

City Council Regular Meeting  
Monday, May 6, 2024 6:00 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](http://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 in-state location to members, the public, or the press, if requested twenty-four hours in advance;

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

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

--

Source: [http://nebraskalegislature.gov/laws/display\\_html.php?begin\\_section=84-1407&end\\_section=84-1414](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. APPOINTMENT OF CITY OFFICERS**

4.A. Appointment of Shuraya Frauendorfer as city clerk to fill unexpired term of Janelle Kline.

**5. 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.**

5.A. Minutes of April 15, 2024, City Council meeting.

PROCEEDINGS OF CITY COUNCIL  
April 15, 2024

A regular meeting of the mayor and council of the City of Columbus, Nebraska, was convened in open and public session on April 15, 2024, at 6:01 p.m. in the Columbus Community Building, Community Room, 2500 14th Street, Columbus, Nebraska. Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on March 27, 2024, 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:** 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 Cynthia Alarcòn, 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 Charles Sherer, Finance Director Heather Lindsley, Human Resources Director Tammy Orender, Fire Chief Ryan Gray, Chief Building and Code Inspector Andy Woehrer, Project Engineer Braden Labenz, Planning & Economic Development Coordinator Jean Van Iperen, Park and Recreation Director Betsy Eckhardt, and Communications Manager Matt Lindberg.
2. **PRAYER:** Jablonski 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:** 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. The items on the consent agenda were approved as presented with a motion by Jablonski and a second by Schilling. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".
  - 4.A. **Minutes of April 1, 2024, City Council meeting.**
  - 4.B. **Minutes of April 1, 2024, Community Development Agency meeting.**
  - 4.C. **Minutes of April 3, 2024, Civil Service Commission meeting certifying firefighter candidates Cruz Borer, Samuel Hilger, and Noah Lindberg.**
  - 4.D. **Renewal of solid waste hauling licenses for the following: Ace Sanitation Service, Inc., Beemer Lumber LLC dba Discount Dumpster, Hilltop Rolloff LLC dba Callaway Rolloff, S2 Roll-offs Refuse & Recycling, U & I**

**Sanitation LLC, and Waste Connections of Nebraska, Inc., contingent on bond requirements being met.**

- 4.E. Resolution No. R24-40 approving permanent utility easement agreement with Loup River Public Power District (US Highway 81 substation).** Resolution No. R24-40 is entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A PERMANENT UTILITY EASEMENT AGREEMENT WITH LOUP RIVER PUBLIC POWER DISTRICT, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF COLUMBUS; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH.
- 4.F. Reappointment of Steve Anderson to Board of Adjustment for three-year term.**
- 4.G. Finance department report.**
- 4.H. Payroll and bills on file.** B=Bnd Pymnts; CP=Capt'l Proj; E=Expns; G=Grnts; I=Insrnc; L=Lic; M=Mbrshp; P=Pynt; R=Rfnd; S=Srv & Supp; T=Trng; 4/26/24 payroll \$823,824.56; 911 Custom 368.00 S; A to Z Msg 130.00 S; Ace Hrdwr 587.61 S; Adv Auto 578.28 S; Amer Legal Pub 20.00 S; Aqua-Pure 7,944.75 S; Arnl'd Mtr 453.42 S; Behlen Tow 2,250.00 S; Blk Hills 5,296.35 S; R Bogus 272.54 R; Bnd Tree Med 1,661.45 S; Burns & McDonnell Engr 39,938.40 CP; BVH Arch 402.92 CP; Carolina Sftwr 600.00 S; Casey's Mail Srv 4,541.53 S; CBS Rpt Srv 9.70 S; Century Lnk 930.00 S; Chesterman Co 80.26 S; Chrome N' Steel 464.86 S; City of Col 4,566.89 S; Clay Hills 132.00 S; Club Prpht 500.00 S; CNC Rpr 5,211.34 S; Col Cred Srv 261.36 S; Col Cstm Embrd 111.00 S; Col Plmb Co 164.25 S; Col Steel Sup 462.00 S; Col Tire & Srv 1,139.53 S; Cnsltd Mngt 456.45 S; Cnhskr Int'l Trucks 961.73 S; Cnhskr Pub Pwr 909.50 S; Culligan of Col 204.25 S; Danko 339.62 S; Dell Mrkt 9,862.67 S; Dunbar Dgls 22,544.34 S; DXP 31.58 S; Eakes 1,477.05 S; M Eaton 31.00 S; ESBCO 1,586.43 S; Edison Lght Sup 819.30 S; Elctrcl Eng 565.52 S; Evident 94.67 S; H Fiala 57.84 R; Fifth Season 186.75 S; Fst Nat'l Bk 13,663.65 S; Fisher Scientific 493.12 S; Frntr 2,823.69 S; Gale 25.60 S; Galls 724.58 S; Gaver Tire & Auto 880.50 S; Gehring Constr 3,456.36 S; Gene Steffy 365.55 S; Gerhold Concrete 732.96 S; E Geri 51.66 S; Godfather's 68.47 S; Golfnw 191.22 S; Grt Plns Comm 1,417.90 S; GnsIngrs 228.65 S; Hach 1,109.00 S; Hadley-Braitwait 289.70 S; Hawkins 4,113.01 S; HDR 17,267.45 CP; Hrtlnd Nat Gas 4,885.22 S; Hrtlnd Offc 500.00 S; Hobby Lobby 143.81 S; Howerter MD 1,115.00 S; Hy-vee 253.24 S; Ingram Lib 1,699.51 S; Intximtr 641.50 S; Jcksn Srv 1,858.13 S; K & S Tool 64.99 S; Kelly Sup 304.68 S; Kidwell 815.20 S; Kirkham Michael & Assoc 4,262.02 CP; Lnguge Ln Srv 341.86 S; Lawson 235.86 S; Lingo 118.40 S; Loup Pwr 97,330.43 S; Mailbx 244.26 S; Matheson-Linweld 165.92 S; Mech Sales 1,568.04 S; Menards 1,381.92 S; Mid-Amer Rsrch 3,276.00 S; Mid-States Org Crime 200.00 M; Mdwst Alm 1,150.00 S; Mdwst Lab 194.94 S; Mdwst Pet Equip 1,773.18 S; Mdwst Tape 39.72 S;

