment Project
Exhibit F: Sources and Uses of TIF
Exhibit G: Cost-Benefit Analysis

EXHIBIT "A"

Redevelopment Area and Existing Land Use

Depiction of Redevelopment Area (outlined in black):



Existing Conditions of Redevelopment Area and Surrounding Area:



Exhibit "A"

EXHIBIT "B"

Project Site

Legal Description:

Lots 34 and 35, Block A, The Village First Addition to the City of Columbus, Platte County, Nebraska.

Depiction (outlined in red):

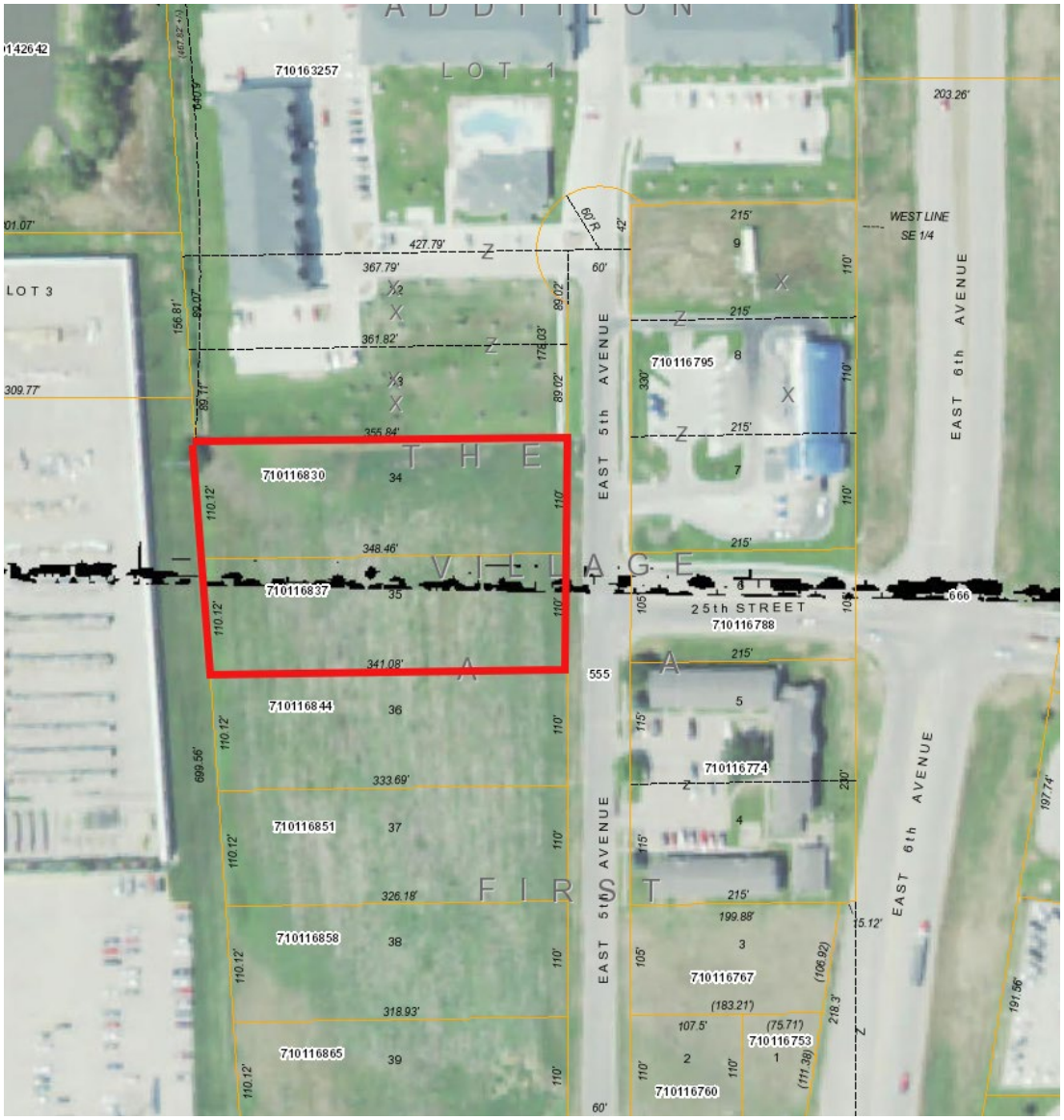
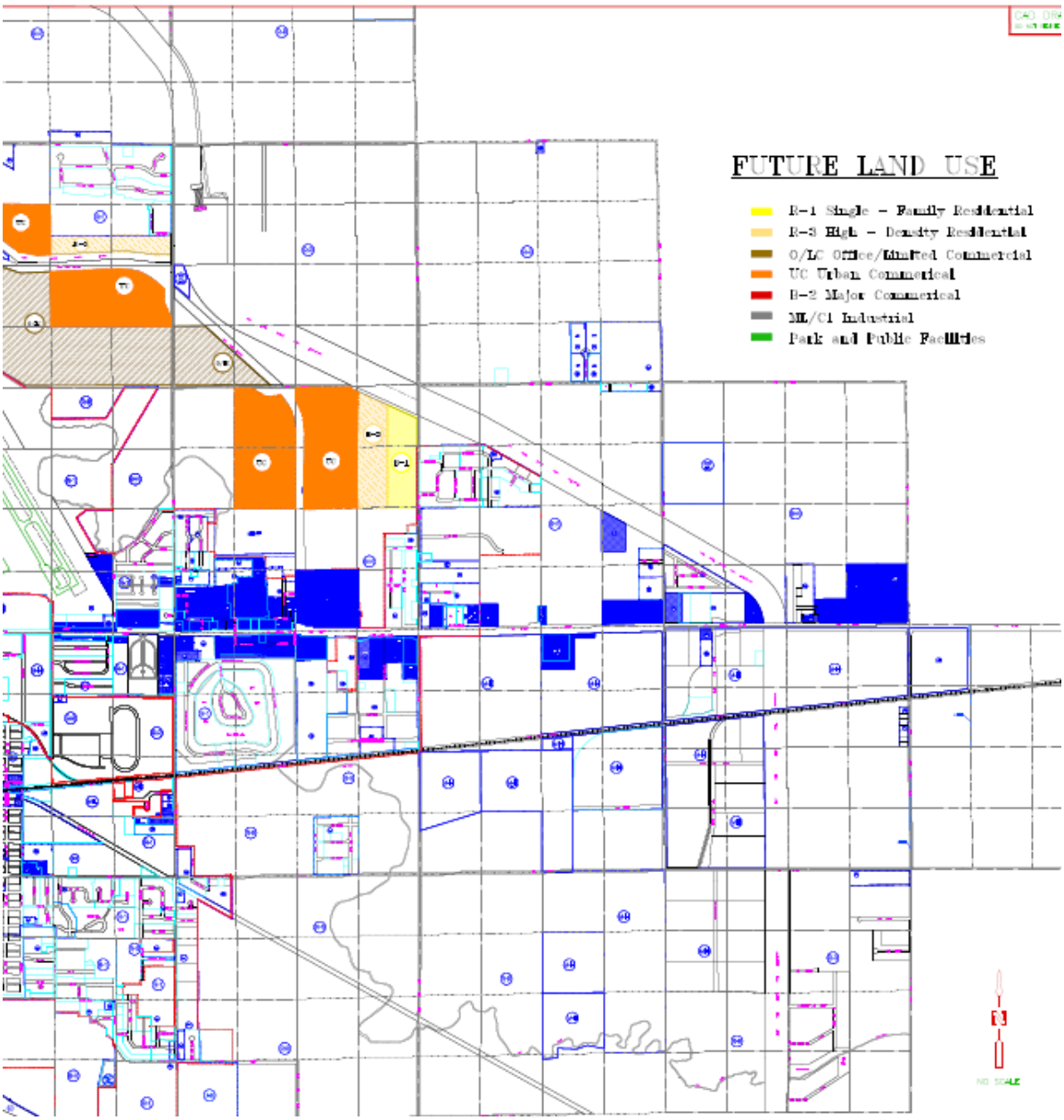


Exhibit "B"

EXHIBIT "C"

Future Land Use Map

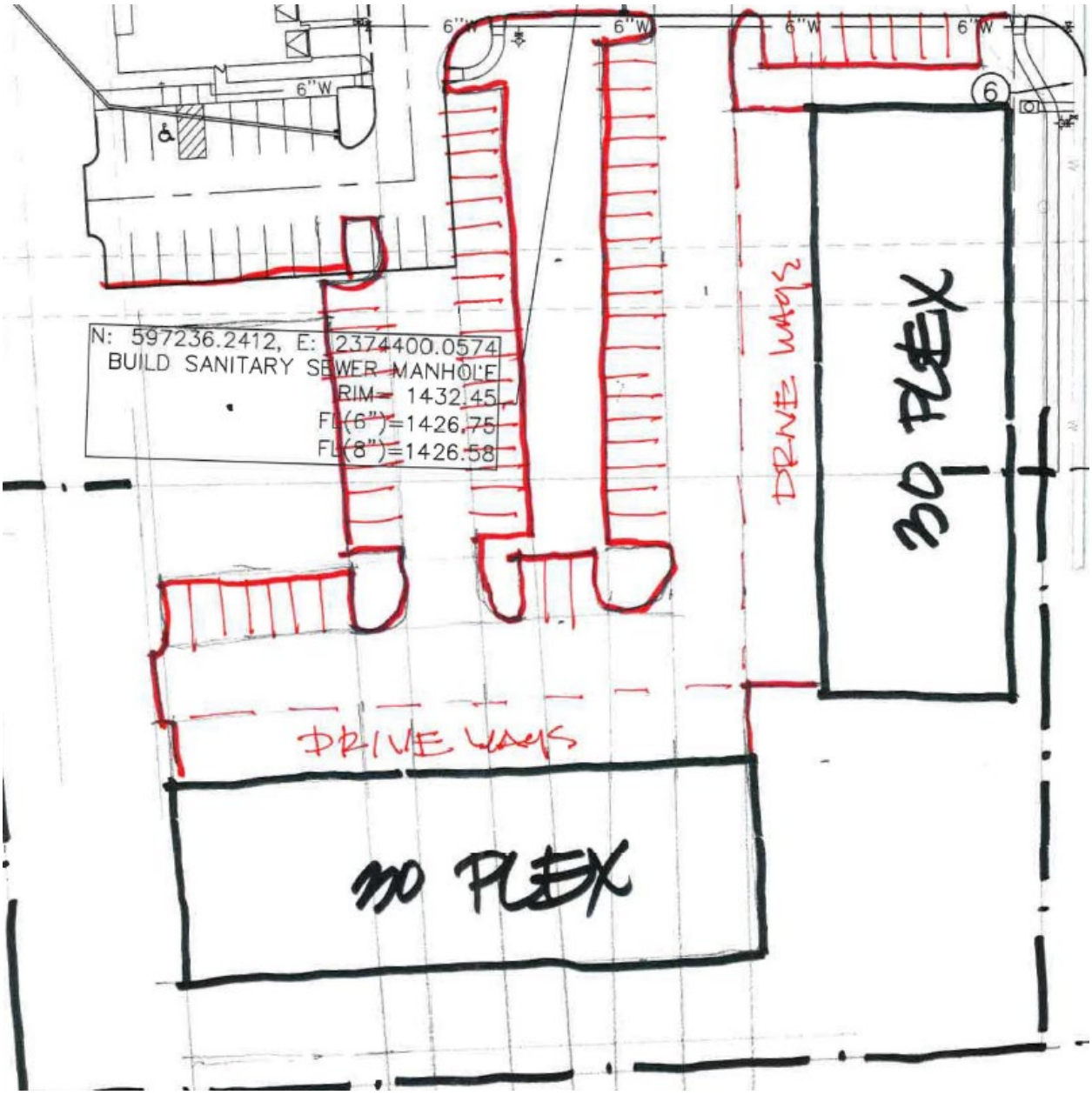


* Designates the Project Site for future use as "General Commercial".

** A more legible version of the above Future Land Use Map is available at the office of the City Clerk.

EXHIBIT "D"

Site Plan



* The above depiction is a preliminary site plan for reference purposes only and is subject to change.

EXHIBIT "E"

Estimate of Construction Costs

Land acquisition	$400,000
Site development	$125,000
Infrastructure	$315,947
Building cost	$9,459,053
Architectural/engineering fees	$25,000
Legal fees	$15,000
Financing costs	$25,000
Contingencies	$250,000
TOTAL:	$10,615,000

* The above figures are preliminary projections and subject to change.

EXHIBIT "F"

Sources and Uses of TIF

SOURCES

Assumptions:

Base Tax Amount of Project Site	$230,110
Post-Redevelopment Valuation	$6,804,000
Tax Levy	1.889478
TIF Revenues/Year	$122,970
Total TIF Revenues	$1,844,550

USES/TIF-ELIGIBLE COSTS

Land acquisition	$400,000
Façade Enhancements	
Vinyl to Hardwood	$190,209
Vinyl to Stone/Masonry	$150,000
Site Preparation	
Earthwork/Surcharge	$125,000
Utilities	
Water and Sewer	$81,125
Storm Water	$54,225
Fire/Domestic Water	$100,900
Electrical	$43,000
Sidewalks	$36,697
Energy Enhancements	
13 SEER to 15 SEER	$155,000
Architecture and Engineering fees	$25,000
Legal fees	$15,000
TOTAL:	**$1,376,156**

* The above "sources" and "uses" for the Redevelopment Project are estimates based upon the assumptions of Redeveloper and are subject to change.

Amortization:

								Debt Service Payments					
	Total	Less Pre-	TIF			Treasurer's	Revenues						
	Taxable	Development	Taxable	Tax	Tax	1% Collection	Available		Interest at		Loan	Capitalized	Interest at
DATE	Valuation	Base	Valuation	Levy	Revenues	Fee	For TIF Loan	Principal	6.00%	Total	Balance	Interest	6.00%
0											$1,205,000		
0.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$25,335	$36,150	$61,485	$1,179,665	0	36150
1	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$26,095	$35,390	$61,485	$1,153,570	0	35390
1.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$26,878	$34,607	$61,485	$1,126,692	0	34607
2	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$27,684	$33,801	$61,485	$1,099,008	0	33801
2.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$28,515	$32,970	$61,485	$1,070,493	0	32970
3	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$29,370	$32,115	$61,485	$1,041,123	0	32115
3.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$30,251	$31,234	$61,485	$1,010,872	0	31234
4	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$31,159	$30,326	$61,485	$979,713	0	30326
4.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$32,094	$29,391	$61,485	$947,619	0	29391
5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$33,056	$28,429	$61,485	$914,563	0	28429
5.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$34,048	$27,437	$61,485	$880,515	0	27437
6	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$35,070	$26,415	$61,485	$845,445	0	26415
6.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$36,122	$25,363	$61,485	$809,323	0	25363
7	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$37,205	$24,280	$61,485	$772,118	0	24280
7.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$38,321	$23,164	$61,485	$733,797	0	23164
8	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$39,471	$22,014	$61,485	$694,326	0	22014
8.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$40,655	$20,830	$61,485	$653,671	0	20830
9	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$41,875	$19,610	$61,485	$611,796	0	19610
9.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$43,131	$18,354	$61,485	$568,665	0	18354
10	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$44,425	$17,060	$61,485	$524,240	0	17060
10.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$45,758	$15,727	$61,485	$478,482	0	15727
11	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$47,131	$14,354	$61,485	$431,351	0	14354
11.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$48,544	$12,941	$61,485	$382,807	0	12941
12	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$50,001	$11,484	$61,485	$332,806	0	11484
12.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$51,501	$9,984	$61,485	$281,305	0	9984
13	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$53,046	$8,439	$61,485	$228,259	0	8439
13.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$54,637	$6,848	$61,485	$173,622	0	6848
14	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$56,276	$5,209	$61,485	$117,346	0	5209
14.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$57,965	$3,520	$61,485	$59,381	0	3520
15	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$59,704	$1,781	$61,485	$0	0	1781
					$1,863,180	$18,630	$1,844,550	$1,205,323	$639,227	$1,844,550		$0	
												(F9 = calculate)	
						Original Loan Amount		$1,205,000					
						Capitalized Interest		$0			ASSUMPTIONS:		
						Loan Balance Remaining		**$0**			1. Loan Amount:	$1,205,000	
											2. Interest Rate:	6.00%	
													*
											3. Increment Base:	$6,573,890	**

* The above figures are estimates based upon the assumptions in this Exhibit "F" and are subject to change.

EXHIBIT "G"

Cost-Benefit Analysis
(Pursuant to Neb. Rev. Stat. § 18-2113)

The cost-benefit analysis for the Redevelopment Project, as described in the attached Redevelopment Plan, which will utilize funds authorized by section18-2147 of the Act, is provided below:

1. Tax shifts resulting from the approval of the use of funds pursuant to Section 18-2147:

The taxes generated by the base value of the Project Site will continue to be allocated between the relevant taxing jurisdictions pursuant to the Act. Only the incremental taxes created by the Redevelopment Project will be captured to pay for the project's eligible public expenditures. Since the incremental taxes would not exist without the use of TIF to support the Redevelopment Project, the true tax shift of the Redevelopment Project is a positive shift in taxes after 15 years. However, for the purposes of illustrating the incremental taxes used for TIF, the estimated 15 year tax shift for the Redevelopment Project is set forth in Exhibit "F" of the Redevelopment Plan, and is adopted hereby.

Notes:

The Projected Tax Increment is based on assumed values and levy rates; actual amounts and rates will vary from those assumptions, and it is understood that the actual tax shift may vary materially from the projected amount. The levy rate is assumed to be the 2022 levy rate. There has been no accounting for incremental growth over the 15 year TIF period.

2. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the Redevelopment Project:

a. Public infrastructure improvements and impacts:

Redeveloper will construct or extend water and sewer systems to provide appropriate service to the Project Site; and the Project Site will be filled and graded to provide for effective surface water runoff. Redeveloper also anticipates the construction of electric, gas and telecommunications utilities extending to the residences within the Project Site. It is the intent of this Redevelopment Plan that such infrastructure and site preparation be paid for by the Redeveloper with such cost to be reimbursed by TIF. Other than the construction or extension of the utilities and infrastructure detailed above, Redeveloper and the City anticipate that the

existing public facilities and utilities can adequately meet the demands of the Redevelopment Project.

b. Local Tax impacts (in addition to impacts of Tax Shifts described above):

The Redevelopment Project should create material tax and other public revenue for the City and other local taxing jurisdictions. While the use of TIF will defer receipt of a majority of new ad valorem real property taxes generated by the Redevelopment Project, the Redevelopment Project should generate immediate revenues for the City. The Redevelopment Project and new residences therein will require and pay for City services. Additionally, the City will be benefitted by the sales tax charged on materials used to construct the Redevelopment Project. It is not anticipated that the Redevelopment Project will have any material adverse impact on such City services, but will generate revenue providing support for those services.

3. Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the Redevelopment Project:

It is not anticipated that any employers will locate within the Project Site. However, the Redevelopment Project is anticipated to provide additional housing for employees in the area. As such, the Redevelopment Project is not anticipated to have an adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project.

4. Impacts on other employers and employees within the City and the immediate area that is located outside of the boundaries of the area of the Redevelopment Project:

The Redevelopment Project should have a material positive impact on businesses surrounding the Project Site. The Redevelopment Project will provide much needed housing in the community, which will benefit employers, employees, and the City in general. Further, the residences constructed as part of the Redevelopment Project should increase the need for services and products from existing businesses, such as household products and general consumer services. Accordingly, the Redevelopment Project is anticipated to have a positive impact on employers and employees in the vicinity of the Project Site.

5. Impacts on student populations of school districts within the City:

The addition of school age children as a result of this Redevelopment Project will have an impact on the Columbus School District. Assuming each dwelling unit will result in 2.5 persons and there is a traditional family in each unit, a student population increase of .5 children per

household is possible for a total of 30 new students. However, based upon the target demographic, the unlikelihood that all inhabitants will be new residents, and size of the apartments, Redeveloper and the City expects this number to be much lower. The school district will not receive taxes from the residences built during the time the increased taxes are utilized to pay the TIF Indebtedness. The school district has received state aid to education in the past. Part of the school aid formula involves assessed valuation in the school district. The valuation that generates the TIF Indebtedness payments is not included in the formula and does not count against the state aid that the school district would receive. Taxes on any increase in the base value of the land will benefit the school district. After the TIF Indebtedness is paid, or at the end of the respective 15 years of division of taxes, whichever is sooner, the increased valuation from the residential construction will be available to the school district.

6. Other impacts determined by the Agency to be relevant to the consideration of costs and benefits arising from the redevelopment project:

The Project Site is blighted and contains substandard conditions that are a detriment to the City as a whole. The Redevelopment Project will revitalize and occupy a vacant space without negatively impacting the surrounding businesses or straining the public infrastructure. There are no other material impacts determined by the City or Agency relevant to the consideration of the cost or benefits arising from the Redevelopment Project. As such, the benefits of the Redevelopment Project outweigh the costs.

7.C.1. Resolution No. R23-97 approving redevelopment plan for phase two of the 4J Capital redevelopment project.

Draft

RESOLUTION NO. R23-97

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A REDEVELOPMENT PLAN ENTITLED "REDEVELOPMENT PLAN FOR THE 23RD STREET CORRIDOR REDEVELOPMENT AREA (4J CAPITAL REDEVELOPMENT PROJECT – PHASE 2)".

WHEREAS, the City Council of the City of Columbus, Nebraska (the "Council"), acts as the governing body of, and exercises all functions of, the Community Development Agency of the City of Columbus, Nebraska (the "Agency"); and

WHEREAS, the Mayor and Council previously designated a portion of the City of Columbus, Nebraska (the “City”), commonly referred to as the “23rd Street Corridor Area”, as blighted and substandard and in need of redevelopment under the terms of Nebraska Revised Statutes sections 18-2103(3) and (31) and section 18-2109 of the Nebraska Community Development Law, sections 18-2101 et seq., of the Nebraska Revised Statutes (the “Act”); and

WHEREAS, it is contemplated that redevelopment of the 23rd Street Corridor Area may occur in phases and will occur pursuant to one or more redevelopment plans and/or projects; and

WHEREAS, the Mayor and Council finds based on substantial evidence in the record of this proceeding that redevelopment of the 23rd Street Corridor Area will result in the elimination and prevention of blight and aligns with the purposes of the Community Development Law and the Comprehensive Plan of the City; and

WHEREAS, attached hereto as Exhibit "A" is a redevelopment plan for redevelopment within the 23rd Street Corridor Area (the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Plan sets forth a redevelopment project within the 23rd Street Corridor Area; and

WHEREAS, in conformance with the Act, the Planning Commission of the City of Columbus, Nebraska, provided written findings on and recommended the Mayor and Council's adoption and approval of the Redevelopment Plan following a duly-noticed public hearing on July 10, 2023; and

WHEREAS, in conformance with the Act, on July 17, 2023, the Mayor and Council held a duly-noticed public hearing on the Redevelopment Plan; and

WHEREAS, after public hearing and review of the Redevelopment Plan, the Mayor and Council determined that the Redevelopment Plan complies with the Comprehensive Plan of the City, and will result in the elimination and prevention of blight; and

WHEREAS, after public hearing and review of the Redevelopment Plan, the Mayor and Council determined that the redevelopment set forth in the Redevelopment Plan would not be economically feasible and would not occur without the use of tax-increment financing.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA:

Section 1. The Redevelopment Plan attached hereto as Exhibit "A" complies with the Comprehensive Plan of the City.

Section 2. Based on the substantial evidence in the record of this proceeding, the Council finds as follows:

(a) The proposed land uses and building requirements in the redevelopment area as described in the Redevelopment Plan are designed with the general purpose of accomplishing, in conformance with the City's Comprehensive Plan, a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; that under the Redevelopment Plan adequate provision is made for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of populations, the provision of adequate transportation, water, sewage and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds and the elimination of, or prevention of the recurrence of, insanitary or unsafe dwelling accommodations or conditions of blight.

(b) The Redevelopment Plan contains a satisfactory statement of the proposed method and estimated cost of acquisition and preparation for redevelopment of the redevelopment area; that no public improvements are required to be provided except as set forth in the Redevelopment Plan with respect to the redevelopment project set forth therein; that any proceeds or revenue expected to be obtained by the City from disposal of property to a private entity are detailed in the Redevelopment Plan; that the Redevelopment Plan sets forth a satisfactory method of financing for the proposed redevelopment consisting of direct payment for public

improvements or grant assistance to the redeveloper, which method of financing is, in part, the issuance by the Agency of its tax increment revenue bond to provide funds to pay for the costs of certain public improvements directly or of public or private improvements by grant assistance; and addresses any families or businesses currently residing within the redevelopment area which are currently expected to be displaced from such area.

(c) The cost-benefit analysis prepared in conjunction with the Redevelopment Plan and attached thereto sets forth the factors required under section 18-2113 of the Act and supports the Council's adoption and approval of the Redevelopment Plan.

Section 4. The redevelopment set forth in the Redevelopment Plan would not be economically feasible without the use of tax-increment financing; would not occur in the redevelopment area described in the Redevelopment Plan without the use of tax-increment financing; and the costs and benefits of the Redevelopment Plan, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of all those impacted by the Redevelopment Plan.

Section 5. Based on the foregoing and substantial evidence in the record of this proceeding, the Mayor and Council hereby approves and adopts the Redevelopment Plan.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS 17TH DAY OF JULY, 2023.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
SPECIAL CITY ATTORNEY

EXHIBIT "A"
Redevelopment Plan

(See attached)

REDEVELOPMENT PLAN FOR
THE 23RD STREET CORRIDOR REDEVELOPMENT AREA

(4J CAPITAL REDEVELOPMENT PROJECT – PHASE 2)

COLUMBUS, NEBRASKA

PREPARED JUNE, 2023

FOR

THE COMMUNITY DEVELOPMENT

AGENCY OF

COLUMBUS, NEBRASKA

A. Introduction

This Redevelopment Plan for a blighted and substandard area of the City of Columbus, Nebraska ("Redevelopment Plan"), prepared by the Community Development Agency of the City of Columbus, Nebraska (the "Agency"), is a guide for redevelopment activities to remove or eliminate blight and substandard conditions within the City of Columbus, Nebraska (the "City"). The Mayor and City Council of the City (the "Council"), recognizing that blighted and substandard conditions are a threat to the continued stability and vitality of the City, passed a resolution designating certain areas of the City to be blighted and substandard and in need of redevelopment pursuant to the requirements of section 18-2103 of the Nebraska Community Development Law, sections 18-2101 et. seq., as amended (the "Act"). One of the areas designated by the Council as blighted and substandard and in need of redevelopment is the area commonly referred to as "Redevelopment Area 6" a/k/a the "23rd Street Corridor Area" (referred to herein as the "Redevelopment Area").

This Redevelopment Plan submits the implementation of a second phase to the redevelopment project located in the Redevelopment Area, previously set forth via the "Redevelopment Plan for the 23rd Street Redevelopment Area (4J Capital Redevelopment Project)", related to the construction of an apartment complex. Construction of the same has been completed, and now 4J Capital 2, LLC ("Redeveloper"), wishes to expand the apartment complex via the incorporation of an additional phase adjacent to the initial project; with such additional phase utilizing the tax increment financing ("TIF") resources available for reimbursement of eligible costs, and to remove existing and avoid future blighted and substandard conditions, as further described in paragraph D of this Redevelopment Plan. The proposed expansion contemplates the construction of two additional apartment buildings, consisting of approximately 30 units each (i.e., 60 units total), together with such other public and private improvements related thereto. Such additional phase and/or expansion is hereinafter referred to as the "Redevelopment Project".

B. Redevelopment Area; Existing Conditions

Exhibit "A", attached hereto and incorporated herein, sets forth the boundaries of the Redevelopment Area. The Redevelopment Area is identical to "Redevelopment Area 6," which the Council previously declared blighted and substandard and in need of redevelopment. The Redevelopment Area is approximately located east of 33rd Avenue and west of East 11th Avenue, between 19th Street and 27th Street.

C. Project Site

Exhibit "B", attached hereto and incorporated herein, sets forth the boundaries and existing conditions of the area to be developed as part of the Redevelopment Project (the "Project Site"). The Project Site is completely engrossed within the blighted and substandard Redevelopment Area and is in need of redevelopment.

D. Conformance with the Comprehensive Plan

It is essential to the City's comprehensive plan that dilapidated, inadequate, or deteriorating portions of the City conform to the current and future needs of the City as it continues to grow and expand. The comprehensive plan recommends "contiguous growth of residential land use" throughout the neighborhood encompassing the Redevelopment Area.

Additionally, the "Envision Columbus 2040" plan states that the City's "inadequate housing supply remains one of the City's greatest challenges." The "2021 City of Columbus Housing Study" also noted the need for additional housing. The study included the following conclusions, among many other findings:

- The City should produce approximately 127 new housing units per year to meet demand.
- Given the lack of available sites in the City, medium and higher density projects should be prioritized to maximize the land that is available.
- The City is in need of additional rental and multifamily housing.
- The City should utilize tools such as TIF to carry out its housing needs and goals.

Redeveloper intends to develop the Project Site for the purpose of expanding the existing apartment complex to the north via the construction of approximately 60 additional apartment units. The City's comprehensive plan and other plans for development and expansion of the City contemplate the need for housing, with specific emphasis on multifamily and rentals. This Redevelopment Plan and the Redevelopment Project described herein furthers those goals and complies with the City's comprehensive plan for land use and development.

Exhibit "C", attached hereto and incorporated herein, shows the future use map (showing the Redevelopment Area and surrounding areas) included within the City's comprehensive plan. The map sets forth a B-2 (General Commercial) designation for future use of the Project Site. Multi-family residential is a permitted use within B-2 zoning districts under the City's zoning ordinance. Accordingly, the Redevelopment Project complies with the City's future use map and comprehensive plan.

E. Redevelopment Project Overview

The Project Site is located to the northwest of the intersection of 24th Street and East 5th Avenue. The Project Site is approximately 1.87 acres, currently made up of two vacant parcels. Redeveloper currently owns the Project Site. The Redevelopment Project will consist of the expansion of the apartment complex to the north via the construction of two additional apartment buildings with approximately 30 residential apartment units within each building (60 total), together with such other public and private improvements related thereto. Exhibit "D", attached hereto and incorporated herein, sets forth the proposed site plan for the Redevelopment Project. No public acquisition of the Project Site is necessary. No families will be displaced as a result of the Redevelopment Project.

F. Existing Conditions

1. Existing Land Use

The Project Site consists of vacant, undeveloped land.

2. Existing Zoning

The Project Site is currently zoned as B-2 (General Commercial). B-2 zoning permits multi-family residential development.

3. Existing Public Improvements

The street adjacent to the Project Site (East 5th Avenue) provides access to the Project Site. Water, sewer and other necessary infrastructure exists in the areas adjacent to the Project Site, but not within the Project Site.

G. Proposed Redevelopment

1. Public Improvements

The Redevelopment Project will require infrastructure improvements and other public improvements. Such anticipated public improvements (and costs related to the public improvements) for the Redevelopment Project are listed in Exhibit "F", attached hereto and incorporated herein. These improvements will include, but are not limited to:

a. Public Access; Traffic Flow, Street Layouts and Street Grades

The public street adjacent to the Project Site (East 5th Avenue) provides access to the Project Site. As shown on the site plan, Redeveloper will extend the internal private roadways from the existing apartment complex onto the Project Site. Redeveloper will cooperate with the City to address any issues related to increased traffic flow and other street improvement issues created by the Redevelopment Project. All streets, sidewalks and other infrastructure constructed by Redeveloper will be subject to review and approval by the City.

b. Construction of Water and Sewer Improvements.

Redeveloper will construct or extend water and sanitary sewer systems to provide appropriate service to the Project Site.

c. Other incidental improvements

The Project Site is currently undeveloped and will require grading to provide effective drainage throughout the area. The Project Site requires filling and grading to properly drain the ground water runoff and provide appropriate grading levels to erect the apartment buildings. Redeveloper also anticipates the construction/extension of electric, gas and telecommunications utilities to the buildings within the Project Site.

d. Additional public facilities or utilities

Other than the construction or extension of the utilities and infrastructure detailed above, Redeveloper and the City anticipate that the existing public facilities and utilities can adequately meet the demands of the Redevelopment Project.

e. Property Acquisition, Demolition and Disposal

No demolition, public acquisition of private property or relocation of families or businesses is necessary to accomplish the Redevelopment Project.

f. Population Density

The Project Site currently sits undeveloped and vacant. The Redevelopment Project will increase population density in the area. However, the City desires an increase in population density in the area to provide additional housing in the City. Adequate public infrastructure exists to accommodate the anticipated increase in population density.

g. Land Coverage

The Project Site currently consists of approximately 1.87 acres of undeveloped land. The Redevelopment Project will consist of the construction of two additional apartment buildings, as shown on the site plan set forth in Exhibit "D". The Redevelopment Project will comply with all applicable land coverage ratios required by the City.

h. Parking

The City's zoning ordinance requires 2 spaces per dwelling unit with 2 or more bedrooms, and 1.5 spaces for 1-bedroom dwelling units. The Redevelopment Project will be required to comply with the foregoing and any other parking requirements under the City's zoning ordinance.

g. Zoning, Building Code and Ordinance

The Project Site is zoned as B-2 (General Commercial). A change of zoning is not necessary for the construction of a multifamily residential apartment complex. Notwithstanding the foregoing, Redeveloper will be responsible for all zoning, building code, or ordinance changes that are necessary for the Redevelopment Project.

3. Private Improvements

Private improvements for the Redevelopment Project consist of the construction of two additional apartment buildings with approximately 30 units per building (60 units total). Redeveloper or other builders taking conveyance from Redeveloper will construct the private improvements. Paragraph I of this Redevelopment Plan details the anticipated implementation of the private improvements.

H. Project Costs

The total estimated cost of the Redevelopment Project is $10,615,000. A breakdown of the estimated costs of the Redevelopment Project is attached hereto and incorporated herein as Exhibit "E".

I. Implementation

Redeveloper anticipates construction of both the private and public improvements to begin in the summer of 2023, pending approval of this Redevelopment Plan. Redeveloper estimates that it will complete ~50% of construction by the end of 2023. Redeveloper anticipates that it will complete all construction by the summer of 2024. The anticipated start and completion dates for the Redevelopment Project are preliminary and subject to change based upon market conditions, availability of materials, workforce availability and other extraneous factors.

J. Financing

The City and Agency contemplate the use of TIF for the Redevelopment Project. Section 18-2147 of the Act authorizes the use of TIF. It provides that any ad valorem tax levied upon real property, or any portion thereof, in a redevelopment project shall be divided, for a period not to exceed fifteen years after the effective date as identified in the redevelopment contract, or amendment thereof, or in the resolution(s) of the authority authorizing the issuance of bonds pursuant to the Act, as follows:

(a) That portion of the ad valorem tax the levy produces at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body ("Base Tax Amount"); and

(b) That portion of the ad valorem tax on real property, as provided in the redevelopment contract or bond resolution, in the redevelopment project in excess of the Base Tax Amount, if any, (referred to herein as "TIF Revenues") shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in whole or in part, the redevelopment project.

With respect to the Redevelopment Project, the actual base tax year and Base Tax Amount will be set forth in the redevelopment contract and/or the resolution authorizing the TIF Indebtedness (defined below).

1. Necessity of TIF

In Redeveloper's application requesting TIF, Redeveloper stated that it would not be economically feasible to develop the Redevelopment Project, and thus it would not undertake the same, without TIF. Specifically, Redeveloper represented:

> "Construction costs are significantly greater than the as-complete fair market value of the apartments. Without TIF to assist with the public improvement costs, the projected internal rate of return of the Redevelopment Project is too low for investors given the risks involved in preparing the site, constructing the apartments, stabilizing the occupancy rates of the apartments, and other business risks. Without TIF, the project would not be feasible on the Project Site or in this area."

The City and Agency find Redeveloper's representations to be reasonable and accurate given the current market conditions consisting of high cost of goods and labor, along with soaring inflation and financing costs. As such, the City and Agency agree that the Redevelopment Project, as presented, is not economically viable, and Redeveloper would not undertake the same, without the assistance of TIF.

2. Sources and Uses of Financing

Based upon the projections provided in Exhibit "F", the Agency and Redeveloper contemplate issuance of a TIF bond or note in an amount not to exceed $1,205,000, at an interest rate not to exceed 6.00% per annum (the "TIF Indebtedness"). As shown on Exhibit "F", the anticipated TIF Indebtedness amount does not exceed the anticipated TIF-eligible costs.

The total estimated cost of the Redevelopment Project is $10,615,000. Redeveloper anticipates that the balance of the public and private costs exceeding the TIF Indebtedness will be financed by via mix of owner's equity, traditional bank financing, and a Rural Workforce Housing Fund loan in the amount of $1,250,000. The above figures are only projections and are subject to change as a result of market conditions and other extraneous factors.

K. Cost-Benefit Analysis

A cost-benefit analysis for the Redevelopment Project is attached as Exhibit "G" and incorporated herein.

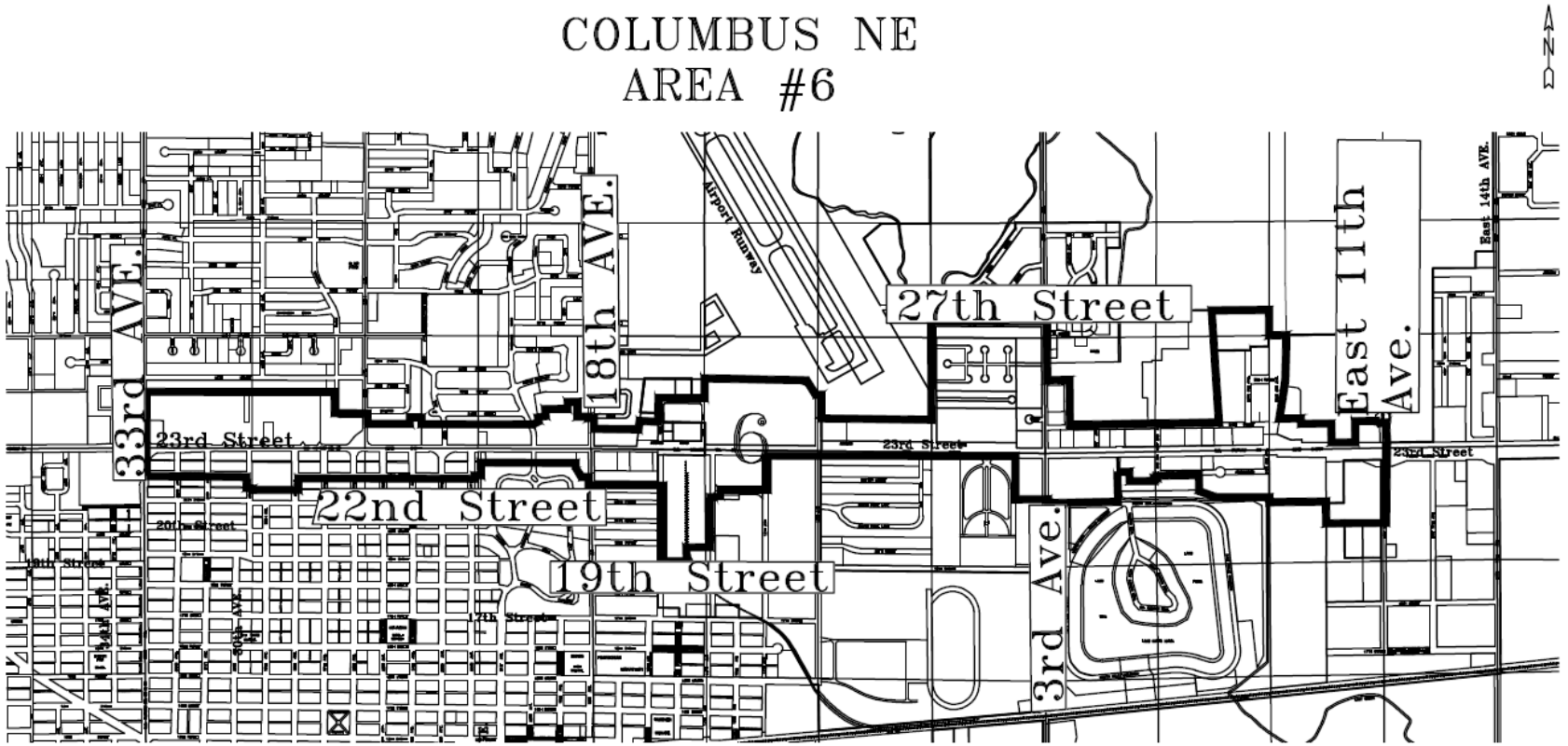
Exhibits:

Exhibit A: Redevelopment Project Area and Depiction of Existing Land Use
Exhibit B: Project Site
Exhibit C: Future Land Use
Exhibit D: Site Plan
Exhibit E: Estimated Construction Cost of the Redevelopment Project
Exhibit F: Sources and Uses of TIF
Exhibit G: Cost-Benefit Analysis

EXHIBIT "A"

Redevelopment Area and Existing Land Use

Depiction of Redevelopment Area (outlined in black):



Existing Conditions of Redevelopment Area and Surrounding Area:



Exhibit "A"

EXHIBIT "B"

Project Site

Legal Description:

Lots 34 and 35, Block A, The Village First Addition to the City of Columbus, Platte County, Nebraska.