PROCEEDINGS OF CITY COUNCIL

April 15, 2024

Page 3

Mdwst Turf & Irr 3,277.16 S; Mike's Tw 1,650.00 S; Motion Ind 783.56 S; Motion Pict Lic 330.98 S; Motoplx 37.08 S; Muni Sup 1,269.97 S; Nape 90.00 M; NDEE 1,600.00 CP; NE Gif & Trf 60,000.00 CP; NE Law Enfor 210.00 T; NE Muni Fire Chfs 517.00 M; NE St Fire Schl 300.00 M; NE Survey Rep 10.75 S; NE UC Fnd 420.00 P; NENA 580.00 S; NE NE Solid 59,033.10 S; Occ Hlth Srv 753.00 S; Olson's Pest 478.00 S; One Call Cncpts 383.38 S; One Srce 293.00 S; O'Reily 138.30 S; Ppr Tgr 35.00 S; M. Pedersen 90.91 R; Pet Care Spec 21.75 S; Pete Lien 7,179.37 S; Petty Cash 342.44 S; PC Attny 4,062.00 S; PC Hwy 39.00 S; PV Comm 861.25 S; Prdctvty Plus 4,830.76 S; Psych Rsr 450.00 S; Quill Corp 30.59 S; Reardon Lwn 146.95 S; Rensenhous 425.00 S; Sapp Bros 28,090.59 S; M Sargent 13.83 R; Sec Equip 8,385.00 CP; Srvmrstr by Shevlin 13,315.00 S; Shevlin Sup 490.75 S; Shirts Are Us 1,685.00 S; Sipple, Hansen, Emerson 6,674.80 S; Stanley Petr 1,163.17 S; St Fire Mrshl 50.00 T; NE Dept of Rev 53,226.99 S; T Stockwell 46.52 R; Sup Svr 73.95 S; Sysco Linc 9,294.99 S; Telecom Syst 1,970.67 S; The Golf Shop 1,859.55 S; Tire Outlet 300.00 S; Titan Mach 161.45 S; Tooley 19.49 S; Trctr Sup 114.53 S; Trctr Ctr 199.47 S; USA Blue Bk 733.56 S; USDA 1,197.81 S; Util Srv 22,897.08 S; C Van Dyke 146.50 S; Van Wall Equip 131.00 S; Vrzn Wrks 840.21 S; Waste Conn 561.50 S; Wellness Prtnrs 10.00 S; TOTAL \$1,419,822.71

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

6. **SPECIAL PRESENTATIONS:**

6.A. **Proclamation declaring May 2, 2024, as National Day of Prayer.** Bulkley proclaimed May 2, 2024, as National Day of Prayer and noted that several events would be held in Frankfort Square throughout the day.

7. **PUBLIC HEARINGS:**

7.A. **(Not a public hearing) Application of City of Columbus, on behalf of Nels Johnson, for preliminary plat of Vitality Village Addition (north of 8th Street and 7th Avenue) (Planning Commission recommends approval.)** The preliminary plat of Vitality Village Addition was approved with a motion by Hiemer and a second by Jablonski. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

7.B. **Public hearing - Application of City of Columbus, on behalf of Nels Johnson, for final plat of Vitality Village Addition (north of 8th Street and 7th Avenue) (Planning Commission recommends approval.)** In response to Bret Kumpf, 3930 48 Avenue, Vasicek explained that approval of the final plat is one of the contingencies in place as part of the purchase agreement with Nels Johnson. The public hearing closed with a motion by Schilling and a second by Hiemer. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

7.B.1. **Resolution No. R24-42 approving final plat.** Resolution No. R24-42 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, ACCEPTING THE DEED OF DEDICATION TO A

TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHEAST QUARTER (S1/2 SE1/4) OF SECTION TWENTY (20), TOWNSHIP SEVENTEEN (17) NORTH, RANGE ONE (1), EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, LYING SOUTH AND WESTERLY OF THE SOUTH RIGHT-OF-WAY LINE OF THE NOW ABANDONED C.B. & Q.R.R. RIGHT OF WAY: EXCEPTING THEREFROM A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4) OF SECTION TWENTY (20), TOWNSHIP SEVENTEEN (17) NORTH, RANGE ONE (1), EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4) OF SECTION TWENTY (20), THENCE SOUTH ALONG THE WEST LINE THEREOF 591.4 FEET; THENCE EAST 1079.5 FEET TO THE SOUTH LINE OF THE RIGHT-OF-WAY OF THE B. & M. R.R.; THENCE NORTHWESTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4); THENCE WEST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4) APPROXIMATELY 59 FEET TO THE PLACE OF BEGINNING: FURTHER EXCEPTING THEREFROM A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4) OF SECTION TWENTY (20), TOWNSHIP SEVENTEEN (17) NORTH, RANGE ONE (1), EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIPE 314.7 FEET EAST AND 33 FEET NORTH OF THE SOUTH QUARTER (S1/4) CORNER OF SAID SECTION TWENTY (20); THENCE NORTH TO AN IRON PIPE 165 FEET ON AN ANGLE OF 90° WITH THE SOUTH LINE OF SAID SECTION TWENTY (20); THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID SECTION (20), 198 FEET TO AN IRON PIPE; THENCE SOUTH 165 FEET PARALLEL TO THE WEST LINE OF TRACT TO AN IRON PIPE; THENCE WEST PARALLEL TO SOUTH LINE OF SAID SECTION TWENTY (20) TO THE PLACE OF BEGINNING, 198 FEET: FURTHER EXCEPTING COMMENCING AT A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWENTY (20), TOWNSHIP SEVENTEEN (17) NORTH, RANGE ONE (1), EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, WHICH IS 43.25 FEET NORTH OF THE SOUTH QUARTER (S1/4) CORNER OF SECTION TWENTY (20); THENCE SOUTH ALONG THE WEST LINE OF THE SOUTHEAST QUARTER (SE1/4), A DISTANCE OF 10.25 FEET; THENCE EAST PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWENTY (20), A DISTANCE OF 200 FEET; THENCE NORTHWESTERLY ON A STRAIGHT LINE TO THE POINT OF BEGINNING: FURTHER EXCEPTING A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4) OF SECTION TWENTY (20), TOWNSHIP SEVENTEEN (17) NORTH, RANGE ONE (1), EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED

AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4); THENCE S 90°00'00" W, (ON AN ASSUMED BEARING), ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4), 751.85 FEET; THENCE N 0°00'00" E, PERPENDICULAR TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4), 33.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 0°00'00" E, 219.15 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE ABANDONED BURLINGTON NORTHERN RAILROAD; THENCE S 59°44'55" E ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID RAILROAD, 435.00 FEET TO A LOCATION ON THE NORTH RIGHT-OF-WAY LINE OF EIGHTH STREET, SAID LOCATION IS 33.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4); THENCE S 90°00'00" W, PARALLEL WITH AND 33 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4), 375.75 FEET TO THE POINT OF BEGINNING. ALL OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHEAST QUARTER (S1/2 SE1/4) OF SECTION TWENTY (20), TOWNSHIP SEVENTEEN (17) NORTH, RANGE ONE (1), EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, LYING SOUTH AND WESTERLY OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE NOW ABANDONED C.B. & Q.R.R. RIGHT OF WAY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE1/4), SECTION 20, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M., PLATTE COUNTY NEBRASKA AND ASSUMING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4) OF SAID SECTION 20 TO HAVE A BEARING OF S 88°29'35" W; THENCE N 01°32'03" W AND ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4), SAID SECTION 20, 43.25 FEET TO THE POINT OF BEGINNING; THENCE N 01°32'03" W, AND ON SAID WEST LINE, 689.24 FEET TO A POINT ON THE SOUTH LINE OF COLUMBUS CEMETERY; THENCE N 88°39'42" E AND ON SAID SOUTH LINE, 1088.22 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE NOW ABANDONED C.B. & Q.R.R. RIGHT OF WAY; THENCE S 61°14'47" E AND ON SAID SOUTHWESTERLY LINE, 947.08 FEET TO THE NORTHWEST CORNER LOT 1, EIGHTH STREET FIRESTATION SUBDIVISION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; THENCE S 01°29'33" E AND ON THE WEST LINE SAID LOT 1, 219.17 FEET TO THE SOUTHWEST CORNER SAID LOT 1, SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE EIGHTH STREET (8TH); THENCE S 88°30'21" W AND ON SAID NORTH LINE, 572.86 FEET; THENCE S 88°29'35" W AND ON SAID NORTH LINE, 812.66 FEET TO THE SOUTHEAST CORNER LOT 2, WEIR SUBDIVISION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; THENCE N 01°23'12" W

AND ON THE EAST LINE SAID WEIR SUBDIVISION, 165.30 FEET TO THE NORTHEAST CORNER SAID LOT 2; THENCE S 88°27'07" W AND ON THE NORTH LINE SAID WEIR SUBDIVISION, 198.00 FEET TO THE NORTHWEST CORNER LOT 1 SAID WEIR SUBDIVISION; THENCE S 01°29'07"E AND ON THE WEST LINE SAID LOT 1, 165.16 FEET TO THE SOUTHWEST CORNER SAID WEIR SUBDIVISION, SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE EIGHTH STREET (8TH); THENCE S 88°29'35" W AND ON SAID NORTH LINE, 114.63 FEET; THENCE N 88°34'24" W AND ON SAID NORTH LINE 200.27 FEET TO THE POINT OF BEGINNING, CONTAINING 25.11 ACRES MORE OR LESS, HEREAFTER TO BE KNOWN AS VITALITY VILLAGE ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; AND APPROVING THE PLAT THEREOF was adopted with a motion by Bahr and a second by Schilling. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

**7.C. Public hearing - Application of City of Columbus, on behalf of Nels Johnson, to rezone property located north of 8th Street between 5th and 9th Avenue from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and from "R-1" (Single-Family Residential District) to "B-2" (General Commercial District) and to amend the Future Land Use Map of the Comprehensive Plan. (Planning Commission recommends approval.)** No public testimony was heard. The public hearing closed with a motion by Hiemer and a second by Schilling. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

**7.C.1. Ordinance No. 24-09 approving rezoning.** The rules were suspended and Ordinance No. 24-09 entitled: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING THE COLUMBUS LAND DEVELOPMENT ORDINANCE FOR THE CITY OF COLUMBUS, ZONING CHAPTER, PASSED AND ADOPTED AUGUST 21, 2023, AS THE ZONING CODE FOR THE CITY OF COLUMBUS, NEBRASKA, BY ORDINANCE NO. 23-09, TO REZONE AND RECLASSIFY THE FOLLOWING DESCRIBED REAL ESTATE, TO-WIT: A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHEAST QUARTER (S1/2 SE1/4) OF SECTION TWENTY (20), TOWNSHIP SEVENTEEN (17) NORTH, RANGE ONE (1), EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE1/4), SECTION 20, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M., PLATTE COUNTY NEBRASKA AND ASSUMING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4) OF SAID SECTION 20 TO HAVE A BEARING OF S 88°29'35" W; THENCE S 88°29'35" W AND ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4), SAID SECTION 20, 512.25 FEET; THENCE N 01°23'12" W, 40.02 FEET, TO THE POINT OF