Depiction (outlined in red):

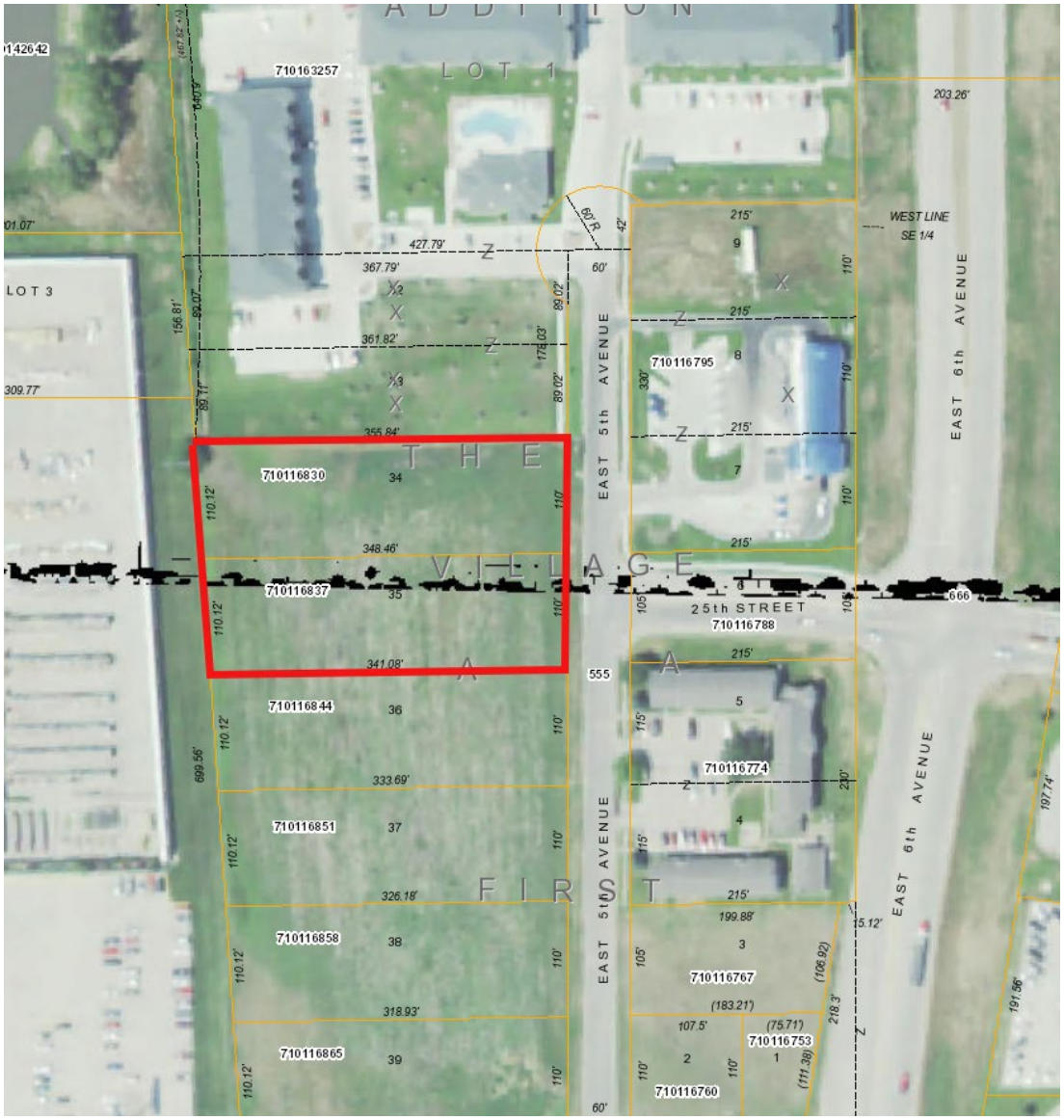
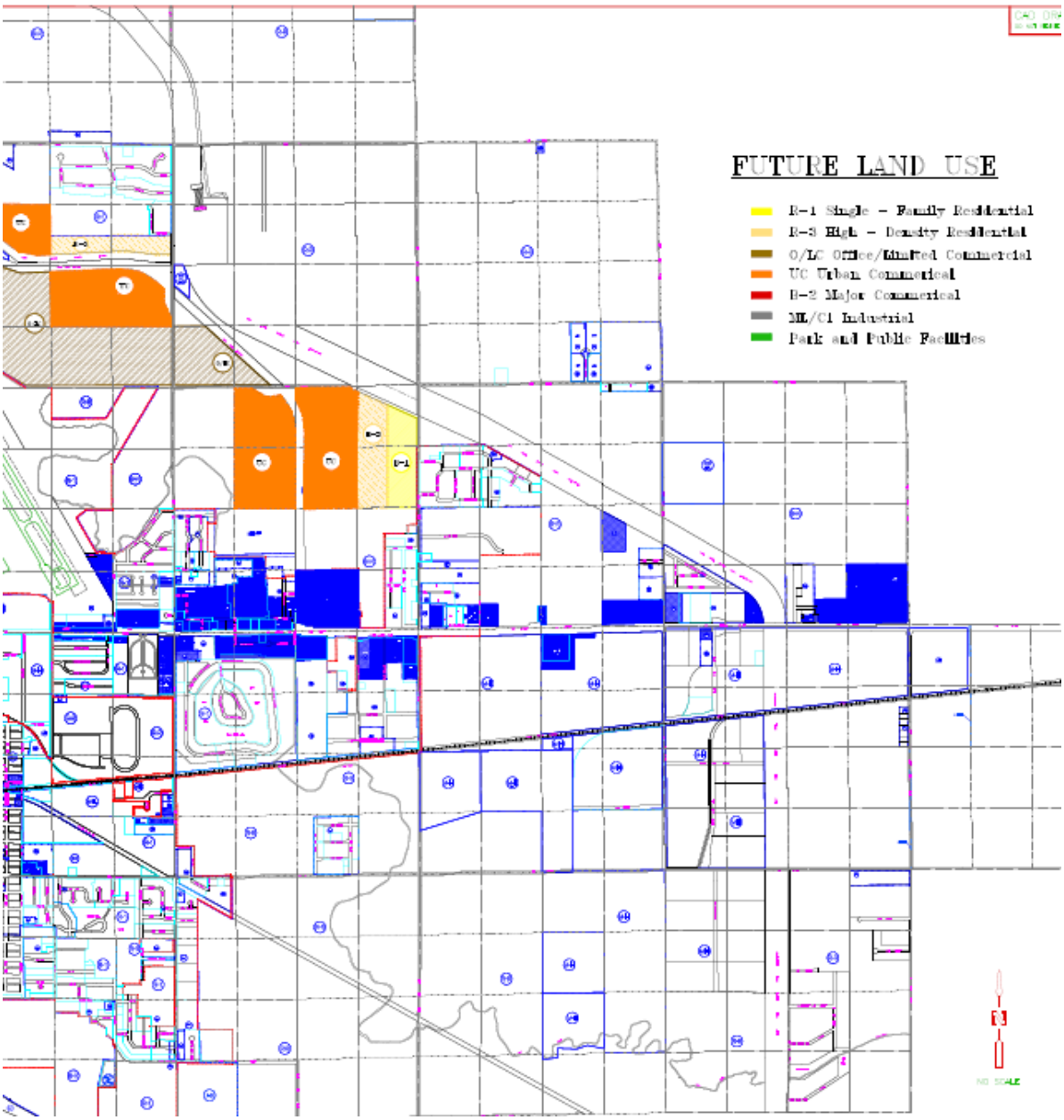


Exhibit "B"

EXHIBIT "C"

Future Land Use Map

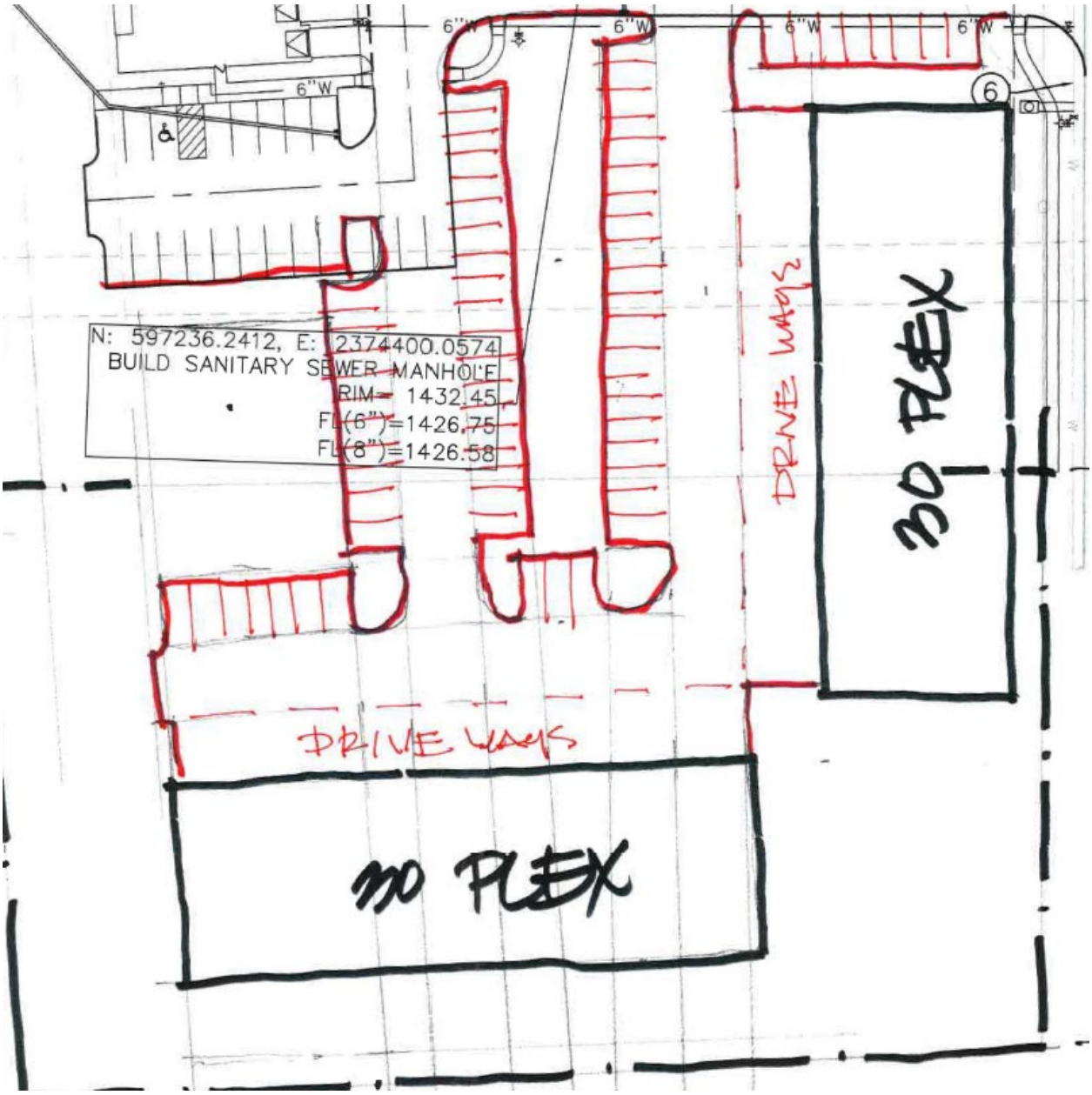


* Designates the Project Site for future use as "General Commercial".

** A more legible version of the above Future Land Use Map is available at the office of the City Clerk.

EXHIBIT "D"

Site Plan



* The above depiction is a preliminary site plan for reference purposes only and is subject to change.

EXHIBIT "E"

Estimate of Construction Costs

Land acquisition	$400,000
Site development	$125,000
Infrastructure	$315,947
Building cost	$9,459,053
Architectural/engineering fees	$25,000
Legal fees	$15,000
Financing costs	$25,000
Contingencies	$250,000
TOTAL:	$10,615,000

* The above figures are preliminary projections and subject to change.

EXHIBIT "F"

Sources and Uses of TIF

SOURCES

Assumptions:

Base Tax Amount of Project Site	$230,110
Post-Redevelopment Valuation	$6,804,000
Tax Levy	1.889478
TIF Revenues/Year	$122,970
Total TIF Revenues	$1,844,550

USES/TIF-ELIGIBLE COSTS

Land acquisition	$400,000
Façade Enhancements	
Vinyl to Hardwood	$190,209
Vinyl to Stone/Masonry	$150,000
Site Preparation	
Earthwork/Surcharge	$125,000
Utilities	
Water and Sewer	$81,125
Storm Water	$54,225
Fire/Domestic Water	$100,900
Electrical	$43,000
Sidewalks	$36,697
Energy Enhancements	
13 SEER to 15 SEER	$155,000
Architecture and Engineering fees	$25,000
Legal fees	$15,000
TOTAL:	**$1,376,156**

* The above "sources" and "uses" for the Redevelopment Project are estimates based upon the assumptions of Redeveloper and are subject to change.

Amortization:

								Debt Service Payments					
	Total	Less Pre-	TIF			Treasurer's	Revenues						
	Taxable	Development	Taxable	Tax	Tax	1% Collection	Available		Interest at		Loan	Capitalized	Interest at
DATE	Valuation	Base	Valuation	Levy	Revenues	Fee	For TIF Loan	Principal	6.00%	Total	Balance	Interest	6.00%
0											$1,205,000		
0.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$25,335	$36,150	$61,485	$1,179,665	0	36150
1	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$26,095	$35,390	$61,485	$1,153,570	0	35390
1.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$26,878	$34,607	$61,485	$1,126,692	0	34607
2	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$27,684	$33,801	$61,485	$1,099,008	0	33801
2.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$28,515	$32,970	$61,485	$1,070,493	0	32970
3	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$29,370	$32,115	$61,485	$1,041,123	0	32115
3.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$30,251	$31,234	$61,485	$1,010,872	0	31234
4	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$31,159	$30,326	$61,485	$979,713	0	30326
4.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$32,094	$29,391	$61,485	$947,619	0	29391
5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$33,056	$28,429	$61,485	$914,563	0	28429
5.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$34,048	$27,437	$61,485	$880,515	0	27437
6	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$35,070	$26,415	$61,485	$845,445	0	26415
6.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$36,122	$25,363	$61,485	$809,323	0	25363
7	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$37,205	$24,280	$61,485	$772,118	0	24280
7.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$38,321	$23,164	$61,485	$733,797	0	23164
8	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$39,471	$22,014	$61,485	$694,326	0	22014
8.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$40,655	$20,830	$61,485	$653,671	0	20830
9	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$41,875	$19,610	$61,485	$611,796	0	19610
9.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$43,131	$18,354	$61,485	$568,665	0	18354
10	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$44,425	$17,060	$61,485	$524,240	0	17060
10.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$45,758	$15,727	$61,485	$478,482	0	15727
11	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$47,131	$14,354	$61,485	$431,351	0	14354
11.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$48,544	$12,941	$61,485	$382,807	0	12941
12	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$50,001	$11,484	$61,485	$332,806	0	11484
12.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$51,501	$9,984	$61,485	$281,305	0	9984
13	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$53,046	$8,439	$61,485	$228,259	0	8439
13.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$54,637	$6,848	$61,485	$173,622	0	6848
14	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$56,276	$5,209	$61,485	$117,346	0	5209
14.5	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$57,965	$3,520	$61,485	$59,381	0	3520
15	$ 6,573,890	0	$ 6,573,890	1.889478	$ 62,106	$ 621	$ 61,485	$59,704	$1,781	$61,485	$0	0	1781
					$1,863,180	$18,630	$1,844,550	$1,205,323	$639,227	$1,844,550		$0	
												(F9 = calculate)	
						Original Loan Amount		$1,205,000					
						Capitalized Interest		$0			ASSUMPTIONS:		
						Loan Balance Remaining		**$0**			1. Loan Amount:	$1,205,000	
											2. Interest Rate:	6.00%	
													*
											3. Increment Base:	$6,573,890	**

* The above figures are estimates based upon the assumptions in this Exhibit "F" and are subject to change.

EXHIBIT "G"

Cost-Benefit Analysis
(Pursuant to Neb. Rev. Stat. § 18-2113)

The cost-benefit analysis for the Redevelopment Project, as described in the attached Redevelopment Plan, which will utilize funds authorized by section18-2147 of the Act, is provided below:

1. Tax shifts resulting from the approval of the use of funds pursuant to Section 18-2147:

The taxes generated by the base value of the Project Site will continue to be allocated between the relevant taxing jurisdictions pursuant to the Act. Only the incremental taxes created by the Redevelopment Project will be captured to pay for the project's eligible public expenditures. Since the incremental taxes would not exist without the use of TIF to support the Redevelopment Project, the true tax shift of the Redevelopment Project is a positive shift in taxes after 15 years. However, for the purposes of illustrating the incremental taxes used for TIF, the estimated 15 year tax shift for the Redevelopment Project is set forth in Exhibit "F" of the Redevelopment Plan, and is adopted hereby.

Notes:

The Projected Tax Increment is based on assumed values and levy rates; actual amounts and rates will vary from those assumptions, and it is understood that the actual tax shift may vary materially from the projected amount. The levy rate is assumed to be the 2022 levy rate. There has been no accounting for incremental growth over the 15 year TIF period.

2. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the Redevelopment Project:

a. Public infrastructure improvements and impacts:

Redeveloper will construct or extend water and sewer systems to provide appropriate service to the Project Site; and the Project Site will be filled and graded to provide for effective surface water runoff. Redeveloper also anticipates the construction of electric, gas and telecommunications utilities extending to the residences within the Project Site. It is the intent of this Redevelopment Plan that such infrastructure and site preparation be paid for by the Redeveloper with such cost to be reimbursed by TIF. Other than the construction or extension of the utilities and infrastructure detailed above, Redeveloper and the City anticipate that the

existing public facilities and utilities can adequately meet the demands of the Redevelopment Project.

b. Local Tax impacts (in addition to impacts of Tax Shifts described above):

The Redevelopment Project should create material tax and other public revenue for the City and other local taxing jurisdictions. While the use of TIF will defer receipt of a majority of new ad valorem real property taxes generated by the Redevelopment Project, the Redevelopment Project should generate immediate revenues for the City. The Redevelopment Project and new residences therein will require and pay for City services. Additionally, the City will be benefitted by the sales tax charged on materials used to construct the Redevelopment Project. It is not anticipated that the Redevelopment Project will have any material adverse impact on such City services, but will generate revenue providing support for those services.

3. Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the Redevelopment Project:

It is not anticipated that any employers will locate within the Project Site. However, the Redevelopment Project is anticipated to provide additional housing for employees in the area. As such, the Redevelopment Project is not anticipated to have an adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project.

4. Impacts on other employers and employees within the City and the immediate area that is located outside of the boundaries of the area of the Redevelopment Project:

The Redevelopment Project should have a material positive impact on businesses surrounding the Project Site. The Redevelopment Project will provide much needed housing in the community, which will benefit employers, employees, and the City in general. Further, the residences constructed as part of the Redevelopment Project should increase the need for services and products from existing businesses, such as household products and general consumer services. Accordingly, the Redevelopment Project is anticipated to have a positive impact on employers and employees in the vicinity of the Project Site.

5. Impacts on student populations of school districts within the City:

The addition of school age children as a result of this Redevelopment Project will have an impact on the Columbus School District. Assuming each dwelling unit will result in 2.5 persons and there is a traditional family in each unit, a student population increase of .5 children per

household is possible for a total of 30 new students. However, based upon the target demographic, the unlikelihood that all inhabitants will be new residents, and size of the apartments, Redeveloper and the City expects this number to be much lower. The school district will not receive taxes from the residences built during the time the increased taxes are utilized to pay the TIF Indebtedness. The school district has received state aid to education in the past. Part of the school aid formula involves assessed valuation in the school district. The valuation that generates the TIF Indebtedness payments is not included in the formula and does not count against the state aid that the school district would receive. Taxes on any increase in the base value of the land will benefit the school district. After the TIF Indebtedness is paid, or at the end of the respective 15 years of division of taxes, whichever is sooner, the increased valuation from the residential construction will be available to the school district.

6. Other impacts determined by the Agency to be relevant to the consideration of costs and benefits arising from the redevelopment project:

The Project Site is blighted and contains substandard conditions that are a detriment to the City as a whole. The Redevelopment Project will revitalize and occupy a vacant space without negatively impacting the surrounding businesses or straining the public infrastructure. There are no other material impacts determined by the City or Agency relevant to the consideration of the cost or benefits arising from the Redevelopment Project. As such, the benefits of the Redevelopment Project outweigh the costs.

7.D. Public hearing - Citizen's Advisory Review Committee report of activities in accord with the Columbus Economic Development Plan.



The City of Columbus

RESPONSIBLE • RESPONSIVE • REPUTABLE

Administration Office (402) 562-4232 Fax (402) 563-1380

memorandum

DATE: **July 13, 2023**

TO: **Mayor and City Council Members**

FROM: **Tara Vasicek, City Administrator**

RE: **Citizens Advisory Review Committee (CARC) semi-annual report**

A current fund account balance is attached here.

In the past six months the Citizens Advisory Review Committee has approved one loan, one grant and support for two special programs.

A $390,000 grant to NeighborWorks Northeast Nebraska to assist in the land purchase and provide down payment assistance in the Quail Meadows housing subdivision.

A program for owner-occupied housing rehab was supported by the committee but the City Attorney advised the state law with respect to using economic development funds on housing had to be for home to be sold or rented and could not technically be used by home owners who intent to stay in the home.

A program 'Destination Business Recruitment Program' was supported by the committee. City Staff is currently working on program guidelines with the city attorney, this will come before the City Council within the next month or so. The program will allocate up to $425,000 from the fund to be used for low interest loans to attract destination businesses to Columbus' older buildings. This is mainly benefit downtown.

The one loan which the CARC voted to recommend approval of to the City Council meeting was for Granville Custom Homes to build a 24 unit apartment building. The City attorney and applicant and finalizing the agreement, which will come to the council for consideration soon.

Progress and Jobs Growth
Activity Through June 30, 2023

	9/30/2019	9/30/2020	9/30/2021	9/30/2022	6/30/2023
Revenues:					
Sales Tax	182,833.95	425,000.00	434,947.99	424,999.99	418,428.09
Federal Grants					
Local Grants					
Interest	28,960.42	26,128.83	19,951.84	11,267.91	33,780.43
Miscellaneous Receipts	500.00	(10,874.00)			
Loan Payments					
Monster Storage, LLC	-	-	-		
Blazer LLC	77,070.00	48,867.34	77,101.00	42,638.70	28,472.20
Central American Foods					
Columbus Hydraulics, LLC			61,483.42	59,321.23	44,881.69
DiStar Industries	28,094.00	38,419.30	32,818.57	17,688.77	
Nebraska Community Foundation					30,000.00
Total Revenues	**317,458.37**	**527,541.47**	**626,302.82**	**555,916.60**	**555,562.41**
Expenditures:					
Blazer, LLC					
Cargill Project					
Marriott					
DiStar Industries, LLC					
Columbus Hydraulics, LLC	600,000.00				
Workforce Housing Matching			750,000.00		
Columbus Area Future Fund			3,000.00		
Habitat for Humanity			103,000.00		
Columbus Area Chamber of Cc	20,000.00			85,000.00	
RWFH Match					500,000.00
Regional Workforce Dev. Specialist					60,000.00
Retail Strategies					40,000.00
Audit Entry			(1,003,852.00)	(105,337.88)	
Columbus Area Childcare				225,000.00	
Bad Debt Expense			90,075.00		
Total Expenditures	**620,000.00**	**-**	**(57,777.00)**	**204,662.12**	**600,000.00**

*****$90,000.00 is committed to Columbus Area Chamber of Commerce. $30,000.00 per year, for 3 years**
*****$425,000.00 is committed to Destination Business Recruitment.**
*****$1,200,000.00 is committed to Granville Custom Homes.**

Net	**(302,541.63)**	**527,541.47**	**684,079.82**	**351,254.48**	**(44,437.59)**
Beginning Fund Balance	**1,358,482.06**	**1,055,940.43**	**1,583,481.90**	**2,267,561.72**	**2,618,816.20**
Ending Fund Balance	**1,055,940.43**	**1,583,481.90**	**2,267,561.72**	**2,618,816.20**	**2,574,378.61**
Total Committed					**1,715,000.00**
Projected Fund Balance					**859,378.61**

7.E. Public hearing - Proposed Text Amendments to Zoning and Subdivision Chapters of Unified Land Development Ordinance to update, modernize, and re-title as Columbus Land Development Ordinance. (Planning Commission recommends approval.)

ORDINANCE NO. 23-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, REPEALING THE EXISTING UNIFIED LAND DEVELOPMENT ORDINANCE OF THE CITY OF COLUMBUS, NEBRASKA, ADOPTED BY ORDINANCE NO. 20-32 ON JANUARY 18, 2021; ADOPTING THE COLUMBUS LAND DEVELOPMENT ORDINANCE AS SET FORTH HEREIN; INCORPORATING THE COLUMBUS LAND DEVELOPMENT ORDINANCE INTO THE COLUMBUS CITY CODE, TITLE XV, CHAPTER 151, ZONING CHAPTER AND CHAPTER 152, SUBDIVISION CHAPTER; 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 Land Development Ordinance is hereby approved and adopted as follows:

The Columbus Land Development Ordinance for the City of Columbus

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CHAPTER 1: ZONING

1 ARTICLE ONE: GENERAL PROVISIONS

1-1 Title

Chapter 1 of this Ordinance shall be known as the Zoning Chapter of the Columbus Land Development Ordinance of the City of Columbus, Nebraska, and shall be incorporated into the Columbus City Code as Title XV, Chapter 151.

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 of is 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 Columbus 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.

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

The City of Columbus intends that this Columbus 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 Columbus 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 Columbus Land Development Ordinance conflicts with any other provision of the Columbus 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 Columbus 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.

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.

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.

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.

a. Shall and May

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

b. 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.

c. Conjunctions

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.

d. 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.
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

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 street access: An approved private street access with 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.
    (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 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.
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

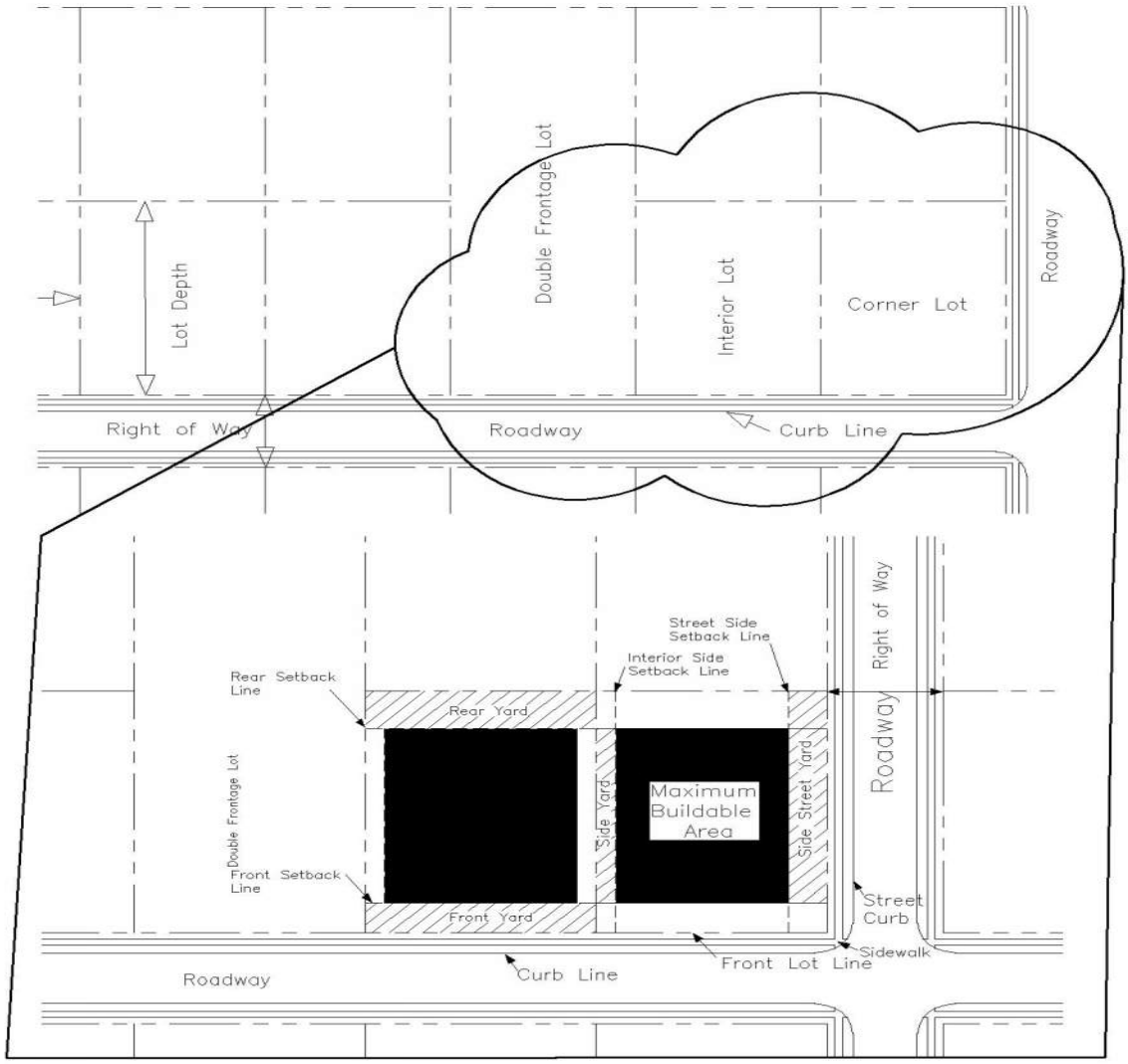
1. Aerial Map: An orthoimage with a scale of not less than 1 inch to 600 feet showing the location of a development project or subdivision in reference to surrounding

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 .
    (a) Corner Lot: A lot located at the intersection of two streets, private street access or on two segments of a curved street or private street 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): Lot Definitions



Lot Area: The total horizontal area within the lot lines of a lot.

5. Lot Depth: The average horizontal distance between the front and rear lot lines.
6. 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.

7. 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;

   (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 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 O

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.
5. 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.
6. 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.
7. Premises: A tract of land consisting of one or more lots or sites which are contiguous and under common ownership or control.
8. 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.
9. 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.
10. Property Line: The line separating parcels.

2-20 Q

2-21 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.

2-22 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.

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: 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.

2-23 T

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. In addition, no more than twelve contiguous townhouses with common or abutting walls.

2-24 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.

2-25 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.

2-26 W

2-27 X

2-28 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.

2-29 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.

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.

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.

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: 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 columbarium, 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: 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:

   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 a 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.

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: 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.

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.

   Exception: Short term rental of residential property in compliance with LB57 approved by the Governor on March 7, 2019. See Note #1, Table 4-2 (Bed & Breakfast)

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.

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.

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:

1. 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.

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 Commercial Air Bed and Breakfast, 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 confined 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.

    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. Private parking towaways or impound yards but exclude dismantling or salvage.

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

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.

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.

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.

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.

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.

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

OVERLAY DISTRICTS

Map Code	District Name
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 Table 4-2 and Table 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.

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 of this Zoning Code. Such changes shall be reflected on the Zoning Map. The City Clerk and City 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.

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.

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.

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			
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 ** Two-unit townhouse only

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	

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
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	
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) * Note 1

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
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)
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			

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
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			

- **Note 1 – Exception: Short term rental of residential property in compliance with LB57 approved by the Governor on March 7, 2019.**

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		
Personal Improvement 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			

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
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.

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
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	

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
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	
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 (Single Family) 3,740 (Two Family)	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%
Maximum Impervious Coverage	NA	NA	50%	55% (8)	65%
Floor Area Ration	NA	NA	NA	NA	1.00

Note 1: See Section 6 for supplemental regulations governing townhouse residential use types. Note 2:

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: 4,840 square feet for single-family lots; 7,480 square feet for duplex or other residential lots.

Note 6: Accessory buildings cannot be over 20 feet in height to the peak.

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

Table 4-3(a): 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.

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	1.00	1.00	1.00	5.0	3.0

*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.

Table 4-3(a): 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	2.0	2.0

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

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:

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.

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

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

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 economic 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;
   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

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

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

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.

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.

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, is residents, and its businesses by preventing excessive and unsafe development in areas 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 3 ARTICLE THREE 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 4 ARTICLE FOUR and 5 ARTICLE FIVE.

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: 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 Article 2. 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 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 flood proofed.
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 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 street 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 flood proofing is utilized for an applicable structure, a flood proofing 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 LOMRF.
   (b) Applicant shall demonstrate that the property and any existing or proposed structures will be "reasonable 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.

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 Procedures**

1. The Board of Adjustment as established by City of Columbus shall hear and decide appeals and request for variances from the requirements of this ordinance.
2. 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.
3. 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).
4. 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:
   (a) The danger to life and property due to flooding or erosion damage.
   (b) The danger that materials may be swept onto other lands to the injury of others;
   (c) 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;
   (d) The importance of the services provided by the proposed facility to the community;
   (e) The necessity of the facility to have a waterfront location, where applicable;
   (f) The availability of alternative locations that are not subject to flooding or erosion damage for the proposed use;
   (g) The compatibility of the proposed use with existing and anticipated development;
   (h) The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;
   (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
   (j) 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,
   (k) 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.

g. **Conditions for Variances**

1. 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 applicant.
2. Variances shall only be issued based upon a determination that the granting of a variance will not result in increased flood heights.
3. 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.
4. 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.
5. 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.
6. 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.
7. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
8. 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.
9. All requests for variances and associated actions and documents, including justification for their issuance, shall be maintained by the community.

h. **Enforcement**

(a) **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.

(b) **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:

(1) Be in writing;

(2) Include an explanation of the alleged violation;

(3) Allow a reasonable time for the performance of any remedial act required;

(4) Be served upon the property owner or their agent as the case may require; and

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

i. **Penalties**

1. 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.
2. 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.
3. 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.

b. Encroachments

1. When proposing to permit any of the following encroachments, the standards in Section 5-1 shall apply:

(a) Any development that will cause a rise in the base flood elevations within the floodway; or

(b) 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

(c) Alteration or relocation of a stream; then

2. The applicant shall:

(a) 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

(b) 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

(1) New structures for human habitation are prohibited.

(2) All encroachments, including fill, new construction, substantial improvements, 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.

(3) 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 5-1, 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:

(1) Agricultural uses such as general farming, pasture, nurseries, and forestry

(2) Residential uses such as lawns, gardens, parking, and play areas

(3) Nonresidential uses such as loading areas, parking, and airport landing strips

(4) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, and wildlife and nature preserves.

4. Elevation and Floodproofing Requirements

(a) Residential Structures

(1) 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.

(2) 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.

(3) In the floodway, new structures for human habitation are prohibited.

5. 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:

(1) The structure is watertight with walls substantially impermeable to the passage of water and

(2) The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(3) 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:

(1) The structure is watertight with walls substantially impermeable to the passage of water and

(2) 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.

6. 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:

(1) A minimum or two openings having a net total 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.

7. 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:

(1) The structure shall not be used for human habitation.

(2) 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.

(3) The floor area shall not exceed 400 square feet.

(4) The structure shall have a low damage potential.

(5) The structure must be adequately anchored to prevent flotation, collapse, or other lateral movement.

(6) 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:

a. 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,

b. The bottom of all openings shall not be higher than one (1) foot above grade, and

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.

(7) 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.

(8) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(9) If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.

8. Manufactured Homes

(a) Require that all manufactured homes to be placed or substantially improved within floodplains on sites:

(1) Outside of a manufactured home park or subdivision,

(2) In a new manufactured home park or subdivision,

(3) In an expansion to an existing manufactured home park or subdivision, or

(4) 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 be elevated so that either;

(1) The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or

(2) 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:

(1) 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;

(2) 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;

(3) Any additions to the manufactured home be similarly anchored.

9. 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 Section 5-1.

(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.

10. Design and Construction Standards

(a) 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.

(b) Building Materials and Utilities

(1) 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.

(2) 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.

11. 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.

12. 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.

13. 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.

    (a) Storage of Materials

        (1) 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.

        (2) 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.

    (b) Recreational Vehicles

        (1) Within any floodway, recreational vehicles and recreational vehicle parks shall be prohibited.

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

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

        (4) 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

        (5) Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this ordinance.

14. 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 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.

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 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 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.

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).

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.

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

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:

1. Horticulture
2. Crop Production
3. Animal Production, subject to the following additional conditions:
   (a) Any new animal shelter, confinement facility, or animal unit shall require approval by the City Council through the special use permit procedure;

   (b) 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.

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.

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 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.

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

      Any garden center adjacent to a residential district must maintain a 20-foot landscaped Bufferyard consistent with the standards established in

      and Section 8-5.

   2. Roadside Stands: 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.

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

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

b. Commercial Feedlots: 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 3,740 square feet in the R-2 District and 1,500 square feet in the R3 District;
   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.

c. Multi-Family and Group Residential in B-1 District:

1. 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.

d. Non-Traditional Residential Parks in NTR District: 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(a): Site Development Regulations.
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 Article 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(a): 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.

(1) 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 350 feet in length without a variance.

(2) 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 350 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.
9. A set down permit with fee as set by Resolution is required for each mobile home.
10. Each manufactured home shall be equipped with tie down anchors as approved by the Building Official.

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.

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: Each group care facility or group home must be validly licensed by either the State of Nebraska or the appropriate governmental subdivision.

   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:

   1. 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.

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.
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:

(a) Erosion Control: A resource extraction use may not increase the amount of storm run-off onto adjacent properties. Erosion control facilities, including retention or detention and sediment basins, are required of each facility if necessary to meet this standard.

(b) 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.

(c) 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.

(d) Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:

(1) Restoration of slopes to a gradient not exceeding 33% as soon as possible;

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

(3) 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.

(e) 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.

(f) 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.

(c) Storage of materials within any salvage services facility may not be higher than the height of the surrounding screen fence or wall.

(d) 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 Neb. Rev. Stat. Sections 13-1111 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;

(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 Supplemental Use Regulations: 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

1. 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.

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.

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 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 Section 3-3 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.

c. Permitted Accessory Uses: Agricultural Use Types

1. Garden centers and roadside stands, subject to the regulations set forth in Section 6-2.
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

1. Outdoor storage is permitted where incidental to agricultural uses.

b. Civic Use Types

1. 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.
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

a. 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.

b. COMPLIANCE REQUIRED:

Every private residential swimming pool constructed, installed and maintained hereafter shall comply with all applicable provisions of this Code.

c. 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.

d. PERMIT FEES:

The fee for a permit for the erection or construction of a swimming pool shall be as set by resolution.

e. DRAWINGS, PLANS AND PERMITS:

1. 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.
2. 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.
3. 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.

f. REGULATIONS

1. <u>LOCATION:</u>

(a) 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.

2. <u>RECIRCULATION POOLS:</u>

(a) 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.

3. 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 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.

   (b) 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.

   (c) 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.

   (d) Pool walls that are to be lined with a plastic liner shall be constructed of masonry or reinforced concrete.

4. WALK AREAS:

   (a) 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.

5. FENCES:

   (a) 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 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 Building Official. 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.

6. STEPS OR LADDERS:

   (a) 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.

7. WATER SUPPLY:
   (a) 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.
8. ELECTRICAL REQUIREMENTS:
   (a) 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
9. 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.

6-11 Supplemental Use Regulations: Mailboxes

Mailboxes constructed on a base other than a single pole and a footprint larger than 25 square feet need approval from the City Engineer as to location and the Chief Building and Code Official as to the structure and size.

6-12 Supplemental Use Regulations: Cargo Containers and Portable Storage Containers

Cargo containers sixteen (16) feet long and longer are only allowed in light industrial zoning districts and general industrial districts subject to the following requirements:

a. The time duration that storage containers can be allowed on a particular site shall be established by the Development Review Team (DRT).
b. Containers shall be limited in quantity to the number allowed by the Development Review Team and shall not be increased without additional review.
c. Location of containers on the site shall be restricted to the location approved on the site plan by the Development Review Team.
d. Containers approved for a duration of twelve (12) months or more may require screening view of any adjacent property and public streets in a manner approved by the Development Review Team including, but not limited to, fencing, berming, landscaping or a combination thereof.
e. All storage containers shall be clean and well-maintained portable storage
   1. Containers sixteen (16) feet and less in length are allowed in all zoning districts subject to the following requirements:
   2. The temporary placement of one (1) portable storage container not to exceed the size dimensions of eight (8) feet wide by eight (8) feet high by sixteen (16) feet long on a residential lot for the purpose of loading and unloading household contents shall be permitted for a time not to exceed ninety (90) days in a twelve

(12) month consecutive period. Additional time is subject to City approval by the Building Official on a case-by-case basis. Additional containers on the same site require City approval by the Building Official prior to placement.

3. Portable storage containers shall not be used for long term storage.
4. No permit is required; however, the street address of the location the container is going to be placed and the date of placement shall be communicated by telephone, electronic mail, or in person, to the Building Official prior to the day the container is placed.
5. The property must be occupied by a principal residential building.
6. Containers are allowed in the front building setback but shall be placed a minimum distance of five (5) feet from any side or rear property lines. Preferred location is in the driveway of the residence, but in no case shall the container be placed in the street or encroaching on public right-of-way.
7. Signs on any portable storage container shall be limited to not more than twelve (12) square feet each, not to exceed one (1) per side. Signage on the container shall not be used for advertising off-premise businesses other than the company that owns and operates the container business.
8. No sales shall be conducted from a portable storage container.
9. All storage containers shall be clean and well maintained.

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 (including enclosed or unenclosed), 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.
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. 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 an existing building on one side only, the minimum front yard shall be the setback of the adjacent building.

(b) 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.

d. 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.

e. 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.

f. Antennas: No antennas are permitted in the front yard.

g. Vision Clearance Zones: No structures, plantings to maturity, landscaping, fences, parked vehicles, or other obstructions shall be built or placed above a maximum height of 30-inches above the established curb grade or radii 20 feet of less within, whichever is greater in clear zones, from a triangle formed 1) by a line connecting points thirteen feet along each leg from the property lines from their point of intersection and 2) by a line connecting points forty feet along each leg from the back of curb 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 sign of drivers and/or pedestrians approaching the intersection as show in Figure 7-2(a). Radii greater than 20 feet shall be subject to the Figure requirements. Vision clearance where private driveways and streets or courts meet shall be subject to approval of the Building Official.

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

1. 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.

Figure 7-2(a): Vision Clearance Zone

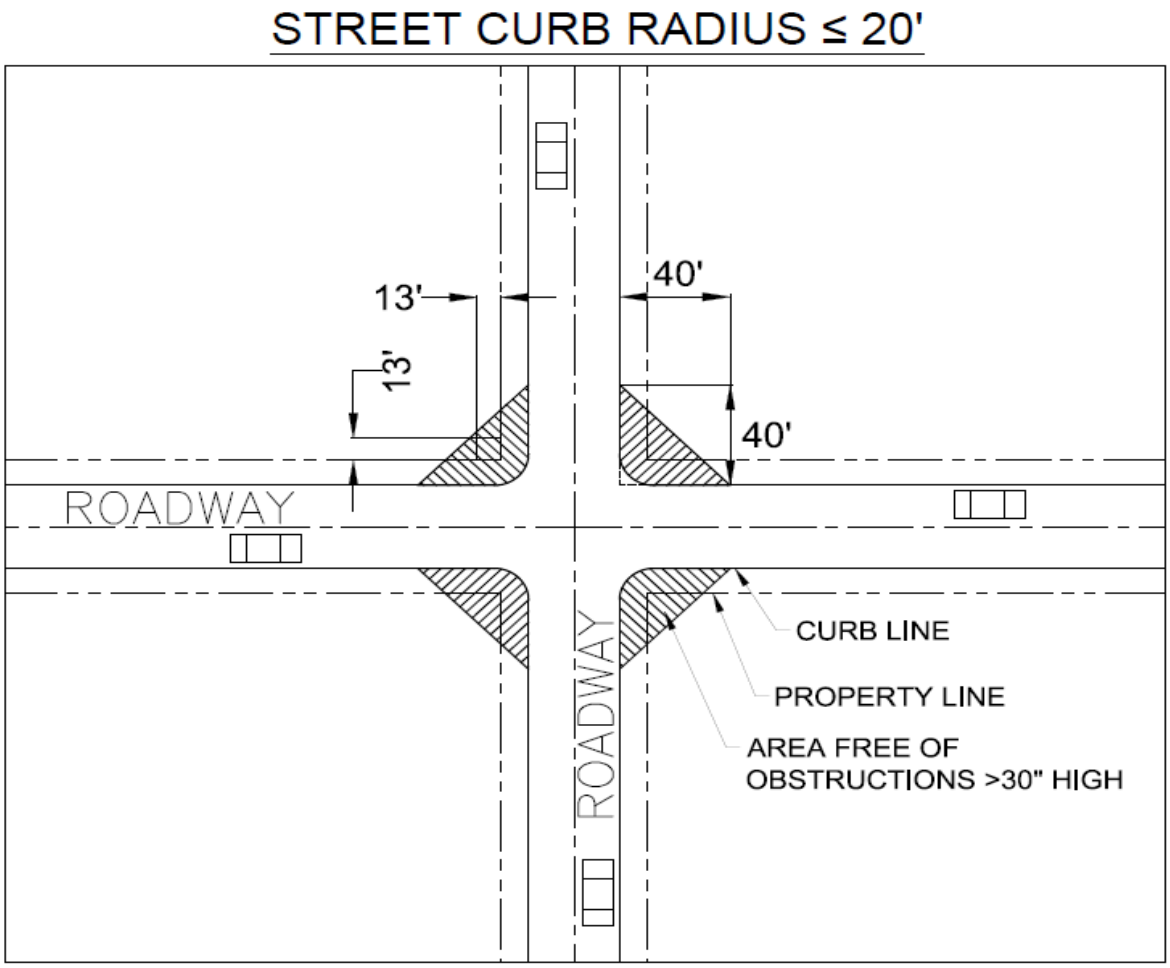


FIGURE 7-2 (a): *VISION CLEARANCE ZONE*

Figure 7-2(b): Vision Clearance Zone

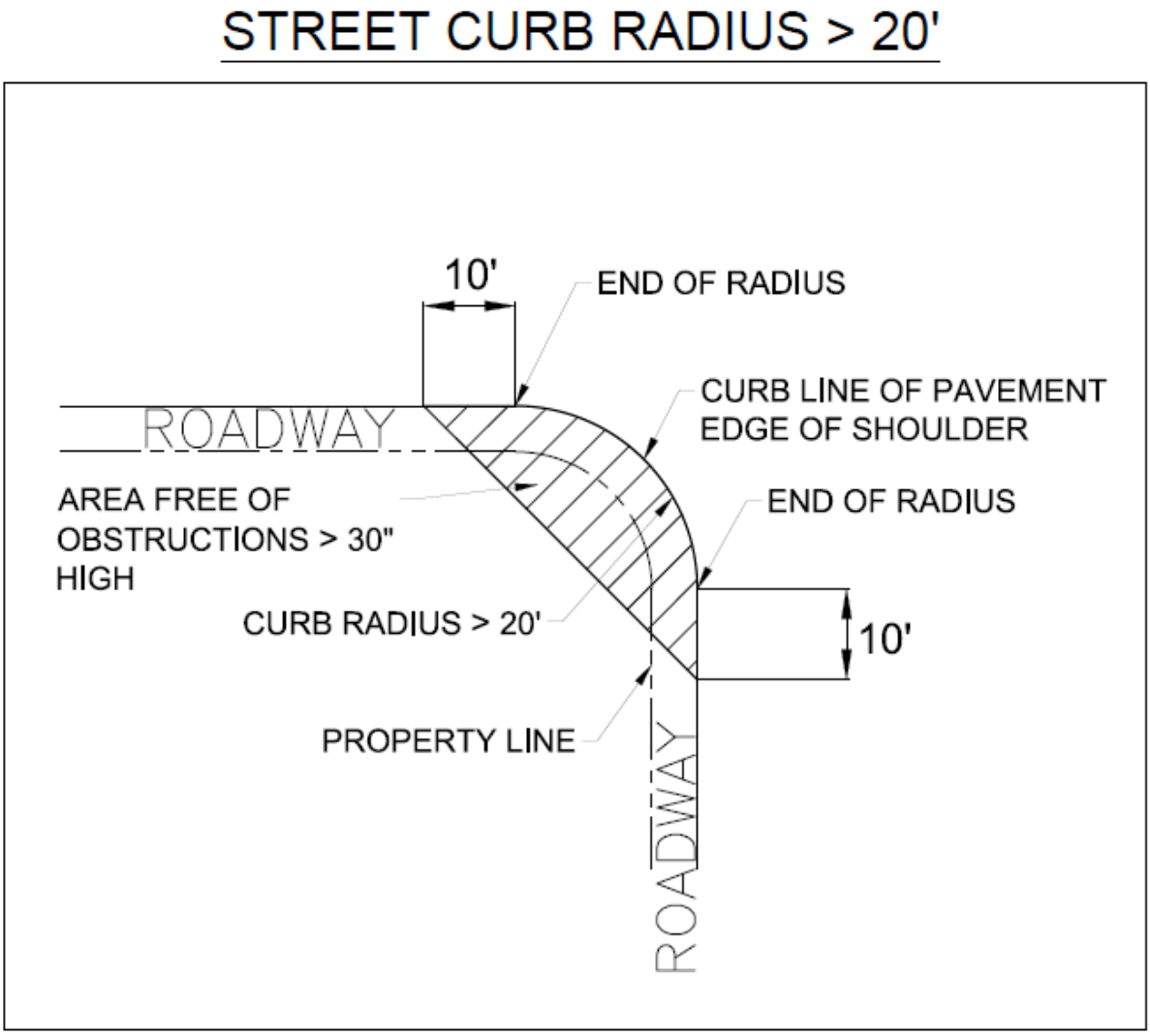


FIGURE 7-2 (b): *VISION CLEARANCE ZONE*

7-3 Height Exceptions

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

1. 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.
2. Radio Towers: 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(a): Site Development Regulations. This exception does not apply to parabolic antennas, designed to receive signals from satellites.

   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.
3. 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.
4. Wind Energy Conservation Systems (WECS): Wind Energy Conservation Systems are exempt from the height restrictions of the base district in accordance with existing ordinances.
5. 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.

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

a. Purpose: Section 5-11 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: 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.

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

b. 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.

c. 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.

d. 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.

2. 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.

e. Office, Commercial, and Industrial Fences: 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 Downtown Building Standards

The Downtown Business District includes the area bounded by 10th Street and 15th Street and 21st Avenue and 32nd Avenue, all public right-of-way or portions thereof located within these boundaries, and all buildings or structures abutting, adjoining, or bordering the same.

The City of Columbus has set forth these guidelines as minimum standards whereby properties in the Downtown Business District can be improved or built upon; it is in the best interest of the City and its residents to have a downtown that is pleasing to walk, drive through and conduct business in while maintaining an environment that preserves, to a reasonable extent, the heritage and history of Columbus. Any improvement or building project should be undertaken with care and consideration of these goals.

A majority of the commercial buildings in the Columbus downtown retain their original form and ornamentation in the upper stories. Out of the total of 127 properties in the Downtown, 101 are considered architecturally and historically significant. The majority of the commercial buildings were built between 1910 and 1919 with most of the remaining being built from 1930 to 1946.

The downtown code is the regulating document for development within the downtown of Columbus. The downtown code recognizes the historic character of the downtown and identifies a special set of development standards, allowed use regulations, and other special use regulations that, when applied to new construction and qualifying remodel/s expansions will ensure that the historic character is positively complement. These guidelines apply to any portion of the commercial and/or institutional properties visible to pedestrians and/or motorist within the Downtown Business District.

Building should work together to create a “wall of buildings” effect associated with traditional downtown areas. New construction and infill building must maintain the alignment of facades along the sidewalk edge; exceptions may be granted if the setback is pedestrian oriented and contributes to the quality and character of the streetscape, or if the lot size, shape and the intended use of the building require substantial associated onsite parking.

A minimum of 30% of the ground level front façade and 20% of the ground level sides of buildings adjacent to public right of ways shall consist of any combination of windows and doors with large glass panels, as shall a building’s rear façade if it faces public right of way, parking area or open space. Windowless upper floors are not permitted and the windows should be vertically oriented. Arched tops, columns framing and window and decorative lintels, where appropriate are encouraged.

Infill construction should reflect some of the detailing of surrounding buildings in building massing, window shape, cornice lines and brick work.

For the first 20 feet above street level, street facades shall be constructed of durable materials such as stone, brick, tile, or glass, or similar materials such as precast concrete, or poured in place concrete are required as the primary exterior material facing

streets. Other high-quality materials may be proposed to and approved by the Chief Building and Code Official.

Faux brick products (not made of fired clay) are prohibited. Metal is not suitable primary material for building exteriors in the Downtown area.

With the exception of existing, the following materials are not permitted for use on the facades or sides of buildings adjacent to public right of way.

1. Brick larger than 4” in height, 12” in length
2. Aluminum, vinyl or fiberglass siding.
3. Concrete masonry units, other than limited use of split faced block which may be considered accent lines or the emulation of foundation stone if appropriate.
4. Materials that attempt to mimic traditional materials (an example would be fiberglass panels that are molded to look like brick); a singular exception to this is the judicious use of cultured stone.
5. Stucco or synthetic stucco is prohibited below the 12 (twelve) foot level but may be substituted above that level for the durable materials described above. Exception stucco maybe approved by the building official below the 12 (twelve) foot level if the structural integrity of the brick has been compromised.

If a new commercial building is constructed within the Downtown Business District its design should complement its environment and should include design elements, proportion, colors, etc.

Tile, stone, glass block, copper flashing, metal and wood are among the type of materials that should be considered for accents to buildings. Preference is for a high level of design and architectural detail.

7-7 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 Section 12-8 and Section 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 Article 8, shall apply to all new development on each lot or site upon application for a building permit or replacement of sidewalk within the B-1 district, except for the following:

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

b. 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.

TABLE 8-1: Required Landscape 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
B-1	Sidewalk landscape beds including approved plantings in sidewalks in accordance with the B-1 district master plan and design standards
B-2	10 feet
ML/C-1	No Requirement
MH	No Requirement

B-1 district sidewalk landscaping beds or administrative official approved landscape heavy duty landscape pots or structure shall be located in accordance with the master plan and design standards. Improvements shall include coordinated district sizing, location, construction features, underground stormwater collection system, connection to public storm sewer system, bedding, earthen material, plantings and related work.

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.

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.

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

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 a slope between 4 and 6 percent as approved by the Building Official 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. Sidewalk or trail cross slope, including the driveway, cannot exceed two percent (quarter inch per foot) in accordance with the American's is Disability Act.

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 specification 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.

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.

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.

Civic Use Types	
Health Care	1 space per 300 square feet + 1 space per employee of largest shift.
Maintenance Facilities	See Schedule A.
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.

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.

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.

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

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.

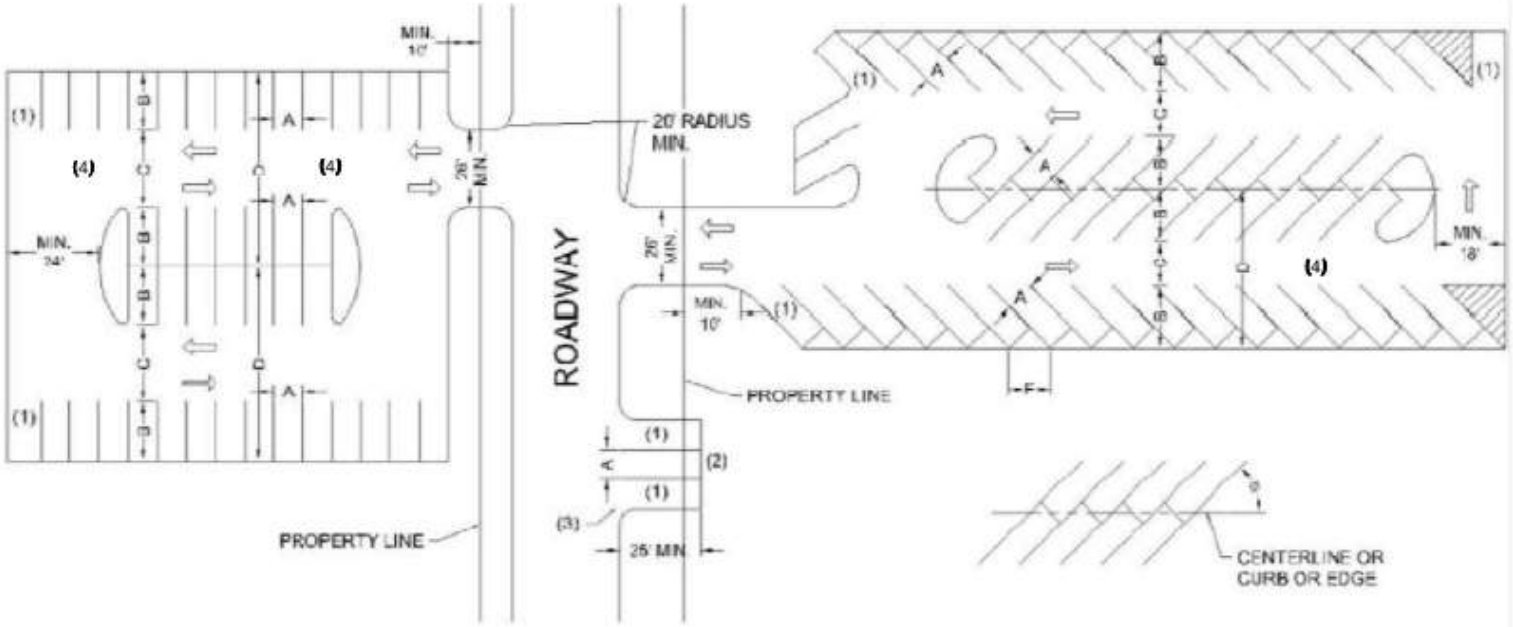
b. Non-Residential Parking

1. 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 9-4: Off-Street Parking Standards



ANGLE (°)	STALL WIDTH (A)	STALL DEPTH (B)	AISLE WIDTH (C)	TYPICAL MODULE (D)
45°	9.0'	18.0'	16.0'	52.0'
60°	9.0'	19.0'	17.0'	55.0'
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

(4) MAIN ENTRY ACCESS AISLE TO BE 26 FOOT MINIMUM WIDTH

a. Dimensions: Parking stalls and aisles shall be provided in accordance with the design standards provided in Figure 9-4 and Figure 9-5(c).

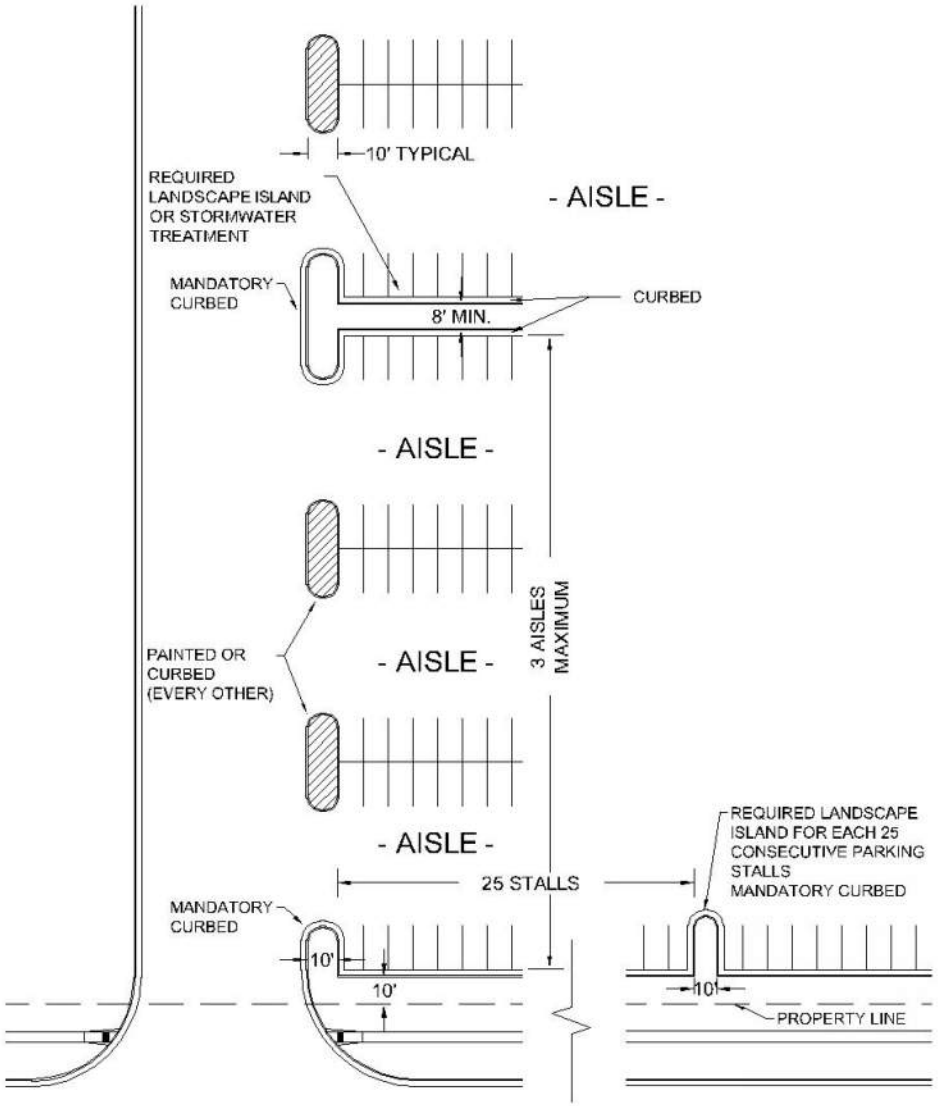
b. Pavement and Drainage: Off-street parking facilities shall be designed and built to the stormwater management program requirements. Parking lots shall have an internal drainage system and not adversely sheet flow drain onto public right-of-way, roadways, and alleys. Public storm sewer or drainage ways adjacent to or nearby and available must be extended into the parking lot for this purpose.

   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 during the life of the facility:

   1. Each unenclosed parking facility shall provide a minimum buffer of ten feet along any street property line; Ten-foot buffer is not required in the B-1, ML/C1 and MH Districts.
   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.

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 and main aisle 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.

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

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 Article 9 of the Columbus 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 crushed aggregate surfaced driveway or paved pad adjacent to the driveway, any portion of the access or driveway in public right-of-way must be concrete or asphalt paved;
   (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

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;

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, Serviceability, 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 Columbus Land Development Ordinances (CLDO).

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.

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 in 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.
9. *COMMERCIAL BUILDING, MULTIPLE TENANT*: A commercial building with two (2) or more separate tenants having individual entrances and shared parking.
10. *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.
11. *FRONTAGE:* The length of a property line of any one (1) premise abutting and parallel to a public street, private way, or court.
12. *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.
13. *INDIVIDUAL LETTERS*: A cutout or etched letter or logo which is individually placed on a wall or freestanding sign.
14. *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.
15. *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.

16. *MARQUEE:* A permanent roofed structure attached to and supported by a building and typically extends over public right-of-way.
17. *PAN-CHANNEL LETTER:* An individual three-dimensional letter constructed by means of a three-sided metal channel.
18. *PERMITTED SIGN BUDGET:* The permitted square feet of sign area allowed for signage on a premise.
19. *PREMISES:* A tract of one (1) or more lots or sites which are contiguous and under common ownership or control.
20. *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.
21. *SIGN COPY:* Any combination of letter or numbers which is intended to inform, direct, or otherwise transmit information.
22. *SIGN FACE:* The area of a sign on which words and images are placed.
23. *SIGN STRUCTURE:* The structural supports, monument base, foundation, uprights, braces, guides, anchors, and framework of a sign.
24. *VISION CLEARANCE TRIANGLE:* The vision clearance triangle is described in 7-2. 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.
2. ATTACHED SIGN: A sign which is structurally connected to a building or depends upon that building for support.
3. AWNING SIGN: A sign painted, installed, attached, or otherwise applied to or located directly on an awning.
4. 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.
5. BALLOON SIGN: A sign supported by a balloon.
6. BILLBOARD: See Outdoor Advertising Signs.
7. 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.
8. BLINKING SIGN: See Flashing Sign.
9. BUILDING MARKER: See Integral Sign.

10. 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.
11. 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.
12. CANOPY SIGN: A sign painted, installed, attached, or otherwise applied to or located directly on a canopy.
13. CHANGING MESSAGE SIGN: A sign designed to permit change of copy manually.
14. DETACHED SIGN: A sign which is self-supporting and structurally independent from any building.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.

24. 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.
25. HISTORIC MARKER: A marker commemorating a recognized historic person or event, or identifying a historic place, structure, or object.
26. 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 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.
27. 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.
28. MARQUEE SIGN: A sign painted, installed, attached or otherwise applied to or located directly on a Marquee.
29. MONUMENT SIGN: An on-premise freestanding sign with the appearance of a solid base.
30. 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.
31. MURAL-ADVERTISING: See Painted Wall Sign.
32. NONCONFORMING SIGN: A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
33. 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.
34. OBSOLETE SIGN: Sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located.
35. 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.
36. 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.
37. 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.

38. 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.
39. PERMANENT SIGN. A sign constructed of durable materials, attached to the ground or a building in a manner provided by the building code.
40. POLE SIGN: An on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance greater than three (3) feet.
41. 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.
42. 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 limited to, signs designed to be transported by means of wheels. Such signs may include changeable copy.
43. PROJECTING SIGN: A sign other than a wall sign that is attached to and projects from a building face.
44. 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.
45. 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.
46. 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.
47. 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.
48. 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.

49. 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.
50. TEMPORARY SIGNS: Any sign constructed of cloth, canvas, fabric, plywood, or other light materials and intended for display for a short period of time.
51. 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).
52. 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 vehicle or piece of equipment is used for transporting people or materials in the normal day-to-day operation of the business.
53. 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.
54. 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.

Figure 10-1: Permanent Signs Example



Figure 10-2: Temporary Signs Example



10-4 General Sign Regulations

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.

a. Permanent Sign; Registration of Installers: 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.

b. Revocation of Registration; Sign Installers:

1. 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.

2. 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.

c. 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:

1. Worker's compensation insurance.

2. 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.

3. The City of Columbus shall be named a Certificate Holder, on the above liability and property damage insurance.

4. A thirty (3) day written notice shall be given to the Building Official in the event of expiration or of proposed cancellation of the insurance policy.

d. Permit Procedures

1. 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 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.

2. 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.

3. 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.
4. 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.
5. 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.
6. Application Fees. Fees as prescribed in this article are set forth in the City of Columbus Comprehensive Fee Schedule.
   (a) 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.
   (b) 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.

e. Design Standards

1. 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.
2. 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

Design; Clearances and Projections. All signs must maintain the following clearances and projections as well as any clearances and projections outlined in this Article.

(a) Clearances: The lowest point of a sign must maintain the following minimum vertical clearances, unless otherwise stated in this Article:
   (1) Seven (7) feet, six (6) inches over sidewalks;
   (2) Fifteen (15) feet over parking lots;
   (3) Eighteen (18) feet over driveways.

(b) Projections: The projection regulation below shall stand, unless otherwise stated in this Article
   (1) No sign or sign structure shall project into any street right-of-way.
   (2) No sign or sign structure shall project into any public alley right-of-way.

3. 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.
4. 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.
5. 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:

(a) The working strength of chains, cables, guys, or steel rods shall not exceed one-fifth (⅕) of the ultimate strength of such chains, cables, guys, or steel.

6. 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.
7. 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.

f. Construction Standards

1. 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.

   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.

2. 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.

   (a) Awnings and Canopies: Shall comply with the requirements of the City adopted International Building Code.

3. 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.

4. 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 10-1.

   Sections of approved plastics on wall signs shall not exceed two hundred twenty-five (225) square feet in area.

Exceptions:

(a) Section of approved plastics on signs other than wall signs may be of unlimited area if approved by the Building Official.

(b) Section of approved plastics on wall signs shall be separated three (3) feet laterally and six (6) feet vertically by the required exterior wall construction.

(1) Sections of approved plastics on signs other than wall signs may be contiguous if approved by the Building Official.

5. 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 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.

6. Construction; Electrical. Clearance from overhead power lines. When installed, signs shall maintain clearance from overhead power lines as follows:

   (a) Less than seventy hundred fifty (750) volts: Seven (7) feet horizontally and vertically

   (b) 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.

7. 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.

8. 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.

Table 10-1: Maximum Size of Exposed Glass Panel

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

g. Maintenance and Alterations

1. 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.

2. 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.

h. Nonconformance

1. 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:

(a) No such sign may be enlarged or altered in a way which increases its nonconformity; however, reasonable repairs and alterations may be permitted.

(b) 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.

j. Violations and Enforcement

2. 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.
3. Violation Declared a Civil Infraction. It shall be a civil infraction for any person to violate any of the provisions of the sign standards.
4. 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.
5. 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:

(a) Administrative Enforcement.

(1) For any abandoned, discontinued, prohibited, or illegal sign, the Building Official or designee may send notice, via certified mail, to the record owner or occupier of the property to abate the nuisance within a reasonable time.

(2) 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:

a. Removal of the sign; or

b. Obtaining the required permits and bringing the sign into compliance with the sign standards.

(b) 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.

(c) 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.

(1) Location.

a. 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.

b. Ingress/Egress Clearance. No sign shall interfere with any driveway or access way or any means of ingress or egress to any building.

c. 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 the greater clear zone area of 1) a triangle measured from the property line to a point 13 feet in each direction from the intersection along the property line or 2) a triangle measured from the extensions of the back of curb to a point 40 feet in each direction from the intersection. 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) 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.
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. Not 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

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 Figure 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 10-2.
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 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.

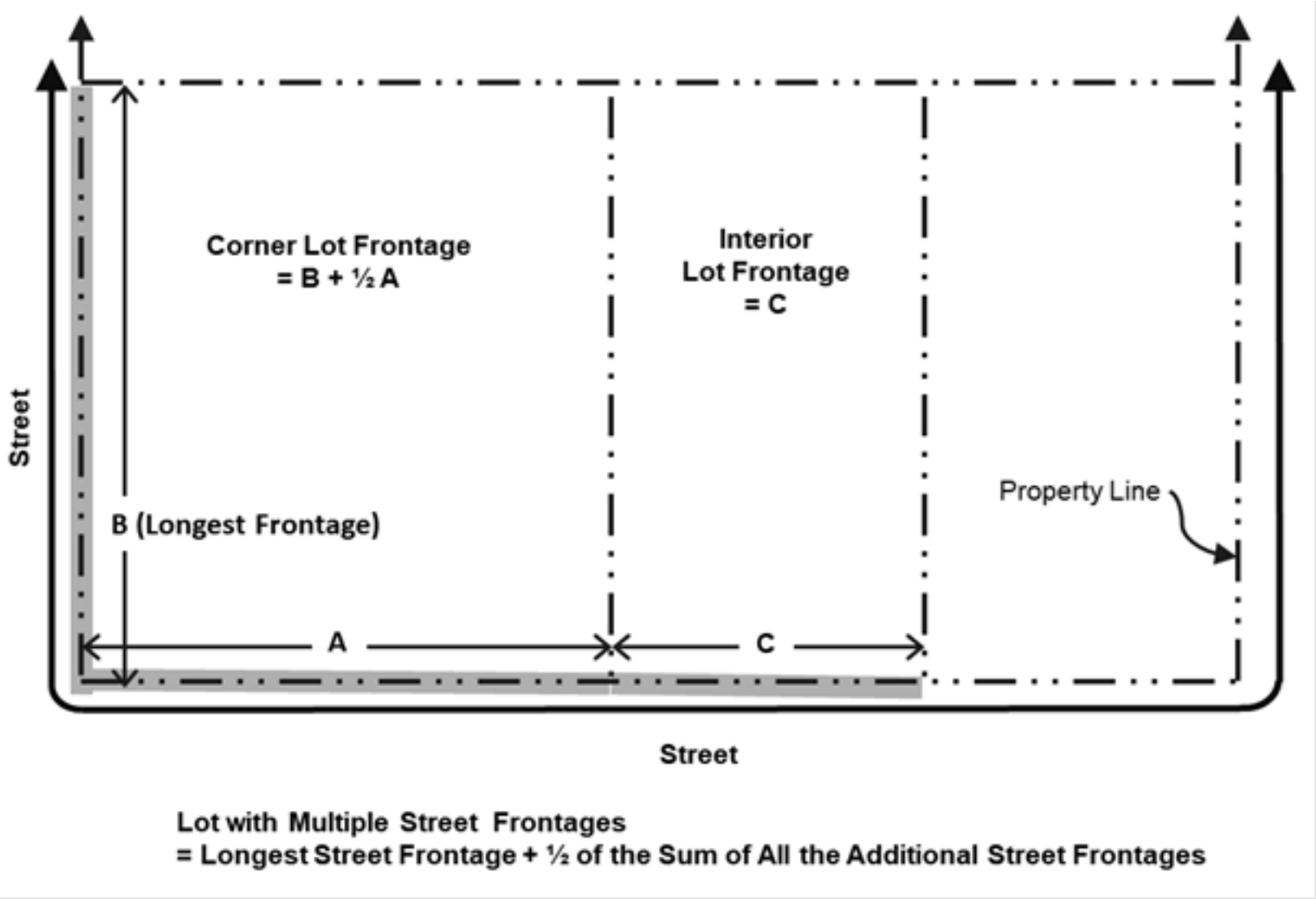
Table 10 – 2: Permitted Permanent Sign Budget by District

	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.

Figure 10 - 4: Lot Frontage Determination

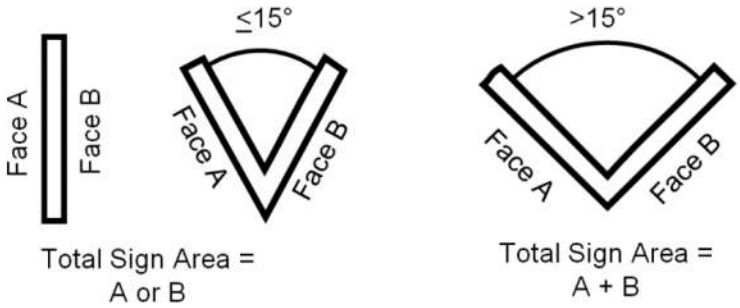


Lot with Multiple Street Frontages
= Longest Street Frontage + ½ of the Sum of All the Additional Street Frontages

a. *Sign Area.* Sign area is measured or calculated as follows:

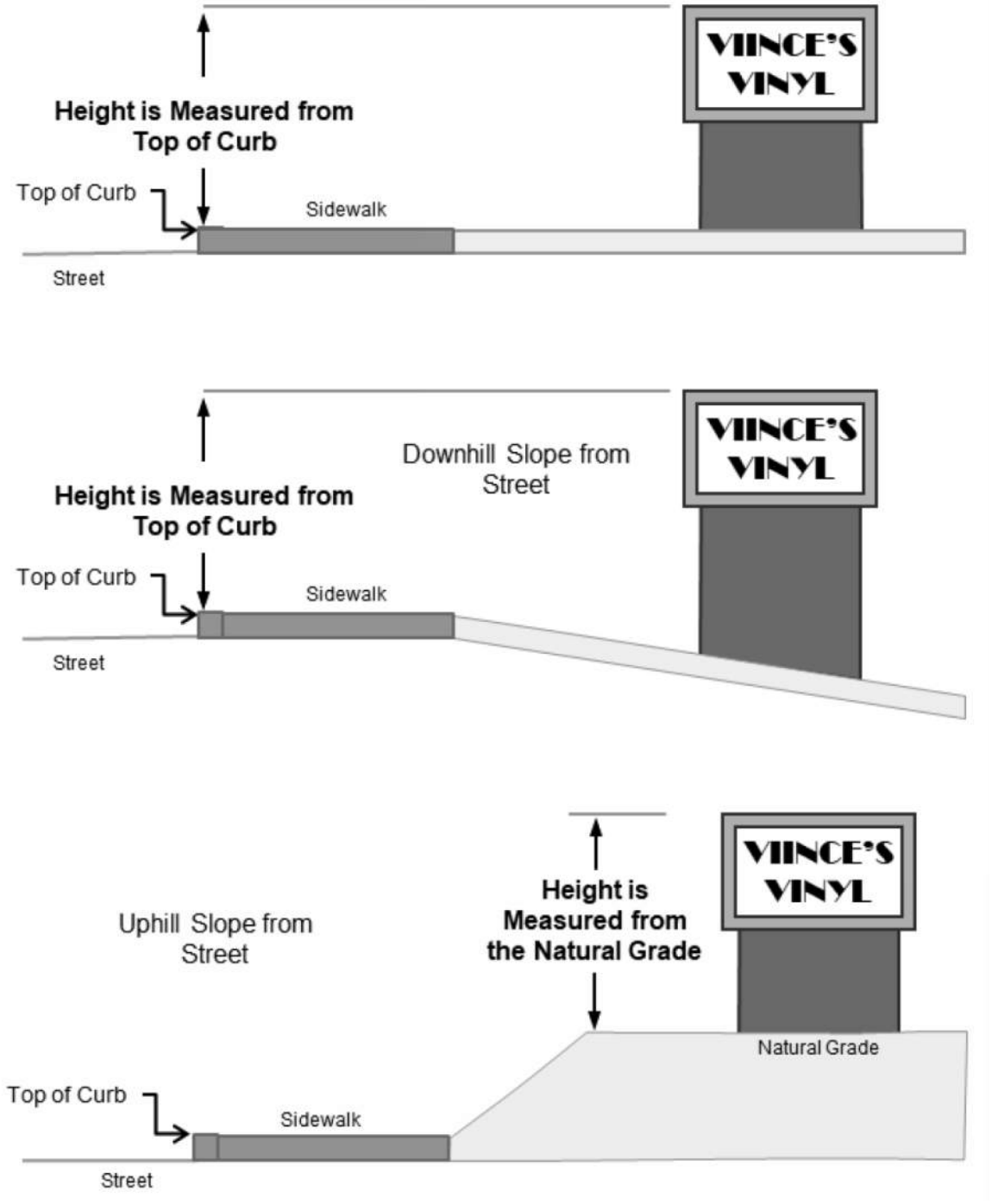
1. *Wall Sign with Background Panel.* The background panel area shall be calculated by measuring the area contained within the sum of the smallest rectangles, squares, triangles, parallelograms, circles, or ellipses that comprises the background panel.
2. *Wall Sign without Background Panel.* The area 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 when the interior angle of the sign faces does not exceed fifteen (15) degrees if the boards are in a "V". See Figure 9-5, below, for a graphic representation.

Figure 10 - 5: Formulas for Determining Sign Area for Signs with Two or More Faces



b. *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 Figure 10-6 for Measurement of Sign Height graphic.

Figure 10 - 6: Measurement of Sign Height



c. *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	NRU	NRU	N	P	P	P	P	P	P	P	P	P
Monument	NRU	NRU	N	P	P	P	P	P	P	P	P	P
Pole	NRU	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												
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	NRU	NRU	NRU	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	NRU	P	P	P	P	P	P	P	P
Numeric Display	N	N	N	NRU	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

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
Pole	N	N	N	30	45	30	N	45	45
Front Yard Setback (ft.)	25	5	2	2	2	0		2	2
Side Yard Setback (ft.)	10	10	2	2	2	0		2	2

NA - Not Applicable
N - Not Permitted

b) Attached Signs. Awning, Canopy, Marquee, Painted Wall, Projecting, and Wall signs. Table 10-6, below, regulates all attached signs, unless otherwise stated in the supplemental regulations. Table 10-6 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, 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%

c) 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 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.

(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:
      (1) Three (3) feet over sidewalks less than twelve (12) feet wide.
      (2) 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:
      (1) Three (3) feet over sidewalks less than twelve (12) feet wide.
      (2) 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.

2. *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:

(1) 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.

(2) Shall not exceed four (4) sq ft. in maximum size and three (3) ft. in maximum height.

(b) In R3 and NTR:

(1) Limited to one (1) sign denoting the entrance for a residential subdivision at each major access point off of an arterial or local collector.

(2) 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.

(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 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.

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 10-7, 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.

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.
3. 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 10-8 below.
4. 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.

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

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 Figure 7-2(a).
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 Section 7-2.

d. *Freestanding Yard Signs.* Freestanding Yard Signs, where permitted, are subject to the following supplemental regulations.

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.
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 Figure 7-2(a).

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

Handheld Signs. Handheld Signs, where permitted, are subject to the following supplemental regulations.

4. Handheld Signs are restricted to be on the same premise as the business, service, activity, or event that is being advertised.
5. Any person carrying a Handheld Sign is prohibited from obstructing the sidewalk or standing in the right-of-way.

6. Handheld Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
7. Lighting, bullhorns, amplified sounds, and mannequins are prohibited as display aspects of Handheld Sign.

e. *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 Figure 7-2(a).
4. Maximum Height: Twenty-five (25) feet.
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.

f. *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.
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.

g. *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.

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 Columbus 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.
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.

f. *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 Section 10-13 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.

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.

1. 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.

2. 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.

f. Other Standards.

3. 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.

4. 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.

   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

   1. 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.

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 Columbus 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.

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 coverages 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

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 Section 8-1, Landscaping and Screening Regulations. However, any of the following action on or after the effective date of this Ordinance shall be subject to Section 8-1:

(a) Expansion of a structure, building or parking lot

(b) 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.

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 Section 12-1.

12 ARTICLE TWELVE: ADMINISTRATION AND PROCEDURES

12-1 Purpose

The Administration and Procedures Provisions establish the methods for implementation of the Columbus Land Development Ordinance. These provisions include procedures for reviewing specific uses and developments within certain zoning districts; amending the Columbus 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

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 Columbus Land Development Ordinance.
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 Columbus 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.

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 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 at least 21 calendar days (including holidays) before the Planning Commission meeting at which the public hearing on the application may be held subject to administrative official approval to proceed. Submission must be complete prior to the staff recommendation that the permit application is to be acted on the Planning Commission. The application shall include the following information and be submitted on a form approved by the Community Development 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
3. Owner, address and legal description of the property.

4. A description of the nature and operating characteristics of the proposed use.
5. A site plan, when requested by the building official, which includes all information as described in Section 12-2.
6. Excavation and Material Extraction Special Use Permits applications must include a proposed post development site plan including anticipated final contours and features.
7. The special use requested and the current zoning.
8. 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	
Land Use Compatibility		**Site Plan Review**	**Special Use Permit**
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

TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

CRITERIA		APPLICATION TO	
Site Development		**Site Plan Review**	**Special Use Permit**
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
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
Land Use Compatibility			
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	
Operating Characteristics		**Site Plan Review**	**Special Use Permit**
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
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 (f), 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 (f) 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. Applicant's attorney shall work with the City Attorney on review and final versions.

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.
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:
      (1) the owners of the real estate which is the subject of the Special Use Permit;
      (2) 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

(3) 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

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.

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 or six (6) months from said failure to pass a motion to approve this special use permit.

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.

12-4 Amendment Procedure

a. Purpose

The Amendment Procedures describe the methods by which changes may be made in the text of the Columbus 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. Rezonings 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 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 place on the Planning Commission Agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which time the public hearing on the application may be held subject to administrative official approval to proceed. Submission must be complete prior to the staff recommendation that the permit application is to be acted on the Planning Commission. The application shall include the following information and shall be submitted on a form approved by the Community Development 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 Section 12-2.
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 Section 12-4, 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 Section 12-4 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 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 pace 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:
      (1) the owners of the real estate to be zoned or rezoned;
      (2) the owners of all real estate located within 300' of the real estate to be zoned or rezoned; and

(3) the Board of Education of each school district in which the real estate to be zoned or rezoned 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 (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 or six (6) months from said failure to pass a motion to approve this rezone permit.

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

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 complete 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.
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 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 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 affect any variation in such ordinance.

12-9 Powers and Duties of the Board of Adjustment

1. 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;

         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 12-9 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 affect any variation in the application of this ordinance.

12-10 Appeals from the Board of Adjustment

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 12-1 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

12-15 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, Chief Building and Code Official and/or other Building Officials, City Engineer, City Surveyor, Public Works Director and City Planner and Economic Developer. These members may invite other 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 participates. The DRT and/or staff members of the DRT will provide professional recommendations to the Planning Commission and City Council. It is understood the information provided at the DRT meetings are preliminary in nature and thus final decisions or recommendations are not final and subject to review of official submittals for review.

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 encourage 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 9:00 am to 12:00 pm for DRT project review and meetings with project representatives.

Applications will be due the Thursday prior to the meeting date desired by the project representative but subject to date, time, and DRT staff availability.

CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

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 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 "commercial 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.

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) 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, 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

hh. 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 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

a. 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:

b. 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.

c. Implementing an Application process for person(s) seeking an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities.

d. 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.

e. Promoting and encouraging, wherever possible, the sharing and/or co-location of Wireless Telecommunications Facilities among service providers.

f. 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.

g. 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, 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 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.

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:

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 13 and Article 15 of the Columbus Land Development Ordinance.

13-8 Eligible Facility Permit and Special Use Permit Application and Other Requirements.

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 Section 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.

i. Where a certification is called for in Article 13, 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, 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;
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 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, 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, 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.

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

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 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.

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

b. 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, 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.

c. No Tower constructed after the effective date of Article 13, 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.

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.

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 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 Section 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 an 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.

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.

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, 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.

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 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 and with such sureties as are deemed sufficient by the City to assure the faithful performance of the terms and conditions of Article 13, and conditions of any Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities issued pursuant to Article 13. 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.

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, 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 Section 12-14 of the Columbus 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, or any section of Article 13. 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, without limiting other remedies available to the City.

13-28 Default and/or Revocation

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, 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.

    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.

c. 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 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.

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.

d. 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, 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.

b. If after such a periodic review and examination of this Ordinance, the City determines that one or more provisions of Article 13, 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, 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.

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, 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, shall apply.

13-35 Effective Date

Article 13, shall be effective immediately upon passage and publication, pursuant to applicable legal and procedural requirements.

13-36 Authority

Article 13, is enacted pursuant to applicable authority granted by the state and federal government.

13-37 to 13-39 Reserved for Future Use.

CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

: 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.

“**Antenna**” means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

“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.

“**Applicant**” means any person who submits an application and is a wireless provider.

“**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.

“**City pole**” means a utility pole owned, managed, or operated by or on behalf of the City.

“**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” nor “collocation” includes the installation of a new utility pole or new wireless support structure in the right-of-way.

“**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.

“**Communications network**” means a network used to provide communications service.

“**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.

"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.

"**Decorative pole**" means a City pole that is specially designed and placed for aesthetic purposes.

"**FCC**" means the Federal Communications Commission.

"Fee" means a one-time nonrecurring charge.

"**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.

"Law" means federal, state, or local law, statute, common law, code, rules, regulation, order, or ordinance.

"**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.

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.

"**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.

"Person" means an individual, a corporation, a limited liability company, partnership, an association, a trust, or any other entity or organization.

"**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.

"**Public power supplier**" means a public power district or any other governmental entity providing electric service. Public power supplier includes a municipal electric supplier.

"**Rate**" means a recurring charge.

"**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.

"**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.

"**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.

"**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.

"**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.

"**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.

"**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.

"**Wireless provider**" means a wireless services provider or a wireless infrastructure provider when acting as a co-applicant for a wireless services provider.

"**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.

"**Wireless services provider**" means a person who provides wireless services.

"**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.

"**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.

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 micro wireless 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.

a. 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.

b. 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.

c. Article 13, Part B, Section 13-44 to Section 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 Office. Completed applications shall be submitted to the City's On-line permit application process. In addition to the information required by 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 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) (e all permit fees required under 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; and

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 willful 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 Section 15-3 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.

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 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 Columbus 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 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 Section 13-44 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 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 Pole Rate*. 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.

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. All small wireless facilities in the right-of-way to which Article 13, Part B, applies, shall comply with each standard set forth in 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 Section 15-5 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 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 the Columbus Land Development Ordinance. Section 12-8 to Section 12-11 shall govern such appeals.

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:

a. 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."

b. 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."

c. 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."

d. 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."

e. 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.

f. 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."

g. 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.”

h. 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.”

i. 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."

j. 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.

k. CHIEF OF POLICE – The Chief of Police of the City of Columbus or its designated agent.

l. CITY – City of Columbus, Nebraska located in Platte County.

m. CITY COUNCIL – The City Council of the City of Columbus, Nebraska.

n. 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.

o. 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.

p. 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.

q. 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.

r. EXPIRATION DATE – Shall mean midnight of the date one (1) year after the license was issued.

s. 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.

t. LICENSE YEAR – The period from the date of issuance to one (1) year after the license was issued.

u. 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.

v. 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.

w. 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.

x. PERSON – An individual, proprietorship, partnership, corporation, association or other legal entity.

y. 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.

z. 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.

aa. 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.

bb. 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.

cc. 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.

dd. 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.

ee. 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.

ff. 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.

gg. TRANSFER OF OWNERSHIP OR CONTROL – Of a sexually oriented business means and includes any of the following:

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

a. All sexually oriented businesses shall be located and operated within an "ML/C-1" district with a special use permit.

b. A sexually oriented business cannot be operated within 300 feet of:
   1. A church;
   2. A public or private elementary or secondary school;
   3. A boundary of a residential or historic district;
   4. A park or recreational trail;
   5. A property line of a lot devoted to a residential use;
   6. A hospital; or
   7. A fairgrounds.

c. 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.

d. 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.

e. 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.

f. 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.

g. 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.

h. 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 Article 14, Section 14-4, 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 14-4.
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 14-4 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 14-4 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.
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 14-4.

14-6 Signs for Sexually Oriented Businesses

a. 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.

b. 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.

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:

   1. Use of a right-of-way by an adjoining property owner as provided for under the Columbus 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;

      (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 and Section 13-40, Section 13-44.

      (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 Section 5-23 and Section 5-25 of the Columbus 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.
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 Section 15-5; (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 t*he 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 Columbus Land Development Ordinance shall be processed in the manner provided for under applicable law including Section 13-44 of the Columbus Land Development Ordinance.

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 Columbus 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 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 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.

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-

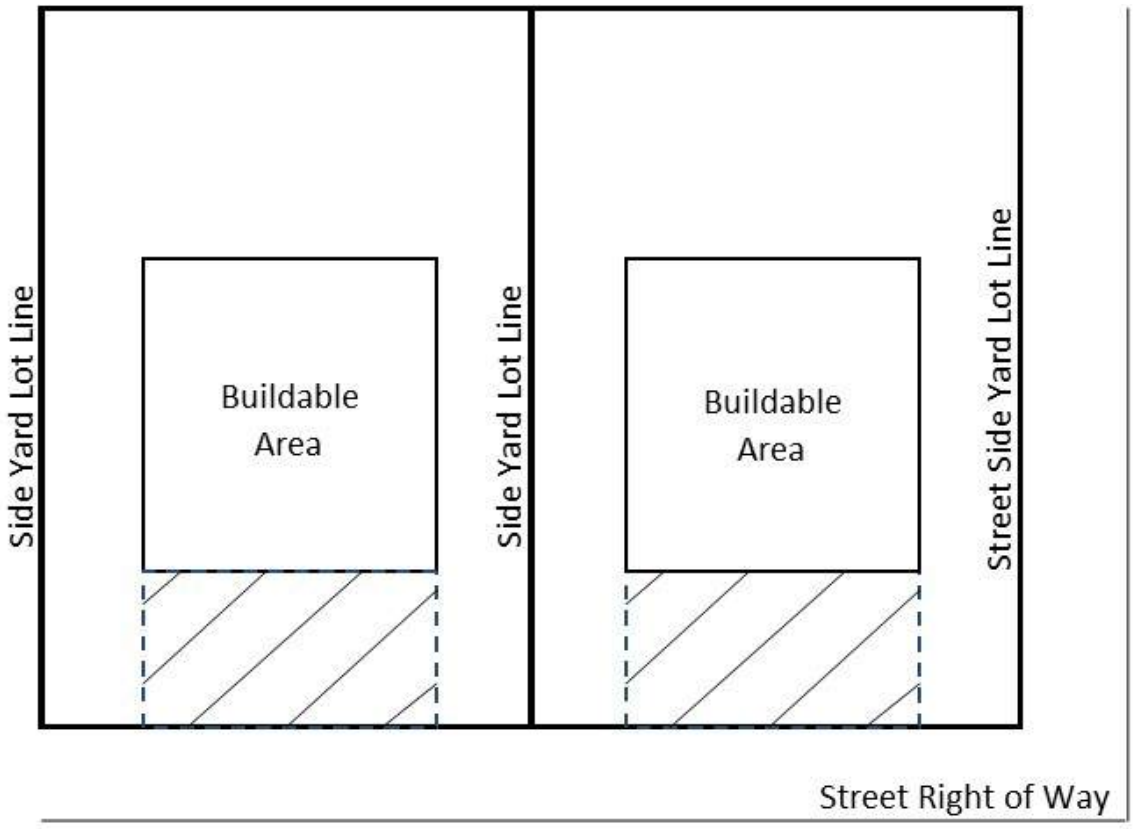
character facilities deployed or which are inconsistent with the appearance of existing facilities. Without limiting the foregoing, all facilities located in the City's historic district shall be subject to the design and aesthetic standards for an historic overlay district set forth in the City's Zoning 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 unless otherwise approved by the City.

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.
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 Section 12-8 of the Columbus Land Development Ordinance. Section 12-8 to Section 12-11 shall govern such appeals.

CHAPTER 2: SUBDIVISIONS

1 ARTICLE ONE: GENERAL PROVISIONS

1-1 Title

Chapter 2 of this Ordinance shall be known as the Subdivision Chapter of the Columbus Land Development Ordinance of the City of Columbus, Nebraska, and shall be incorporated into the Columbus City Code as Title XV, Chapter 152.

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;
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.

d. 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.

e. 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.
   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.

f. 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 Columbus 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 Columbus 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.

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

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

a. 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.

b. 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.

c. 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 Subdivision Chapter conflicts with any other provision of the Columbus 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 Columbus Land Development Ordinance.

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: Chief Building and Code Official 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.
6. 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.

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 curbline to curbline. 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 Columbus 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.

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. Detention basin must have an overflow pipe or system connecting to the public storm sewer system.
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.

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 which includes, but not limited to, lots for townhouses or clusters of row homes. All lots shall have a direct connection to a public or private roadway right-of-way regardless of ownership.
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.

2-16 N.

1. National Fire Protection Agency (NFPA)

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 Street: Privately owned and maintained access to a lot or parcel and shall have a public easement for utility and fire access.

2-19 Q.

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 R.

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.
   (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 Street or Frontage Road
   (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 resultants 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.

2-21 S.

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.

2-22 T-Z.

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:

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. The application for final plat approval shall be submitted through the City's website application submittal platform

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 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.
5. The Administrative Official shall keep a complete and accurate record of all administrative subdivision approvals.
6. 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.

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 Columbus 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.

5. The Administrative Official reserves the right to request a Development Review Team (DRT) meeting as described in Section 3-4, Pre-Application Procedures, upon which all required of the DRT meeting must be met and followed.

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. The application for final plat approval shall be submitted through the City's website application submittal platform. 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 above.
   (b) Consistency with the Comprehensive Development Plan of the City of Columbus.
   (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.
5. The Administrative Official shall keep a complete and accurate record of all Minor Subdivision approvals.
6. 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 Administrative Official, in its discretion, may waive the preliminary plat and final plat stages and allow them to occur concurrently upon written request of the developer and recommendation of the development review team. This shall be known as the Concurrent Plat Approval Procedure.

c. Pre-Application Procedures

1. Before filing an application for preliminary plat approval, the applicant shall meet with the Development Review Team (DRT) regarding general requirements and issues relating to the proposed subdivision.

   DRT meetings are held every Wednesday between 9:00 am and 12:00 pm. Applications are due by Noon the Thursday prior to the meeting date desired by the project representative. Subject to date and time availability of City staff at the discretion of the Administrative Official.

2. No later than three calendar 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 Columbus Land Development Ordinance.

4. The DRT meeting does not require a formal application or payment of a fee.

Preliminary Plat Application

5. Application Requirements

   After the DRT meeting and Except for a Concurrent Plat Approval Procedure, the following requirements shall apply. 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 set by Resolution Upon receipt of all items required for said application as set forth herein as determined by the Administrative Official, the application shall be placed on the next available Planning Commission Agenda.

6. 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 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. Applicants shall request the draft development agreement a minimum of 7 days prior to submittal and which the request time must also be after the DRT meeting.

7. Preliminary Plat Review Procedure

   (a) After submission of a complete application for a preliminary plat, the Administrative Official and staff shall review the application. If the application submittal is not complete, staff review will not proceed. Applicant at time of application, shall include a written request to waive any subdivision requirements, if any. 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 along with any responses which may affect the plat.

   (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 13 calendar days before the Planning Commission Meeting in order to meet the required publication deadline. 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.

8. 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.

(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.

d. 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 developer's 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.

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 developer's attorney and city attorney, including the developer's 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 13 calendar days before the Planning Commission Meeting in order to meet the advertisement deadline. 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. The developer's attorney shall work with the City's attorney to obtain approval.

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 Columbus 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. Developer signature of the Final Deed of Dedication must be obtained and to the City no later than 6 calendar days prior to the City Council meeting acting on the Final Plat. If the

final plat meets all requirements of the Columbus 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 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.

e. Filing the Final Plat

1. 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.
2. Applicant shall provide an electronic version of the final plat in an approved electronic format within four calendar days of the City Council approval.
3. 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.

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, attorney, planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X (no legal surveyor signature required)	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	X
Acreage of tract.	X	X	X	X

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
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; lot bearings.	X	X	X	X
Remaining property parcel layout of roadways and lots, upon request if applicable.		X	X	

TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
Existing and proposed easements or land reserved for or dedicated to public use; existing and proposed ROW and trails	X	X	X	X
ENVIRONMENTAL INFORMATION				
All existing waters of the US, floodways and floodplain within 200 feet; FIRM map designations	X	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 adequate to provide one-foot contours in city approved vertical datum (no assumed datum). Spot elevations on critical features and grid topography		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	

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
IMPROVEMENTS AND CONSTRUCTION INFORMATION				
Proposed roadway names.			X	X
Proposed 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 adequate to provide one-foot contours in city approved vertical datum (no assumed datum). Spot elevations on critical features.		X	X	
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 latest Flood Insurance Rate Maps (FIRM)		X	X	

TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
Identify planned or existing trail locations		X	X	
Certifications and seals from licensed Professional Engineer or Legal Surveyor, 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
Initial submittal bonded copy of plat and electronic copy. Upon review provide reproducible plat and updated electronic copy	X	X		X
Bonded Copy of Plat and electronic copy.			X	

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 Administrative Office or City Engineer may require a traffic impact study and/or air space study of the area of the development in order to assist in determining impact, roadway classification, traffic control features, safety, and so forth. Approval of study is by applicable official and city council is required.
4. 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.
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.