BEGINNING; THENCE N 88°29'35" E, 110.65 FEET; THENCE N 01°32'03" W, 291.38 FEET; THENCE N 88°27'07" E, 72.31 FEET; THENCE N 01°32'03" W 138.00 FEET; THENCE S 88°33'25" W, 402.31 FEET; THENCE N 01°32'03" W, 136.74 FEET; THENCE S 88°39'42" W, 153.00 FEET; THENCES 01°32'03" E, 409.14 FEET; THENCE N 88°27'07' E, 372.76 FEET; THENCE S 01°23'12' E, 158.30 FEET TO THE POINT OF BEGINNING, CONTAINING 4.12 ACRES MORE OR LESS, FROM THE PRESENT ZONING CLASSIFICATION OF "R-1" (SINGLE FAMILY RESIDENTIAL DISTRICT) TO "R-2" (TWO-FAMILY RESIDENTIAL DISTRICT) AND A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHEAST QUARTER (S1/2 SE1/4) OF SECTION TWENTY (20), TOWNSHIP SEVENTEEN (17) NORTH, RANGE ONE (1), EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE1/4), SECTION 20, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M., PLATTE COUNTY NEBRASKA AND ASSUMING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4) OF SAID SECTION 20 TO HAVE A BEARING OF S 88°29'35" W; THENCE S 88°29'35" W AND ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4), SAID SECTION 20, 512.25 FEET; THENCE N 01°23'12" W, 40.02 FEET; THENCE N 88°29'35" E, 110.65 FEET TO THE POINT OF BEGINNING; THENCE N 01°32'03" W, 291.38 FEET; THENCE N 88°27'07" E, 72.31 FEET; THENCE N 01°32'03" W, 138.00 FEET; THENCE S 88°33'25" W, 402.31 FEET; THENCE N 01°32'03" W, 136.74 FEET; THENCE S 88°39'42" W, 293.00 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER, SOUTHEAST QUARTER, SAID SECTION 20; THENCE N 01°32'03" W, AND ON SAID WEST LINE 125.00 FEET, THENCE N 88°39'42" E, 1080.22 FEET; THENCE S 61°14'47" E, 947.08 FEET; THENCE S 01°29'33" E, 212.17 FEET; THENCE S 88°30'21' W, 572.87 FEET; THENCE S 88°29'35" W, 702.00 FEET TO THE POINT OF BEGINNING, CONTAINING 18.30 ACRES MORE OR LESS, FROM THE PRESENT ZONING CLASSIFICATION OF "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-2" (GENERAL COMMERCIAL DISTRICT); TO AMEND THE ZONING MAP AND FUTURE LAND USE MAP WHICH HAVE BEEN ADOPTED AND MADE A PART OF SAID COLUMBUS LAND DEVELOPMENT ORDINANCE TO SHOW SAID REZONING AND RECLASSIFICATION; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR THE EFFECTIVE DATE was read by number only with a motion by Hiemer and a second by Schilling. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay". Ordinance No. 24-09 was adopted with a motion by Hiemer and a second by Schilling. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

**7.D. (Not a public hearing) Application of Quail Meadows LLC for preliminary plat of Quail Meadows Addition (south of 1st Street between 10th and 14th**

**Avenue). (Planning Commission recommends approval.)** The preliminary plat of Quail Meadows Addition was approved with a motion by Hiemer and a second by Bahr. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

**7.E. Public hearing - Application of Quail Meadows LLC for final plat of Quail Meadows Addition (south of 1st Street between 10th and 14th Avenue). (Planning Commission recommends approval.)** No public testimony was heard. The public hearing closed with a motion by Bahr and a second by Jablonski. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

**7.E.1. Public hearing - Determine whether Quail Meadows Addition should be included within corporate city limits. (Planning Commission recommends approval.)** No public testimony was heard. The public hearing closed with a motion by Bahr and a second by Lopez. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

**7.E.2. Resolution No. R24-43 approving final plat, development agreement, and bringing said addition into corporate city limits.** Resolution No. R24-43 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, ACCEPTING THE DEED OF DEDICATION TO A PARCEL OF LAND LEGALLY DESCRIBED AS: A TRACT OF LAND LOCATED IN THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 29, T17N, R1E OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 29, T17N, R1E OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA; THENCE N 88°18'31" E ON THE NORTH LINE OF THE EAST 1/2 OF SAID SOUTHWEST 1/4, 33.15 FEET TO THE POINT OF BEGINNING; THENCE N 88°24'59" E ON SAID NORTH LINE, 1252.08 FEET; THENCE S 02°20'38" E, 66.00 FEET; THENCE N 88°11'11" E, 33.00 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST 1/4; THENCE S 01°31' 55" E ON SAID EAST LINE, 679.14 FEET; THENCE S 88°24'59" W AND PARALLEL TO SAID NORTH LINE, 1285.30 FEET TO THE EAST RIGHT-OF-WAY LINE OF 14TH AVENUE; THENCE N 01°35'14" W ON SAID EAST RIGHT-OF-WAY LINE, 745.00 FEET TO THE POINT OF BEGINNING, CONTAINING 21.94 ACRES, MORE OR LESS, HEREINAFTER TO BE KNOWN AS QUAIL MEADOWS ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; APPROVING THE PLAT THEREOF; APPROVING INCLUSION OF THAT PORTION OF SAID PLAT CURRENTLY OUTSIDE OF THE CITY INTO THE CORPORATE LIMITS OF COLUMBUS, PLATTE COUNTY, NEBRASKA; APPROVING AND ACCEPTING THE QUAIL MEADOWS ADDITION DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF COLUMBUS, NEBRASKA, A MUNICIPAL CORPORATION, AND QUAIL MEADOWS LLC, A NEBRASKA LIMITED LIABILITY COMPANY, WHICH SETS FORTH THE AGREEMENT BETWEEN THE PARTIES INCLUDING