Developer is responsible for construction, cost, and snow removal, in lieu of a sidewalk at these locations.

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 street roadway 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 4-1.

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 economic development of streets, minimum cartway width should generally be used. Minimum cartway widths are set forth in Table 4-2.

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 4-3.
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 4-3.
2. Where sidewalks are not otherwise required by Table 4-3, 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.
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 in the B1 zoning district, sidewalks may abut curb. Subject to the approval of the City Engineer. Sidewalk landscaping requirements must be met.
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 or six feet along parking areas or curb lines, 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 or thicker in commercial and industrial areas subject to the approval of the City Engineer.
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 or master trail plan.
2. All off-street recreational trails shall be a minimum of ten feet in width for two-way traffic and comply with the Americans with Disabilities Act. Surfacing of trails shall be concrete minimum of 6 inches thick. Gradients for bikeways and recreational trails should not exceed five percent, except for short distances. Requests to revise trail width to eight feet or paving to asphalt and crushed aggregate surfacing are location and usage dependent and subject to the approval of the City Engineer.
3. Recreational trails may satisfy part of the requirements of this ordinance for sidewalks or open space.

4. Trails shall provide a clear path free of any obstructions a minimum of one foot on both sides.
5. All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets.
6. All trails, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

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.
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 4-3.
4. Dedications: Dedications of right-of-way for collector, sub collector, 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. All connections and access to existing paved roadways must be concrete paved.

(2) Courts or Plaza, 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.

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 by the developer 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.

5. 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. Roundabouts or residential mini-roundabouts or other traffic calming features are also encouraged or otherwise required by the Comprehensive Development Plan or City Engineer and subject to the approval of the City Council.

   (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.

6. 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.

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:

Street Direction and Type	Name
North-South	Numbered Avenues
East-West	Numbered Streets
Short Streets and Angles	Named Lanes or Drives
Long Angle Arterial Streets	Named Parkway or Boulevard
Cul-de-sacs	Named Places
Intermediate Streets	Named Streets (if E-W) or Avenues (if N-S)
Private Streets	Named Court (East-West) and Named 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, sidewalks, trails, utilities or similar.
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.

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.

TABLE 4-1: Street Hierarchy

Residential Street Type	Function	Guideline Maximum ADT
Private Street or Frontage Road (Private)	Street providing private or controlled access to no more than twelve housing units. Must meet State Fire Marshall turnaround requirements for emergency vehicles and NFPA standards	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. Traffic control features at intersections may be required. 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. Traffic control features at intersections may be required. Major Arterials may be eligible to use the city's Federal Funds Purchase Program funding.	15,000+

TABLE 4-2: Cartway Width

Street Type	Moving Lanes	Parking Restrictions	Total Width Measured back of curb to back of curb	Maximum Grade
Private Street or Frontage Road (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	May be limited, must meet 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

4-6 Arterials

Arterial street width, including frontage roads, is determined by state standards, designation of individual street or roadway segment, logical extension of roadway segments, and design as determined by the City Engineer.

TABLE 4-3: Curb, Sidewalk, and Right-of-Way Requirements

Street Type	Curb / Shoulder	Sidewalk	Sidewalk Setback	Total ROW
Private Street or Frontage Road (Private)	Curb with 2-foot turf shoulder	Required	No Setback. Sidewalk to be located on the private street lot.	Minimum of 32 feet (lot with public easement)
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 or greater*

Arterials

(*) Arterial right-of-way, design and width, including frontage roads, is determined by state standards, designation of individual street or roadway segment, logical extensions, and as determined by the City Engineer.

Right-of-way

Additional right-of-way for triangular or curved at intersections may be required to meeting turning radii, sidewalks with ramps, utilities, traffic signals, boulevards, and so forth.

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 and future connection agreement 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.

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. Sewer services lines shall be tapped to sewer mains at the upper pipe limit and not at the flowline.
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 sanitary sewer supply and future connection agreement 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 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 48-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.
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 and in accordance with the City Stormwater Drainage Manual.

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.

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 or City.

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 or other payment agreement.

1. Such fee shall be determined by the City Engineer based on most recent, similar construction type.
2. If an agreement or impact fee is required, details shall be included in the Development Agreement.

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 amounts 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 with adequate advanced notification to the City.

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 and City Engineer 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, City Engineer, 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, City Engineer, or his/her designee 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. As built plan shall be electronic in a format acceptable to the City. No building permits or occupancy permits will be approved until such completed record drawing submittal is reviewed and approved.

Section 2. The Columbus 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 Unified Land Development Ordinance of the City of Columbus, Nebraska, adopted by Ordinance No. 20-32 on January 18, 2021, 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. That the Columbus Land Development Ordinance shall hereinafter be incorporated into the Columbus City Code as Title XV, Chapter 151, Zoning Chapter and Chapter 152, Subdivision Chapter.

Section 4. 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 _____, 2023.

_____

MAYOR

ATTEST:

_____

CITY CLERK

APPROVED AS TO FORM:

_____

CITY ATTORNEY

ORDINANCE NO. 23-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, REPEALING THE EXISTING UNIFIED LAND DEVELOPMENT ORDINANCE OF THE CITY OF COLUMBUS, NEBRASKA, ADOPTED BY ORDINANCE NO. 20-32 ON JANUARY 18, 2021; ADOPTING THE COLUMBUS LAND DEVELOPMENT ORDINANCE AS SET FORTH HEREIN; INCORPORATING THE COLUMBUS LAND DEVELOPMENT ORDINANCE INTO THE COLUMBUS CITY CODE, TITLE XV, CHAPTER 151, ZONING CHAPTER AND CHAPTER 152, SUBDIVISION CHAPTER; 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 Land Development Ordinance is hereby approved and adopted as follows:

The Columbus Land Development Ordinance for the City of Columbus

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CHAPTER 1: ZONING

1 ARTICLE ONE: GENERAL PROVISIONS

1-1 Title

Chapter 1 of this Ordinance shall be known as the Zoning Chapter of the Columbus Land Development Ordinance of the City of Columbus, Nebraska, and shall be incorporated into the Columbus City Code as Title XV, Chapter 151.

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 of is 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 Columbus 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.

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

The City of Columbus intends that this Columbus 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 Columbus 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 Columbus Land Development Ordinance conflicts with any other provision of the Columbus 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 Columbus 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.

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.

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.

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.

a. Shall and May

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

b. 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.

c. Conjunctions

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.

d. 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.
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

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 street access: An approved private street access with 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.
    (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 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.
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

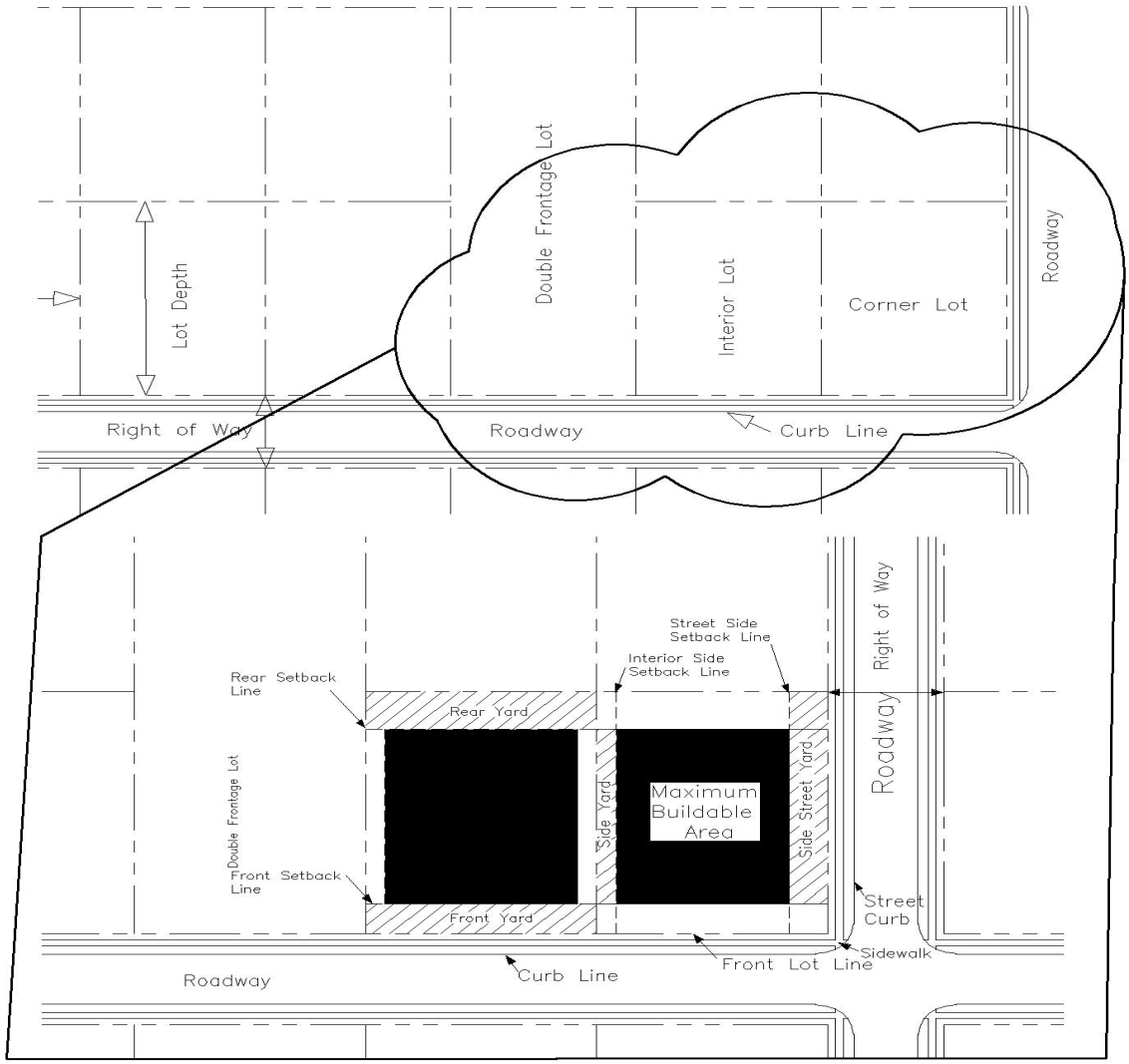
1. Aerial Map: An orthoimage with a scale of not less than 1 inch to 600 feet showing the location of a development project or subdivision in reference to surrounding

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 .
    (a) Corner Lot: A lot located at the intersection of two streets, private street access or on two segments of a curved street or private street 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): Lot Definitions



Lot Area: The total horizontal area within the lot lines of a lot.

5. Lot Depth: The average horizontal distance between the front and rear lot lines.
6. 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.

7. 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;

   (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 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 O

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.
5. 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.
6. 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.
7. Premises: A tract of land consisting of one or more lots or sites which are contiguous and under common ownership or control.
8. 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.
9. 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.
10. Property Line: The line separating parcels.

2-20 Q

2-21 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.

2-22 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.

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: 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.

2-23 T

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. In addition, no more than twelve contiguous townhouses with common or abutting walls.

2-24 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.

2-25 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.

2-26 W

2-27 X

2-28 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.

2-29 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.

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.

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.

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: 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 columbarium, 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: 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:

   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 a 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.

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: 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.

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.

   Exception: Short term rental of residential property in compliance with LB57 approved by the Governor on March 7, 2019. See Note #1, Table 4-2 (Bed & Breakfast)

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.

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.

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:

1. 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.

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 Commercial Air Bed and Breakfast, 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 confined 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.

    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. Private parking towaways or impound yards but exclude dismantling or salvage.

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

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.

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.

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.

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.

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.

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

OVERLAY DISTRICTS

Map Code	District Name
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 Table 4-2 and Table 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.

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 of this Zoning Code. Such changes shall be reflected on the Zoning Map. The City Clerk and City 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.

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.

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.

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			
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 ** Two-unit townhouse only

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	

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
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	
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) * Note 1

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
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)
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			

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
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			

- **Note 1 – Exception: Short term rental of residential property in compliance with LB57 approved by the Governor on March 7, 2019.**

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		
Personal Improvement 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			

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
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.

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
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	

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
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	
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 (Single Family) 3,740 (Two Family)	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%
Maximum Impervious Coverage	NA	NA	50%	55% (8)	65%
Floor Area Ration	NA	NA	NA	NA	1.00

Note 1: See Section 6 for supplemental regulations governing townhouse residential use types. Note 2:

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: 4,840 square feet for single-family lots; 7,480 square feet for duplex or other residential lots.

Note 6: Accessory buildings cannot be over 20 feet in height to the peak.

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

Table 4-3(a): 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.

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	1.00	1.00	1.00	5.0	3.0

*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.

Table 4-3(a): 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	2.0	2.0

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

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:

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.

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

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

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 economic 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;
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

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

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

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.

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.

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, is residents, and its businesses by preventing excessive and unsafe development in areas 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 3 ARTICLE THREE 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 4 ARTICLE FOUR and 5 ARTICLE FIVE.

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: 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 Article 2. 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 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 flood proofed.
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 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 street 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 flood proofing is utilized for an applicable structure, a flood proofing 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 LOMRF.
   (b) Applicant shall demonstrate that the property and any existing or proposed structures will be "reasonable 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.

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 Procedures**

1. The Board of Adjustment as established by City of Columbus shall hear and decide appeals and request for variances from the requirements of this ordinance.
2. 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.
3. 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).
4. 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:
   (a) The danger to life and property due to flooding or erosion damage.
   (b) The danger that materials may be swept onto other lands to the injury of others;
   (c) 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;
   (d) The importance of the services provided by the proposed facility to the community;
   (e) The necessity of the facility to have a waterfront location, where applicable;
   (f) The availability of alternative locations that are not subject to flooding or erosion damage for the proposed use;
   (g) The compatibility of the proposed use with existing and anticipated development;
   (h) The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;
   (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
   (j) 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,
   (k) 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.

g. **Conditions for Variances**

1. 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 applicant.
2. Variances shall only be issued based upon a determination that the granting of a variance will not result in increased flood heights.
3. 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.
4. 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.
5. 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.
6. 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.
7. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
8. 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.
9. All requests for variances and associated actions and documents, including justification for their issuance, shall be maintained by the community.

h. **Enforcement**

(a) **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.

(b) **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:

(1) Be in writing;

(2) Include an explanation of the alleged violation;

(3) Allow a reasonable time for the performance of any remedial act required;

(4) Be served upon the property owner or their agent as the case may require; and

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

i. **Penalties**

1. 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.
2. 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.
3. 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.

b. Encroachments

1. When proposing to permit any of the following encroachments, the standards in Section 5-1 shall apply:

(a) Any development that will cause a rise in the base flood elevations within the floodway; or

(b) 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

(c) Alteration or relocation of a stream; then

2. The applicant shall:

(a) 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

(b) 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

(1) New structures for human habitation are prohibited.

(2) All encroachments, including fill, new construction, substantial improvements, 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.

(3) 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 5-1, 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:

(1) Agricultural uses such as general farming, pasture, nurseries, and forestry

(2) Residential uses such as lawns, gardens, parking, and play areas

(3) Nonresidential uses such as loading areas, parking, and airport landing strips

(4) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, and wildlife and nature preserves.

4. Elevation and Floodproofing Requirements

(a) Residential Structures

(1) 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.

(2) 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.

(3) In the floodway, new structures for human habitation are prohibited.

5. 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:

(1) The structure is watertight with walls substantially impermeable to the passage of water and

(2) The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(3) 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:

(1) The structure is watertight with walls substantially impermeable to the passage of water and

(2) 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.

6. 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:

(1) A minimum or two openings having a net total 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.

7. 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:

(1) The structure shall not be used for human habitation.

(2) 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.

(3) The floor area shall not exceed 400 square feet.

(4) The structure shall have a low damage potential.

(5) The structure must be adequately anchored to prevent flotation, collapse, or other lateral movement.

(6) 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:

a. 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,

b. The bottom of all openings shall not be higher than one (1) foot above grade, and

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.

(7) 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.

(8) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(9) If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.

8. Manufactured Homes

(a) Require that all manufactured homes to be placed or substantially improved within floodplains on sites:

(1) Outside of a manufactured home park or subdivision,

(2) In a new manufactured home park or subdivision,

(3) In an expansion to an existing manufactured home park or subdivision, or

(4) 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 be elevated so that either;

(1) The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or

(2) 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:

(1) 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;

(2) 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;

(3) Any additions to the manufactured home be similarly anchored.

9. 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 Section 5-1.

(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.

10. Design and Construction Standards

(a) 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.

(b) Building Materials and Utilities

(1) 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.

(2) 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.

11. 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.

12. 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.

13. 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.

    (a) Storage of Materials

        (1) 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.

        (2) 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.

    (b) Recreational Vehicles

        (1) Within any floodway, recreational vehicles and recreational vehicle parks shall be prohibited.

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

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

        (4) 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

        (5) Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this ordinance.

14. 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 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.

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 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 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.

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).

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.

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

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:

1. Horticulture
2. Crop Production
3. Animal Production, subject to the following additional conditions:
   (a) Any new animal shelter, confinement facility, or animal unit shall require approval by the City Council through the special use permit procedure;

   (b) 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.

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.

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 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.

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

      Any garden center adjacent to a residential district must maintain a 20-foot landscaped Bufferyard consistent with the standards established in

      and Section 8-5.

   2. Roadside Stands: 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.

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

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

b. Commercial Feedlots: 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 3,740 square feet in the R-2 District and 1,500 square feet in the R3 District;

   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.

c. Multi-Family and Group Residential in B-1 District:

1. 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.

d. Non-Traditional Residential Parks in NTR District: 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(a): Site Development Regulations.
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 Article 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(a): 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.

(1) 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 350 feet in length without a variance.

(2) 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 350 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.
9. A set down permit with fee as set by Resolution is required for each mobile home.
10. Each manufactured home shall be equipped with tie down anchors as approved by the Building Official.

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.

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: Each group care facility or group home must be validly licensed by either the State of Nebraska or the appropriate governmental subdivision.

   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:

   1. 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.

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.
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:

(a) Erosion Control: A resource extraction use may not increase the amount of storm run-off onto adjacent properties. Erosion control facilities, including retention or detention and sediment basins, are required of each facility if necessary to meet this standard.

(b) 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.

(c) 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.

(d) Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:

(1) Restoration of slopes to a gradient not exceeding 33% as soon as possible;

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

(3) 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.

(e) 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.

(f) 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.

(c) Storage of materials within any salvage services facility may not be higher than the height of the surrounding screen fence or wall.

(d) 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 Neb. Rev. Stat. Sections 13-1111 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;

(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 Supplemental Use Regulations: 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

1. 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.

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.

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 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 Section 3-3 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.

c. Permitted Accessory Uses: Agricultural Use Types

1. Garden centers and roadside stands, subject to the regulations set forth in Section 6-2.
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

1. Outdoor storage is permitted where incidental to agricultural uses.

b. Civic Use Types

1. 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.
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

a. 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.

b. COMPLIANCE REQUIRED:

Every private residential swimming pool constructed, installed and maintained hereafter shall comply with all applicable provisions of this Code.

c. 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.

d. PERMIT FEES:

The fee for a permit for the erection or construction of a swimming pool shall be as set by resolution.

e. DRAWINGS, PLANS AND PERMITS:

1. 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.
2. 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.
3. 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.

f. REGULATIONS

1. <u>LOCATION:</u>

(a) 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.

2. <u>RECIRCULATION POOLS:</u>

(a) 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.

3. 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 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.

   (b) 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.

   (c) 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.

   (d) Pool walls that are to be lined with a plastic liner shall be constructed of masonry or reinforced concrete.

4. WALK AREAS:

   (a) 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.

5. FENCES:

   (a) 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 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 Building Official. 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.

6. STEPS OR LADDERS:

   (a) 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.

7. WATER SUPPLY:

   (a) 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.

8. ELECTRICAL REQUIREMENTS:

   (a) 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

9. 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.

6-11 Supplemental Use Regulations: Mailboxes

Mailboxes constructed on a base other than a single pole and a footprint larger than 25 square feet need approval from the City Engineer as to location and the Chief Building and Code Official as to the structure and size.

6-12 Supplemental Use Regulations: Cargo Containers and Portable Storage Containers

Cargo containers sixteen (16) feet long and longer are only allowed in light industrial zoning districts and general industrial districts subject to the following requirements:

a. The time duration that storage containers can be allowed on a particular site shall be established by the Development Review Team (DRT).

b. Containers shall be limited in quantity to the number allowed by the Development Review Team and shall not be increased without additional review.

c. Location of containers on the site shall be restricted to the location approved on the site plan by the Development Review Team.

d. Containers approved for a duration of twelve (12) months or more may require screening view of any adjacent property and public streets in a manner approved by the Development Review Team including, but not limited to, fencing, berming, landscaping or a combination thereof.

e. All storage containers shall be clean and well-maintained portable storage

   1. Containers sixteen (16) feet and less in length are allowed in all zoning districts subject to the following requirements:

   2. The temporary placement of one (1) portable storage container not to exceed the size dimensions of eight (8) feet wide by eight (8) feet high by sixteen (16) feet long on a residential lot for the purpose of loading and unloading household contents shall be permitted for a time not to exceed ninety (90) days in a twelve

(12) month consecutive period. Additional time is subject to City approval by the Building Official on a case-by-case basis. Additional containers on the same site require City approval by the Building Official prior to placement.

3. Portable storage containers shall not be used for long term storage.
4. No permit is required; however, the street address of the location the container is going to be placed and the date of placement shall be communicated by telephone, electronic mail, or in person, to the Building Official prior to the day the container is placed.
5. The property must be occupied by a principal residential building.
6. Containers are allowed in the front building setback but shall be placed a minimum distance of five (5) feet from any side or rear property lines. Preferred location is in the driveway of the residence, but in no case shall the container be placed in the street or encroaching on public right-of-way.
7. Signs on any portable storage container shall be limited to not more than twelve (12) square feet each, not to exceed one (1) per side. Signage on the container shall not be used for advertising off-premise businesses other than the company that owns and operates the container business.
8. No sales shall be conducted from a portable storage container.
9. All storage containers shall be clean and well maintained.

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 (including enclosed or unenclosed), 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.
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. 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 an existing building on one side only, the minimum front yard shall be the setback of the adjacent building.

(b) 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.

d. 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.

e. 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.

f. Antennas: No antennas are permitted in the front yard.

g. Vision Clearance Zones: No structures, plantings to maturity, landscaping, fences, parked vehicles, or other obstructions shall be built or placed above a maximum height of 30-inches above the established curb grade or radii 20 feet of less within, whichever is greater in clear zones, from a triangle formed 1) by a line connecting points thirteen feet along each leg from the property lines from their point of intersection and 2) by a line connecting points forty feet along each leg from the back of curb 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 sign of drivers and/or pedestrians approaching the intersection as show in Figure 7-2(a). Radii greater than 20 feet shall be subject to the Figure requirements. Vision clearance where private driveways and streets or courts meet shall be subject to approval of the Building Official.

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

1. 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.

Figure 7-2(a): Vision Clearance Zone

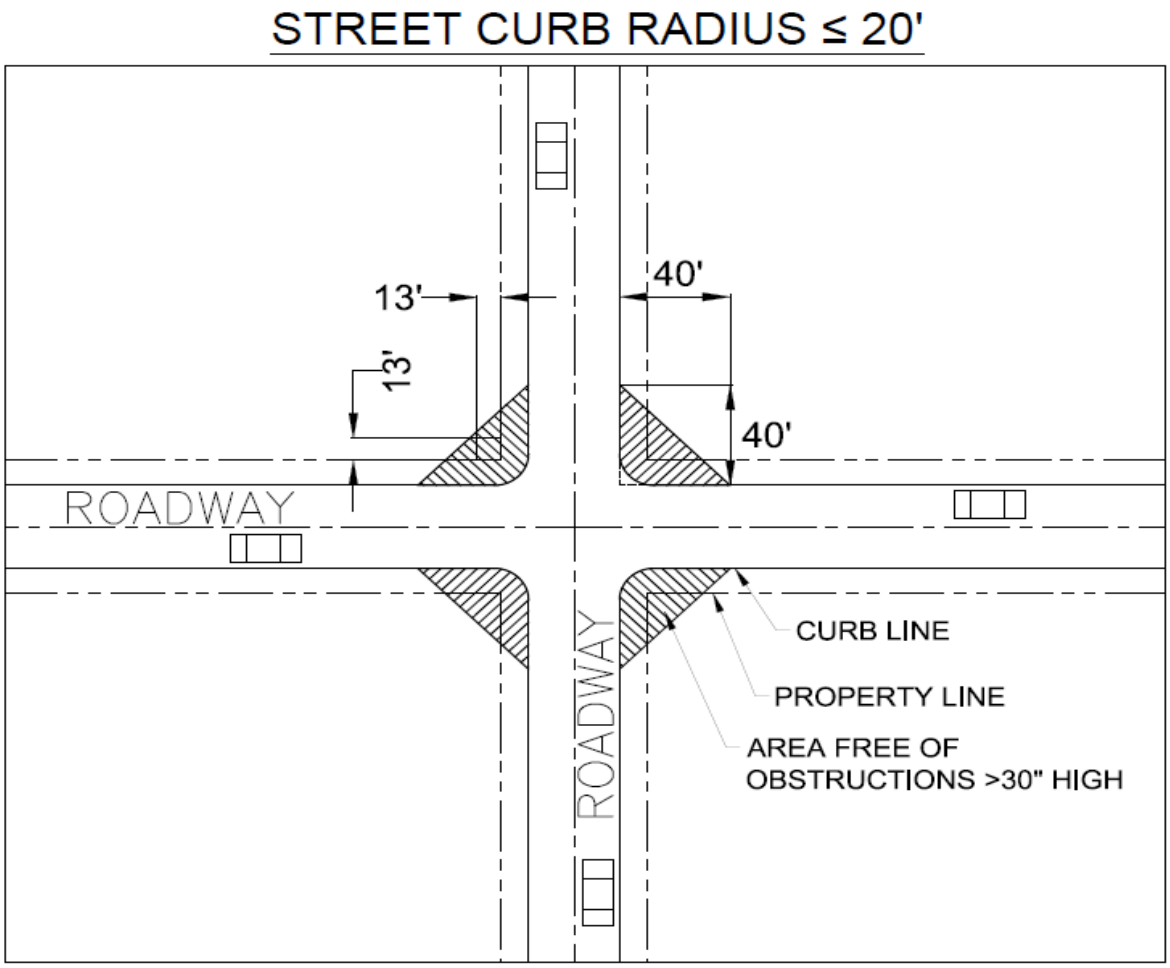


FIGURE 7-2 (a): *VISION CLEARANCE ZONE*

Figure 7-2(b): Vision Clearance Zone

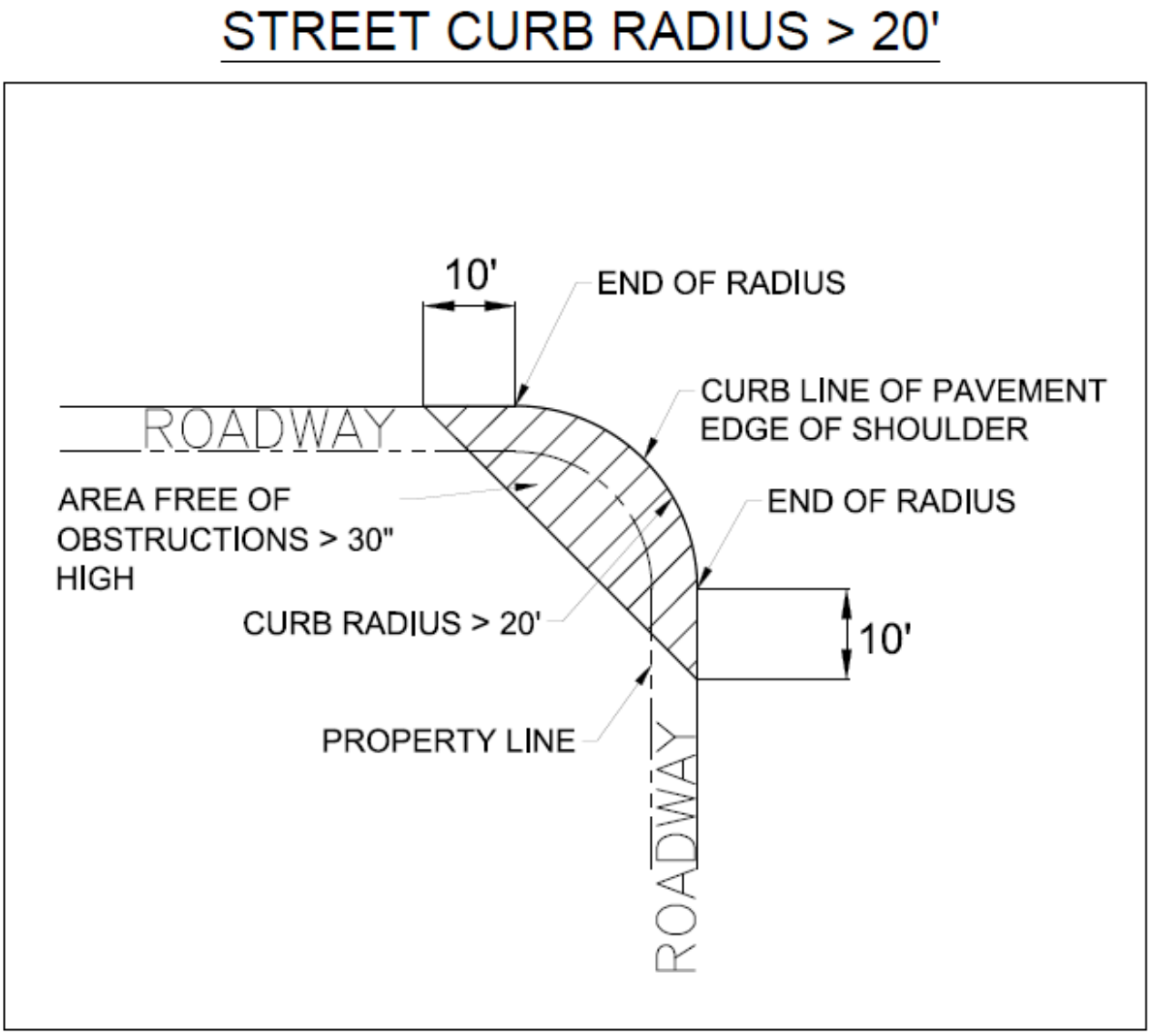


FIGURE 7-2 (b): *VISION CLEARANCE ZONE*

7-3 Height Exceptions

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

1. 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.
2. Radio Towers: 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(a): Site Development Regulations. This exception does not apply to parabolic antennas, designed to receive signals from satellites.

   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.
3. 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.
4. Wind Energy Conservation Systems (WECS): Wind Energy Conservation Systems are exempt from the height restrictions of the base district in accordance with existing ordinances.
5. 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.

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

a. Purpose: Section 5-11 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: 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.

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

b. 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.

c. 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.

d. 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.

2. 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.

e. Office, Commercial, and Industrial Fences: 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 Downtown Building Standards

The Downtown Business District includes the area bounded by 10th Street and 15th Street and 21st Avenue and 32nd Avenue, all public right-of-way or portions thereof located within these boundaries, and all buildings or structures abutting, adjoining, or bordering the same.

The City of Columbus has set forth these guidelines as minimum standards whereby properties in the Downtown Business District can be improved or built upon; it is in the best interest of the City and its residents to have a downtown that is pleasing to walk, drive through and conduct business in while maintaining an environment that preserves, to a reasonable extent, the heritage and history of Columbus. Any improvement or building project should be undertaken with care and consideration of these goals.

A majority of the commercial buildings in the Columbus downtown retain their original form and ornamentation in the upper stories. Out of the total of 127 properties in the Downtown, 101 are considered architecturally and historically significant. The majority of the commercial buildings were built between 1910 and 1919 with most of the remaining being built from 1930 to 1946.

The downtown code is the regulating document for development within the downtown of Columbus. The downtown code recognizes the historic character of the downtown and identifies a special set of development standards, allowed use regulations, and other special use regulations that, when applied to new construction and qualifying remodel/s expansions will ensure that the historic character is positively complement. These guidelines apply to any portion of the commercial and/or institutional properties visible to pedestrians and/or motorist within the Downtown Business District.

Building should work together to create a “wall of buildings” effect associated with traditional downtown areas. New construction and infill building must maintain the alignment of facades along the sidewalk edge; exceptions may be granted if the setback is pedestrian oriented and contributes to the quality and character of the streetscape, or if the lot size, shape and the intended use of the building require substantial associated onsite parking.

A minimum of 30% of the ground level front façade and 20% of the ground level sides of buildings adjacent to public right of ways shall consist of any combination of windows and doors with large glass panels, as shall a building’s rear façade if it faces public right of way, parking area or open space. Windowless upper floors are not permitted and the windows should be vertically oriented. Arched tops, columns framing and window and decorative lintels, where appropriate are encouraged.

Infill construction should reflect some of the detailing of surrounding buildings in building massing, window shape, cornice lines and brick work.

For the first 20 feet above street level, street facades shall be constructed of durable materials such as stone, brick, tile, or glass, or similar materials such as precast concrete, or poured in place concrete are required as the primary exterior material facing

streets. Other high-quality materials may be proposed to and approved by the Chief Building and Code Official.

Faux brick products (not made of fired clay) are prohibited. Metal is not suitable primary material for building exteriors in the Downtown area.

With the exception of existing, the following materials are not permitted for use on the facades or sides of buildings adjacent to public right of way.

1. Brick larger than 4" in height, 12" in length
2. Aluminum, vinyl or fiberglass siding.
3. Concrete masonry units, other than limited use of split faced block which may be considered accent lines or the emulation of foundation stone if appropriate.
4. Materials that attempt to mimic traditional materials (an example would be fiberglass panels that are molded to look like brick); a singular exception to this is the judicious use of cultured stone.
5. Stucco or synthetic stucco is prohibited below the 12 (twelve) foot level but may be substituted above that level for the durable materials described above. Exception stucco maybe approved by the building official below the 12 (twelve) foot level if the structural integrity of the brick has been compromised.

If a new commercial building is constructed within the Downtown Business District its design should complement its environment and should include design elements, proportion, colors, etc.

Tile, stone, glass block, copper flashing, metal and wood are among the type of materials that should be considered for accents to buildings. Preference is for a high level of design and architectural detail.

7-7 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 Section 12-8 and Section 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 Article 8, shall apply to all new development on each lot or site upon application for a building permit or replacement of sidewalk within the B-1 district, except for the following:

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

b. 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.

TABLE 8-1: Required Landscape 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
B-1	Sidewalk landscape beds including approved plantings in sidewalks in accordance with the B-1 district master plan and design standards
B-2	10 feet
ML/C-1	No Requirement
MH	No Requirement

B-1 district sidewalk landscaping beds or administrative official approved landscape heavy duty landscape pots or structure shall be located in accordance with the master plan and design standards. Improvements shall include coordinated district sizing, location, construction features, underground stormwater collection system, connection to public storm sewer system, bedding, earthen material, plantings and related work.

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.

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.

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

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 a slope between 4 and 6 percent as approved by the Building Official 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. Sidewalk or trail cross slope, including the driveway, cannot exceed two percent (quarter inch per foot) in accordance with the American's is Disability Act.

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 specification 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.

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.

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.

Civic Use Types	
Health Care	1 space per 300 square feet + 1 space per employee of largest shift.
Maintenance Facilities	See Schedule A.
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.

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.

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.

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

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.

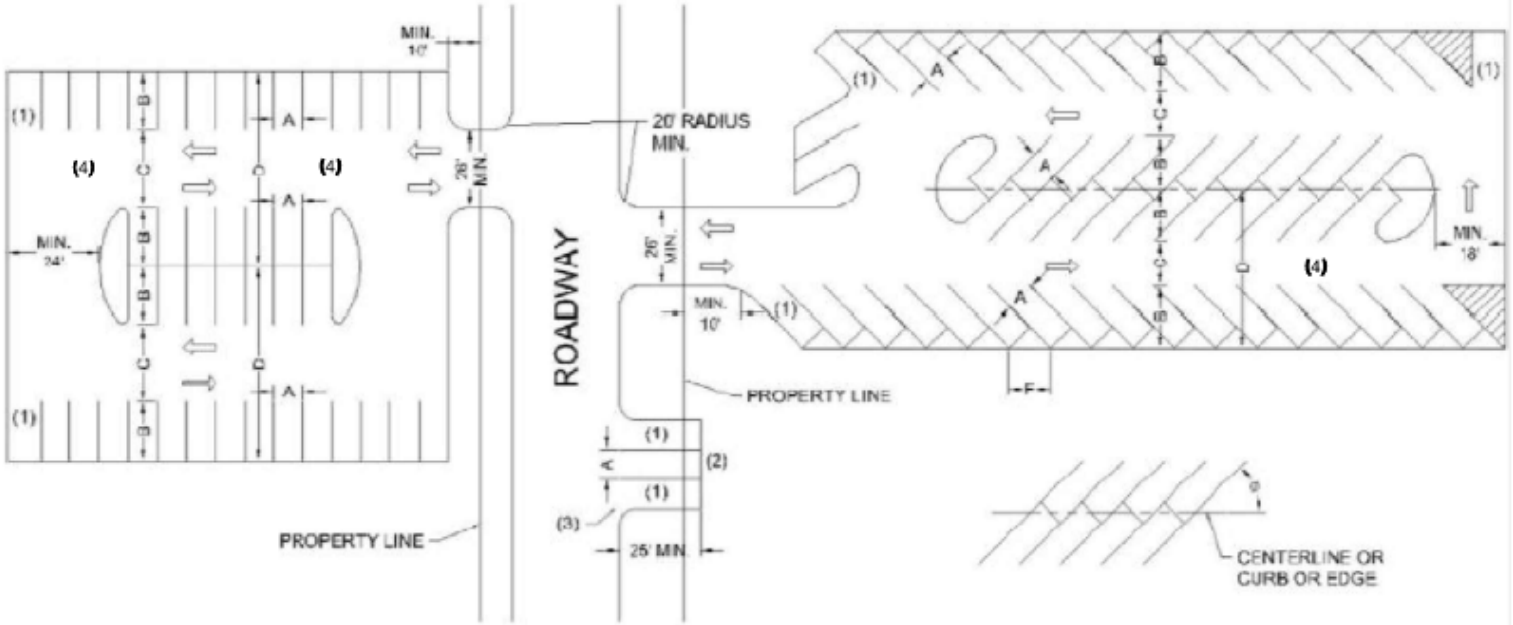
b. Non-Residential Parking

1. 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 9-4: Off-Street Parking Standards



ANGLE (°)	STALL WIDTH (A)	STALL DEPTH (B)	AISLE WIDTH (C)	TYPICAL MODULE (D)
45°	9.0'	18.0'	16.0'	52.0'
60°	9.0'	19.0'	17.0'	55.0'
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

(4) MAIN ENTRY ACCESS AISLE TO BE 26 FOOT MINIMUM WIDTH

a. Dimensions: Parking stalls and aisles shall be provided in accordance with the design standards provided in Figure 9-4 and Figure 9-5(c).

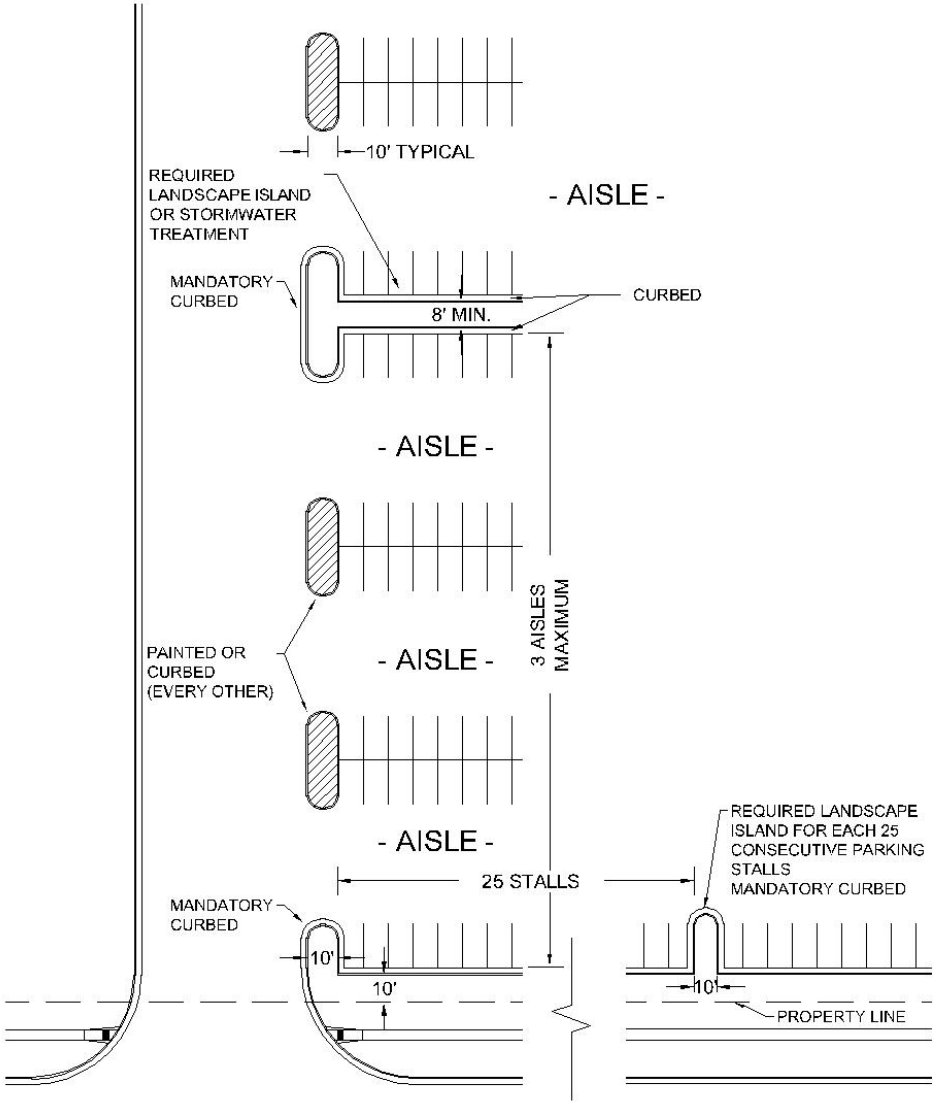
b. Pavement and Drainage: Off-street parking facilities shall be designed and built to the stormwater management program requirements. Parking lots shall have an internal drainage system and not adversely sheet flow drain onto public right-of-way, roadways, and alleys. Public storm sewer or drainage ways adjacent to or nearby and available must be extended into the parking lot for this purpose.

   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 during the life of the facility:

   1. Each unenclosed parking facility shall provide a minimum buffer of ten feet along any street property line; Ten-foot buffer is not required in the B-1, ML/C1 and MH Districts.
   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.

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 and main aisle 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.

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

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 Article 9 of the Columbus 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 crushed aggregate surfaced driveway or paved pad adjacent to the driveway, any portion of the access or driveway in public right-of-way must be concrete or asphalt paved;
   (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

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;

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, Serviceability, 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 Columbus Land Development Ordinances (CLDO).

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.

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 in 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.
9. *COMMERCIAL BUILDING, MULTIPLE TENANT*: A commercial building with two (2) or more separate tenants having individual entrances and shared parking.
10. *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.
11. *FRONTAGE:* The length of a property line of any one (1) premise abutting and parallel to a public street, private way, or court.
12. *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.
13. *INDIVIDUAL LETTERS*: A cutout or etched letter or logo which is individually placed on a wall or freestanding sign.
14. *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.
15. *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.

16. *MARQUEE:* A permanent roofed structure attached to and supported by a building and typically extends over public right-of-way.
17. *PAN-CHANNEL LETTER:* An individual three-dimensional letter constructed by means of a three-sided metal channel.
18. *PERMITTED SIGN BUDGET:* The permitted square feet of sign area allowed for signage on a premise.
19. *PREMISES:* A tract of one (1) or more lots or sites which are contiguous and under common ownership or control.
20. *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.
21. *SIGN COPY:* Any combination of letter or numbers which is intended to inform, direct, or otherwise transmit information.
22. *SIGN FACE:* The area of a sign on which words and images are placed.
23. *SIGN STRUCTURE:* The structural supports, monument base, foundation, uprights, braces, guides, anchors, and framework of a sign.
24. *VISION CLEARANCE TRIANGLE:* The vision clearance triangle is described in 7-2. 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.
2. ATTACHED SIGN: A sign which is structurally connected to a building or depends upon that building for support.
3. AWNING SIGN: A sign painted, installed, attached, or otherwise applied to or located directly on an awning.
4. 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.
5. BALLOON SIGN: A sign supported by a balloon.
6. BILLBOARD: See Outdoor Advertising Signs.
7. 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.
8. BLINKING SIGN: See Flashing Sign.
9. BUILDING MARKER: See Integral Sign.

10. 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.
11. 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.
12. CANOPY SIGN: A sign painted, installed, attached, or otherwise applied to or located directly on a canopy.
13. CHANGING MESSAGE SIGN: A sign designed to permit change of copy manually.
14. DETACHED SIGN: A sign which is self-supporting and structurally independent from any building.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.

24. 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.
25. HISTORIC MARKER: A marker commemorating a recognized historic person or event, or identifying a historic place, structure, or object.
26. 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 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.
27. 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.
28. MARQUEE SIGN: A sign painted, installed, attached or otherwise applied to or located directly on a Marquee.
29. MONUMENT SIGN: An on-premise freestanding sign with the appearance of a solid base.
30. 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.
31. MURAL-ADVERTISING: See Painted Wall Sign.
32. NONCONFORMING SIGN: A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
33. 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.
34. OBSOLETE SIGN: Sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located.
35. 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.
36. 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.
37. 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.