THE DUTIES AND RESPONSIBILITIES OF THE OWNER/DEVELOPER WITH RESPECT TO SAID ADDITION; AND AUTHORIZING THE MAYOR TO SIGN THE DEVELOPMENT AGREEMENT PROVIDING FOR PUBLIC IMPROVEMENTS TO SERVE THIS ADDITION was adopted with a motion by Schilling and a second by Bahr. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

- 7.F. Public hearing - Application of Granville Custom Homes, Inc. for final plat of Farm View Second Addition (16th Avenue and 31st Street). (Planning Commission recommends approval.)** In response to Vicki Forsberg, 1532 31 Street, Bulkley explained that the applicant requested the rezoning application for this property be removed from the agenda and Vasicek clarified that new notices will be sent when brought back to the Planning Commission and city council. John Zwingman, Advanced Consulting Engineering Services on behalf of the applicant, explained that in order to move forward with the platting process, plans must first be reviewed by the city and that revisions could be made to address any concerns. Dawson Brunswick, president of the Columbus Area Chamber of Commerce, expressed support for additional housing stating that Columbus currently has 1,566 job openings and lack of housing is the largest barrier to filling those positions. This development has the potential to bring approximately 45 new residents to Columbus which would help bridge the gap with the city's employment needs. Jami Kampschneider, 1704 31 Street; Jack Young, 1548 31 Street; Denise Pandorf, 1546 31 Street; and Deborah Kresha, 3164 18 Avenue expressed concerns regarding safety, increased traffic volume, inadequate parking, and limited access for first responders. Kampschneider also reiterated that the plans for the area were initially advertised as a quiet, 55 and over retirement community with minimal traffic. Freshour thanked the public for voicing their concerns and clarified that processes are in place to ensure safety, specifically with roadways and access points. Zwingman noted there are two access roads to this development and that changes were made to the Columbus Land Development Ordinance to allow smaller setbacks for additional units. Schilling stated he would vote no based on the layout of the plans. The public hearing closed with a motion by Hiemer and a second by Bahr. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

**7.F.1.**

**Resolution No. R24-41 approving final plat and development agreement.** Resolution No. R24-41 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, ACCEPTING THE DEED OF DEDICATION TO PART OF LOT 2, BLOCK A AND LOT 2, BLOCK B, ADELE ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 2, BLOCK B, ADELE ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; THENCE S 88°06'01" W ON THE SOUTH LINE OF SAID LOT 2, BLOCK B, 249.83 FEET; THENCE S 89°59'07" W ON THE SOUTH LINE OF SAID LOT 2, BLOCK B, 134.73 FEET TO THE SOUTHEAST CORNER OF LOT 2,

BLOCK A, FARM VIEW SUBDIVISION A MINOR SUBDIVISION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; THENCE N 01°33'12" W ON THE EAST LINE OF SAID LOT 2, BLOCK A, 140.71 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, BLOCK A; THENCE S 87°58'14" W ON THE SOUTH LINE OF SAID LOT 2, BLOCK B, 382.00 FEET; THENCE S 88°08'13" W ON THE SOUTH LINE OF SAID LOT 2, BLOCK B, 60.00 FEET; THENCE S 01°33'15" E ON THE WEST RIGHT-OF-WAY LINE OF 16TH AVENUE, 11.76 FEET TO THE NORTHEAST CORNER OF LOT 4, BLOCK A, FARM VIEW ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; THENCE S 87°59'55" W ON THE NORTH LINE OF SAID LOT 4, 120.00 FEET; THENCE N 01°33'00" W ON THE WEST LINE OF SAID LOT 2, BLOCK B, 12.05 FEET; THENCE N 01°33'09" W ON THE WEST LINE OF SAID LOT 2, BLOCK B, 263.18 FEET; THENCE N 88°26'48" E, 120.00 FEET; THENCE N 01°33'12" W, 57.40 FEET; THENCE N 88°26'49" E, 202.67 FEET; THENCE N 23°15'18" W, 82.76 FEET; THENCE N 58°04'46" E, 173.63 FEET; THENCE S 31°55'14" E, 22.25 FEET; THENCE N 58°04'46" E, 119.79 FEET TO A POINT ON THE EAST LINE OF LOT 2, BLOCK A OF SAID ADELE ADDITION; THENCE S 31°54'21" E ON THE EAST LINE OF SAID LOT 2, BLOCK A, 235.77 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2, BLOCK A; THENCE S 31°57'29" E ON THE EAST LINE OF SAID LOT 2, BLOCK B, 367.98 FEET; THENCE S 31°55'14" E ON THE EAST LINE OF SAID LOT 2, BLOCK B, 167.43 FEET TO THE POINT OF BEGINNING, CONTAINING 7.75 ACRES, MORE OR LESS, HEREAFTER TO BE KNOWN AS FARM VIEW SECOND SUBDIVISION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; APPROVING THE PLAT THEREOF, AND APPROVING AND ACCEPTING THE FARM VIEW SECOND SUBDIVISION DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF COLUMBUS, NEBRASKA, A MUNICIPAL CORPORATION, AND GRANVILLE CUSTOM HOMES, INC., A NEBRASKA CORPORATION, WHICH SETS FORTH THE AGREEMENT BETWEEN THE PARTIES INCLUDING THE DUTIES AND RESPONSIBILITIES OF THE SUBDIVIDER AND THE LOT OWNERS WITH RESPECT TO SAID SUBDIVISION; AND AUTHORIZING THE MAYOR TO SIGN THE DEVELOPMENT AGREEMENT PROVIDING FOR PUBLIC IMPROVEMENTS TO SERVE THIS ADDITION was adopted with a motion by Lopez and a second by Alarcón. Alarcón, Freshour, Hiemer, Jablonski, and Lopez, voted "Aye" and Bahr, Roth, and Schilling voted "Nay".