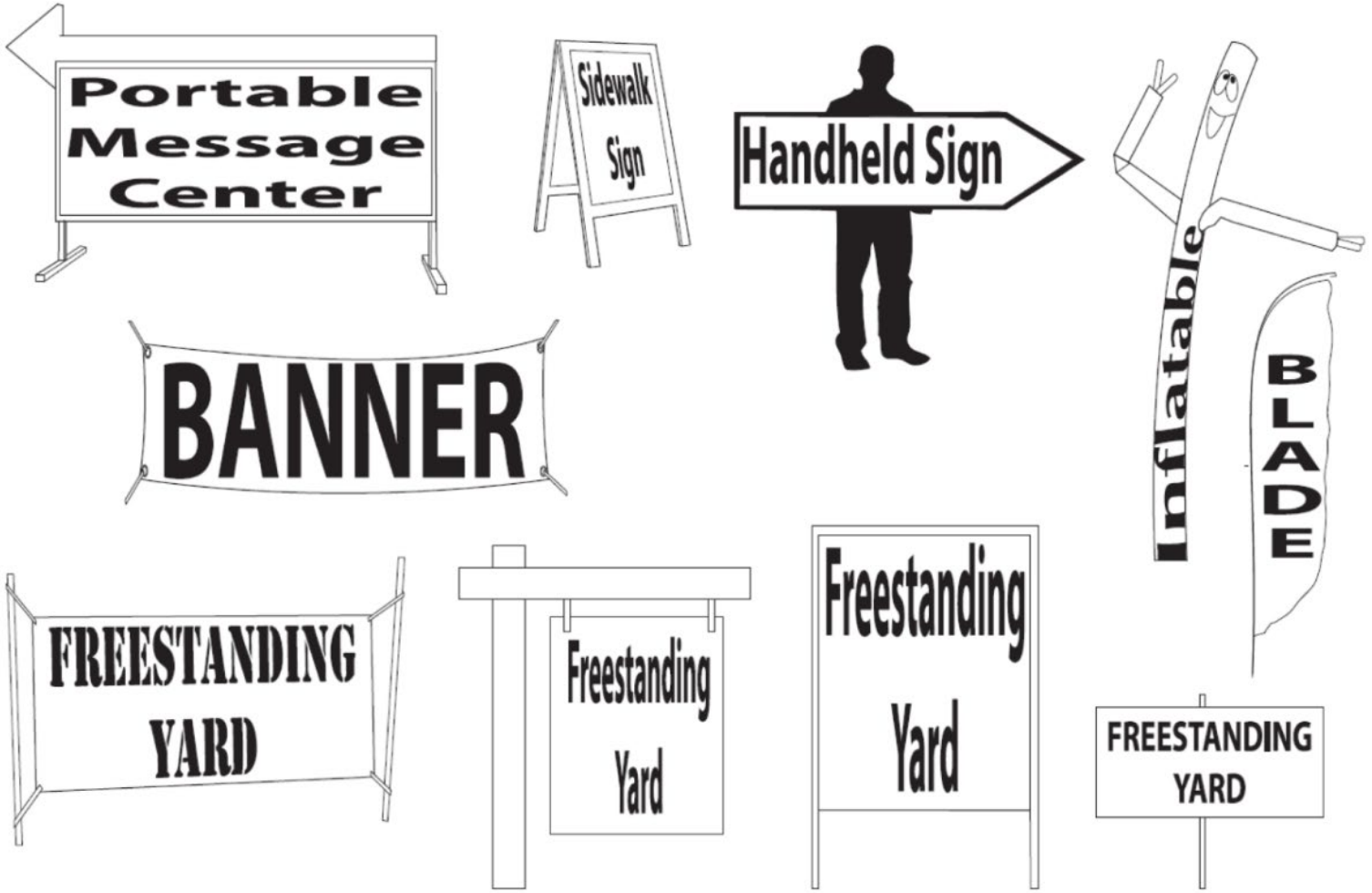
38. PAINTED WALL SIGN: A sign painted directly onto the exterior wall of a building containing a logo, business name, or advertisement. May also be referred to as a Mural-Advertising.
39. PERMANENT SIGN. A sign constructed of durable materials, attached to the ground or a building in a manner provided by the building code.
40. POLE SIGN: An on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance greater than three (3) feet.
41. 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.
42. 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 limited to, signs designed to be transported by means of wheels. Such signs may include changeable copy.
43. PROJECTING SIGN: A sign other than a wall sign that is attached to and projects from a building face.
44. 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.
45. 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.
46. 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.
47. 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.
48. 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.

49. 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.
50. TEMPORARY SIGNS: Any sign constructed of cloth, canvas, fabric, plywood, or other light materials and intended for display for a short period of time.
51. 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).
52. 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 vehicle or piece of equipment is used for transporting people or materials in the normal day-to-day operation of the business.
53. 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.
54. 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.

Figure 10-1: Permanent Signs Example



Figure 10-2: Temporary Signs Example



10-4 General Sign Regulations

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.

a. Permanent Sign; Registration of Installers: 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.

b. Revocation of Registration; Sign Installers:

1. 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.

2. 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.

c. 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:

1. Worker's compensation insurance.

2. 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.

3. The City of Columbus shall be named a Certificate Holder, on the above liability and property damage insurance.

4. A thirty (3) day written notice shall be given to the Building Official in the event of expiration or of proposed cancellation of the insurance policy.

d. Permit Procedures

1. 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 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.

2. 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.

3. 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.
4. 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.
5. 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.
6. Application Fees. Fees as prescribed in this article are set forth in the City of Columbus Comprehensive Fee Schedule.
   (a) 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.
   (b) 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.

e. Design Standards

1. 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.
2. 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

Design; Clearances and Projections. All signs must maintain the following clearances and projections as well as any clearances and projections outlined in this Article.

(a) Clearances: The lowest point of a sign must maintain the following minimum vertical clearances, unless otherwise stated in this Article:
   (1) Seven (7) feet, six (6) inches over sidewalks;
   (2) Fifteen (15) feet over parking lots;
   (3) Eighteen (18) feet over driveways.

(b) Projections: The projection regulation below shall stand, unless otherwise stated in this Article
   (1) No sign or sign structure shall project into any street right-of-way.
   (2) No sign or sign structure shall project into any public alley right-of-way.

3. 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.
4. 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.
5. 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:

(a) The working strength of chains, cables, guys, or steel rods shall not exceed one-fifth (⅕) of the ultimate strength of such chains, cables, guys, or steel.

6. 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.
7. 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.

f. Construction Standards

1. 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.

   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.

2. 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.

   (a) Awnings and Canopies: Shall comply with the requirements of the City adopted International Building Code.

3. 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.

4. 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 10-1.

   Sections of approved plastics on wall signs shall not exceed two hundred twenty-five (225) square feet in area.

Exceptions:

(a) Section of approved plastics on signs other than wall signs may be of unlimited area if approved by the Building Official.

(b) Section of approved plastics on wall signs shall be separated three (3) feet laterally and six (6) feet vertically by the required exterior wall construction.

(1) Sections of approved plastics on signs other than wall signs may be contiguous if approved by the Building Official.

5. 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 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.

6. Construction; Electrical. Clearance from overhead power lines. When installed, signs shall maintain clearance from overhead power lines as follows:

   (a) Less than seventy hundred fifty (750) volts: Seven (7) feet horizontally and vertically

   (b) 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.

7. 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.

8. 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.

Table 10-1: Maximum Size of Exposed Glass Panel

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

g. Maintenance and Alterations

1. 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.

2. 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.

h. Nonconformance

1. 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:

(a) No such sign may be enlarged or altered in a way which increases its nonconformity; however, reasonable repairs and alterations may be permitted.

(b) 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.

j. Violations and Enforcement

2. 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.
3. Violation Declared a Civil Infraction. It shall be a civil infraction for any person to violate any of the provisions of the sign standards.
4. 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.
5. 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:

(a) Administrative Enforcement.

(1) For any abandoned, discontinued, prohibited, or illegal sign, the Building Official or designee may send notice, via certified mail, to the record owner or occupier of the property to abate the nuisance within a reasonable time.

(2) 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:

a. Removal of the sign; or

b. Obtaining the required permits and bringing the sign into compliance with the sign standards.

(b) 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.

(c) 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.

(1) Location.

a. 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.

b. Ingress/Egress Clearance. No sign shall interfere with any driveway or access way or any means of ingress or egress to any building.

c. 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 the greater clear zone area of 1) a triangle measured from the property line to a point 13 feet in each direction from the intersection along the property line or 2) a triangle measured from the extensions of the back of curb to a point 40 feet in each direction from the intersection. 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) 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.
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. Not 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

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 Figure 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 10-2.
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 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.

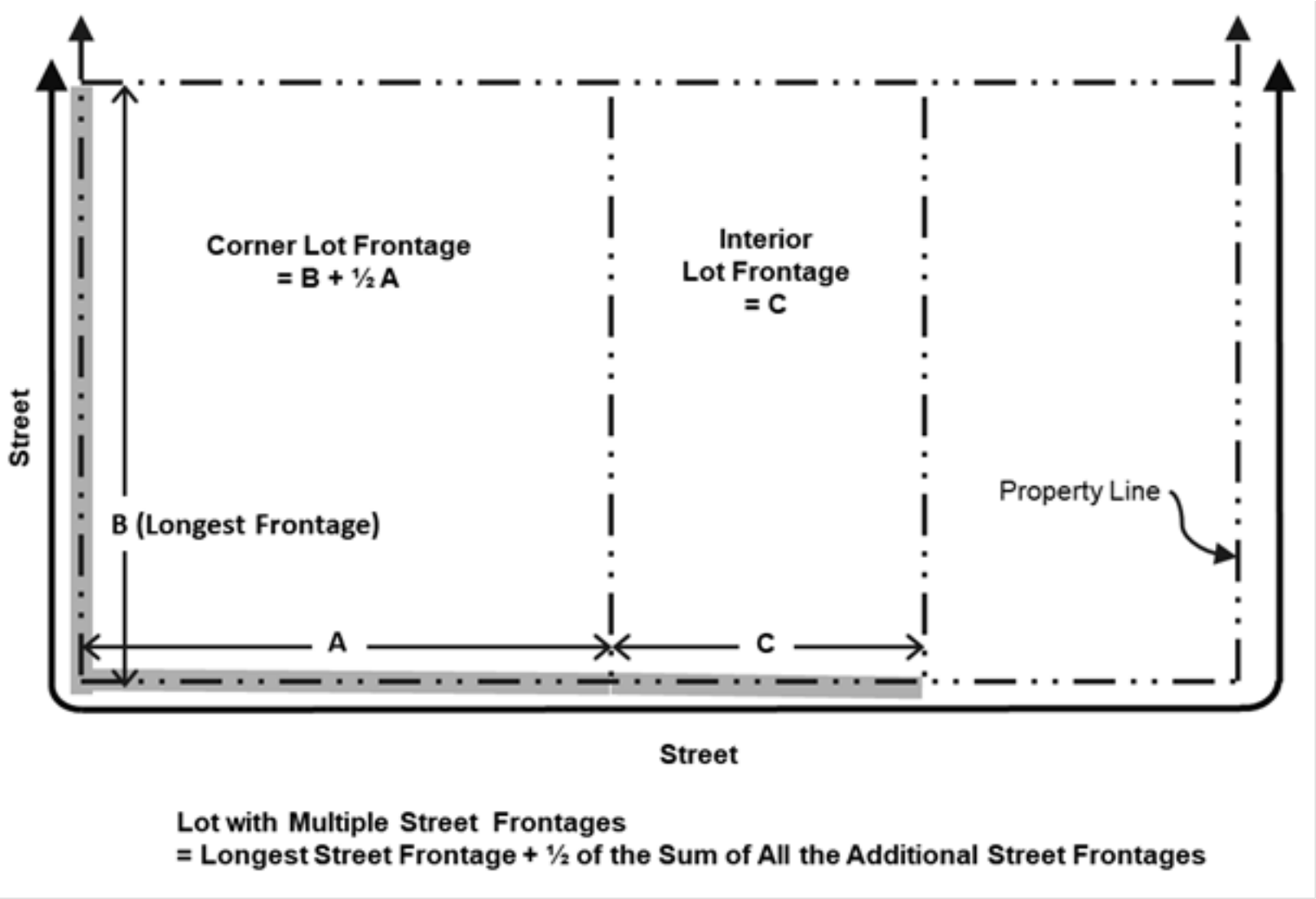
Table 10 – 2: Permitted Permanent Sign Budget by District

	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.

Figure 10 - 4: Lot Frontage Determination

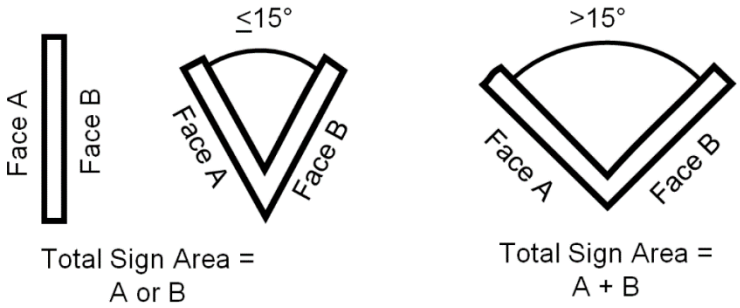


Lot with Multiple Street Frontages
= Longest Street Frontage + ½ of the Sum of All the Additional Street Frontages

a. *Sign Area.* Sign area is measured or calculated as follows:

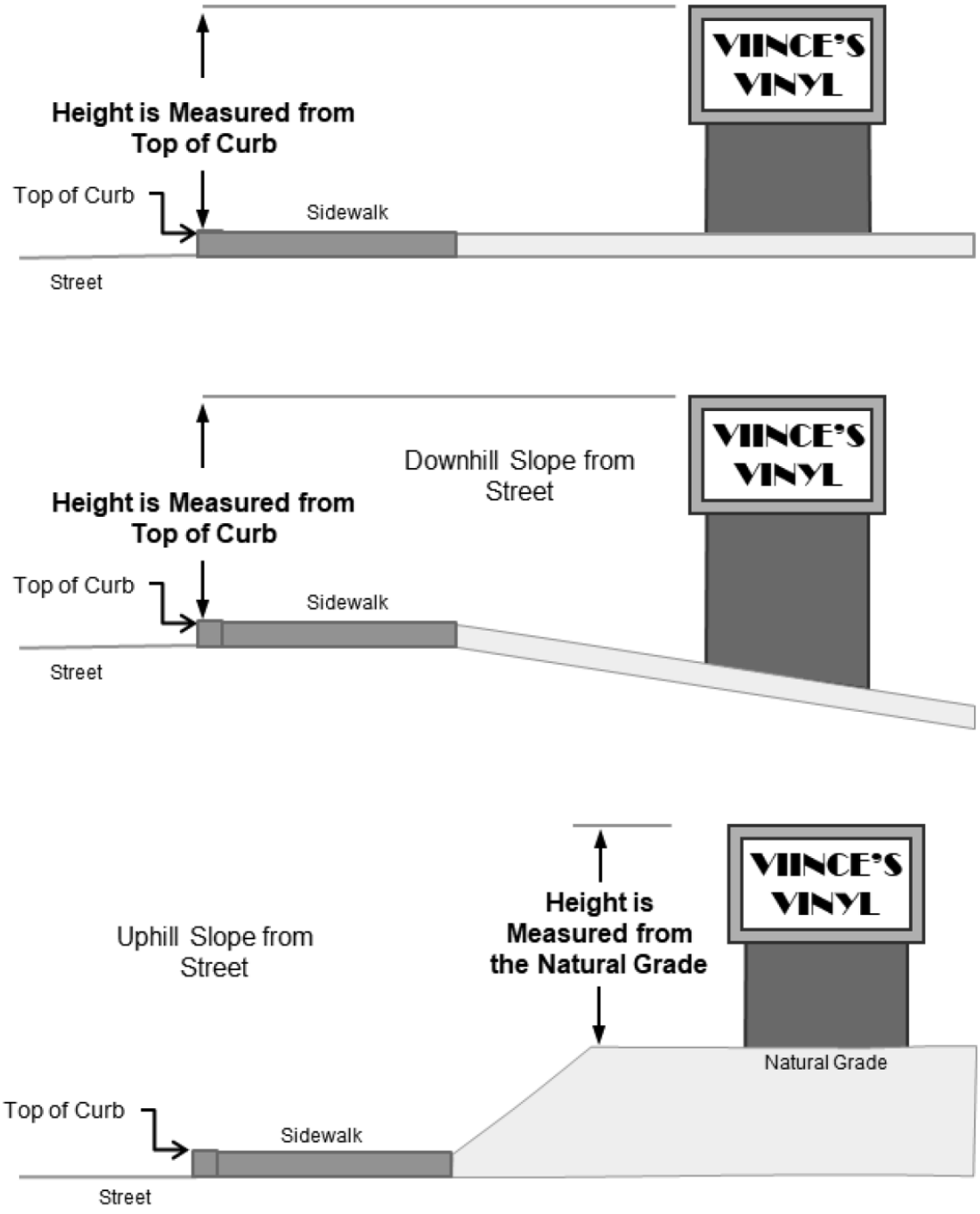
1. *Wall Sign with Background Panel.* The background panel area shall be calculated by measuring the area contained within the sum of the smallest rectangles, squares, triangles, parallelograms, circles, or ellipses that comprises the background panel.
2. *Wall Sign without Background Panel.* The area 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 when the interior angle of the sign faces does not exceed fifteen (15) degrees if the boards are in a "V". See Figure 9-5, below, for a graphic representation.

Figure 10 - 5: Formulas for Determining Sign Area for Signs with Two or More Faces



b. *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 Figure 10-6 for Measurement of Sign Height graphic.

Figure 10 - 6: Measurement of Sign Height



c. *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	NRU	NRU	N	P	P	P	P	P	P	P	P	P
Monument	NRU	NRU	N	P	P	P	P	P	P	P	P	P
Pole	NRU	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												
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	NRU	NRU	NRU	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	NRU	P	P	P	P	P	P	P	P
Numeric Display	N	N	N	NRU	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

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
Pole	N	N	N	30	45	30	N	45	45
Front Yard Setback (ft.)	25	5	2	2	2	0		2	2
Side Yard Setback (ft.)	10	10	2	2	2	0		2	2

NA - Not Applicable
N - Not Permitted

b) Attached Signs. Awning, Canopy, Marquee, Painted Wall, Projecting, and Wall signs. Table 10-6, below, regulates all attached signs, unless otherwise stated in the supplemental regulations. Table 10-6 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, 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%

c) 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 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.

(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:
      (1) Three (3) feet over sidewalks less than twelve (12) feet wide.
      (2) 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:
      (1) Three (3) feet over sidewalks less than twelve (12) feet wide.
      (2) 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.

2. *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:

(1) 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.

(2) Shall not exceed four (4) sq ft. in maximum size and three (3) ft. in maximum height.

(b) In R3 and NTR:

(1) Limited to one (1) sign denoting the entrance for a residential subdivision at each major access point off of an arterial or local collector.

(2) 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.

(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 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.

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 10-7, 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.

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.
3. 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 10-8 below.
4. 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.

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

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 Figure 7-2(a).
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 Section 7-2.

d. *Freestanding Yard Signs.* Freestanding Yard Signs, where permitted, are subject to the following supplemental regulations.

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.
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 Figure 7-2(a).

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

Handheld Signs. Handheld Signs, where permitted, are subject to the following supplemental regulations.

4. Handheld Signs are restricted to be on the same premise as the business, service, activity, or event that is being advertised.
5. Any person carrying a Handheld Sign is prohibited from obstructing the sidewalk or standing in the right-of-way.

6. Handheld Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
7. Lighting, bullhorns, amplified sounds, and mannequins are prohibited as display aspects of Handheld Sign.

e. *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 Figure 7-2(a).
4. Maximum Height: Twenty-five (25) feet.
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.

f. *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.
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.

g. *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.

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 Columbus 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.
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.

f. *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 Section 10-13 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.

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.

1. 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.

2. 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.

f. Other Standards.

3. 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.

4. 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.
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

1. 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.

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 Columbus 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.

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 coverages 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

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 Section 8-1, Landscaping and Screening Regulations. However, any of the following action on or after the effective date of this Ordinance shall be subject to Section 8-1:

(a) Expansion of a structure, building or parking lot

(b) 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.

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 Section 12-1.

12 ARTICLE TWELVE: ADMINISTRATION AND PROCEDURES

12-1 Purpose

The Administration and Procedures Provisions establish the methods for implementation of the Columbus Land Development Ordinance. These provisions include procedures for reviewing specific uses and developments within certain zoning districts; amending the Columbus 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

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 Columbus Land Development Ordinance.

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 Columbus 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.

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 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 at least 21 calendar days (including holidays) before the Planning Commission meeting at which the public hearing on the application may be held subject to administrative official approval to proceed. Submission must be complete prior to the staff recommendation that the permit application is to be acted on the Planning Commission. The application shall include the following information and be submitted on a form approved by the Community Development 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
3. Owner, address and legal description of the property.

4. A description of the nature and operating characteristics of the proposed use.
5. A site plan, when requested by the building official, which includes all information as described in Section 12-2.
6. Excavation and Material Extraction Special Use Permits applications must include a proposed post development site plan including anticipated final contours and features.
7. The special use requested and the current zoning.
8. 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	
Land Use Compatibility		**Site Plan Review**	**Special Use Permit**
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

TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

CRITERIA		APPLICATION TO	
Site Development		**Site Plan Review**	**Special Use Permit**
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
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
Land Use Compatibility			
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	
Operating Characteristics		**Site Plan Review**	**Special Use Permit**
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
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 (f), 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 (f) 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. Applicant's attorney shall work with the City Attorney on review and final versions.

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.
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:

      (1) the owners of the real estate which is the subject of the Special Use Permit;

      (2) 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

(3) 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

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.

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 or six (6) months from said failure to pass a motion to approve this special use permit.

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.

12-4 Amendment Procedure

a. Purpose

The Amendment Procedures describe the methods by which changes may be made in the text of the Columbus 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. Rezonings 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 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 place on the Planning Commission Agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which time the public hearing on the application may be held subject to administrative official approval to proceed. Submission must be complete prior to the staff recommendation that the permit application is to be acted on the Planning Commission. The application shall include the following information and shall be submitted on a form approved by the Community Development 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 Section 12-2.
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 Section 12-4, 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 Section 12-4 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 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 pace 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:
      (1) the owners of the real estate to be zoned or rezoned;
      (2) the owners of all real estate located within 300' of the real estate to be zoned or rezoned; and

(3) the Board of Education of each school district in which the real estate to be zoned or rezoned 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 (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 or six (6) months from said failure to pass a motion to approve this rezone permit.

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

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 complete 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.
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 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 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 affect any variation in such ordinance.

12-9 Powers and Duties of the Board of Adjustment

1. 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;

         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 12-9 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 affect any variation in the application of this ordinance.

12-10 Appeals from the Board of Adjustment

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 12-1 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

12-15 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, Chief Building and Code Official and/or other Building Officials, City Engineer, City Surveyor, Public Works Director and City Planner and Economic Developer. These members may invite other 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 participates. The DRT and/or staff members of the DRT will provide professional recommendations to the Planning Commission and City Council. It is understood the information provided at the DRT meetings are preliminary in nature and thus final decisions or recommendations are not final and subject to review of official submittals for review.

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 encourage 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 9:00 am to 12:00 pm for DRT project review and meetings with project representatives.

Applications will be due the Thursday prior to the meeting date desired by the project representative but subject to date, time, and DRT staff availability.

CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

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 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 "commercial 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.

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) 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, 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

hh. 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 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

a. 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:

b. 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.

c. Implementing an Application process for person(s) seeking an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities.

d. 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.

e. Promoting and encouraging, wherever possible, the sharing and/or co-location of Wireless Telecommunications Facilities among service providers.

f. 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.

g. 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, 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 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.

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:

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 13 and Article 15 of the Columbus Land Development Ordinance.

13-8 Eligible Facility Permit and Special Use Permit Application and Other Requirements.

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 Section 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.

i. Where a certification is called for in Article 13, 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, 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;
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 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, 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, 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.

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

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 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.

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

b. 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, 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.

c. No Tower constructed after the effective date of Article 13, 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.

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.

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 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 Section 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 an 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.

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.

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, 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.

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 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 and with such sureties as are deemed sufficient by the City to assure the faithful performance of the terms and conditions of Article 13, and conditions of any Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities issued pursuant to Article 13. 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.

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, 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 Section 12-14 of the Columbus 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, or any section of Article 13. 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, without limiting other remedies available to the City.

13-28 Default and/or Revocation

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, 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.

   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.

c. 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 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.

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.

d. 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, 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.

b. If after such a periodic review and examination of this Ordinance, the City determines that one or more provisions of Article 13, 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, 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.

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, 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, shall apply.

13-35 Effective Date

Article 13, shall be effective immediately upon passage and publication, pursuant to applicable legal and procedural requirements.

13-36 Authority

Article 13, is enacted pursuant to applicable authority granted by the state and federal government.

13-37 to 13-39 Reserved for Future Use.

CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

: 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.

“**Antenna**” means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

“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.

“**Applicant**” means any person who submits an application and is a wireless provider.

“**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.

“**City pole**” means a utility pole owned, managed, or operated by or on behalf of the City.

“**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” nor “collocation” includes the installation of a new utility pole or new wireless support structure in the right-of-way.

“**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.

“**Communications network**” means a network used to provide communications service.

“**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.

"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.

"**Decorative pole**" means a City pole that is specially designed and placed for aesthetic purposes.

"**FCC**" means the Federal Communications Commission.

"Fee" means a one-time nonrecurring charge.

"**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.

"Law" means federal, state, or local law, statute, common law, code, rules, regulation, order, or ordinance.

"**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.

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.

"**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.

"Person" means an individual, a corporation, a limited liability company, partnership, an association, a trust, or any other entity or organization.

"**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.

"**Public power supplier**" means a public power district or any other governmental entity providing electric service. Public power supplier includes a municipal electric supplier.

"**Rate**" means a recurring charge.

"**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.

"**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.

"**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.

"**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.

"**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.

"**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.

"**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.

"**Wireless provider**" means a wireless services provider or a wireless infrastructure provider when acting as a co-applicant for a wireless services provider.

"**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.

"**Wireless services provider**" means a person who provides wireless services.

"**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.

"**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.

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 micro wireless 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.

a. 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.

b. 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.

c. Article 13, Part B, Section 13-44 to Section 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 Office. Completed applications shall be submitted to the City's On-line permit application process. In addition to the information required by 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 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) (e all permit fees required under 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; and

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 willful 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 Section 15-3 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.

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 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 Columbus 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 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 Section 13-44 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 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 Pole Rate*. 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.

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. All small wireless facilities in the right-of-way to which Article 13, Part B, applies, shall comply with each standard set forth in 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 Section 15-5 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 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 the Columbus Land Development Ordinance. Section 12-8 to Section 12-11 shall govern such appeals.

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:

a. 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."

b. 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."

c. 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."

d. 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."

e. 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.

f. 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."

g. 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.”

h. 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.”

i. 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."

j. 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.

k. CHIEF OF POLICE – The Chief of Police of the City of Columbus or its designated agent.

l. CITY – City of Columbus, Nebraska located in Platte County.

m. CITY COUNCIL – The City Council of the City of Columbus, Nebraska.

n. 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.

o. 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.

p. 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.

q. 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.

r. EXPIRATION DATE – Shall mean midnight of the date one (1) year after the license was issued.

s. 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.

t. LICENSE YEAR – The period from the date of issuance to one (1) year after the license was issued.

u. 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.

v. 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.

w. 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.

x. PERSON – An individual, proprietorship, partnership, corporation, association or other legal entity.

y. 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.

z. 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.

aa. 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.

bb. 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.

cc. 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.

dd. 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.

ee. 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.

ff. 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.

gg. TRANSFER OF OWNERSHIP OR CONTROL – Of a sexually oriented business means and includes any of the following:

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

a. All sexually oriented businesses shall be located and operated within an "ML/C-1" district with a special use permit.

b. A sexually oriented business cannot be operated within 300 feet of:
   1. A church;
   2. A public or private elementary or secondary school;
   3. A boundary of a residential or historic district;
   4. A park or recreational trail;
   5. A property line of a lot devoted to a residential use;
   6. A hospital; or
   7. A fairgrounds.

c. 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.

d. 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.

e. 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.

f. 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.

g. 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.

h. 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 Article 14, Section 14-4, 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 14-4.
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 14-4 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 14-4 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.
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 14-4.

14-6 Signs for Sexually Oriented Businesses

a. 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.

b. 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.

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:

   1. Use of a right-of-way by an adjoining property owner as provided for under the Columbus 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;

   (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 and Section 13-40, Section 13-44.

   (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 Section 5-23 and Section 5-25 of the Columbus 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.
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 Section 15-5; (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 t*he 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 Columbus Land Development Ordinance shall be processed in the manner provided for under applicable law including Section 13-44 of the Columbus Land Development Ordinance.

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 Columbus 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 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 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.

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-

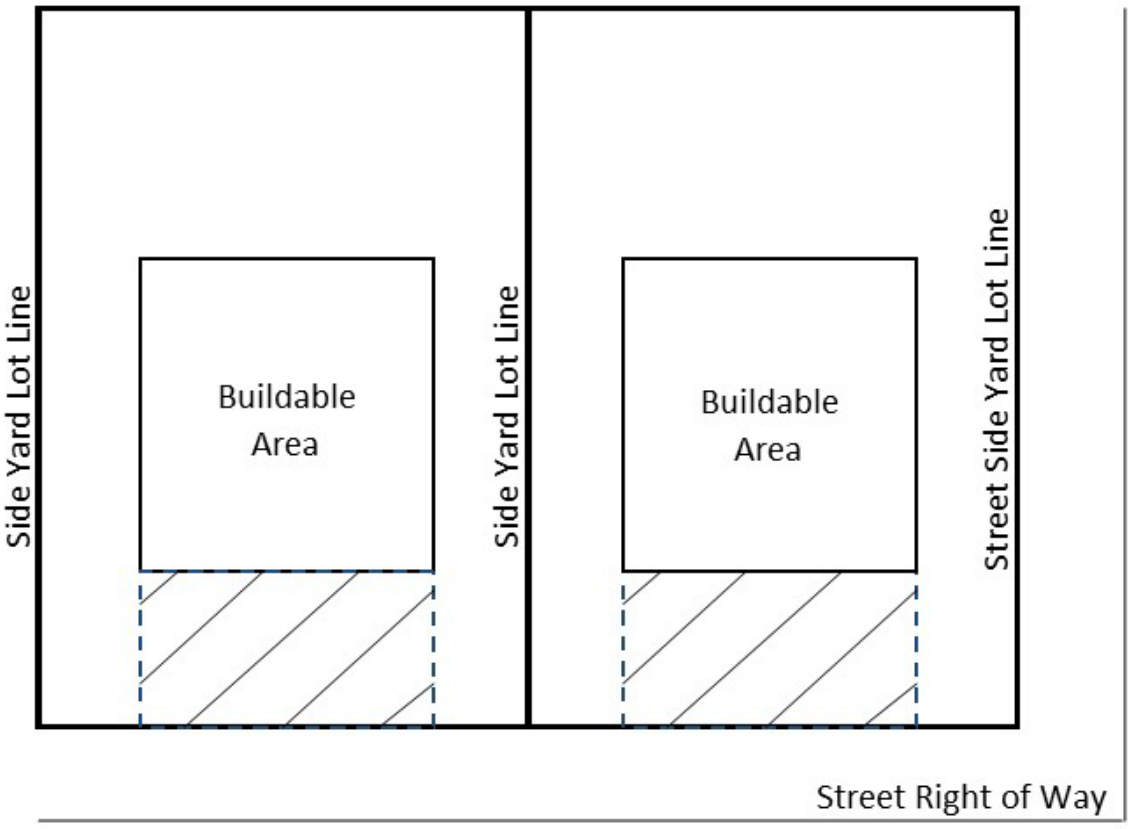
character facilities deployed or which are inconsistent with the appearance of existing facilities. Without limiting the foregoing, all facilities located in the City's historic district shall be subject to the design and aesthetic standards for an historic overlay district set forth in the City's Zoning 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 unless otherwise approved by the City.

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.
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 Section 12-8 of the Columbus Land Development Ordinance. Section 12-8 to Section 12-11 shall govern such appeals.

CHAPTER 2: SUBDIVISIONS

1 ARTICLE ONE: GENERAL PROVISIONS

1-1 Title

Chapter 2 of this Ordinance shall be known as the Subdivision Chapter of the Columbus Land Development Ordinance of the City of Columbus, Nebraska, and shall be incorporated into the Columbus City Code as Title XV, Chapter 152.

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;
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.

d. 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.

e. 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.
   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.

f. 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 Columbus 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 Columbus 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.

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

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

a. 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.

b. 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.

c. 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 Subdivision Chapter conflicts with any other provision of the Columbus 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 Columbus Land Development Ordinance.

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: Chief Building and Code Official 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.
6. 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.

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 curbline to curbline. 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 Columbus 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.

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. Detention basin must have an overflow pipe or system connecting to the public storm sewer system.
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.

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 which includes, but not limited to, lots for townhouses or clusters of row homes. All lots shall have a direct connection to a public or private roadway right-of-way regardless of ownership.
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.

2-16 N.

1. National Fire Protection Agency (NFPA)

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 Street: Privately owned and maintained access to a lot or parcel and shall have a public easement for utility and fire access.

2-19 Q.

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 R.

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.
   (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 Street or Frontage Road
   (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 resultants 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.

2-21 S.

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.

2-22 T-Z.

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:

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. The application for final plat approval shall be submitted through the City's website application submittal platform

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 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.
5. The Administrative Official shall keep a complete and accurate record of all administrative subdivision approvals.
6. 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.

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 Columbus 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.

5. The Administrative Official reserves the right to request a Development Review Team (DRT) meeting as described in Section 3-4, Pre-Application Procedures, upon which all required of the DRT meeting must be met and followed.

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. The application for final plat approval shall be submitted through the City's website application submittal platform. 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 above.
   (b) Consistency with the Comprehensive Development Plan of the City of Columbus.
   (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.
5. The Administrative Official shall keep a complete and accurate record of all Minor Subdivision approvals.
6. 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 Administrative Official, in its discretion, may waive the preliminary plat and final plat stages and allow them to occur concurrently upon written request of the developer and recommendation of the development review team. This shall be known as the Concurrent Plat Approval Procedure.

c. Pre-Application Procedures

1. Before filing an application for preliminary plat approval, the applicant shall meet with the Development Review Team (DRT) regarding general requirements and issues relating to the proposed subdivision.

   DRT meetings are held every Wednesday between 9:00 am and 12:00 pm. Applications are due by Noon the Thursday prior to the meeting date desired by the project representative. Subject to date and time availability of City staff at the discretion of the Administrative Official.

2. No later than three calendar 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 Columbus Land Development Ordinance.

4. The DRT meeting does not require a formal application or payment of a fee.

Preliminary Plat Application

5. Application Requirements

   After the DRT meeting and Except for a Concurrent Plat Approval Procedure, the following requirements shall apply. 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 set by Resolution Upon receipt of all items required for said application as set forth herein as determined by the Administrative Official, the application shall be placed on the next available Planning Commission Agenda.

6. 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 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. Applicants shall request the draft development agreement a minimum of 7 days prior to submittal and which the request time must also be after the DRT meeting.

7. Preliminary Plat Review Procedure

   (a) After submission of a complete application for a preliminary plat, the Administrative Official and staff shall review the application. If the application submittal is not complete, staff review will not proceed. Applicant at time of application, shall include a written request to waive any subdivision requirements, if any. 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 along with any responses which may affect the plat.

   (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 13 calendar days before the Planning Commission Meeting in order to meet the required publication deadline. 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.

8. 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.

(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.

d. 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 developer's 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.

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 developer's attorney and city attorney, including the developer's 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 13 calendar days before the Planning Commission Meeting in order to meet the advertisement deadline. 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. The developer's attorney shall work with the City's attorney to obtain approval.

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 Columbus 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. Developer signature of the Final Deed of Dedication must be obtained and to the City no later than 6 calendar days prior to the City Council meeting acting on the Final Plat. If the

final plat meets all requirements of the Columbus 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 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.

e. Filing the Final Plat

1. 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.
2. Applicant shall provide an electronic version of the final plat in an approved electronic format within four calendar days of the City Council approval.
3. 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.

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, attorney, planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X (no legal surveyor signature required)	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	X
Acreage of tract.	X	X	X	X

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
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; lot bearings.	X	X	X	X
Remaining property parcel layout of roadways and lots, upon request if applicable.		X	X	

TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
Existing and proposed easements or land reserved for or dedicated to public use; existing and proposed ROW and trails	X	X	X	X
ENVIRONMENTAL INFORMATION				
All existing waters of the US, floodways and floodplain within 200 feet; FIRM map designations	X	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 adequate to provide one-foot contours in city approved vertical datum (no assumed datum). Spot elevations on critical features and grid topography		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	

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
IMPROVEMENTS AND CONSTRUCTION INFORMATION				
Proposed roadway names.			X	X
Proposed 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 adequate to provide one-foot contours in city approved vertical datum (no assumed datum). Spot elevations on critical features.		X	X	
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 latest Flood Insurance Rate Maps (FIRM)		X	X	

TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
Identify planned or existing trail locations		X	X	
Certifications and seals from licensed Professional Engineer or Legal Surveyor, 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
Initial submittal bonded copy of plat and electronic copy. Upon review provide reproducible plat and updated electronic copy	X	X		X
Bonded Copy of Plat and electronic copy.			X	

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 Administrative Office or City Engineer may require a traffic impact study and/or air space study of the area of the development in order to assist in determining impact, roadway classification, traffic control features, safety, and so forth. Approval of study is by applicable official and city council is required.
4. 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.
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.

Developer is responsible for construction, cost, and snow removal, in lieu of a sidewalk at these locations.

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 street roadway 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 4-1.

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 economic development of streets, minimum cartway width should generally be used. Minimum cartway widths are set forth in Table 4-2.

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 4-3.
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 4-3.
2. Where sidewalks are not otherwise required by Table 4-3, 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.
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 in the B1 zoning district, sidewalks may abut curb. Subject to the approval of the City Engineer. Sidewalk landscaping requirements must be met.
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 or six feet along parking areas or curb lines, 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 or thicker in commercial and industrial areas subject to the approval of the City Engineer.
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 or master trail plan.
2. All off-street recreational trails shall be a minimum of ten feet in width for two-way traffic and comply with the Americans with Disabilities Act. Surfacing of trails shall be concrete minimum of 6 inches thick. Gradients for bikeways and recreational trails should not exceed five percent, except for short distances. Requests to revise trail width to eight feet or paving to asphalt and crushed aggregate surfacing are location and usage dependent and subject to the approval of the City Engineer.
3. Recreational trails may satisfy part of the requirements of this ordinance for sidewalks or open space.

4. Trails shall provide a clear path free of any obstructions a minimum of one foot on both sides.
5. All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets.
6. All trails, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

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.
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 4-3.
4. Dedications: Dedications of right-of-way for collector, sub collector, 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. All connections and access to existing paved roadways must be concrete paved.

(2) Courts or Plaza, 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.

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 by the developer 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.

5. 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. Roundabouts or residential mini-roundabouts or other traffic calming features are also encouraged or otherwise required by the Comprehensive Development Plan or City Engineer and subject to the approval of the City Council.

   (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.

6. 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.

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:

Street Direction and Type	Name
North-South	Numbered Avenues
East-West	Numbered Streets
Short Streets and Angles	Named Lanes or Drives
Long Angle Arterial Streets	Named Parkway or Boulevard
Cul-de-sacs	Named Places
Intermediate Streets	Named Streets (if E-W) or Avenues (if N-S)
Private Streets	Named Court (East-West) and Named 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, sidewalks, trails, utilities or similar.
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.

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.

TABLE 4-1: Street Hierarchy

Residential Street Type	Function	Guideline Maximum ADT
Private Street or Frontage Road (Private)	Street providing private or controlled access to no more than twelve housing units. Must meet State Fire Marshall turnaround requirements for emergency vehicles and NFPA standards	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. Traffic control features at intersections may be required. 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. Traffic control features at intersections may be required. Major Arterials may be eligible to use the city's Federal Funds Purchase Program funding.	15,000+

TABLE 4-2: Cartway Width

Street Type	Moving Lanes	Parking Restrictions	Total Width Measured back of curb to back of curb	Maximum Grade
Private Street or Frontage Road (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	May be limited, must meet 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

4-6 Arterials

Arterial street width, including frontage roads, is determined by state standards, designation of individual street or roadway segment, logical extension of roadway segments, and design as determined by the City Engineer.

TABLE 4-3: Curb, Sidewalk, and Right-of-Way Requirements

Street Type	Curb / Shoulder	Sidewalk	Sidewalk Setback	Total ROW
Private Street or Frontage Road (Private)	Curb with 2-foot turf shoulder	Required	No Setback. Sidewalk to be located on the private street lot.	Minimum of 32 feet (lot with public easement)
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 or greater*

Arterials

(*) Arterial right-of-way, design and width, including frontage roads, is determined by state standards, designation of individual street or roadway segment, logical extensions, and as determined by the City Engineer.

Right-of-way

Additional right-of-way for triangular or curved at intersections may be required to meeting turning radii, sidewalks with ramps, utilities, traffic signals, boulevards, and so forth.

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 and future connection agreement 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.

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. Sewer services lines shall be tapped to sewer mains at the upper pipe limit and not at the flowline.
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 sanitary sewer supply and future connection agreement 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 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 48-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.
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 and in accordance with the City Stormwater Drainage Manual.

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.

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 or City.

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 or other payment agreement.

1. Such fee shall be determined by the City Engineer based on most recent, similar construction type.
2. If an agreement or impact fee is required, details shall be included in the Development Agreement.

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 amounts 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 with adequate advanced notification to the City.

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 and City Engineer 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, City Engineer, 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, City Engineer, or his/her designee 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. As built plan shall be electronic in a format acceptable to the City. No building permits or occupancy permits will be approved until such completed record drawing submittal is reviewed and approved.

Section 2. The Columbus 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 Unified Land Development Ordinance of the City of Columbus, Nebraska, adopted by Ordinance No. 20-32 on January 18, 2021, 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. That the Columbus Land Development Ordinance shall hereinafter be incorporated into the Columbus City Code as Title XV, Chapter 151, Zoning Chapter and Chapter 152, Subdivision Chapter.

Section 4. 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 _____, 2023.

_____

MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY

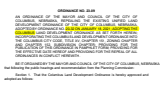
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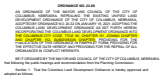
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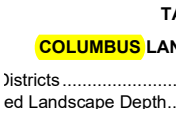
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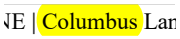
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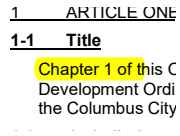
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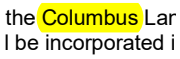
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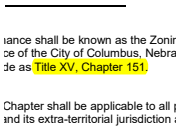
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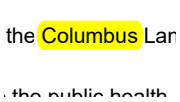
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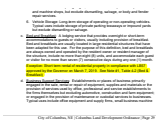
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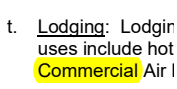
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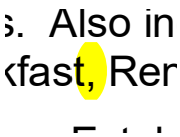
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Exception: Short term rental of residential property in compliance with LB57 approved by the Governor on March 7, 2019. See Note #1, Table 4-2 (Bed & Breakfast)



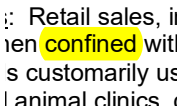
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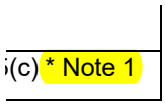
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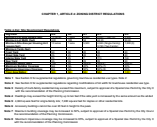
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Note 1 – Exception: Short term rental of residential property in compliance with LB57 approved by the Governor on March 7, 2019.



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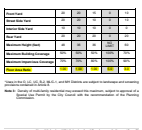
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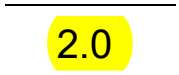
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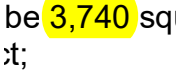
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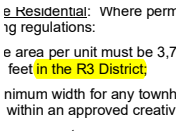
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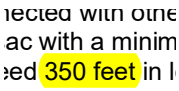
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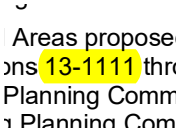
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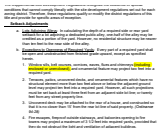
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Mailboxes
Mailboxes constructed on a base other than a single pole and a footprint larger than 25 square feet need approval from the City Engineer as to location and the Chief Building and Code Official as to the structure and size.
6-12 Supplemental Use Regulations: Cargo Containers and Portable Storage Containers
Cargo containers sixteen (16) feet long and longer are only allowed in light industrial zoning districts and general industrial districts subject to the following requirements:
a. The time duration that storage containers can be allowed on a particular site shall be established by the Development Review Team (DRT).
b. Containers shall be limited in quantity to the number allowed by the Development Review Team and shall not be increased without additional review.
c. Location of containers on the site shall be restricted to the location approved on the site plan by the Development Review Team.
d. Containers approved for a duration of twelve (12) months or more may require screening view of any adjacent property and public streets in a manner approved by the Development Review Team including, but not limited to, fencing, berming, landscaping or a combination thereof.
e. All storage containers shall be clean and well-maintained portable storage
1. Containers sixteen (16) feet and less in length are allowed in all zoning districts subject to the following requirements:
2. The temporary placement of one (1) portable storage container not to exceed the size dimensions of eight (8) feet wide by eight (8) feet high by sixteen (16) feet long on a residential lot for the purpose of loading and unloading household contents shall be permitted for a time not to exceed ninety (90) days in a twelve



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(12) month consecutive period. Additional time is subject to City approval by the Building Official on a case-by-case basis. Additional containers on the same site require City approval by the Building Official prior to placement.
3. Portable storage containers shall not be used for long term storage.
4. No permit is required; however, the street address of the location the container is going to be placed and the date of placement shall be communicated by telephone, electronic mail, or in person, to the Building Official prior to the day the container is placed.
5. The property must be occupied by a principal residential building.
6. Containers are allowed in the front building setback but shall be placed a minimum distance of five (5) feet from any side or rear property lines. Preferred location is in the driveway of the residence, but in no case shall the container be placed in the street or encroaching on public right-of-way.
7. Signs on any portable storage container shall be limited to not more than twelve (12) square feet each, not to exceed one (1) per side. Signage on the container shall not be used for advertising off-premise businesses other than the company that owns and operates the container business.
8. No sales shall be conducted from a portable storage container.
9. All storage containers shall be clean and well maintained.



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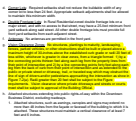
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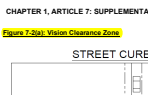
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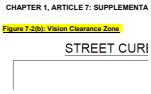
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No structures, plantings to maturity, landscaping, fences, parked vehicles, or other obstructions shall be built or placed above a maximum height of 30-inches above the established curb grade or radii 20 feet of less within, whichever is greater in clear zones, from a triangle formed 1) by a line connecting points thirteen feet along each leg from the property lines from their point of intersection and 2) by a line connecting points forty feet along each leg from the back of curb 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 sign of drivers and/or pedestrians approaching the intersection as show in Figure 7-2(a). Radii greater than 20 feet shall be subject to the Figure requirements. 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): Vision Clearance Zone



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Figure 7-2(b): Vision Clearance Zone



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7-6 Downtown Building Standards

The Downtown Business District includes the area bounded by 10th Street and 15th Street and 21st Avenue and 32nd Avenue, all public right-of-way or portions thereof located within these boundaries, and all buildings or structures abutting, adjoining, or bordering the same.

The City of Columbus has set forth these guidelines as minimum standards whereby properties in the Downtown Business District can be improved or built upon; it is in the best interest of the City and its residents to have a downtown that is pleasing to walk, drive through and conduct business in while maintaining an environment that preserves, to a reasonable extent, the heritage and history of Columbus. Any improvement or building project should be undertaken with care and consideration of these goals.