- 7.G. Public hearing - Application of Granville Custom Homes, Inc. to rezone property located on 16th Avenue and 31st Street from "R-2" (Two-Family Residential District) to "R-3" (Multi-Family Residential District) and to amend the Future Land Use Map of the Comprehensive Plan. (Due to tie vote, no recommendation was made by the Planning Commission.) (Applicant requested this item be removed from the agenda.)** This item was removed from the agenda with a motion by Roth and a second by Freshour. Alarcón, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

**7.H. Public hearing - Text Amendments to Columbus Land Development Ordinance including changes to the following: procedures for special use permit, rezoning, administrative, minor and major subdivisions; new and revised "Figures" and "Tables"; site development, supplemental use, supplemental site development, and sign requirements; use types; required landscape depth; off-street parking requirements; circulation system design; storm sewers and storm water management; and improvement procedures. (Proposed Text Amendments on file in the clerk's office.) (Planning Commission recommends approval with the inclusion of high density residential use under B-2 zoning definition.)** In response to Bret Kumpf, 3930 48 Avenue, Vasicek explained that local regulations regarding site developments have been updated or removed to be more in line with state regulations. The public hearing closed with a motion by Lopez and a second by Alarcón. Alarcón, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

**7.H.1. Ordinance No. 24-10 approving Text Amendments to Columbus Land Development Ordinance.** On its first reading, Ordinance No. 24-10 entitled: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO REVISE AND AMEND THE COLUMBUS LAND DEVELOPMENT ORDINANCE, ZONING AND SUBDIVISION CHAPTERS ADOPTED BY ORDINANCE NO. 23-09 ON AUGUST 21, 2023, AS FOLLOWS: SAID REVISIONS AND AMENDMENTS INCLUDE CHANGES WHICH ENCOMPASS VARIOUS CORRECTIONS AND DISCREPANCIES AS WELL AS REVISIONS TO THE ADMINISTRATION OF BOTH CHAPTERS, INCLUDING REVISIONS TO ZONING DEFINITIONS, CHANGES TO APPLICATIONS AND PROCEDURES FOR MINOR AND MAJOR SUBDIVISIONS, INCLUDING PRELIMINARY PLATS AND FINAL PLATS AS WELL AS APPLICATION REQUIREMENTS; NEW AND REVISED "FIGURES" INCLUDING FIGURE 2-15 IN CHAPTER 1, ARTICLE 2, AND "TABLES" APPEARING IN THE CLDO, ZONING CODE TABLES 4-2, 4-4, 8-1, 9-1, 10-7, 10-9 AND SUBDIVISION CODE TABLES 3-1, 3-2, AND 4-1; CHANGES TO "USE TYPES" INCLUDING COMMERCIAL USE TYPES; CONSTRUCTION SALES AND SERVICE; "SITE DEVELOPMENT REGULATIONS"; "SUPPLEMENTAL USE REGULATIONS", INCLUDING RESIDENTIAL USES AND SWIMMING POOLS; "SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS", INCLUDING SET BACK ADJUSTMENTS AND ALLOWABLE ADJUSTMENTS FOR CREATIVE SUBDIVISIONS; "OVERLAY DISTRICTS", STANDARDS FOR FLOODPLAIN DEVELOPMENT, REQUIRED LANDSCAPE DEPTH, OFF-STREET PARKING REQUIREMENTS, OFF-STREET PARKING DESIGN REQUIREMENTS AND OFF-STREET LOADING; "SIGN REGULATIONS", INCLUDING PERMITTED PERMANENT SIGNS, ELECTRONIC INFORMATION SIGNS; "WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE"; CHANGES ALLOWING ACTION BY THE COMMUNITY DEVELOPMENT DIRECTOR OR HIS OR HER DESIGNEE; "SUBDIVISIONS"; CHANGES TO GENERAL GUIDELINES FOR SUBDIVISION LAYOUT, RELATIONSHIP TO

COMPREHENSIVE PLAN; SUBDIVISION DEFINITIONS; CIRCULATION SYSTEM DESIGN, INCLUDING GENERAL STANDARDS, STREET HIERARCHY AND DESIGN, ALLEYS, AND LIGHTING AND WIRING; "PUBLIC IMPROVEMENTS AND INFRASTRUCTURE", INCLUDING SANITARY SEWERS, STORM SEWERS AND STORM WATER MANAGEMENT AND EASEMENTS; "IMPROVEMENT PROCEDURES" INVOLVING PRE-CONSTRUCTION CONFERENCE; AND CHANGES TO PROMOTE THE WORKABILITY OF SAID CHAPTERS; REPEALING ALL ORDINANCES OR PORTIONS THEROF IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM AS AUTHORIZED BY SECTION 16-405 OF NEBRASKA REVISED STATUTES was read by number only.

8. **PETITIONS AND COMMUNICATIONS:** None
9. **REPORTS OF CITY OFFICES:** Finance department report included in Consent Agenda.
  - 9.A. **Update on Nebraska Department of Transportation 23rd Street Reconstruction Project.** Bogus reported that the intersection of 23rd Street at E 6th Avenue will be completed in approximately three weeks. Crews continue working on storm sewer and water lines with minor setbacks and 18th Avenue is expected to reopen in approximately four weeks.
10. **REPORTS OF COUNCIL COMMITTEES:** None
11. **REPORTS OF SPECIAL COMMITTEES:** None
12. **REPORTS ON LEGISLATION:** None
13. **NEW BUSINESS:**
  - 13.A. **Appointment of Cruz Borer as firefighter.** Jablonski read a brief resume and the mayor's appointment of Cruz Borer as firefighter was ratified with a motion by Bahr and a second by Lopez. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay". Borer thanked the mayor and council and said he looks forward to returning to northeast Nebraska.
  - 13.B. **Appointment of Samuel Hilger as firefighter.** Jablonski read a brief resume and the mayor's appointment of Samuel Hilger as firefighter was ratified with a motion by Hiemer and a second by Schilling. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay". Hilger thanked the mayor and council for the opportunity to serve Columbus.
  - 13.C. **Appointment of Joe Marksmeier to Business Improvement Board to fill unexpired term of Mary Nyffeler.** Jablonski read a brief resume and the mayor's appointment of Joe Marksmeier to the Business Improvement Board was ratified with a motion by Schilling and a second by Freshour. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted "Aye" and none voted "Nay".