A majority of the commercial buildings in the Columbus downtown retain their original form and ornamentation in the upper stories. Out of the total of 127 properties in the Downtown, 101 are considered architecturally and historically significant. The majority of the commercial buildings were built between 1910 and 1919 with most of the remaining being built from 1930 to 1946.

The downtown code is the regulating document for development within the downtown of Columbus. The downtown code recognizes the historic character of the downtown and identifies a special set of development standards, allowed use regulations, and other special use regulations that, when applied to new construction and qualifying remodel/s expansions will ensure that the historic character is positively complement. These guidelines apply to any portion of the commercial and/or institutional properties visible to pedestrians and/or motorist within the Downtown Business District.

Building should work together to create a “wall of buildings” effect associated with traditional downtown areas. New construction and infill building must maintain the alignment of facades along the sidewalk edge; exceptions may be granted if the setback is pedestrian oriented and contributes to the quality and character of the streetscape, or if the lot size, shape and the intended use of the building require substantial associated onsite parking.

A minimum of 30% of the ground level front façade and 20% of the ground level sides of buildings adjacent to public right of ways shall consist of any combination of windows and doors with large glass panels, as shall a building’s rear façade if it faces public right of way, parking area or open space. Windowless upper floors are not permitted and the windows should be vertically oriented. Arched tops, columns framing and window and decorative lintels, where appropriate are encouraged.

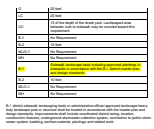
Infill construction should reflect some of the detailing of surrounding buildings in building massing, window shape, cornice lines and brick work.

For the first 20 feet above street level, street



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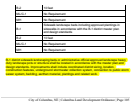
streets. Other high-quality materials may be proposed to and approved by the Chief Building and Code Official.
Faux brick products (not made of fired clay) are prohibited. Metal is not suitable primary material for building exteriors in the Downtown area.
With the exception of existing, the following materials are not permitted for use on the facades or sides of buildings adjacent to public right of way.
1. Brick larger than 4” in height, 12” in length
2. Aluminum, vinyl or fiberglass siding.
3. Concrete masonry units, other than limited use of split faced block which may be considered accent lines or the emulation of foundation stone if appropriate.
4. Materials that attempt to mimic traditional materials (an example would be fiberglass panels that are molded to look like brick); a singular exception to this is the judicious use of cultured stone.
5. Stucco or synthetic stucco is prohibited below the 12 (twelve) foot level but may be substituted above that level for the durable materials described above.
Exception stucco maybe approved by the building official below the 12 (twelve) foot level if the structural integrity of the brick has been compromised.
If a new commercial building is constructed within the Downtown Business District its design should complement its environment and should include design elements, proportion, colors, etc.
Tile, stone, glass block, copper flashing, metal and wood are among the type of materials that should be considered for accents to buildings. Preference is for a high level of design and architectural detail.



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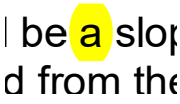
B-1
Sidewalk landscape beds including approved plantings in sidewalks in accordance with the B-1 district master plan and design standards

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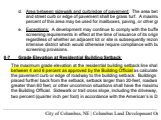
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B-1 district sidewalk landscaping beds or administrative official approved landscape heavy duty landscape pots or structure shall be located in accordance with the master plan and design standards. Improvements shall include coordinated district sizing, location, construction features, underground stormwater collection system, connection to public storm sewer system, bedding, earthen material, plantings and related work.



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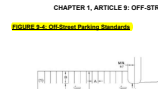
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Sidewalk or trail cross slope, including the driveway, cannot exceed
two percent (quarter inch per foot) in accordance with the American's is Disability Act.



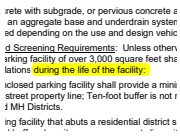
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FIGURE 9-4: Off-Street Parking Standards



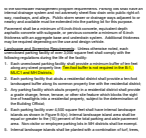
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Parking lots shall have an
internal drainage system and not adversely sheet flow drain onto public right-of-way, roadways, and alleys. Public storm sewer or drainage ways adjacent to or
nearby and available must be extended into the parking lot for this purpose.



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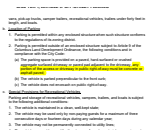
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(b) The vehicle is parked per

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any
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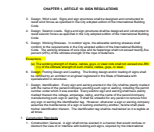
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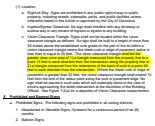
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Exceptions:
(a) The working strength of chains, cables, guys, or steel rods shall not exceed one-fifth
( ) of the ultimate strength of such chains, cables, guys, or steel.



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shall be the
greater clear zone area of 1) a triangle measured from the property line to a
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2) a triangle measured from the extensions of the back of curb to a point 40
feet in each direction from the intersection.

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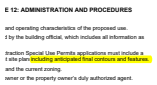
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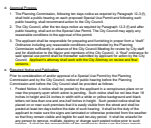
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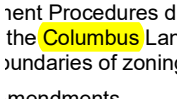
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including anticipated final contours and features.



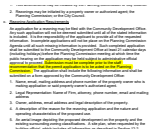
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Applicant's attorney shall work with the City Attorney on review and final versions.



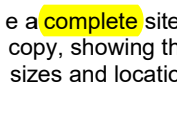
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Submission must be complete prior to the staff recommendation that the permit application is to be acted on the Planning Commission.



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Members of the DRT are the City Administrator, Chief Building and Code Official and/or other Building Officials, City Engineer, City Surveyor, Public Works Director and City Planner and Economic Developer.



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It is understood the information provided at the DRT meetings are preliminary in nature and thus final decisions or recommendations are not final and subject to review of official submittals for review.

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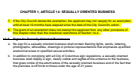
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1. If the City denies the issuance of a license to an applicant because the location of the sexually oriented business establishment is in violation of Article 14, Section 14-4, then the applicant may, not later than 10 calendar days after receiving notice of the denial, file with the City Clerk a written request for an exemption from the locational restrictions of Section 14-4.
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 14-4 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 14-4 until the applicant applies for and receives another exemption.



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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.
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 14-4.

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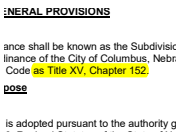
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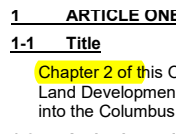
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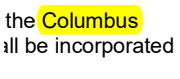
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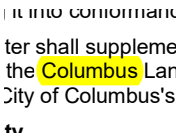
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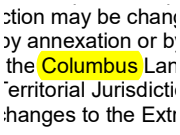
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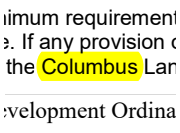
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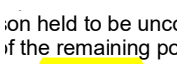
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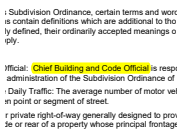
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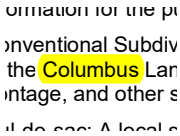
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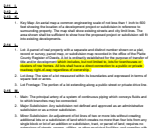
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Chief Building and Code Official



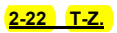
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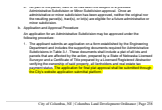
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which includes, but not limited to, lots for townhouses or
clusters of row homes. All lots shall have a direct connection to a public or private
roadway right-of-way regardless of ownership.



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The application for final plat approval shall be submitted through
the City's website application submittal platform

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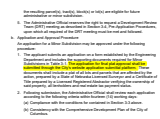
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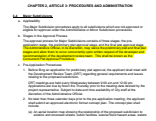
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The Administrative Official reserves the right to request a Development Review Team (DRT) meeting as described in Section 3-4, Pre-Application Procedures, upon which all required of the DRT meeting must be met and followed.



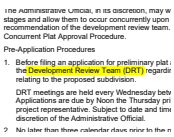
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The application for final plat approval shall be submitted through the City's website application submittal platform.



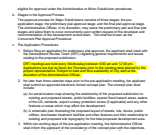
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The Administrative Official, in its discretion, may waive the preliminary plat and final plat stages and allow them to occur concurrently upon written request of the developer and recommendation of the development review team. This shall be known as the Concurrent Plat Approval Procedure.



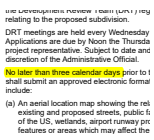
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Development Review Team (DRT)



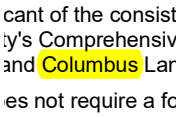
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DRT meetings are held every Wednesday between 9:00 am and 12:00 pm.
Applications are due by Noon the Thursday prior to the meeting date desired by the project representative. Subject to date and time availability of City staff at the discretion of the Administrative Official.



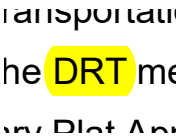
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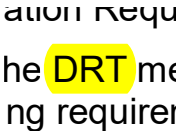
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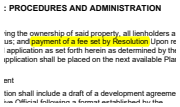
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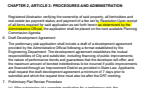
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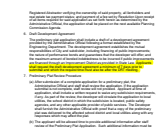
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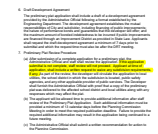
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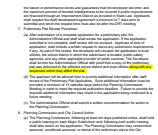
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Applicants
shall request the draft development agreement a minimum of 7 days prior to
submittal and which the request time must also be after the DRT meeting.



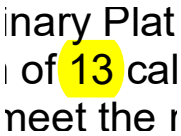
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If the application
submittal is not complete, staff review will not proceed. Applicant at time of
application, shall include a written request to waive any subdivision requirements,
if any.



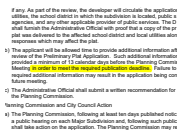
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along with any
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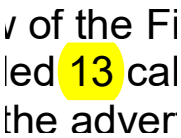
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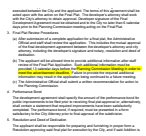
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in order to meet the required publication deadline.



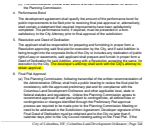
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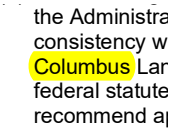
Subject: Highlight
Page Label: 244
Author: Braden.Labenz
Date: 7/14/2023 3:42:07 PM
Status:
Color:
Layer:
Space:

Planning Commission Meeting in order to meet the advertisement deadline.



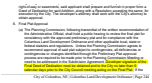
Subject: Highlight
Page Label: 244
Author: Braden.Labenz
Date: 7/14/2023 3:42:15 PM
Status:
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Layer:
Space:

The developer's attorney shall work with the City's attorney to
obtain approval.



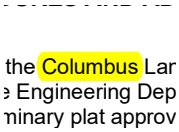
Subject: Highlight
Page Label: 244
Author: Braden.Labenz
Date: 7/14/2023 3:42:17 PM
Status:
Color:
Layer:
Space:

Columbus



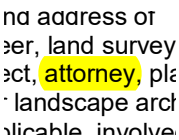
Subject: Highlight
Page Label: 244
Author: Braden.Labenz
Date: 7/14/2023 3:42:23 PM
Status:
Color:
Layer:
Space:

Developer signature of the
Final Deed of Dedication must be obtained and to the City no later than 6
calendar days prior to the City Council meeting acting on the Final Plat.



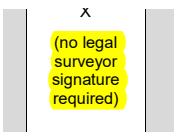
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Date: 7/14/2023 3:42:27 PM
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Space:

Columbus



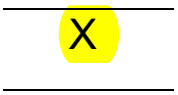
Subject: Highlight
Page Label: 246
Author: Braden.Labenz
Date: 7/14/2023 3:42:32 PM
Status:
Color:
Layer:
Space:

attorney



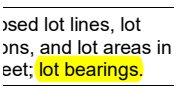
Subject: Highlight
Page Label: 246
Author: Braden.Labenz
Date: 7/14/2023 3:42:35 PM
Status:
Color:
Layer:
Space:

(no legal surveyor signature required)



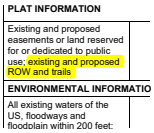
Subject: Highlight
Page Label: 246
Author: Braden.Labenz
Date: 7/14/2023 3:42:38 PM
Status:
Color:
Layer:
Space:

X



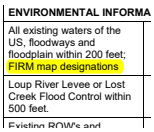
Subject: Highlight
Page Label: 247
Author: Braden.Labenz
Date: 7/14/2023 3:42:45 PM
Status:
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lot bearings



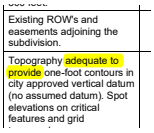
Subject: Highlight
Page Label: 248
Author: Braden.Labenz
Date: 7/14/2023 3:42:50 PM
Status:
Color:
Layer:
Space:

existing and proposed ROW and trails



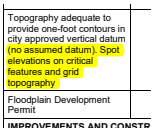
Subject: Highlight
Page Label: 248
Author: Braden.Labenz
Date: 7/14/2023 3:42:53 PM
Status:
Color:
Layer:
Space:

FIRM map designations



Subject: Highlight
Page Label: 248
Author: Braden.Labenz
Date: 7/14/2023 3:42:57 PM
Status:
Color:
Layer:
Space:

adequate to provide



Subject: Highlight
Page Label: 248
Author: Braden.Labenz
Date: 7/14/2023 3:43:00 PM
Status:
Color:
Layer:
Space:

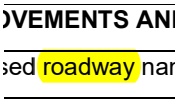
(no assumed datum). Spot elevations on critical features and grid topography

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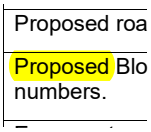
Subject: Highlight
Page Label: 248
Author: Braden.Labenz
Date: 7/14/2023 3:43:02 PM
Status:
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Layer:
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X



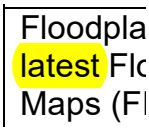
Subject: Highlight
Page Label: 249
Author: Braden.Labenz
Date: 7/14/2023 3:43:06 PM
Status:
Color:
Layer:
Space:

roadway



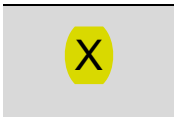
Subject: Highlight
Page Label: 249
Author: Braden.Labenz
Date: 7/14/2023 3:43:08 PM
Status:
Color:
Layer:
Space:

Proposed



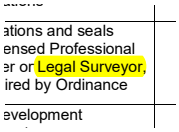
Subject: Highlight
Page Label: 249
Author: Braden.Labenz
Date: 7/14/2023 3:43:11 PM
Status:
Color:
Layer:
Space:

latest



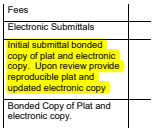
Subject: Highlight
Page Label: 250
Author: Braden.Labenz
Date: 7/14/2023 3:43:15 PM
Status:
Color:
Layer:
Space:

X



Subject: Highlight
Page Label: 250
Author: Braden.Labenz
Date: 7/14/2023 3:43:19 PM
Status:
Color:
Layer:
Space:

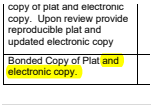
Legal Surveyor



Subject: Highlight
Page Label: 250
Author: Braden.Labenz
Date: 7/14/2023 3:43:24 PM
Status:
Color:
Layer:
Space:

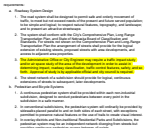
Initial submittal bonded copy of plat and electronic copy. Upon review provide reproducible plat and updated electronic copy

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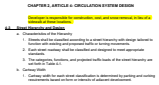
Subject: Highlight
Page Label: 250
Author: Braden.Labenz
Date: 7/14/2023 3:43:25 PM
Status:
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Layer:
Space:

and
electronic copy.



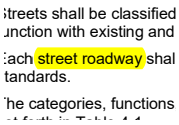
Subject: Highlight
Page Label: 251
Author: Braden.Labenz
Date: 7/14/2023 3:43:34 PM
Status:
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The Administrative Office or City Engineer may require a traffic impact study and/or air space study of the area of the development in order to assist in determining impact, roadway classification, traffic control features, safety, and so forth. Approval of study is by applicable official and city council is required.



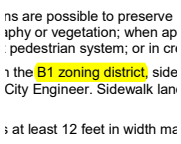
Subject: Highlight
Page Label: 252
Author: Braden.Labenz
Date: 7/14/2023 3:43:38 PM
Status:
Color:
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Developer is responsible for construction, cost, and snow removal, in lieu of a sidewalk at these locations.



Subject: Highlight
Page Label: 252
Author: Braden.Labenz
Date: 7/14/2023 3:43:41 PM
Status:
Color:
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street roadway



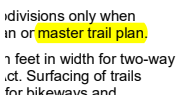
Subject: Highlight
Page Label: 253
Author: Braden.Labenz
Date: 7/14/2023 3:43:47 PM
Status:
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B1 zoning district



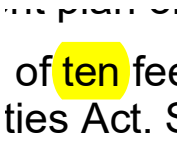
Subject: Highlight
Page Label: 253
Author: Braden.Labenz
Date: 7/14/2023 3:43:55 PM
Status:
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thick or thicker in commercial and industrial areas subject to the
approval of the City Engineer.



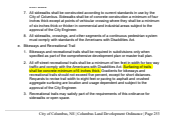
Subject: Highlight
Page Label: 253
Author: Braden.Labenz
Date: 7/14/2023 3:44:00 PM
Status:
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master trail plan



Subject: Highlight
Page Label: 253
Author: Braden.Labenz
Date: 7/14/2023 3:44:02 PM
Status:
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ten



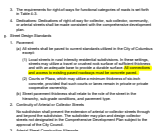
Subject: Highlight
Page Label: 253
Author: Braden.Labenz
Date: 7/14/2023 3:44:08 PM
Status:
Color:
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Surfacing of trails
shall be concrete minimum of 6 inches thick.



Subject: Highlight
Page Label: 253
Author: Braden.Labenz
Date: 7/14/2023 3:44:11 PM
Status:
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Requests to revise trail width to eight feet or paving to asphalt and crushed
aggregate surfacing are location and usage dependent and subject to the
approval of the City Engineer.



Subject: Highlight
Page Label: 254
Author: Braden.Labenz
Date: 7/14/2023 3:44:17 PM
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All connections
and access to existing paved roadways must be concrete paved.

---

cess to exis
or Plaza, wl
te, provided

Subject: Highlight
Page Label: 254
Author: Braden.Labenz
Date: 7/14/2023 3:44:18 PM
Status:
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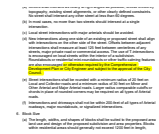
Plaza

ıve one end permanently cl
sure from the radii points, u
/ith restricted vision from er
sign by the developer at th
end of a cul-de-sac shall h

ın Local streets if approved

Subject: Highlight
Page Label: 255
Author: Braden.Labenz
Date: 7/14/2023 3:44:24 PM
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Space:

by the developer



Subject: Highlight
Page Label: 255
Author: Braden.Labenz
Date: 7/14/2023 3:44:33 PM
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or otherwise required by the Comprehensive Development Plan or City Engineer and subject to the approval of the City Council.

Named Lar

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Page Label: 256
Author: Braden.Labenz
Date: 7/14/2023 3:44:38 PM
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Subject: Highlight
Page Label: 256
Author: Braden.Labenz
Date: 7/14/2023 3:44:38 PM
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Subject: Highlight
Page Label: 256
Author: Braden.Labenz
Date: 7/14/2023 3:44:39 PM
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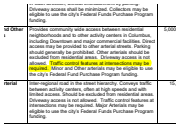
Subject: Highlight
Page Label: 256
Author: Braden.Labenz
Date: 7/14/2023 3:44:40 PM
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South)

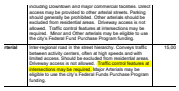
Subject: Highlight
Page Label: 256
Author: Braden.Labenz
Date: 7/14/2023 3:44:41 PM
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Named



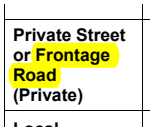
Subject: Highlight
Page Label: 258
Author: Braden.Labenz
Date: 7/14/2023 3:44:51 PM
Status:
Color:
Layer:
Space:

Traffic control features at intersections may be required.



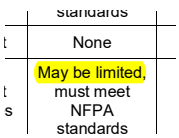
Subject: Highlight
Page Label: 258
Author: Braden.Labenz
Date: 7/14/2023 3:44:54 PM
Status:
Color:
Layer:
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Traffic control features at intersections may be required.



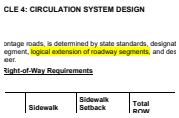
Subject: Highlight
Page Label: 259
Author: Braden.Labenz
Date: 7/14/2023 3:45:01 PM
Status:
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Frontage
Road



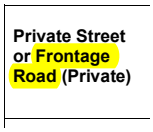
Subject: Highlight
Page Label: 259
Author: Braden.Labenz
Date: 7/14/2023 3:45:04 PM
Status:
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May be limited



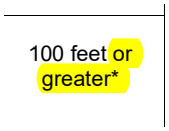
Subject: Highlight
Page Label: 260
Author: Braden.Labenz
Date: 7/14/2023 3:45:14 PM
Status:
Color:
Layer:
Space:

logical extension of roadway segments



Subject: Highlight
Page Label: 260
Author: Braden.Labenz
Date: 7/14/2023 3:45:17 PM
Status:
Color:
Layer:
Space:

Frontage Road



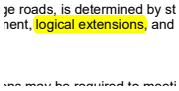
Subject: Highlight
Page Label: 260
Author: Braden.Labenz
Date: 7/14/2023 3:45:20 PM
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or greater*



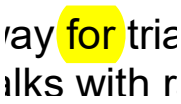
Subject: Highlight
Page Label: 260
Author: Braden.Labenz
Date: 7/14/2023 3:45:23 PM
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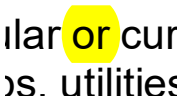
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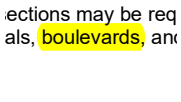
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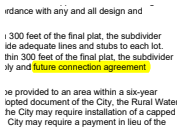
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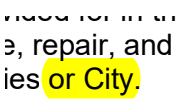
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make provision for a sanitary sewer supply and future
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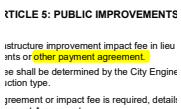
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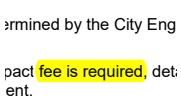
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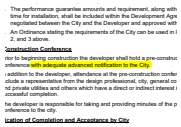
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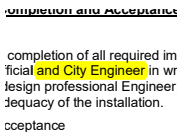
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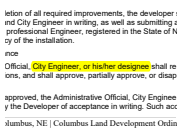
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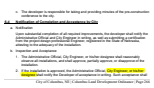
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and City Engineer



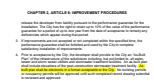
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As built plan shall be electronic in a format acceptable to the City.

7.E.1. Ordinance No. 23-09 adopting Columbus Land Development Ordinance.

CITY OF COLUMBUS
MEMORANDUM

DATE: July 6, 2023

FROM: Andy Woehrer Chief Building and Code Official

TO: City Administrator Tara Vasicek

RE: Adoption of Columbus Land Development Ordinance

RECOMMENDATION:

City staff recommends the City adopt the Columbus Land Development Ordinance.

DISCUSSION:

The last updated version was January 18, 2021. Since then revisions and updates have been made. Track changes have been highlighted in the attachment.

ALTERNATIVE:

Deny the Code Adoption

SIGNATURE:

By: Andrew J Woehrer

Approved By:

ORDINANCE NO. 23-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, REPEALING THE EXISTING UNIFIED LAND DEVELOPMENT ORDINANCE OF THE CITY OF COLUMBUS, NEBRASKA, ADOPTED BY ORDINANCE NO. 96-08 ON MARCH 18, 1996, ALONG WITH ALL SUBSEQUENT AMENDMENTS; ADOPTING THE COLUMBUS LAND DEVELOPMENT ORDINANCE AS SET FORTH HEREIN; INCORPORATING CHAPTER 152, SWIMMING POOLS, INTO THE COLUMBUS LAND DEVELOPMENT ORDINANCE; INCORPORATING THE COLUMBUS 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 Land Development Ordinance is hereby approved and adopted as follows:

The Columbus Land Development Ordinance for the City of Columbus

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CHAPTER 1: ZONING

1 ARTICLE ONE: GENERAL PROVISIONS

1-1 Title

Title XV, Chapter 151 of the Columbus Municipal Code shall be known as the Columbus 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 of is 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 Columbus 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.

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

The City of Columbus intends that this Columbus 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 Columbus 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 Columbus Land Development Ordinance conflicts with any other provision of the Columbus 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 Columbus 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.

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.

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.

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.

a. Shall and May

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

b. 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.

c. Conjunctions

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.

d. 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.
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

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 street access: An approved private street access with 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.
    (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 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.
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

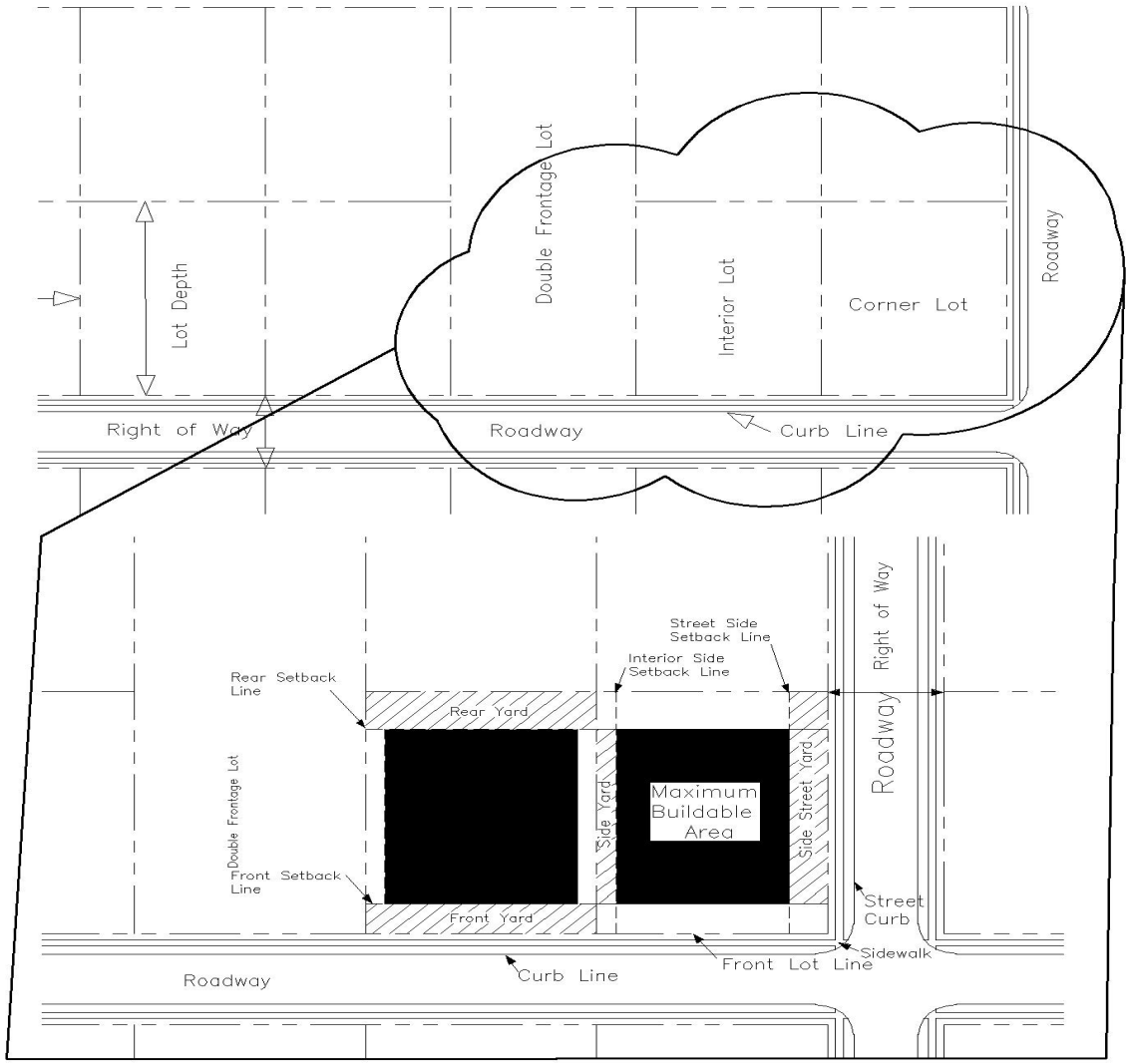
1. Aerial Map: An orthoimage with a scale of not less than 1 inch to 600 feet showing the location of a development project or subdivision in reference to surrounding

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 .
    (a) Corner Lot: A lot located at the intersection of two streets, private street access or on two segments of a curved street or private street 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): Lot Definitions



Lot Area: The total horizontal area within the lot lines of a lot.

5. Lot Depth: The average horizontal distance between the front and rear lot lines.
6. 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.

7. 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;

   (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 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 O

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.
5. 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.
6. 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.
7. Premises: A tract of land consisting of one or more lots or sites which are contiguous and under common ownership or control.
8. 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.
9. 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.
10. Property Line: The line separating parcels.

2-20 Q

2-21 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.

2-22 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.

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: 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.

2-23 T

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. In addition, no more than twelve contiguous townhouses with common or abutting walls.

2-24 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.

2-25 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.

2-26 W

2-27 X

2-28 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.

2-29 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.

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.

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.

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: 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 columbarium, 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: 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:

   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 a 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.

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: 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.

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.

   Exception: Short term rental of residential property in compliance with LB57 approved by the Governor on March 7, 2019. See Note #1, Table 4-2 (Bed & Breakfast)

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.

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.

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:

1. 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.

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 Commercial Air Bed and Breakfast, 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 confined 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.

    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. Private parking towaways or impound yards but exclude dismantling or salvage.

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

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.

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.

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.

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.

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.

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

OVERLAY DISTRICTS

Map Code	District Name
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 Table 4-2 and Table 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.

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 of this Zoning Code. Such changes shall be reflected on the Zoning Map. The City Clerk and City 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.

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.

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.

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			
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 ** Two-unit townhouse only

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	

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
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	
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) * Note 1

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
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)
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			

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
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			

- **Note 1 – Exception: Short term rental of residential property in compliance with LB57 approved by the Governor on March 7, 2019.**

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		
Personal Improvement 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			

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
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.

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
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	

Use Types	AG	RR	R-1	R-2	R-3	NTR	O	LC	UC	B-1	B-2	ML/C-1	MH	Supplementary Regulation
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	
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 (Single Family) 3,740 (Two Family)	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%
Maximum Impervious Coverage	NA	NA	50%	55% (8)	65%
Floor Area Ration	NA	NA	NA	NA	1.00

Note 1: See Section 6 for supplemental regulations governing townhouse residential use types. Note 2:

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: 4,840 square feet for single-family lots; 7,480 square feet for duplex or other residential lots.

Note 6: Accessory buildings cannot be over 20 feet in height to the peak.

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

Table 4-3(a): 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.

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	1.00	1.00	1.00	5.0	3.0

*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.

Table 4-3(a): 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	2.0	2.0

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

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:

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.

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

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

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 economic 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;
   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

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

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

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.

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.

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, is residents, and its businesses by preventing excessive and unsafe development in areas 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 3 ARTICLE THREE 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 4 ARTICLE FOUR and 5 ARTICLE FIVE.

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: 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 Article 2. 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 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 flood proofed.
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 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 street 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 flood proofing is utilized for an applicable structure, a flood proofing 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 LOMRF.
   (b) Applicant shall demonstrate that the property and any existing or proposed structures will be "reasonable 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.

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 Procedures**

1. The Board of Adjustment as established by City of Columbus shall hear and decide appeals and request for variances from the requirements of this ordinance.
2. 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.
3. 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).
4. 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:
   (a) The danger to life and property due to flooding or erosion damage.
   (b) The danger that materials may be swept onto other lands to the injury of others;
   (c) 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;
   (d) The importance of the services provided by the proposed facility to the community;
   (e) The necessity of the facility to have a waterfront location, where applicable;
   (f) The availability of alternative locations that are not subject to flooding or erosion damage for the proposed use;
   (g) The compatibility of the proposed use with existing and anticipated development;
   (h) The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;
   (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
   (j) 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,
   (k) 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.

g. **Conditions for Variances**

1. 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 applicant.
2. Variances shall only be issued based upon a determination that the granting of a variance will not result in increased flood heights.
3. 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.
4. 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.
5. 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.
6. 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.
7. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
8. 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.
9. All requests for variances and associated actions and documents, including justification for their issuance, shall be maintained by the community.

h. **Enforcement**

(a) **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.

(b) **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:

(1) Be in writing;

(2) Include an explanation of the alleged violation;

(3) Allow a reasonable time for the performance of any remedial act required;

(4) Be served upon the property owner or their agent as the case may require; and

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

i. **Penalties**

1. 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.
2. 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.
3. 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.

b. Encroachments

1. When proposing to permit any of the following encroachments, the standards in Section 5-1 shall apply:

(a) Any development that will cause a rise in the base flood elevations within the floodway; or

(b) 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

(c) Alteration or relocation of a stream; then

2. The applicant shall:

(a) 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

(b) 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

(1) New structures for human habitation are prohibited.

(2) All encroachments, including fill, new construction, substantial improvements, 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.

(3) 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 5-1, 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:

(1) Agricultural uses such as general farming, pasture, nurseries, and forestry

(2) Residential uses such as lawns, gardens, parking, and play areas

(3) Nonresidential uses such as loading areas, parking, and airport landing strips

(4) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, and wildlife and nature preserves.

4. Elevation and Floodproofing Requirements

(a) Residential Structures

(1) 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.

(2) 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.

(3) In the floodway, new structures for human habitation are prohibited.

5. 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:

(1) The structure is watertight with walls substantially impermeable to the passage of water and

(2) The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(3) 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:

(1) The structure is watertight with walls substantially impermeable to the passage of water and

(2) 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.

6. 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:

(1) A minimum or two openings having a net total 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.

7. 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:

(1) The structure shall not be used for human habitation.

(2) 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.

(3) The floor area shall not exceed 400 square feet.

(4) The structure shall have a low damage potential.

(5) The structure must be adequately anchored to prevent flotation, collapse, or other lateral movement.

(6) 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:

a. 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,

b. The bottom of all openings shall not be higher than one (1) foot above grade, and

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.

(7) 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.

(8) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(9) If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.

8. Manufactured Homes

(a) Require that all manufactured homes to be placed or substantially improved within floodplains on sites:

(1) Outside of a manufactured home park or subdivision,

(2) In a new manufactured home park or subdivision,

(3) In an expansion to an existing manufactured home park or subdivision, or

(4) 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 be elevated so that either;

(1) The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or

(2) 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:

(1) 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;

(2) 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;

(3) Any additions to the manufactured home be similarly anchored.

9. 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 Section 5-1.

(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.

10. Design and Construction Standards

(a) 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.

(b) Building Materials and Utilities

(1) 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.

(2) 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.

11. 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.

12. 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.

13. 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.

    (a) Storage of Materials

        (1) 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.

        (2) 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.

    (b) Recreational Vehicles

        (1) Within any floodway, recreational vehicles and recreational vehicle parks shall be prohibited.

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

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

        (4) 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

        (5) Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this ordinance.

14. 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 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.

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 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 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.

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).

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.

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

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:

1. Horticulture
2. Crop Production
3. Animal Production, subject to the following additional conditions:
   (a) Any new animal shelter, confinement facility, or animal unit shall require approval by the City Council through the special use permit procedure;

   (b) 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.

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.

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 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.

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

      Any garden center adjacent to a residential district must maintain a 20-foot landscaped Bufferyard consistent with the standards established in

      and Section 8-5.

   2. Roadside Stands: 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.

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

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

b. Commercial Feedlots: 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 3,740 square feet in the R-2 District and 1,500 square feet in the R3 District;
   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.

c. Multi-Family and Group Residential in B-1 District:

1. 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.

d. Non-Traditional Residential Parks in NTR District: 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(a): Site Development Regulations.
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 Article 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(a): 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.

(1) 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 350 feet in length without a variance.

(2) 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 350 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.
9. A set down permit with fee as set by Resolution is required for each mobile home.
10. Each manufactured home shall be equipped with tie down anchors as approved by the Building Official.

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.

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: Each group care facility or group home must be validly licensed by either the State of Nebraska or the appropriate governmental subdivision.

   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:

   1. 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.

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.
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:

(a) Erosion Control: A resource extraction use may not increase the amount of storm run-off onto adjacent properties. Erosion control facilities, including retention or detention and sediment basins, are required of each facility if necessary to meet this standard.

(b) 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.

(c) 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.

(d) Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:

(1) Restoration of slopes to a gradient not exceeding 33% as soon as possible;

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

(3) 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.

(e) 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.

(f) 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.

(c) Storage of materials within any salvage services facility may not be higher than the height of the surrounding screen fence or wall.

(d) 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 Neb. Rev. Stat. Sections 13-1111 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;

(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 Supplemental Use Regulations: 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

1. 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.

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.

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 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 Section 3-3 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.

c. Permitted Accessory Uses: Agricultural Use Types

1. Garden centers and roadside stands, subject to the regulations set forth in Section 6-2.
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

1. Outdoor storage is permitted where incidental to agricultural uses.

b. Civic Use Types

1. 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.
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

a. 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.

b. COMPLIANCE REQUIRED:

Every private residential swimming pool constructed, installed and maintained hereafter shall comply with all applicable provisions of this Code.

c. 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.

d. PERMIT FEES:

The fee for a permit for the erection or construction of a swimming pool shall be as set by resolution.

e. DRAWINGS, PLANS AND PERMITS:

1. 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.
2. 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.
3. 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.

f. REGULATIONS

1. <u>LOCATION:</u>

(a) 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.

2. <u>RECIRCULATION POOLS:</u>

(a) 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.

3. 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 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.

   (b) 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.

   (c) 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.

   (d) Pool walls that are to be lined with a plastic liner shall be constructed of masonry or reinforced concrete.

4. WALK AREAS:

   (a) 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.

5. FENCES:

   (a) 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 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 Building Official. 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.

6. STEPS OR LADDERS:

   (a) 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.

7. WATER SUPPLY:
   (a) 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.
8. ELECTRICAL REQUIREMENTS:
   (a) 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
9. 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.

6-11 Supplemental Use Regulations: Mailboxes

Mailboxes constructed on a base other than a single pole and a footprint larger than 25 square feet need approval from the City Engineer as to location and the Chief Building and Code Official as to the structure and size.

6-12 Supplemental Use Regulations: Cargo Containers and Portable Storage Containers

Cargo containers sixteen (16) feet long and longer are only allowed in light industrial zoning districts and general industrial districts subject to the following requirements:

a. The time duration that storage containers can be allowed on a particular site shall be established by the Development Review Team (DRT).
b. Containers shall be limited in quantity to the number allowed by the Development Review Team and shall not be increased without additional review.
c. Location of containers on the site shall be restricted to the location approved on the site plan by the Development Review Team.
d. Containers approved for a duration of twelve (12) months or more may require screening view of any adjacent property and public streets in a manner approved by the Development Review Team including, but not limited to, fencing, berming, landscaping or a combination thereof.
e. All storage containers shall be clean and well-maintained portable storage
   1. Containers sixteen (16) feet and less in length are allowed in all zoning districts subject to the following requirements:
   2. The temporary placement of one (1) portable storage container not to exceed the size dimensions of eight (8) feet wide by eight (8) feet high by sixteen (16) feet long on a residential lot for the purpose of loading and unloading household contents shall be permitted for a time not to exceed ninety (90) days in a twelve

(12) month consecutive period. Additional time is subject to City approval by the Building Official on a case-by-case basis. Additional containers on the same site require City approval by the Building Official prior to placement.

3. Portable storage containers shall not be used for long term storage.
4. No permit is required; however, the street address of the location the container is going to be placed and the date of placement shall be communicated by telephone, electronic mail, or in person, to the Building Official prior to the day the container is placed.
5. The property must be occupied by a principal residential building.
6. Containers are allowed in the front building setback but shall be placed a minimum distance of five (5) feet from any side or rear property lines. Preferred location is in the driveway of the residence, but in no case shall the container be placed in the street or encroaching on public right-of-way.
7. Signs on any portable storage container shall be limited to not more than twelve (12) square feet each, not to exceed one (1) per side. Signage on the container shall not be used for advertising off-premise businesses other than the company that owns and operates the container business.
8. No sales shall be conducted from a portable storage container.
9. All storage containers shall be clean and well maintained.

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 (including enclosed or unenclosed), 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.
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. 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 an existing building on one side only, the minimum front yard shall be the setback of the adjacent building.

(b) 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.

d. 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.

e. 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.

f. Antennas: No antennas are permitted in the front yard.

g. Vision Clearance Zones: No structures, plantings to maturity, landscaping, fences, parked vehicles, or other obstructions shall be built or placed above a maximum height of 30-inches above the established curb grade or radii 20 feet of less within, whichever is greater in clear zones, from a triangle formed 1) by a line connecting points thirteen feet along each leg from the property lines from their point of intersection and 2) by a line connecting points forty feet along each leg from the back of curb 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 sign of drivers and/or pedestrians approaching the intersection as show in Figure 7-2(a). Radii greater than 20 feet shall be subject to the Figure requirements. Vision clearance where private driveways and streets or courts meet shall be subject to approval of the Building Official.

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

1. 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.

Figure 7-2(a): Vision Clearance Zone

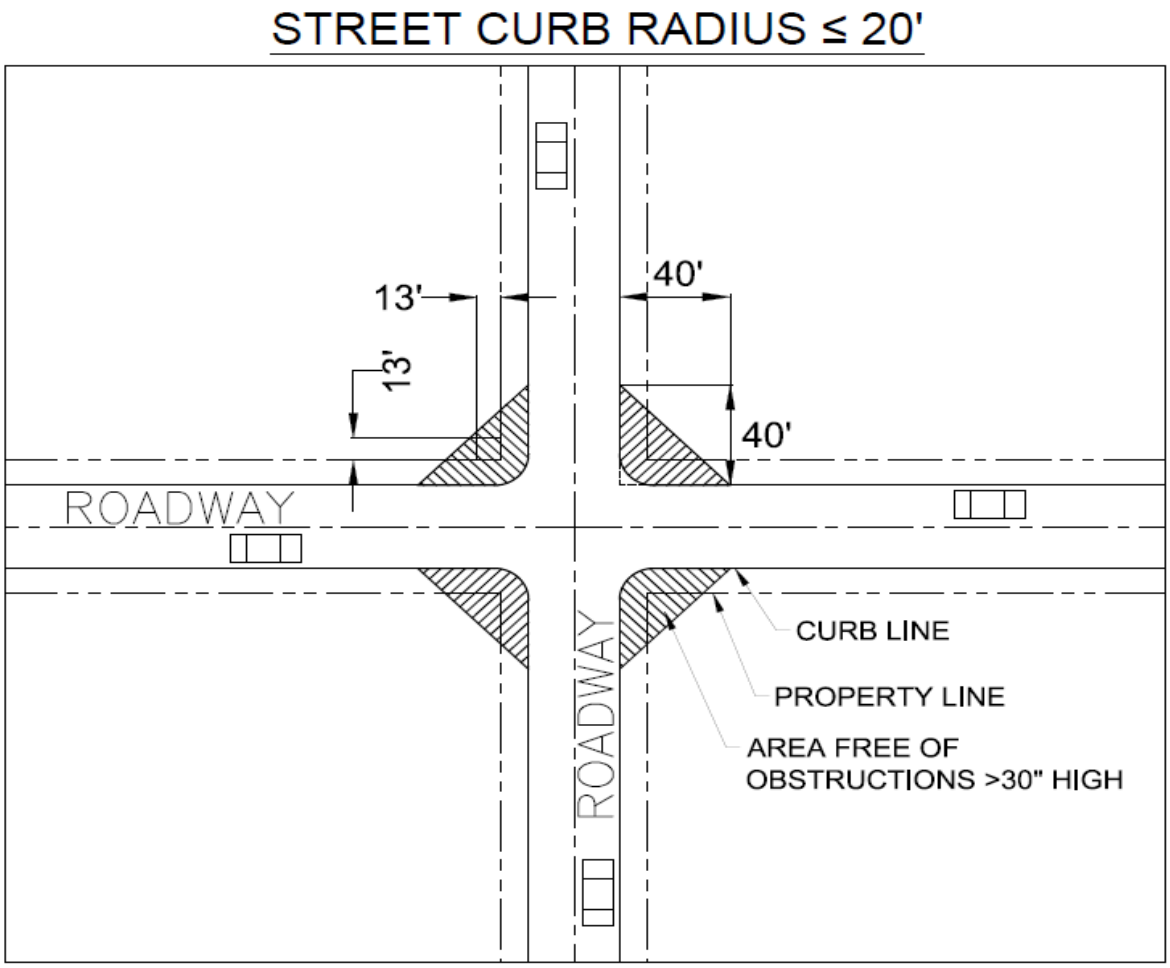


FIGURE 7-2 (a): *VISION CLEARANCE ZONE*

Figure 7-2(b): Vision Clearance Zone

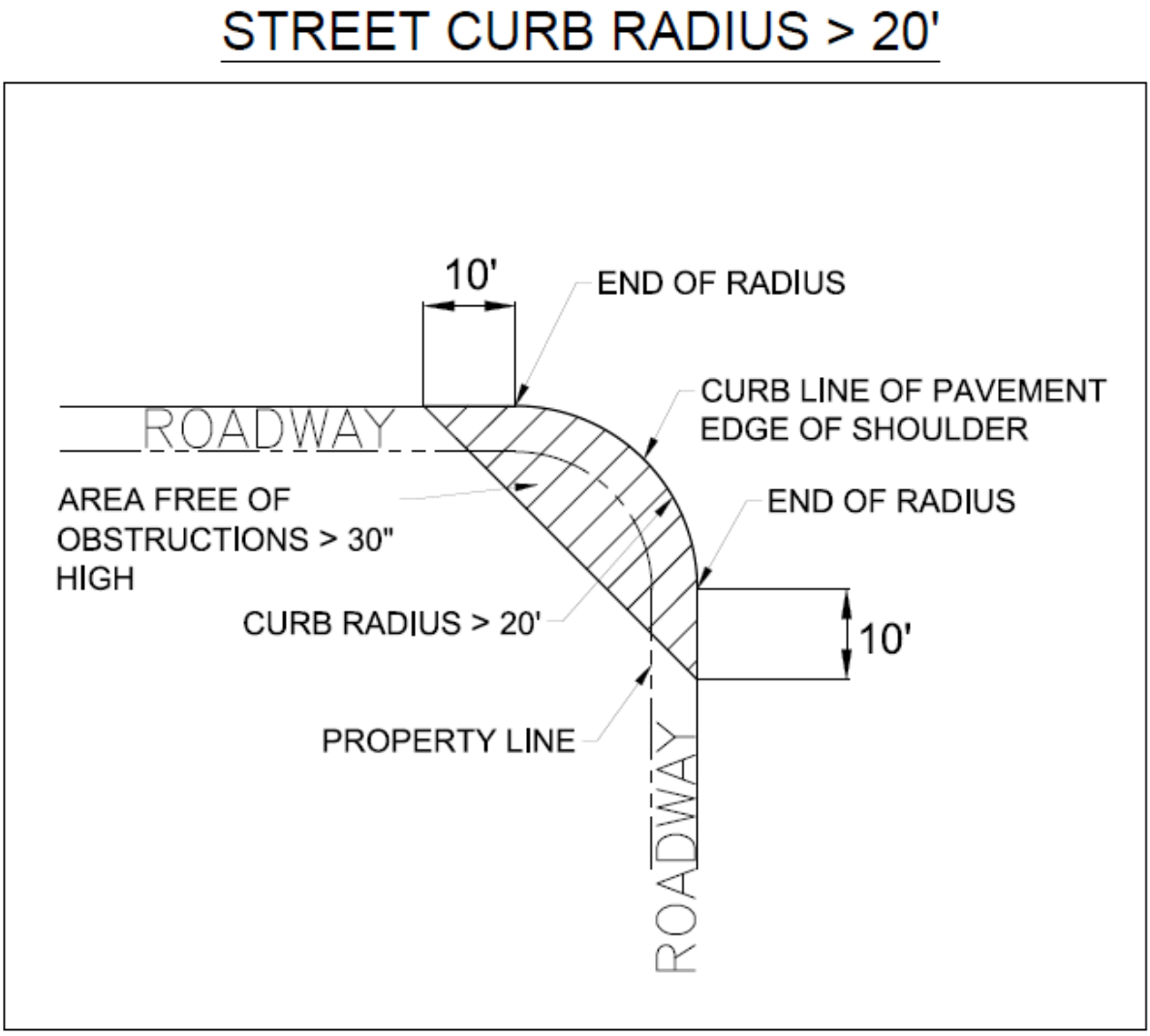


FIGURE 7-2 (b): *VISION CLEARANCE ZONE*

7-3 Height Exceptions

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

1. 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.
2. Radio Towers: 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(a): Site Development Regulations. This exception does not apply to parabolic antennas, designed to receive signals from satellites.

   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.
3. 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.
4. Wind Energy Conservation Systems (WECS): Wind Energy Conservation Systems are exempt from the height restrictions of the base district in accordance with existing ordinances.
5. 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.

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

a. Purpose: Section 5-11 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: 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.

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

b. 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.

c. 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.

d. 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.

2. 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.

e. Office, Commercial, and Industrial Fences: 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 Downtown Building Standards

The Downtown Business District includes the area bounded by 10th Street and 15th Street and 21st Avenue and 32nd Avenue, all public right-of-way or portions thereof located within these boundaries, and all buildings or structures abutting, adjoining, or bordering the same.

The City of Columbus has set forth these guidelines as minimum standards whereby properties in the Downtown Business District can be improved or built upon; it is in the best interest of the City and its residents to have a downtown that is pleasing to walk, drive through and conduct business in while maintaining an environment that preserves, to a reasonable extent, the heritage and history of Columbus. Any improvement or building project should be undertaken with care and consideration of these goals.

A majority of the commercial buildings in the Columbus downtown retain their original form and ornamentation in the upper stories. Out of the total of 127 properties in the Downtown, 101 are considered architecturally and historically significant. The majority of the commercial buildings were built between 1910 and 1919 with most of the remaining being built from 1930 to 1946.

The downtown code is the regulating document for development within the downtown of Columbus. The downtown code recognizes the historic character of the downtown and identifies a special set of development standards, allowed use regulations, and other special use regulations that, when applied to new construction and qualifying remodel/s expansions will ensure that the historic character is positively complement. These guidelines apply to any portion of the commercial and/or institutional properties visible to pedestrians and/or motorist within the Downtown Business District.

Building should work together to create a “wall of buildings” effect associated with traditional downtown areas. New construction and infill building must maintain the alignment of facades along the sidewalk edge; exceptions may be granted if the setback is pedestrian oriented and contributes to the quality and character of the streetscape, or if the lot size, shape and the intended use of the building require substantial associated onsite parking.

A minimum of 30% of the ground level front façade and 20% of the ground level sides of buildings adjacent to public right of ways shall consist of any combination of windows and doors with large glass panels, as shall a building’s rear façade if it faces public right of way, parking area or open space. Windowless upper floors are not permitted and the windows should be vertically oriented. Arched tops, columns framing and window and decorative lintels, where appropriate are encouraged.

Infill construction should reflect some of the detailing of surrounding buildings in building massing, window shape, cornice lines and brick work.

For the first 20 feet above street level, street facades shall be constructed of durable materials such as stone, brick, tile, or glass, or similar materials such as precast concrete, or poured in place concrete are required as the primary exterior material facing

streets. Other high-quality materials may be proposed to and approved by the Chief Building and Code Official.

Faux brick products (not made of fired clay) are prohibited. Metal is not suitable primary material for building exteriors in the Downtown area.

With the exception of existing, the following materials are not permitted for use on the facades or sides of buildings adjacent to public right of way.

1. Brick larger than 4” in height, 12” in length
2. Aluminum, vinyl or fiberglass siding.
3. Concrete masonry units, other than limited use of split faced block which may be considered accent lines or the emulation of foundation stone if appropriate.
4. Materials that attempt to mimic traditional materials (an example would be fiberglass panels that are molded to look like brick); a singular exception to this is the judicious use of cultured stone.
5. Stucco or synthetic stucco is prohibited below the 12 (twelve) foot level but may be substituted above that level for the durable materials described above. Exception stucco maybe approved by the building official below the 12 (twelve) foot level if the structural integrity of the brick has been compromised.

If a new commercial building is constructed within the Downtown Business District its design should complement its environment and should include design elements, proportion, colors, etc.

Tile, stone, glass block, copper flashing, metal and wood are among the type of materials that should be considered for accents to buildings. Preference is for a high level of design and architectural detail.

7-7 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 Section 12-8 and Section 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 Article 8, shall apply to all new development on each lot or site upon application for a building permit or replacement of sidewalk within the B-1 district, except for the following:

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

b. 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.

TABLE 8-1: Required Landscape 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
B-1	Sidewalk landscape beds including approved plantings in sidewalks in accordance with the B-1 district master plan and design standards
B-2	10 feet
ML/C-1	No Requirement
MH	No Requirement

B-1 district sidewalk landscaping beds or administrative official approved landscape heavy duty landscape pots or structure shall be located in accordance with the master plan and design standards. Improvements shall include coordinated district sizing, location, construction features, underground stormwater collection system, connection to public storm sewer system, bedding, earthen material, plantings and related work.

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.

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.

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

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 a slope between 4 and 6 percent as approved by the Building Official 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. Sidewalk or trail cross slope, including the driveway, cannot exceed two percent (quarter inch per foot) in accordance with the American's is Disability Act.

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 specification 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.

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.

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.

Civic Use Types	
Health Care	1 space per 300 square feet + 1 space per employee of largest shift.
Maintenance Facilities	See Schedule A.
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.

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.

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.

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

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.

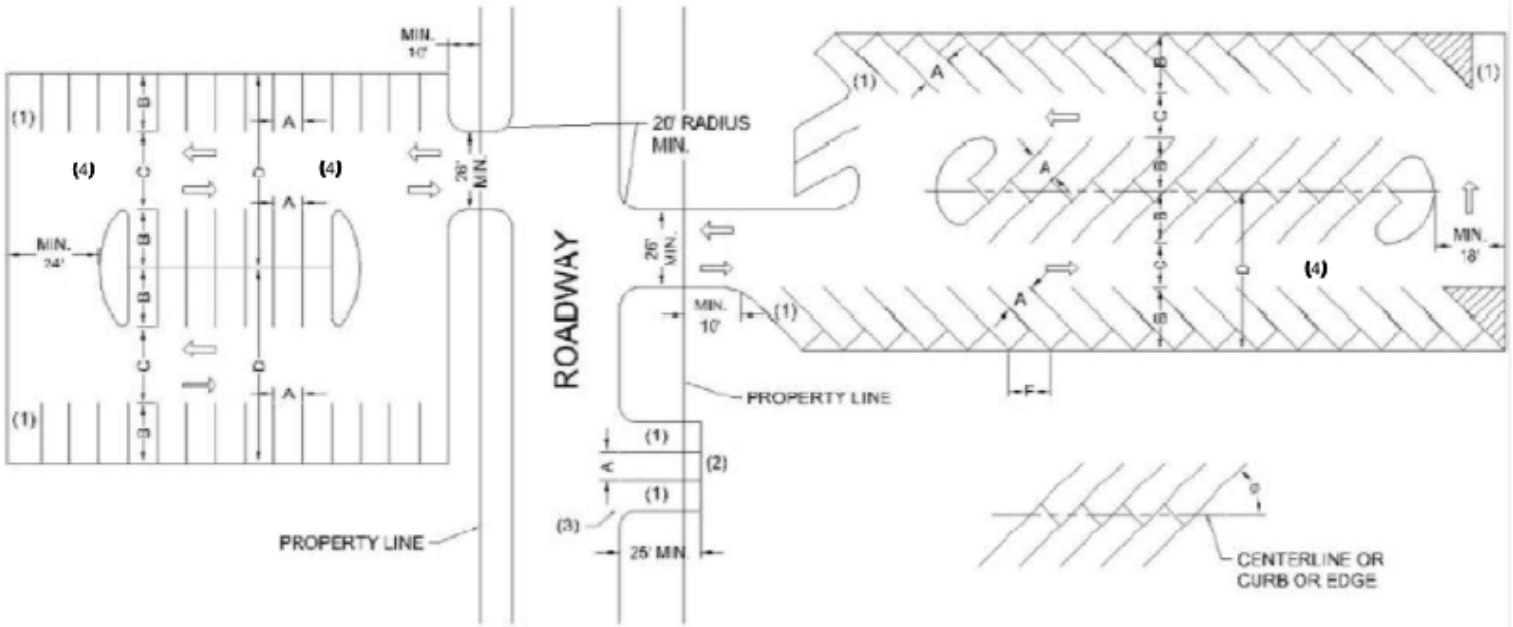
b. Non-Residential Parking

1. 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 9-4: Off-Street Parking Standards



ANGLE (°)	STALL WIDTH (A)	STALL DEPTH (B)	AISLE WIDTH (C)	TYPICAL MODULE (D)
45°	9.0'	18.0'	16.0'	52.0'
60°	9.0'	19.0'	17.0'	55.0'
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

(4) MAIN ENTRY ACCESS AISLE TO BE 26 FOOT MINIMUM WIDTH

a. Dimensions: Parking stalls and aisles shall be provided in accordance with the design standards provided in Figure 9-4 and Figure 9-5(c).

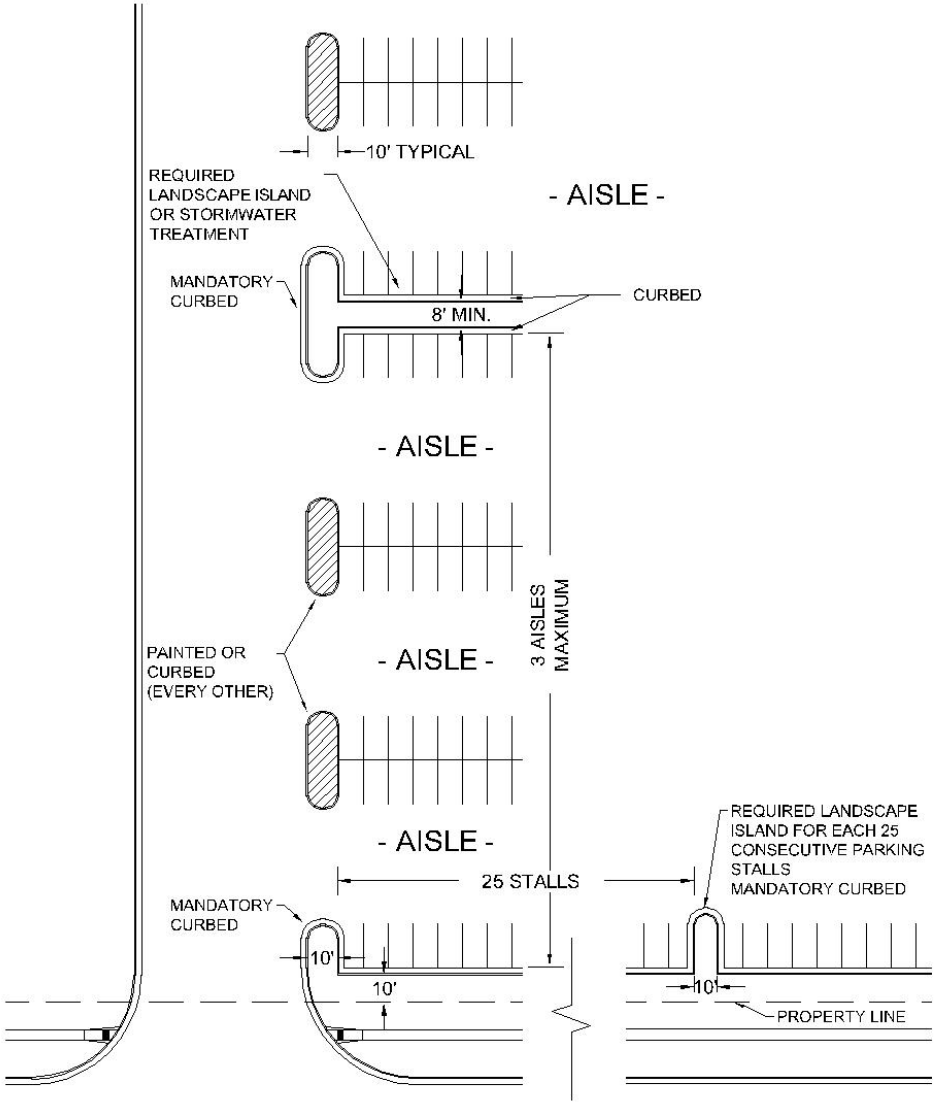
b. Pavement and Drainage: Off-street parking facilities shall be designed and built to the stormwater management program requirements. Parking lots shall have an internal drainage system and not adversely sheet flow drain onto public right-of-way, roadways, and alleys. Public storm sewer or drainage ways adjacent to or nearby and available must be extended into the parking lot for this purpose.

   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 during the life of the facility:

   1. Each unenclosed parking facility shall provide a minimum buffer of ten feet along any street property line; Ten-foot buffer is not required in the B-1, ML/C1 and MH Districts.
   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.

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 and main aisle 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.

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

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 Article 9 of the Columbus 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 crushed aggregate surfaced driveway or paved pad adjacent to the driveway, any portion of the access or driveway in public right-of-way must be concrete or asphalt paved;
   (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

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;

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, Serviceability, 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 Columbus Land Development Ordinances (CLDO).

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.

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 in 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.
9. *COMMERCIAL BUILDING, MULTIPLE TENANT*: A commercial building with two (2) or more separate tenants having individual entrances and shared parking.
10. *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.
11. *FRONTAGE:* The length of a property line of any one (1) premise abutting and parallel to a public street, private way, or court.
12. *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.
13. *INDIVIDUAL LETTERS*: A cutout or etched letter or logo which is individually placed on a wall or freestanding sign.
14. *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.
15. *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.

16. *MARQUEE:* A permanent roofed structure attached to and supported by a building and typically extends over public right-of-way.
17. *PAN-CHANNEL LETTER:* An individual three-dimensional letter constructed by means of a three-sided metal channel.
18. *PERMITTED SIGN BUDGET:* The permitted square feet of sign area allowed for signage on a premise.
19. *PREMISES:* A tract of one (1) or more lots or sites which are contiguous and under common ownership or control.
20. *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.
21. *SIGN COPY:* Any combination of letter or numbers which is intended to inform, direct, or otherwise transmit information.
22. *SIGN FACE:* The area of a sign on which words and images are placed.
23. *SIGN STRUCTURE:* The structural supports, monument base, foundation, uprights, braces, guides, anchors, and framework of a sign.
24. *VISION CLEARANCE TRIANGLE:* The vision clearance triangle is described in 7-2. 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.
2. ATTACHED SIGN: A sign which is structurally connected to a building or depends upon that building for support.
3. AWNING SIGN: A sign painted, installed, attached, or otherwise applied to or located directly on an awning.
4. 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.
5. BALLOON SIGN: A sign supported by a balloon.
6. BILLBOARD: See Outdoor Advertising Signs.
7. 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.
8. BLINKING SIGN: See Flashing Sign.
9. BUILDING MARKER: See Integral Sign.

10. 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.
11. 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.
12. CANOPY SIGN: A sign painted, installed, attached, or otherwise applied to or located directly on a canopy.
13. CHANGING MESSAGE SIGN: A sign designed to permit change of copy manually.
14. DETACHED SIGN: A sign which is self-supporting and structurally independent from any building.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.

24. 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.
25. HISTORIC MARKER: A marker commemorating a recognized historic person or event, or identifying a historic place, structure, or object.
26. 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 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.
27. 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.
28. MARQUEE SIGN: A sign painted, installed, attached or otherwise applied to or located directly on a Marquee.
29. MONUMENT SIGN: An on-premise freestanding sign with the appearance of a solid base.
30. 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.
31. MURAL-ADVERTISING: See Painted Wall Sign.
32. NONCONFORMING SIGN: A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
33. 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.
34. OBSOLETE SIGN: Sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located.
35. 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.
36. 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.
37. 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.

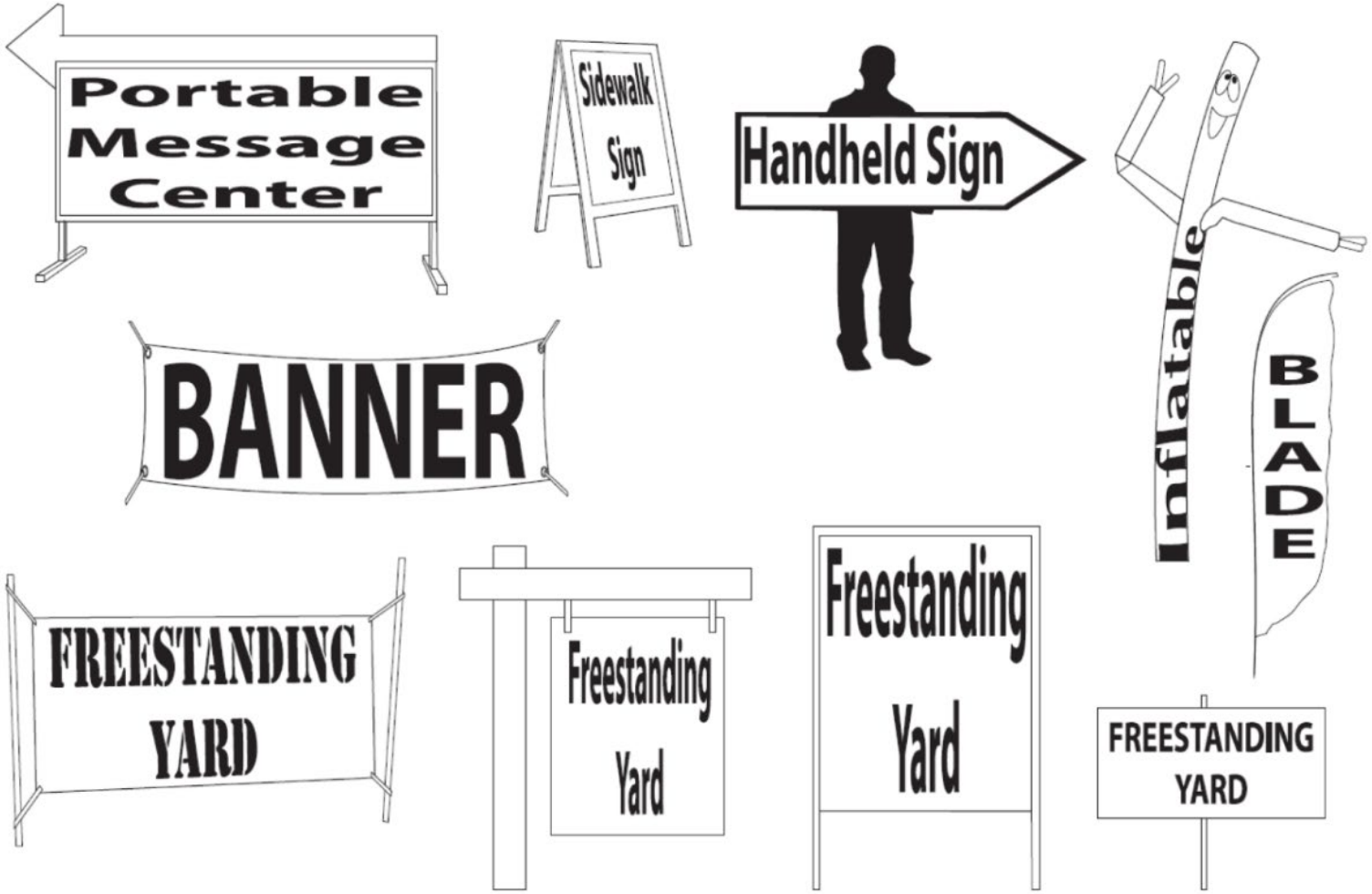
38. PAINTED WALL SIGN: A sign painted directly onto the exterior wall of a building containing a logo, business name, or advertisement. May also be referred to as a Mural-Advertising.
39. PERMANENT SIGN. A sign constructed of durable materials, attached to the ground or a building in a manner provided by the building code.
40. POLE SIGN: An on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance greater than three (3) feet.
41. 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.
42. 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 limited to, signs designed to be transported by means of wheels. Such signs may include changeable copy.
43. PROJECTING SIGN: A sign other than a wall sign that is attached to and projects from a building face.
44. 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.
45. 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.
46. 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.
47. 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.
48. 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.

49. 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.
50. TEMPORARY SIGNS: Any sign constructed of cloth, canvas, fabric, plywood, or other light materials and intended for display for a short period of time.
51. 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).
52. 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 vehicle or piece of equipment is used for transporting people or materials in the normal day-to-day operation of the business.
53. 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.
54. 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.

Figure 10-1: Permanent Signs Example



Figure 10-2: Temporary Signs Example



10-4 General Sign Regulations

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.

a. Permanent Sign; Registration of Installers: 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.

b. Revocation of Registration; Sign Installers:

1. 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.

2. 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.

c. 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:

1. Worker's compensation insurance.

2. 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.

3. The City of Columbus shall be named a Certificate Holder, on the above liability and property damage insurance.

4. A thirty (3) day written notice shall be given to the Building Official in the event of expiration or of proposed cancellation of the insurance policy.

d. Permit Procedures

1. 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 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.

2. 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.

3. 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.
4. 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.
5. 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.
6. Application Fees. Fees as prescribed in this article are set forth in the City of Columbus Comprehensive Fee Schedule.
   (a) 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.
   (b) 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.

e. Design Standards

1. 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.
2. 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

Design; Clearances and Projections. All signs must maintain the following clearances and projections as well as any clearances and projections outlined in this Article.

(a) Clearances: The lowest point of a sign must maintain the following minimum vertical clearances, unless otherwise stated in this Article:
   (1) Seven (7) feet, six (6) inches over sidewalks;
   (2) Fifteen (15) feet over parking lots;
   (3) Eighteen (18) feet over driveways.

(b) Projections: The projection regulation below shall stand, unless otherwise stated in this Article
   (1) No sign or sign structure shall project into any street right-of-way.
   (2) No sign or sign structure shall project into any public alley right-of-way.

3. 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.
4. 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.
5. 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:

(a) The working strength of chains, cables, guys, or steel rods shall not exceed one-fifth (⅕) of the ultimate strength of such chains, cables, guys, or steel.

6. 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.
7. 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.

f. Construction Standards

1. 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.

   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.

2. 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.

   (a) Awnings and Canopies: Shall comply with the requirements of the City adopted International Building Code.

3. 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.

4. 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 10-1.

   Sections of approved plastics on wall signs shall not exceed two hundred twenty-five (225) square feet in area.

Exceptions:

(a) Section of approved plastics on signs other than wall signs may be of unlimited area if approved by the Building Official.

(b) Section of approved plastics on wall signs shall be separated three (3) feet laterally and six (6) feet vertically by the required exterior wall construction.

(1) Sections of approved plastics on signs other than wall signs may be contiguous if approved by the Building Official.

5. 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 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.

6. Construction; Electrical. Clearance from overhead power lines. When installed, signs shall maintain clearance from overhead power lines as follows:

   (a) Less than seventy hundred fifty (750) volts: Seven (7) feet horizontally and vertically

   (b) 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.

7. 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.

8. 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.

Table 10-1: Maximum Size of Exposed Glass Panel

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

g. Maintenance and Alterations

1. 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.

2. 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.

h. Nonconformance

1. 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:

(a) No such sign may be enlarged or altered in a way which increases its nonconformity; however, reasonable repairs and alterations may be permitted.

(b) 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.

j. Violations and Enforcement

2. 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.
3. Violation Declared a Civil Infraction. It shall be a civil infraction for any person to violate any of the provisions of the sign standards.
4. 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.
5. 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:

(a) Administrative Enforcement.

(1) For any abandoned, discontinued, prohibited, or illegal sign, the Building Official or designee may send notice, via certified mail, to the record owner or occupier of the property to abate the nuisance within a reasonable time.

(2) 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:

a. Removal of the sign; or

b. Obtaining the required permits and bringing the sign into compliance with the sign standards.

(b) 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.

(c) 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.

(1) Location.

a. 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.

b. Ingress/Egress Clearance. No sign shall interfere with any driveway or access way or any means of ingress or egress to any building.

c. 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 the greater clear zone area of 1) a triangle measured from the property line to a point 13 feet in each direction from the intersection along the property line or 2) a triangle measured from the extensions of the back of curb to a point 40 feet in each direction from the intersection. 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) 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.
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. Not 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

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 Figure 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 10-2.
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 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.

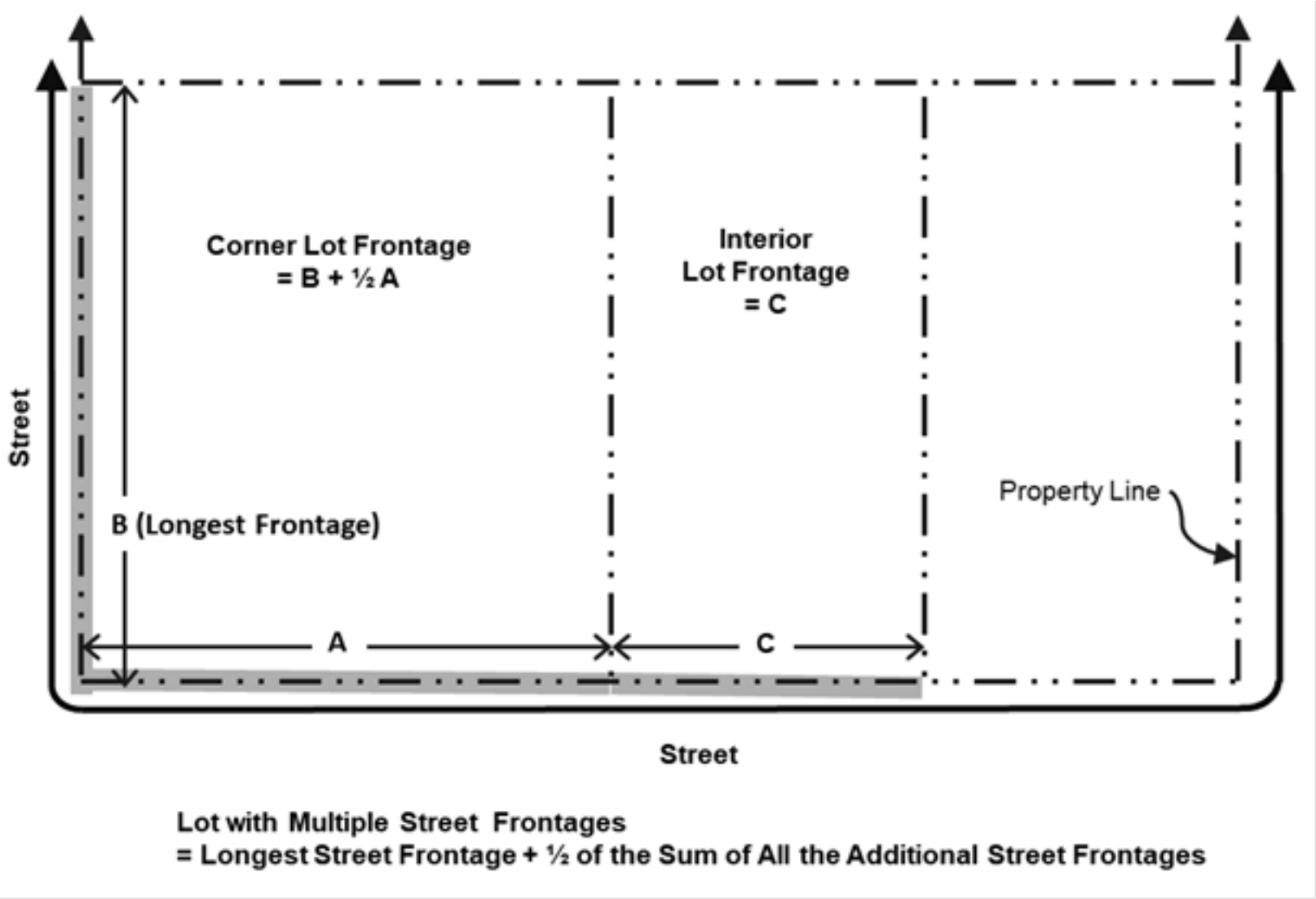
Table 10 – 2: Permitted Permanent Sign Budget by District

	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.

Figure 10 - 4: Lot Frontage Determination

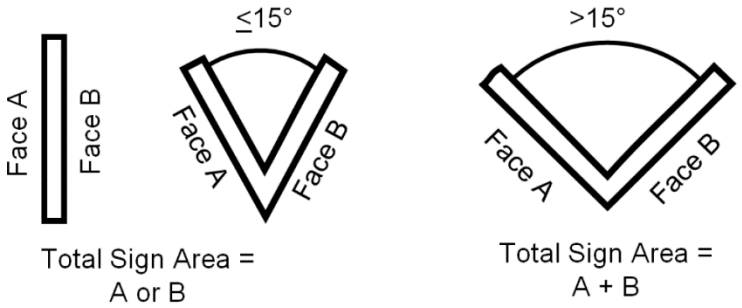


Lot with Multiple Street Frontages
= Longest Street Frontage + ½ of the Sum of All the Additional Street Frontages

a. *Sign Area.* Sign area is measured or calculated as follows:

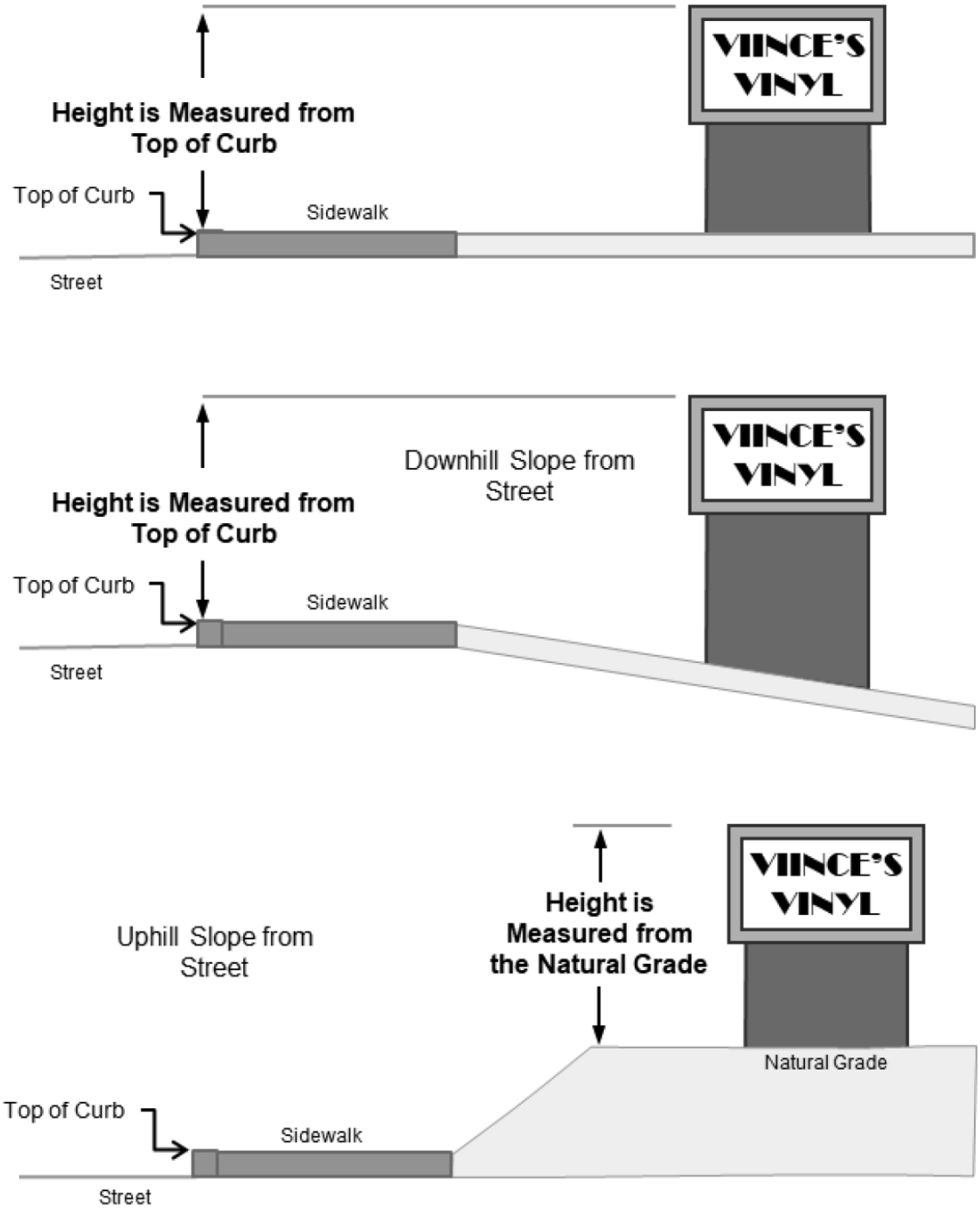
1. *Wall Sign with Background Panel.* The background panel area shall be calculated by measuring the area contained within the sum of the smallest rectangles, squares, triangles, parallelograms, circles, or ellipses that comprises the background panel.
2. *Wall Sign without Background Panel.* The area 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 when the interior angle of the sign faces does not exceed fifteen (15) degrees if the boards are in a "V". See Figure 9-5, below, for a graphic representation.

Figure 10 - 5: Formulas for Determining Sign Area for Signs with Two or More Faces



b. *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 Figure 10-6 for Measurement of Sign Height graphic.

Figure 10 - 6: Measurement of Sign Height



c. *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	NRU	NRU	N	P	P	P	P	P	P	P	P	P
Monument	NRU	NRU	N	P	P	P	P	P	P	P	P	P
Pole	NRU	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												
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	NRU	NRU	NRU	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	NRU	P	P	P	P	P	P	P	P
Numeric Display	N	N	N	NRU	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

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
Pole	N	N	N	30	45	30	N	45	45
Front Yard Setback (ft.)	25	5	2	2	2	0		2	2
Side Yard Setback (ft.)	10	10	2	2	2	0		2	2

NA - Not Applicable
N - Not Permitted

b) Attached Signs. Awning, Canopy, Marquee, Painted Wall, Projecting, and Wall signs. Table 10-6, below, regulates all attached signs, unless otherwise stated in the supplemental regulations. Table 10-6 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, 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%

c) 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 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.

(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:
      (1) Three (3) feet over sidewalks less than twelve (12) feet wide.
      (2) 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:
      (1) Three (3) feet over sidewalks less than twelve (12) feet wide.
      (2) 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.

2. *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:

(1) 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.

(2) Shall not exceed four (4) sq ft. in maximum size and three (3) ft. in maximum height.

(b) In R3 and NTR:

(1) Limited to one (1) sign denoting the entrance for a residential subdivision at each major access point off of an arterial or local collector.

(2) 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.

(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 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.

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 10-7, 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.

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.
3. 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 10-8 below.
4. 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.

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

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 Figure 7-2(a).
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 Section 7-2.

d. *Freestanding Yard Signs.* Freestanding Yard Signs, where permitted, are subject to the following supplemental regulations.

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.
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 Figure 7-2(a).

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

Handheld Signs. Handheld Signs, where permitted, are subject to the following supplemental regulations.

4. Handheld Signs are restricted to be on the same premise as the business, service, activity, or event that is being advertised.
5. Any person carrying a Handheld Sign is prohibited from obstructing the sidewalk or standing in the right-of-way.

6. Handheld Signs may only be displayed during the hours of operation for the on-premise business, service, activity, or event.
7. Lighting, bullhorns, amplified sounds, and mannequins are prohibited as display aspects of Handheld Sign.

e. *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 Figure 7-2(a).
4. Maximum Height: Twenty-five (25) feet.
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.

f. *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.
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.

g. *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.

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 Columbus 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.
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.

f. *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 Section 10-13 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.

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.

1. 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.

2. 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.

f. Other Standards.

3. 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.

4. 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.

   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

   1. 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.

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 Columbus 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.

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 coverages 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

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 Section 8-1, Landscaping and Screening Regulations. However, any of the following action on or after the effective date of this Ordinance shall be subject to Section 8-1:

(a) Expansion of a structure, building or parking lot

(b) 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.

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 Section 12-1.

12 ARTICLE TWELVE: ADMINISTRATION AND PROCEDURES

12-1 Purpose

The Administration and Procedures Provisions establish the methods for implementation of the Columbus Land Development Ordinance. These provisions include procedures for reviewing specific uses and developments within certain zoning districts; amending the Columbus 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

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 Columbus Land Development Ordinance.
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 Columbus 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.

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 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 at least 21 calendar days (including holidays) before the Planning Commission meeting at which the public hearing on the application may be held subject to administrative official approval to proceed. Submission must be complete prior to the staff recommendation that the permit application is to be acted on the Planning Commission. The application shall include the following information and be submitted on a form approved by the Community Development 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
3. Owner, address and legal description of the property.

4. A description of the nature and operating characteristics of the proposed use.
5. A site plan, when requested by the building official, which includes all information as described in Section 12-2.
6. Excavation and Material Extraction Special Use Permits applications must include a proposed post development site plan including anticipated final contours and features.
7. The special use requested and the current zoning.
8. 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	
Land Use Compatibility		**Site Plan Review**	**Special Use Permit**
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

TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

CRITERIA		APPLICATION TO	
Site Development		**Site Plan Review**	**Special Use Permit**
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
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
Land Use Compatibility			
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	
Operating Characteristics		**Site Plan Review**	**Special Use Permit**
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
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 (f), 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 (f) 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. Applicant's attorney shall work with the City Attorney on review and final versions.

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.
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:
      (1) the owners of the real estate which is the subject of the Special Use Permit;
      (2) 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

(3) 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

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.

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 or six (6) months from said failure to pass a motion to approve this special use permit.

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.

12-4 Amendment Procedure

a. Purpose

The Amendment Procedures describe the methods by which changes may be made in the text of the Columbus 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. Rezonings 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 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 place on the Planning Commission Agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which time the public hearing on the application may be held subject to administrative official approval to proceed. Submission must be complete prior to the staff recommendation that the permit application is to be acted on the Planning Commission. The application shall include the following information and shall be submitted on a form approved by the Community Development 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 Section 12-2.
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 Section 12-4, 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 Section 12-4 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 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 pace 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:
      (1) the owners of the real estate to be zoned or rezoned;
      (2) the owners of all real estate located within 300' of the real estate to be zoned or rezoned; and

(3) the Board of Education of each school district in which the real estate to be zoned or rezoned 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 (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 or six (6) months from said failure to pass a motion to approve this rezone permit.

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

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 complete 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.
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 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 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 affect any variation in such ordinance.

12-9 Powers and Duties of the Board of Adjustment

1. 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;

         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 12-9 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 affect any variation in the application of this ordinance.

12-10 Appeals from the Board of Adjustment

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 12-1 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

12-15 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, Chief Building and Code Official and/or other Building Officials, City Engineer, City Surveyor, Public Works Director and City Planner and Economic Developer. These members may invite other 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 participates. The DRT and/or staff members of the DRT will provide professional recommendations to the Planning Commission and City Council. It is understood the information provided at the DRT meetings are preliminary in nature and thus final decisions or recommendations are not final and subject to review of official submittals for review.

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 encourage 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 9:00 am to 12:00 pm for DRT project review and meetings with project representatives.

Applications will be due the Thursday prior to the meeting date desired by the project representative but subject to date, time, and DRT staff availability.

CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

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 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 "commercial 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.

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) 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, 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

hh. 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 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

a. 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:

b. 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.

c. Implementing an Application process for person(s) seeking an Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities.

d. 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.

e. Promoting and encouraging, wherever possible, the sharing and/or co-location of Wireless Telecommunications Facilities among service providers.

f. 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.

g. 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, 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 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.

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:

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 13 and Article 15 of the Columbus Land Development Ordinance.

13-8 Eligible Facility Permit and Special Use Permit Application and Other Requirements.

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 Section 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.

i. Where a certification is called for in Article 13, 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, 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;
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 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, 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, 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.

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

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 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.

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

b. 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, 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.

c. No Tower constructed after the effective date of Article 13, 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.

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.

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 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 Section 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 an 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.

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.

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, 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.

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 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 and with such sureties as are deemed sufficient by the City to assure the faithful performance of the terms and conditions of Article 13, and conditions of any Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities issued pursuant to Article 13. 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.

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, 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 Section 12-14 of the Columbus 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, or any section of Article 13. 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, without limiting other remedies available to the City.

13-28 Default and/or Revocation

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, 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.

    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.

c. 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 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.

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.

d. 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, 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.

b. If after such a periodic review and examination of this Ordinance, the City determines that one or more provisions of Article 13, 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, 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.

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, 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, shall apply.

13-35 Effective Date

Article 13, shall be effective immediately upon passage and publication, pursuant to applicable legal and procedural requirements.

13-36 Authority

Article 13, is enacted pursuant to applicable authority granted by the state and federal government.

13-37 to 13-39 Reserved for Future Use.

CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

: 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.

“**Antenna**” means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

“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.

“**Applicant**” means any person who submits an application and is a wireless provider.

“**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.

“**City pole**” means a utility pole owned, managed, or operated by or on behalf of the City.

“**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” nor “collocation” includes the installation of a new utility pole or new wireless support structure in the right-of-way.

“**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.

“**Communications network**” means a network used to provide communications service.

“**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.

"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.

"**Decorative pole**" means a City pole that is specially designed and placed for aesthetic purposes.

"**FCC**" means the Federal Communications Commission.

"Fee" means a one-time nonrecurring charge.

"**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.

"Law" means federal, state, or local law, statute, common law, code, rules, regulation, order, or ordinance.

"**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.

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.

"**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.

"Person" means an individual, a corporation, a limited liability company, partnership, an association, a trust, or any other entity or organization.

"**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.

"**Public power supplier**" means a public power district or any other governmental entity providing electric service. Public power supplier includes a municipal electric supplier.

"**Rate**" means a recurring charge.

"**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.

"**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.

"**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.

"**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.

"**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.

"**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.

"**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.

"**Wireless provider**" means a wireless services provider or a wireless infrastructure provider when acting as a co-applicant for a wireless services provider.

"**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.

"**Wireless services provider**" means a person who provides wireless services.

"**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.

"**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.

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 micro wireless 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.

a. 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.

b. 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.

c. Article 13, Part B, Section 13-44 to Section 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 Office. Completed applications shall be submitted to the City's On-line permit application process. In addition to the information required by 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 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) (e all permit fees required under 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; and

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 willful 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 Section 15-3 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.

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 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 Columbus 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 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 Section 13-44 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 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 Pole Rate*. 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.

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. All small wireless facilities in the right-of-way to which Article 13, Part B, applies, shall comply with each standard set forth in 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 Section 15-5 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 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 the Columbus Land Development Ordinance. Section 12-8 to Section 12-11 shall govern such appeals.

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:

a. 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."

b. 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."

c. 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."

d. 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."

e. 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.

f. 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."

g. 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.”

h. 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.”

i. 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."

j. 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.

k. CHIEF OF POLICE – The Chief of Police of the City of Columbus or its designated agent.

l. CITY – City of Columbus, Nebraska located in Platte County.

m. CITY COUNCIL – The City Council of the City of Columbus, Nebraska.

n. 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.

o. 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.

p. 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.

q. 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.

r. EXPIRATION DATE – Shall mean midnight of the date one (1) year after the license was issued.

s. 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.

t. LICENSE YEAR – The period from the date of issuance to one (1) year after the license was issued.

u. 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.

v. 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.

w. 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.

x. PERSON – An individual, proprietorship, partnership, corporation, association or other legal entity.

y. 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.

z. 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.

aa. 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.

bb. 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.

cc. 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.

dd. 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.

ee. 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.

ff. 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.

gg. TRANSFER OF OWNERSHIP OR CONTROL – Of a sexually oriented business means and includes any of the following:

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

a. All sexually oriented businesses shall be located and operated within an "ML/C-1" district with a special use permit.

b. A sexually oriented business cannot be operated within 300 feet of:
   1. A church;
   2. A public or private elementary or secondary school;
   3. A boundary of a residential or historic district;
   4. A park or recreational trail;
   5. A property line of a lot devoted to a residential use;
   6. A hospital; or
   7. A fairgrounds.

c. 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.

d. 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.

e. 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.

f. 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.

g. 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.

h. 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 Article 14, Section 14-4, 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 14-4.
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 14-4 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 14-4 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.
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 14-4.

14-6 Signs for Sexually Oriented Businesses

a. 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.

b. 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.

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:

   1. Use of a right-of-way by an adjoining property owner as provided for under the Columbus 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;

      (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 and Section 13-40, Section 13-44.

      (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 Section 5-23 and Section 5-25 of the Columbus 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.
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 Section 15-5; (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 t*he 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 Columbus Land Development Ordinance shall be processed in the manner provided for under applicable law including Section 13-44 of the Columbus Land Development Ordinance.

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 Columbus 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 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 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.