- 13.D. Quote from Applied Connective Technologies in the amount of \$13,480.79 for eleven desktop computers.** The quote from Applied Connective Technologies for desktop computers was accepted with a motion by Bahr and a second by Lopez. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.
- 13.E. Quote from Daktronics, Inc. in the amount of \$266,825 for scoreboard at Memorial Stadium.** Eckhardt noted that the life expectancy of the scoreboard is approximately ten years and clarified that sponsorship dollars would cover the cost. The quote from Daktronics, Inc. for scoreboard was accepted with a motion by Lopez and a second by Bahr. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.
- 13.F. Proposal from Sirius Computer Solutions LLC in the amount of \$80,729.90 for Wi-Fi hardware and services at Bradshaw, Centennial, and Wilderness Parks; Quail Run and Van Berg Pro Shops; 18th Avenue Pedestrian Bridge; Aquatic Center; Pawnee Plunge; and Senior Center. CIP #19-9** The proposal from Sirius Computer Solutions LLC for Wi-Fi hardware and services was accepted with a motion by Hiemer and a second by Freshour. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.
- 13.G. Change current Basic Life/AD&D, LTD, and Voluntary Life/AD&D insurance coverage to Mutual of Omaha, effective July 1, 2024, and implement Worksite benefit options for employees to purchase, effective January 1, 2025.** Kipp Kissinger, Employee Benefits Consultant for UNICO Group, Inc., noted that this change to Mutual of Omaha would save the city approximately \$9,500 over a two-year period. The change of current Basic Life/AD&D, LTD, and Voluntary Life/AD&D insurance coverage to Mutual of Omaha effective July 1, 2024, and implementation of Worksite benefit options effective January 1, 2025, were approved with a motion by Jablonski and a second by Lopez. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.
- 13.H. Application of Columbus Realty Holdings LLC for preliminary plat of Super Saver Subdivision (west of 33rd Avenue between 23rd and 25th Street). (Planning Commission recommends approval.)** Bulkley explained that the developer chose to start the project prior to city approval due to tight construction deadlines and understands the risks. The preliminary plat of Super Saver Subdivision was approved with a motion by Bahr and a second by Freshour. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, and Schilling voted “Aye” and Roth voted “Nay”.
- 13.I. Application of Keyes Real Estate LLC for preliminary plat of Harriman Acres Subdivision (48th Avenue north of Howard Boulevard) (Planning Commission recommends approval.)** The preliminary plat of Harriman Acres Subdivision was approved with a motion by Bahr and a second by Lopez.

Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.

**13.J. Plans, specifications, estimate of cost in the amount of \$810,000, and authorization to advertise for bids for Lost Creek Parkway Traffic Signals 2024. (Plans and specifications on file in the engineering department.)**

**CIP# 23-22** The plans, specifications, estimate of cost, and authorization to advertise for bids for Lost Creek Parkway Traffic Signals 2024 was approved with a motion by Jablonski and a second by Schilling. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.

**13.K. Plans, specifications, estimate of cost in the amount of \$3,300,000, and authorization to advertise for bids for Vitality Village Subdivision and community building south parking lot paving and infrastructure (14th Street and 25th Avenue). (Plans and specifications on file in the engineering department.)**

**CIP#s 24-29, 23-46, 24-32, 20-71** Bogus explained that these are budgeted capital improvement projects with a portion of the Vitality Village Subdivision and a majority of the community building parking lot improvements extending into next fiscal year. The plans, specifications, estimate of cost, and authorization to advertise for bids for Vitality Village Addition and parking lot improvements was approved with a motion by Alarcòn and a second by Bahr. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.

**13.L. Comments from mayor and city council members.** There were no comments from the mayor or council members.

**14. RESOLUTIONS:**

**14.A. Resolution No. R24-44 approving professional services agreement with BVH Architecture in the amount of \$350,000 for Memorial Stadium Concept and Schematic Design Phase 2024. CIP #23-12**

Vasicek explained that this was an approved discretionary capital improvement project and clarified that the community would be involved in the design process. Resolution No. R24-44 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH BVH ARCHITECTS IN THE AMOUNT OF \$350,000 FOR MEMORIAL STADIUM CONCEPT AND SCHEMATIC DESIGN PHASE SERVICES 2024, 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 Lopez. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.

- 14.B. Resolution No. R24-45 approving design-build agreement with Bierman Contracting, Inc. in the amount of \$20,000 for design phase services for Centennial Park Restroom and Concessions. CIP #24-30** Resolution No. R24-45 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE DESIGN BUILD AGREEMENT WITH BIERMAN CONTRACTING, INC. IN THE AMOUNT OF \$20,000 FOR DESIGN PHASE SERVICES FOR CENTENNIAL PARK RESTROOM AND CONCESSION BUILDING; A COPY OF SAID AGREEMENT IS ATTACHED HERETO; 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 Freshour and a second by Schilling. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, and Schilling voted “Aye” and Roth voted “Nay”.
- 14.C. Resolution No. R24-46 approving professional services agreement with Alfred Benesch & Company in an amount not to exceed \$69,108 for design and bidding phase services and geotechnical soils evaluation for Lift Station No. 15, Westbrook. CIP #20-93** Resolution No. R24-46 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN AGREEMENT WITH ALFRED BENESCH & COMPANY FOR PROFESSIONAL SERVICES IN AN AMOUNT NOT TO EXCEED \$69,108 FOR DESIGN AND BIDDING SERVICES AND GEOTECHNICAL SOILS EVALUATION FOR LIFT STATION NO. 15, WESTBROOK, 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 Alarcòn and a second by Lopez. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.
- 14.D. Resolution No. R24-47 approving Amendment No. 1 to professional services agreement with Kirkham Michael & Associates, Inc. in an amount not to exceed \$131,822.36 for construction and close-out phase services for Eight-Place T-Hangar. CIP #23-30** In response to Roth, Bogus stated he would look into additional grant and funding options for this project. Resolution No. R24-47 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AMENDMENT NO. 1 TO THE AGREEMENT WITH KIRKHAM MICHAEL & ASSOCIATES, INC. IN AN AMOUNT NOT TO EXCEED \$131,822.36 FOR CONSTRUCTION AND CLOSE OUT SERVICES FOR THE EIGHT-PLACE T-HANGAR, COLUMBUS MUNICIPAL AIRPORT PROJECT, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH was adopted with a motion by Bahr and a second by Lopez. Alarcòn, Bahr,