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-

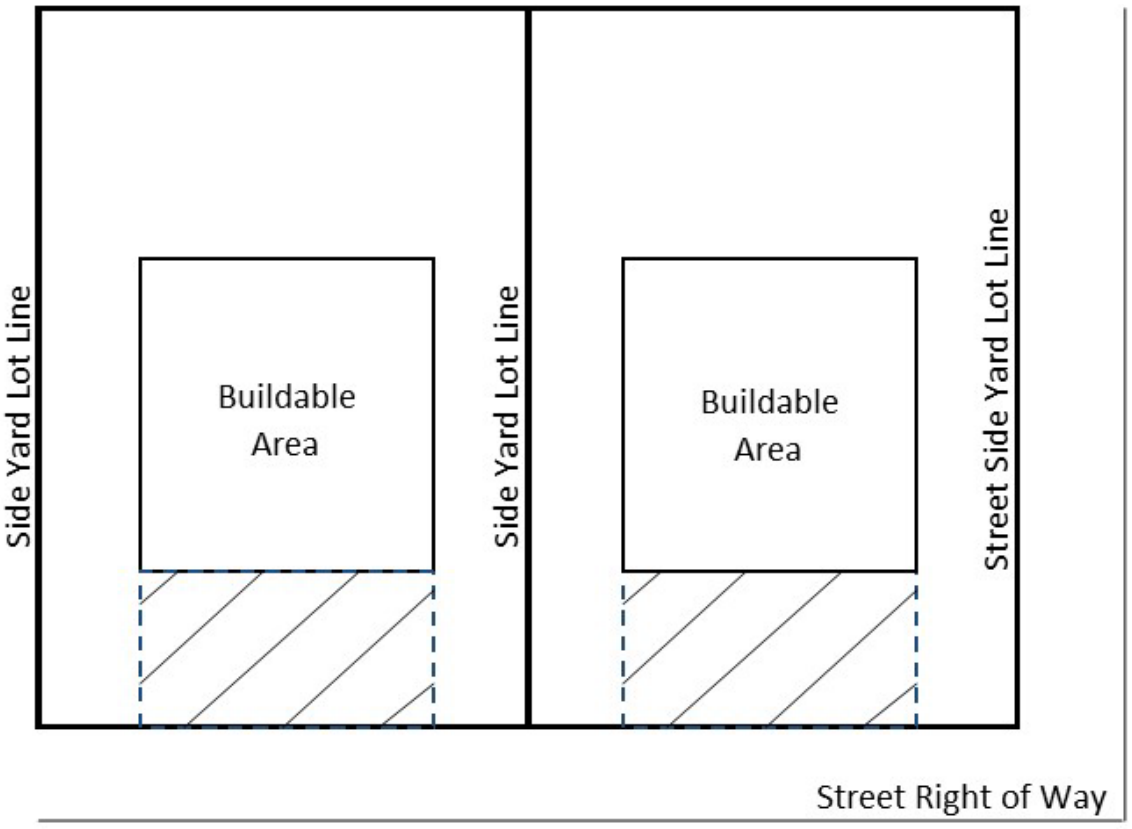
character facilities deployed or which are inconsistent with the appearance of existing facilities. Without limiting the foregoing, all facilities located in the City's historic district shall be subject to the design and aesthetic standards for an historic overlay district set forth in the City's Zoning 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 unless otherwise approved by the City.

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.
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 Section 12-8 of the Columbus Land Development Ordinance. Section 12-8 to Section 12-11 shall govern such appeals.

CHAPTER 2: SUBDIVISIONS

1 ARTICLE ONE: GENERAL PROVISIONS

1-1 Title

This Ordinance shall be known as the Subdivision Chapter of the Columbus 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;
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.

d. 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.

e. 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.
   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.

f. 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 Columbus 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 Columbus 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.

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

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

a. 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.

b. 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.

c. 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 Subdivision Chapter conflicts with any other provision of the Columbus 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 Columbus Land Development Ordinance.

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: Chief Building and Code Official 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.
6. 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.

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 curbline to curbline. 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 Columbus 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.

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. Detention basin must have an overflow pipe or system connecting to the public storm sewer system.
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.

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 which includes, but not limited to, lots for townhouses or clusters of row homes. All lots shall have a direct connection to a public or private roadway right-of-way regardless of ownership.
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.

2-16 N.

1. National Fire Protection Agency (NFPA)

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 Street: Privately owned and maintained access to a lot or parcel and shall have a public easement for utility and fire access.

2-19 Q.

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 R.

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.
   (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 Street or Frontage Road
   (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 resultants 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.

2-21 S.

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.

2-22 T-Z.

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:

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. The application for final plat approval shall be submitted through the City's website application submittal platform

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 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.
5. The Administrative Official shall keep a complete and accurate record of all administrative subdivision approvals.
6. 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.

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 Columbus 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.

5. The Administrative Official reserves the right to request a Development Review Team (DRT) meeting as described in Section 3-4, Pre-Application Procedures, upon which all required of the DRT meeting must be met and followed.

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. The application for final plat approval shall be submitted through the City's website application submittal platform. 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 above.
   (b) Consistency with the Comprehensive Development Plan of the City of Columbus.
   (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.
5. The Administrative Official shall keep a complete and accurate record of all Minor Subdivision approvals.
6. 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 Administrative Official, in its discretion, may waive the preliminary plat and final plat stages and allow them to occur concurrently upon written request of the developer and recommendation of the development review team. This shall be known as the Concurrent Plat Approval Procedure.

c. Pre-Application Procedures

1. Before filing an application for preliminary plat approval, the applicant shall meet with the Development Review Team (DRT) regarding general requirements and issues relating to the proposed subdivision.

   DRT meetings are held every Wednesday between 9:00 am and 12:00 pm. Applications are due by Noon the Thursday prior to the meeting date desired by the project representative. Subject to date and time availability of City staff at the discretion of the Administrative Official.

2. No later than three calendar 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 Columbus Land Development Ordinance.

4. The DRT meeting does not require a formal application or payment of a fee.

Preliminary Plat Application

5. Application Requirements

   After the DRT meeting and Except for a Concurrent Plat Approval Procedure, the following requirements shall apply. 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 set by Resolution Upon receipt of all items required for said application as set forth herein as determined by the Administrative Official, the application shall be placed on the next available Planning Commission Agenda.

6. 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 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. Applicants shall request the draft development agreement a minimum of 7 days prior to submittal and which the request time must also be after the DRT meeting.

7. Preliminary Plat Review Procedure

   (a) After submission of a complete application for a preliminary plat, the Administrative Official and staff shall review the application. If the application submittal is not complete, staff review will not proceed. Applicant at time of application, shall include a written request to waive any subdivision requirements, if any. 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 along with any responses which may affect the plat.

   (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 13 calendar days before the Planning Commission Meeting in order to meet the required publication deadline. 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.

8. 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.

(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.

d. 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 developer's 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.

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 developer's attorney and city attorney, including the developer's 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 13 calendar days before the Planning Commission Meeting in order to meet the advertisement deadline. 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. The developer's attorney shall work with the City's attorney to obtain approval.

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 Columbus 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. Developer signature of the Final Deed of Dedication must be obtained and to the City no later than 6 calendar days prior to the City Council meeting acting on the Final Plat. If the

final plat meets all requirements of the Columbus 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 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.

e. Filing the Final Plat

1. 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.
2. Applicant shall provide an electronic version of the final plat in an approved electronic format within four calendar days of the City Council approval.
3. 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.

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, attorney, planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X (no legal surveyor signature required)	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	X
Acreage of tract.	X	X	X	X

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
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; lot bearings.	X	X	X	X
Remaining property parcel layout of roadways and lots, upon request if applicable.		X	X	

TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
Existing and proposed easements or land reserved for or dedicated to public use; existing and proposed ROW and trails	X	X	X	X
ENVIRONMENTAL INFORMATION				
All existing waters of the US, floodways and floodplain within 200 feet; FIRM map designations	X	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 adequate to provide one-foot contours in city approved vertical datum (no assumed datum). Spot elevations on critical features and grid topography		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	

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
IMPROVEMENTS AND CONSTRUCTION INFORMATION				
Proposed roadway names.			X	X
Proposed 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 adequate to provide one-foot contours in city approved vertical datum (no assumed datum). Spot elevations on critical features.		X	X	
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 latest Flood Insurance Rate Maps (FIRM)		X	X	

TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
PLAT INFORMATION				
Identify planned or existing trail locations		X	X	
Certifications and seals from licensed Professional Engineer or Legal Surveyor, 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
Initial submittal bonded copy of plat and electronic copy. Upon review provide reproducible plat and updated electronic copy	X	X		X
Bonded Copy of Plat and electronic copy.			X	

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 Administrative Office or City Engineer may require a traffic impact study and/or air space study of the area of the development in order to assist in determining impact, roadway classification, traffic control features, safety, and so forth. Approval of study is by applicable official and city council is required.
4. 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.
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.

Developer is responsible for construction, cost, and snow removal, in lieu of a sidewalk at these locations.

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 street roadway 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 4-1.

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 economic development of streets, minimum cartway width should generally be used. Minimum cartway widths are set forth in Table 4-2.

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 4-3.
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 4-3.
2. Where sidewalks are not otherwise required by Table 4-3, 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.
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 in the B1 zoning district, sidewalks may abut curb. Subject to the approval of the City Engineer. Sidewalk landscaping requirements must be met.
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 or six feet along parking areas or curb lines, 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 or thicker in commercial and industrial areas subject to the approval of the City Engineer.
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 or master trail plan.
2. All off-street recreational trails shall be a minimum of ten feet in width for two-way traffic and comply with the Americans with Disabilities Act. Surfacing of trails shall be concrete minimum of 6 inches thick. Gradients for bikeways and recreational trails should not exceed five percent, except for short distances. Requests to revise trail width to eight feet or paving to asphalt and crushed aggregate surfacing are location and usage dependent and subject to the approval of the City Engineer.
3. Recreational trails may satisfy part of the requirements of this ordinance for sidewalks or open space.

4. Trails shall provide a clear path free of any obstructions a minimum of one foot on both sides.
5. All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets.
6. All trails, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

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.
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 4-3.
4. Dedications: Dedications of right-of-way for collector, sub collector, 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. All connections and access to existing paved roadways must be concrete paved.

(2) Courts or Plaza, 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.

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 by the developer 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.

5. 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. Roundabouts or residential mini-roundabouts or other traffic calming features are also encouraged or otherwise required by the Comprehensive Development Plan or City Engineer and subject to the approval of the City Council.

   (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.

6. 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.

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:

Street Direction and Type	Name
North-South	Numbered Avenues
East-West	Numbered Streets
Short Streets and Angles	Named Lanes or Drives
Long Angle Arterial Streets	Named Parkway or Boulevard
Cul-de-sacs	Named Places
Intermediate Streets	Named Streets (if E-W) or Avenues (if N-S)
Private Streets	Named Court (East-West) and Named 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, sidewalks, trails, utilities or similar.
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.

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.

TABLE 4-1: Street Hierarchy

Residential Street Type	Function	Guideline Maximum ADT
Private Street or Frontage Road (Private)	Street providing private or controlled access to no more than twelve housing units. Must meet State Fire Marshall turnaround requirements for emergency vehicles and NFPA standards	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. Traffic control features at intersections may be required. 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. Traffic control features at intersections may be required. Major Arterials may be eligible to use the city's Federal Funds Purchase Program funding.	15,000+

TABLE 4-2: Cartway Width

Street Type	Moving Lanes	Parking Restrictions	Total Width Measured back of curb to back of curb	Maximum Grade
Private Street or Frontage Road (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	May be limited, must meet 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

4-6 Arterials

Arterial street width, including frontage roads, is determined by state standards, designation of individual street or roadway segment, logical extension of roadway segments, and design as determined by the City Engineer.

TABLE 4-3: Curb, Sidewalk, and Right-of-Way Requirements

Street Type	Curb / Shoulder	Sidewalk	Sidewalk Setback	Total ROW
Private Street or Frontage Road (Private)	Curb with 2-foot turf shoulder	Required	No Setback. Sidewalk to be located on the private street lot.	Minimum of 32 feet (lot with public easement)
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 or greater*

Arterials

(*) Arterial right-of-way, design and width, including frontage roads, is determined by state standards, designation of individual street or roadway segment, logical extensions, and as determined by the City Engineer.

Right-of-way

Additional right-of-way for triangular or curved at intersections may be required to meeting turning radii, sidewalks with ramps, utilities, traffic signals, boulevards, and so forth.

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 and future connection agreement 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.

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. Sewer services lines shall be tapped to sewer mains at the upper pipe limit and not at the flowline.
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 sanitary sewer supply and future connection agreement 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 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 48-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.
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 and in accordance with the City Stormwater Drainage Manual.

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.

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 or City.

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 or other payment agreement.

1. Such fee shall be determined by the City Engineer based on most recent, similar construction type.
2. If an agreement or impact fee is required, details shall be included in the Development Agreement.

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 amounts 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 with adequate advanced notification to the City.

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 and City Engineer 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, City Engineer, 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, City Engineer, or his/her designee 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. As built plan shall be electronic in a format acceptable to the City. No building permits or occupancy permits will be approved until such completed record drawing submittal is reviewed and approved.

Section 2. The Columbus 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 Unified 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 Supplemental Use Regulations: Swimming Pools.

Section 4. That the Columbus 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 _____, 2023.

_____

MAYOR

ATTEST:

_____

CITY CLERK

APPROVED AS TO FORM:

_____

CITY ATTORNEY

8. **PETITIONS AND COMMUNICATIONS - None**

9. **REPORTS OF CITY OFFICES - Included in Consent Agenda**

10. **REPORTS OF COUNCIL COMMITTEES**

10.A.PUBLIC PROPERTY, SAFETY, AND WORKS COMMITTEE - July 10, 2023

PUBLIC PROPERTY, SAFETY, AND WORKS COMMITTEE
July 10, 2023

A meeting of the Public Property, Safety, and Works Committee of the City of Columbus, Nebraska, was convened in open and public session on July 10, 2023, at 4 p.m. in the Community Building, Community Room, 2500 14 Street, Columbus, Nebraska.

Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on July 6, 2023, 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 Bahr 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, Kat Lopez, and Prent Roth. Council Member Ron Schilling was absent and excused. City staff members included City Administrator Tara Vasicek, City Engineer Rick Bogus, and City Clerk Janelle Kline.

2. **Determine necessity for extension of sidewalk along north, west, and east sides of property located in southeast corner of 26 Avenue and 38 Street and authorization to send "Notice of Construction" to property owner.** Bogus explained there are sidewalks up to this vacant property; however, pedestrians from all directions leading to the property connect to the Wilderness Park Trail, crossing at 38 Street and 26 Avenue, and the lack of sidewalks creates a liability for the property owner. A recommendation was made to authorize that a "Notice of Construction" be sent to the property owner for an extension of sidewalk along the north, west, and east sides of property located in the southwest corner of 26 Avenue and 38 Street with a motion by Roth and a second by Lopez. Bahr, Lopez, and Roth voted “Aye” and none voted “Nay”. Schilling was absent.

3. **Traffic Control Device Committee report for 2nd Quarter 2023.** A recommendation was made to approve the quarterly report of the Traffic Control Device Committee with a motion by Lopez and a second by Roth. Bahr, Lopez, and Roth voted “Aye” and none voted “Nay”. Schilling was absent.

4. **Adjournment:** The meeting adjourned at 4:28 p.m.

OFFICE OF THE CITY CLERK
: Janelle Kline

10.A.1. Determine necessity for extension of sidewalk along north, west, and east sides of property located in southeast corner of 26 Avenue and 38 Street and authorization to send "Notice of Construction" to property owner.

The City of Columbus

M E M O R A N D U M

DATE: July 6, 2023

FROM: Richard J. Bogus, P.E., City Engineer

TO: Tara Vasicek, City Administrator

RE: Southeast Corner of 26th Avenue and 38th Street Sidewalk Extension

RECOMMENDATION:

I recommend approval and authorization for the City Engineer to forward a Notice of Construction to the property located in the southeast corner of 26th Avenue and 38th Street, property owner, Ferguson Properties, LLC, for extension of sidewalk along 25th Avenue, 26th Avenue, and 38th Street.

DISCUSSION:

The property has been vacant for a number of years with sidewalks up to this property on 25th Avenue, 26th Avenue, and 38th Street. See the attached map for reference. Pedestrians in all directions leading this property are connecting to the Wilderness Park Trail by needing to cross 38th Street at 26th Avenue. The lack of existing sidewalks creates a liability to the property owner for damages and injuries caused by dangerous conditions.

The sidewalk construction will require a Sidewalk Permit through the City Engineering Department. In general, the construction requirements include a 4-foot width, 4-inch thick P.C. concrete, maximum 2 percent cross slope, and meet all requirements of the American's with Disability Act. The sidewalk shall be located the same distance from the back curb as the existing sidewalks with variations required at obstructions in order to maintain a 1-foot clear horizontal separation. The ADA handicapped ramp is existing in the southeast corner of this intersection.

Upon approval of this recommendation by the City Council, the City Engineer will send a Notice of Construction requiring the sidewalk work as noted above and providing for a deadline of final completion by August 31, 2023. If the work is not complete by this date, the City Engineer will request the formation of a Sidewalk Improvement District, including the associated special assessments, in accordance with the City Assessment Policy.

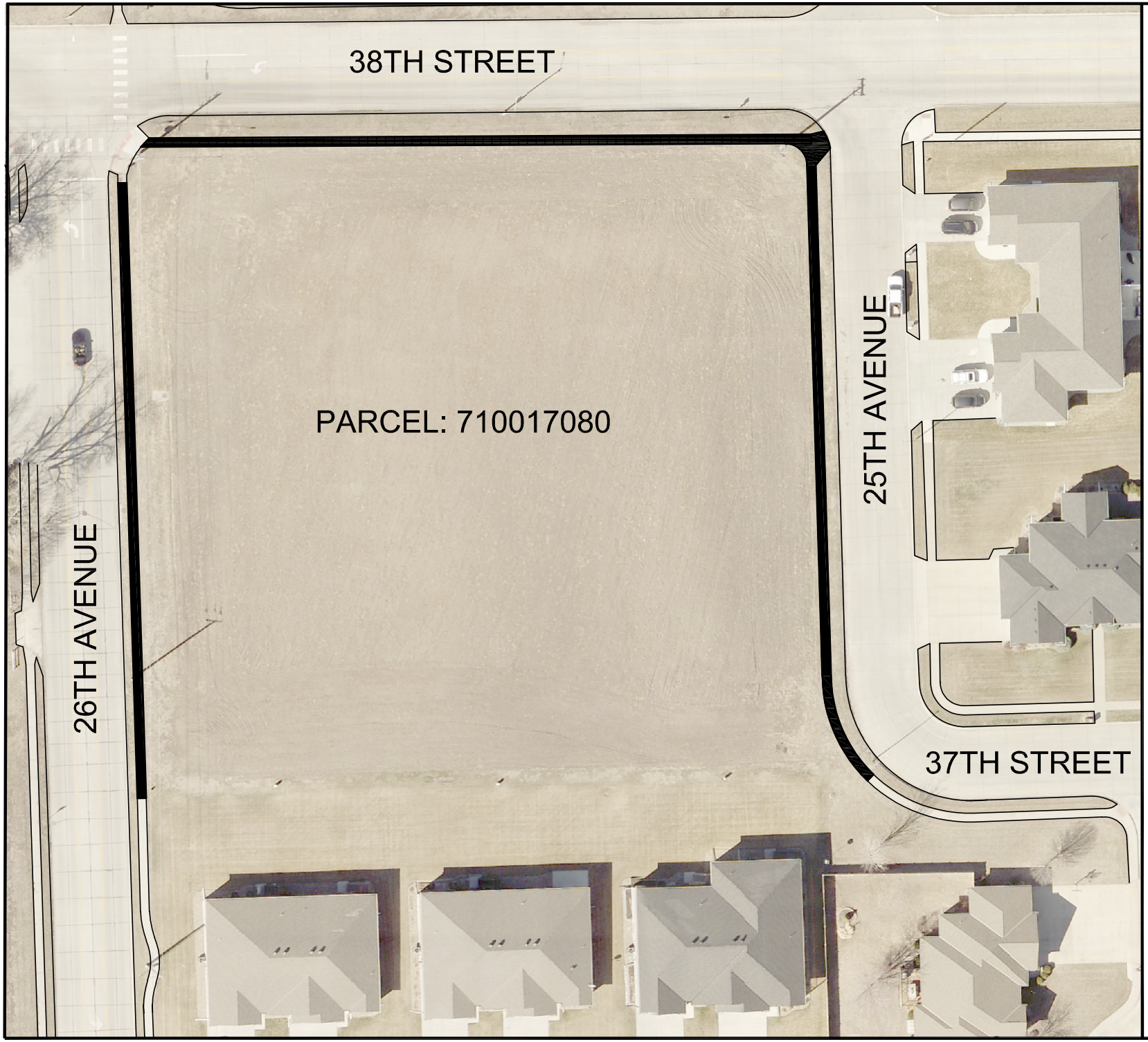
ALTERNATIVE:

Do not approve.

SIGNATURE:

By: Richard J. Bogus

Approved By:



The City of Columbus

ENGINEERING DEPARTMENT

2500 14th Street - P.O. Box 1677 - Columbus, NE 68602-1677

City Engineer (402) 562-4235

No.	Revision/Issue	Date

N

0 30 60

SCALE IN FEET

NOTES

NEBRASKA 1 CALL

Statewide 1-800-331-5666

Nationwide 811

www.ne1call.com

Project Name and Location

SIDEWALK
38TH STREET &
26TH AVENUE 2023

BASE BID

Project No.

Date 06/26/23

Sheet PRELIM

10.A.2. Traffic Control Device Committee report for 2nd Quarter 2023.

TRAFFIC CONTROL DEVICE COMMITTEE

Quarterly Report

April – June 2023

April

A. Water Trail signs in Pawnee Park East:
Discussion: The large sign has been installed. Other directional signs will be installed soon. Request to put "No Parking Signs" along Pawnee Park Drive to deter parking. Street and Park Departments will monitor.

Vasicek made motion and seconded by Sherer to approve "No Parking Signs" along Pawnee Park Drive and seconded by Borchers. Bogus, Vasicek, Sherer, Sliva, and Borchers voted "Aye" and none voted "Nay".

B. St. Isidore request on Guenther Drive crossing for 2023-2024 school year.
Discussion: St. Isidore school request to utilize Guenther Park during their construction and requested the crossings to be marked and signage added. After review it has been determined that with what is in place meets the standards and is sufficient. Request to school to verify or ask to provide controlled supervision when children go to the park. An email will be sent to St. Isidore School advising the decision.

Sliva made a motion and seconded by Borchers to leave the crossings to Guenther Park as they are today and continue to monitor the area. Bogus, Vasicek, Sherer, Sliva, and Borchers voted "Aye" and none voted "Nay".

C. 10 minute parking signage on west side of Police Station for safe exchange zone.
Discussion: Safe exchange located on the west side of Police Station is getting utilized for other purposes than exchanges. This is a safe zone area, which has video and audio surveillance. Recommendation made to put two "Safe Exchange Parking Only" instead of "10 Minute Parking Only".

Sliva made a motion and seconded by Borchers approving signage of two "Safe Exchange Parking Only" signs. Bogus, Vasicek, Sherer, Sliva, and Borchers voted "Aye" and none voted "Nay".

D. Review of Traffic Device needs within the City:
Discussion: Review a request to have the City Council require a sidewalk to be constructed along the undeveloped parcel on 26th Avenue from 38th Street to the south and on 38th Street from 25th to 26th Avenue.

OLD BUSINESS

A. 23RD Street reconstruction traffic flow observations:
Discussion: Reporting that Tony Lange, Kevin Domogalla and Rob Davis, NDOT, continue to monitor temporary traffic signals on the NDOT 23rd Street Reconstruction project. City staff attends weekly construction meetings.

UNFINISHED BUSINESS

A. School and Pedestrian signal crossing locations:
Labenz and Bogus presented existing School and Pedestrian crossings roadway locations as well as those proposed for actuated crossings. During the presentation, a few recommendations were made. Once the plan is revised, visits and discussion with each school will be conducted.

B. Traffic light at 36th Ave. & 23rd St. (Hwy 30) observance results.
Borchers has observed the traffic signal on different occasions and it appears to be working properly. Borchers will continue to observe.

May

No Meeting held this month.

June

A. 48th Avenue review / add turn lanes south side of Lost Creek Parkway:
Discussion: Addition of right hand turn lanes northbound at 48th Avenue and Lost Creek Parkway. Bogus reported that the request for qualifications for traffic improvements are set to go out in July. The scope includes evaluation and consideration of a right-hand turning lane to northbound 48th Avenue at Lost Creek Parkway. The project scope will also consider the evaluation and consideration of a right-hand turn lane to northbound 33rd Avenue at Lost Creek Parkway. In addition, the scope will include evaluation of a traffic signal at 48th Avenue and Lost Creek Parkway and upgrades to the signal controller and advanced radar detection at the 18th Avenue/Lost Creek Parkway traffic signal.

Sherer made motion and seconded by Sliva to proceed with the evaluation of a right-hand turn lane on northbound 48th Avenue and at 33rd Avenue both at Lost Creek Parkway, and the upgrades to the traffic signal at 18th Avenue and Lost Creek Parkway. Bogus, Vasicek, Sherer, and Sliva voted "Aye" and none voted "Nay". Absent Clete Borchers

B. Sidewalk 19th Street 3rd Avenue to 10th Avenue:
Discussion: The City has received letters of support for an addition of a sidewalk on 19th Street from 3rd to 10th Avenues. Pope addressed the committee about the 19th Street sidewalk project. The City is currently working on a design of a trail on 3rd Avenue from 19th Street to 23rd Street. The 19th Street sidewalk would be designed along with the 3rd Avenue trail project.

Pope addressed the committee and asked to take into consideration adding sidewalks in front of a few business along 3rd Avenue (XT & Paul Davis) with the design City is working on. Bogus indicated this is part of the design.

Vasicek made motion and seconded by Sliva to move forward to include in current 3rd Avenue trail design for a sidewalk along 19th Street from 3rd Avenue to 10th Avenue with the location to be determined. Bogus, Vasicek, Sherer, and Sliva voted "Aye" and none voted "Nay". Absent Clete Borchers

C. Review of Traffic Device needs within the City:
Discussion on faded trail signage on 38th Street from 26th Avenue to the east. Public Property Director to be notified of these signs.

OLD BUSINESS

None

UNFINISHED BUSINESS

None

10.B. PUBLIC FINANCE, JUDICIARY, AND PERSONNEL COMMITTEE - July 11, 2023

10.B.1. Amend city code to eliminate reserve police force and establish part-time officer unit.

COLUMBUS POLICE DEPARTMENT

Memo

To: Public Finance, Judiciary and Personnel committee

Thru: Tara Vasicek, City Administrator

From: Charles Sherer; Chief of Police

CC: Neal Valorz; City Attorney

Date: 6/28/2023

Re: Part-Time Officer Ordinance

Recommendation:

Chapter 34 has become archaic over the years and is in need of revisiting. Our recent staffing woes have forced us to consider alternative staffing measures. I reached out to Brenda Urbanek Director the Law Enforcement Training Center. She suggests we eliminate the Reserve program and use Part-time Officers instead. Chapter 34 currently recognizes reserves but not part-timers.

Discussion:

The Reserve Officer approach is to cumbersome and at the end of the day, they have to work side by side with a certified officer so we haven't accomplished anything. A certified part-time officer can work by themselves and perform all functions & duties of a regular officer without having to work under their umbrella. They can be used to fill shifts or provide transports or work events.

Fiscal Impact:

Use the funds allocated to the vacated full-time positions to work the part-time officers. They have to work at least 100 hours per year; no more than 19 a week. We may have to buy uniforms & equipment,

Alternatives:

Don't pursue the program.

ORDINANCE NO. 23-_____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA AMENDING SECTIONS 34.03, 34.15 THROUGH 34.17, 34.19, 34.21 THROUGH 34.23, AND 34.39 OF CHAPTER 34 OF TITLE III OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) REGARDING ELIMINATION OF THE RESERVE POLICE FORCE AND ESTABLISHING A PART-TIME POLICE OFFICER UNIT; 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.

WHEREAS, on July 10, 2023, the Public Property, Safety, and Works Committee recommended to the city council that the Reserve Police Force be eliminated and instead that a Part-Time Police Officer Unit be created; and

WHEREAS, in order to effectuate said changes the city code needs to be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA:

Section 1. That Section 34.03 of Chapter 34 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 34.03 AUTHORITY AND POWERS.

The Chief of Police ~~and the Police Reserve Chief are~~is hereby directed and empowered to prepare and promulgate such rules, regulations and provisions, and amendments thereto, as may in their discretion be necessary to carry out the express intent of this chapter, which provisions shall include a table of organization not in conflict herewith.

Section 2. That the title for Sections 34.15 through 34.23 of Chapter 33 of Title III of the Columbus City Code be amended and revised to read as follows:

PART-TIME POLICE OFFICER UNIT.~~POLICE RESERVE FORCE~~

Section 3. That Section 34.15 of Chapter 34 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 34.15 CREATION AND COMPOSITION.

The Part-Time Police Officer Unit ~~The City Police Reserve~~ may be created and if created shall consist of such number of members as shall from time

to time be determined by the Mayor and City Council, and they shall be under the direction of the Mayor and the Chief of Police or a person designated by them.

Section 4. That Section 34.16 of Chapter 34 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 34.16 DEFINITIONS.

For the purpose of this sub-chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACTIVE SERVICE. When a member of the Part-Time Police Officer Unit ~~Police Reserve~~ of the City is detailed to perform regular Police duties for which that member is paid.

CHIEF. The Chief of Police.

EXECUTIVE COMMITTEE. The Committee with oversight of the Part-Time Officer Unit will include the Police Patrol Captain, a Road Patrol Sergeant (as assigned), and a Field Training Officer (as assigned) for the purposes of governing the work activities for the Part-Time Police Officer Unit.~~of Police Reserve members, including the Police Reserve Chief and Police Reserve Captain and three Lieutenants to be designated as the governing bode of the Police Reserve activities~~.

MEMBER. Any member of the Part-Time Police Officer Unit ~~Police Reserve~~ of this City.

PART-TIME POLICE OFFICER. A member of the Part-Time Police Offiver Unit established pursuant to this chapter; and a one that is a certified officer in good standing with the NLETC and can perform all the regular duties of a regular Patrol Officer without being within physical or visual contact of the regular Police Officer.

~~POLICE RESERVE. The Police Reserve established pursuant to this chapter.~~

~~POLICE RESERVE CHIEF. The Chief of the Police Reserve unit whose duty shall include the coordination of activities, duties and training of the Police Reserve members with the Chief of Police~~.

TRAINING SERVICE. When a member of the Part-Time Police Officer ~~Police Reserve unit~~ Unit of the City is attending a training session that is required to maintain certification or continuing education for which that member is paid~~for which that member is not paid~~.

Section 5. That Section 34.17 of Chapter 34 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 34.17 QUALIFICATION AND APPOINTMENT OF MEMBERS; RULES AND REGULATIONS.

The Executive Committee, by rule, shall prescribe the qualifications and standards by which applicants for membership in the Part-Time Police Officer Unit ~~Police Reserve~~ shall be governed, and persons possessing such qualifications and conforming to such standards may be appointed as a Part-Time Police Officer ~~Police Reserve~~ by the Chief of Police upon recommendation by the Executive Committee. ~~The Police Reserve may adopt its own rules and regulations to govern its operations in matters not involving Police training and during periods of active duty which regulations must be approved by the Chief of Police and the Mayor before becoming effective and in force.~~ The Part-Time Police Officer must adhere to the rules of the Public Safety Advisory Committee (PSAC) in their training and operational matters; these must be approved by the Chief of Police and the Mayor before becoming effective and in force.

Neb. Rev. Stat. § 81-1401(8)(a) includes "part-time employee of a municipal or village police agency" in the definition of a "law enforcement officer". Therefore, a Part-Time Police Officer of the City is considered a law enforcement officer of the City and he/she must meet, and continue to meet, all State statutory and City requirements pertaining to a law enforcement officer, to include, but not necessarily be limited to, initial certification, continuing education, and firearms qualification.

Section 6. That Section 34.19 of Chapter 34 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 34.19 POWERS AND DUTIES.

(A) The Part-Time Police Officer ~~Police Reserve~~ is hereby assigned to the duty of preparing against any disaster or breach of the peace that may threaten lives and property, and any duties assigned the members shall be deemed as training in preparation against such perils.

(B) Every duly authorized member of the Part-Time Police Officer

~~Police Reserve unit~~Unit, while on active service, shall be deemed to have all the powers of a regular Peace Officer, subject to State statutes. During such tour of active service, the members so appointed shall possess all the powers and privileges and shall perform the duties of the regular members of the Police Force of the City assigned to them by the Mayor or the Chief of Police. ~~It shall be unlawful for any such member to attempt to carry out any order, rule or regulation promulgated by proper authority when not wearing a regular uniform as prescribed or while not on active service as defined by § 34.16. Any violation of this section by any member shall cause the member's immediate dismissal from the Police Reserve.~~ Part-Time Police Officers may make arrests, issue citations, take reports, statements, write accident and incident reports as required. Part-Time Police Officers may be called in for special assignments, work vacated shifts or other additional duties as necessary. In order to meet statutory obligations, these Part-Time Police Officers must work a minimum of 100 of duty hours annually.

~~(B)~~(C) It shall be unlawful for any Part-Time Police Officer to attempt to carry out any order, rule or regulation promulgated by proper authority when not wearing a regular uniform as prescribed or while not on active service as defined by § 34.16. Any violation of this section by any member shall cause the member's immediate dismissal from the Part-Time Police Unit.

~~(C)~~(D) Members of the Part-Time Police Officer ~~Police Reserve unit~~ Unit shall perform such other public service as may be ordered by the Mayor, Acting Mayor or the Chief of Police, or their designate, and it shall be unlawful for any person to willfully resist, delay or obstruct any such member in the discharge of the member's duty, or in the member's attempt to discharge any duties of the office..

Section 7. That Section 34.21 of Chapter 34 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 34.21 UNIFORMS, INSIGNIA AND EQUIPMENT TO BE PROPERTY OF CITY.

Uniforms, badges and other equipment used by the Part-Time Police Officer ~~Police Reserve~~ Unit ~~Police Reserve~~ shall be purchased by the City and shall be the property of the City. Upon termination, resignation, or separation, the Part-Time Police Officer~~Police Reserve all members,~~ shall return the equipment to the Officer of Supply or Police Support Captain~~Police Reserve Captain~~. Uniform cleaning will be authorized and regulated by the Supply

Officer or the Police Support Captain~~Police Reserve Chief~~.

Section 8. That Section 34.22 of Chapter 34 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 34.22 MEMBERS DEEMED POLICE OFFICERS.

All members appointed by the Mayor pursuant to the provisions of this subchapter shall be deemed to be police officers. The Part-Time Police Officer Unit ~~Police Reserve~~ shall be deemed to be a part of the Police services of the City Police Department and shall be governed by this section. Should any provisions of any Police ordinance of the City conflict with this chapter, this chapter shall prevail.

Section 9. That Section 34.23 of Chapter 34 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 34.23 RESIGNATION; DISMISSAL.

Each member shall have the right to resign from the Part-Time Police Officer Unit ~~Police Reserve~~ at any time. The Chief of Police may dismiss and/or terminate any member from the Part-Time Police Officer Unit ~~Police Reserve~~ at any time.

Section 10. That Section 34.39 of Chapter 34 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 34.39 IMPERSONATING A MEMBER OF THE PART-TIME POLICE OFFICER UNIT~~POLICE RESERVE FORCE~~

It shall be unlawful for any person to falsely impersonate or represent himself or herself to be a member or to wear, use or possess any of the uniforms, badges or equipment used by ~~Police Reserve~~ the Part-Time Police Officer Unit unless that person is authorized to do so.

Section 11. This ordinance shall repeal all ordinances or portions thereof and conflict herewith.

Section 12. This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law. Publication shall be in pamphlet form as authorized by Neb. Rev. Stat. § 16-405 with distribution to be made by making copies available to the public upon request at the office of the city clerk.

INTRODUCED BY COUNCIL MEMBER_____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2023.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

11. **REPORTS OF SPECIAL COMMITTEES - None**

12. **REPORTS ON LEGISLATION - None**

13. **NEW BUSINESS**

13.A. Comments from mayor and city council members.

14. **RESOLUTIONS**

14.A. Resolution No. R23-98 approving necessity for extension of sidewalk along north, west, and east sides of property located in southeast corner of 26 Avenue and 38 Street with final construction completion by August 31, 2023.

Draft

RESOLUTION NO R23-98

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE NECESSITY FOR SIDEWALK IMPROVEMENTS ALONG THE EAST, WEST, AND NORTH PROPERTY LINES OF PARCEL 710017080 LOCATED IN THE SOUTHEAST CORNER OF 26 AVENUE AND 38 STREET AND FINAL CONSTRUCTION COMPLETION BY AUGUST 31, 2023.

WHEREAS, Platte County parcel 71001780 is located in a part of Section 18, Township 17 North, Range 1 East, Columbus, Platte County, Nebraska; and

WHEREAS, 25 and 26 Avenues and 38 Street are all public roadways including a pedestrian component ending at said property; and

WHEREAS, the Wilderness Park Trail is located on the north side of 38 Street with a designated pedestrian crossing at the intersection with 26 Avenue; and

WHEREAS, lack of adequate existing sidewalks and lack of a sidewalk along 25 and 26 Avenues and 38 Street 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 August 31, 2023, 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, west, and north sides of the property lines of the parcel 710017080 located in the southeast corner of 26 Avenue and 38 Street with final construction completion by August 31, 2023, is approved and the mayor is authorized to sign on behalf of the City of Columbus.

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INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS _____ DAY OF _____, 2023.

_____

MAYOR

ATTEST:

_____

CITY CLERK

APPROVED AS TO FORM:

_____

CITY ATTORNEY

15. **ORDINANCES ON FIRST READING**

15.A. Ordinance No. 23-10 amending city code to eliminate reserve police force and establish part-time police officer unit.

ORDINANCE NO. 23-10

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA AMENDING SECTIONS 34.03, 34.15 THROUGH 34.17, 34.19, 34.21 THROUGH 34.23, AND 34.39 OF CHAPTER 34 OF TITLE III OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) REGARDING ELIMINATION OF THE RESERVE POLICE FORCE AND ESTABLISHING A PART-TIME POLICE OFFICER UNIT; 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.

WHEREAS, on July 10, 2023, the Public Property, Safety, and Works Committee recommended to the city council that the Reserve Police Force be eliminated and instead that a Part-Time Police Officer Unit be created; and

WHEREAS, in order to effectuate said changes the city code needs to be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA:

Section 1. That Section 34.03 of Chapter 34 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 34.03 AUTHORITY AND POWERS.

The Chief of Police is hereby directed and empowered to prepare and promulgate such rules, regulations and provisions, and amendments thereto, as may in their discretion be necessary to carry out the express intent of this chapter, which provisions shall include a table of organization not in conflict herewith.

Section 2. That the title for Sections 34.15 through 34.23 of Chapter 33 of Title III of the Columbus City Code be amended and revised to read as follows:

PART-TIME POLICE OFFICER UNIT.

Section 3. That Section 34.15 of Chapter 34 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 34.15 CREATION AND COMPOSITION.

The Part-Time Police Officer Unit may be created and if created shall consist of such number of members as shall from time to time be

determined by the Mayor and City Council, and they shall be under the direction of the Mayor and the Chief of Police or a person designated by them.

Section 4. That Section 34.16 of Chapter 34 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 34.16 DEFINITIONS.

For the purpose of this sub-chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACTIVE SERVICE. When a member of the Part-Time Police Officer Unit of the city is detailed to perform regular Police duties for which that member is paid.

CHIEF. The Chief of Police.

EXECUTIVE COMMITTEE. The Committee with oversight of the Part-Time Officer Unit will include the Police Patrol Captain, a Road Patrol Sergeant (as assigned), and a Field Training Officer (as assigned) for the purposes of governing the work activities for the Part-Time Police Officer Unit.

MEMBER. Any member of the Part-Time Police Officer Unit of this city.

PART-TIME POLICE OFFICER. A member of the Part-Time Police Officer Unit established pursuant to this chapter; and a one that is a certified officer in good standing with the NLETC and can perform all the regular duties of a regular Patrol Officer without being within physical or visual contact of the regular Police Officer.

TRAINING SERVICE. When a member of the Part-Time Police Officer Unit of the city is attending a training session that is required to maintain certification or continuing education for which that member is paid.

Section 5. That Section 34.17 of Chapter 34 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 34.17 QUALIFICATION AND APPOINTMENT OF MEMBERS; RULES AND REGULATIONS.

The Executive Committee, by rule, shall prescribe the qualifications and standards by which applicants for membership in the Part-Time Police Officer Unit shall be governed, and persons possessing such qualifications and conforming to such standards may be appointed as a Part-Time Police Officer by the Chief of Police upon recommendation by the Executive Committee. The Part-Time Police Officer must adhere to the rules of the Public Safety Advisory Committee (PSAC) in their training and operational matters; these must be approved by the Chief of Police and the mayor before becoming effective and in force.

Neb. Rev. Stat. § 81-1401(8)(a) includes "part-time employee of a municipal or village police agency" in the definition of a "law enforcement officer". Therefore, a Part-Time Police Officer of the city is considered a law enforcement officer of the city and he/she must meet, and continue to meet, all State statutory and city requirements pertaining to a law enforcement officer, to include, but not necessarily be limited to, initial certification, continuing education, and firearms qualification.

Section 6. That Section 34.19 of Chapter 34 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 34.19 POWERS AND DUTIES.

(A) The Part-Time Police Officer is hereby assigned to the duty of preparing against any disaster or breach of the peace that may threaten lives and property, and any duties assigned the members shall be deemed as training in preparation against such perils.

(B) Every duly authorized member of the Part-Time Police Officer Unit, while on active service, shall be deemed to have all the powers of a regular Peace Officer, subject to State statutes. During such tour of active service, the members so appointed shall possess all the powers and privileges and shall perform the duties of the regular members of the Police Force of the City assigned to them by the Mayor or the Chief of Police. Part-Time Police Officers may make arrests, issue citations, take reports, statements, write accident and incident reports as required. Part-Time Police Officers may be called in for special assignments, work vacated shifts or other additional duties as necessary. In order to meet statutory obligations, these Part-Time Police Officers must work a minimum of 100 of duty hours annually.

(C) It shall be unlawful for any Part-Time Police Officer to attempt to carry out any order, rule or regulation promulgated by proper authority when not wearing a regular uniform as prescribed or while not on active service as defined by § 34.16. Any violation

of this section by any member shall cause the member's immediate dismissal from the Part-Time Police Unit.

(D) Members of the Part-Time Police Officer Unit shall perform such other public service as may be ordered by the mayor, Acting mayor or the Chief of Police, or their designate, and it shall be unlawful for any person to willfully resist, delay or obstruct any such member in the discharge of the member's duty, or in the member's attempt to discharge any duties of the office..

Section 7. That Section 34.21 of Chapter 34 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 34.21 UNIFORMS, INSIGNIA AND EQUIPMENT TO BE PROPERTY OF CITY.

Uniforms, badges and other equipment used by the Part-Time Police Officer Unit shall be purchased by the city and shall be the property of the city. Upon termination, resignation, or separation, the Part-Time Police Officer shall return the equipment to the Officer of Supply or Police Support Captain. Uniform cleaning will be authorized and regulated by the Supply Officer or the Police Support Captain.

Section 8. That Section 34.22 of Chapter 34 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 34.22 MEMBERS DEEMED POLICE OFFICERS.

All members appointed by the mayor pursuant to the provisions of this subchapter shall be deemed to be police officers. The Part-Time Police Officer Unit shall be deemed to be a part of the Police services of the city Police Department and shall be governed by this section. Should any provisions of any police ordinance of the city conflict with this chapter, this chapter shall prevail.

Section 9. That Section 34.23 of Chapter 34 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 34.23 RESIGNATION; DISMISSAL.

Each member shall have the right to resign from the Part-Time Police Officer Unit at any time. The Chief of Police may dismiss and/or terminate any member from the Part-Time Police Officer Unit at any time.

Section 10. That Section 34.39 of Chapter 34 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 34.39 IMPERSONATING A MEMBER OF THE PART-TIME POLICE OFFICER UNIT

It shall be unlawful for any person to falsely impersonate or represent himself or herself to be a member or to wear, use or possess any of the uniforms, badges or equipment used by the Part-Time Police Officer Unit unless that person is authorized to do so.

Section 11. This ordinance shall repeal all ordinances or portions thereof and conflict herewith.

Section 12. This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law. Publication shall be in pamphlet form as authorized by Neb. Rev. Stat. § 16-405 with distribution to be made by making copies available to the public upon request at the office of the city clerk.

INTRODUCED BY COUNCIL MEMBER_____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2023.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

16. **ORDINANCES ON SECOND READING - None**

17. **ORDINANCES ON THIRD READING**

17.A. Ordinance No. 23-07 amending city code to change City Council and Planning Commission meeting times to 6 p.m.

Draft

ORDINANCE NO. 23-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING SECTION 30.17 OF CHAPTER 30 OF TITLE III AND SECTION 32.038 OF CHAPTER 30 OF TITLE III OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) TO CHANGE THE STARTING TIME OF CITY COUNCIL AND PLANNING COMMISSION MEETINGS TO 6 P.M.; 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.

WHEREAS, Neb. Rev. Stat. § 16-401 states "Regular meetings of the city council of a city of the first class shall be held at such times as may be fixed by ordinance…"; and

WHEREAS, Neb. Rev. Stat. § 19-927 states that "The [planning] commission shall hold at least one regular meeting in each calendar quarter, except as provided in this section."

WHEREAS, currently both City Council and Planning Commission regular meetings start at 7 p.m. on their respective meeting days; and

WHEREAS, in an effort to be more accommodating in regard to the schedules of city staff, and those serving on City Council and Planning Commission, the City Council has elected to move the start time of both City Council and Planning Commission regular meetings from 7 p.m. to 6 p.m. on their respective meeting days, and said change is to take place beginning August 2023 and each month thereafter.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA:

Section 1. That Section 30.17 of Chapter 30 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 30.17 MEETINGS.

(A) Regular meetings of the City Council shall be held in the Council Chambers on the first and third Monday of each month at 6 p.m. However, the regular meetings may be changed from time to time, pursuant to the policy of the City Council adopted by resolution. The regular meeting shall be changed or modified by call of the mayor or at least four members of the city council. Special meetings of the City Council shall be held in the Council Chambers upon call by the mayor or at least four members of the city council and the day, hour and purpose thereof shall be set forth in the call.

(B) Notice of every special meeting shall be given to each city council member by notifying the city council member personally, by telephone, or by leaving a verbal message at the city council member's usual place of business or residence.

Section 2. That Section 32.038 of Chapter 32 of Title III of the Columbus City Code be amended and revised to read as follows:

§ 32.038 QUORUM; MEETINGS.

A number of Commissioners equal to a majority of the number of regular members appointed to the Commission shall constitute a quorum for the transaction of any business. Regular meetings of the Planning Commission shall be held in the Council Chambers on the second Monday of each month at 6 p.m. However, the regular meetings may be changed from time to time. Special meetings may also be held upon the call of the chairperson, vice chairperson, or any three members of the Commission

Section 3. This Ordinance shall repeal all Ordinances or portions thereof and in conflict herewith.

Section 4. This ordinance shall be in full force and effect 1) beginning August 1, 2023; and, 2) after its passage, approval, and publication according to law. Publication shall be in pamphlet form as authorized by §16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to the public upon request at the office of the city clerk.

INTRODUCED BY COUNCIL MEMBER_____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2023.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

18. **CONSIDERATION OF PAYROLL AND BILLS ON FILE - Included in Consent Agenda.**

19. **UNFINISHED BUSINESS - None**

20. **ADJOURNMENT**