PROCEEDINGS OF CITY COUNCIL

April 15, 2024

Page 16

Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.

- 14.E. Resolution No. R24-48 awarding bid to Bauer Underground, Inc. in the amount of \$243,313.56 for Fiber Network Project 2024. CIP #19-9**  
Resolution No. R24-48 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AWARDING A CONTRACT TO BAUER UNDERGROUND, INC. IN THE AMOUNT OF \$243,313.56 FOR FIBER NETWORK PROJECT 2024 was adopted with a motion by Schilling and a second by Hiemer. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.
- 14.F. Resolution No. R24-49 authorizing request to Nebraska Department of Economic Development for extension of completion date to December 20, 2024, for Community Development Block Grant No. 19-DTR-101 for downtown revitalization.** Resolution No. R24-49 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AUTHORIZING CITY STAFF TO REQUEST AND APPLY TO THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR AN EXTENSION OF THE COMPLETION DATE TO DECEMBER 20, 2024, FOR COMMUNITY DEVELOPMENT BLOCK GRANT NO. 19-DTR-101 FOR DOWNTOWN REVITALIZATION was adopted with a motion by Hiemer and a second by Schilling. Alarcòn, Bahr, Freshour, Hiemer, Jablonski, Lopez, Roth, and Schilling voted “Aye” and none voted “Nay”.
- 15. ORDINANCES ON FIRST READING:** None
- 16. ORDINANCES ON SECOND READING:** None
- 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 7:26 p.m.

Presented and approved this 6th day of May 2024.

OFFICE OF THE CITY CLERK

: Janelle Kline

5.B. Bid from Johnson Trucking Sand & Gravel for one-year supply of gravel in the amount of \$27.75 per cubic yard delivered or \$21.75 per cubic yard if picked up.

The City of **Columbus**

**MEMORANDUM**

**DATE:** April 30, 2023  
**FROM:** Chuck Sliva, Public Works Director  
**TO:** Tara Vasicek, City Administrator  
**RE:** Annual Gravel Bid 2024

**RECOMMENDATION:**

I recommend the annual gravel contract be awarded to Dale R Johnson dba Johnson Trucking of Columbus, Nebraska.

**DISCUSSION:**

Three bids were received for providing gravel to the City from June 30, 2024 to June 29, 2025. Attached is the bid tabulation sheet. The recommendation is to accept the low bid. Gravel may either be hauled and stockpiled at the Central Maintenance Facility or obtained by City forces from the Columbus area gravel pit. Approximately 1,200 cubic yards are purchased each year.

**FISCAL IMPACT:**

Delivered to the Central Maintenance Facility is \$27.75 per cubic yard  
Picked up by City forces is \$21.75 per cubic yard.

The costs are in line with previous annual bids with an inflationary factor.

**ALTERNATIVE:**

Do not approve.

**CONCURRENCE:**

By: Clete Borchers

**SIGNATURE:**

Recommended By: Chuck Sliva

Approved By: 

**CITY OF COLUMBUS**

**BID TABULATION**

**GRAVEL FOR ROAD SURFACING 2024**

**BID OPENING: APRIL 30, 2024 AT 2:00 P.M.**

		Contractor: Johnson Trucking Sand & Gravel  3163 South 16th Street  Columbus, NE 68601	Contractor: Southwest Gravel Products, LLC  1753 25 Road  Axtell, NE 68924	Contractor: Brad Ruwe  1061 Co. Rd. 19  Hooper, NE 68031
Description	Unit	<u>Unit Price</u>	<u>Unit Price</u>	<u>Unit Price</u>
Gravel delivered to stockpile at 4528 19th Street or gravel on streets	C.Y.	\$ 27.75	\$ 28.90	\$ 38.98
Gravel picked up by City at bidder's stock pile	C.Y.	\$ 21.75	\$ 20.99	\$ -
<b>Ton x 1.35 = Cubic Yard</b>				

5.C. Bid from Andrew Daniels in the amount of \$16 per ton for yard waste removal from transfer station for three-year period beginning May 6, 2024.



# The City of **Columbus**

**PUBLIC WORKS DEPARTMENT**  
Utility Billing • Water Production • Water/Sewer Utility • Wastewater • Streets • MSW Transfer Station  
402-562-4260 [www.columbusne.us](http://www.columbusne.us)

## **MEMORANDUM**

**DATE:** April 30, 2024  
**TO:** City Administrator / Mayor / City Council  
**FROM:** Chuck Sliva, Public Works Director  
**RE:** Department of Public Works - MSW Transfer Station Division - Award of Bid for 2024 Yard Waste Removal Contract to Andrew Daniels.

**RECOMMENDATION:** Recommend that the City Council award the low bid of \$16.00 per ton of yard waste for the 2024 Yard Waste Removal Program for the Department of Public Works (DPW), MSW Transfer Station Division.

**DISCUSSION:** The City has a current contract with M & L Inc. for removal of all yard waste, grass, and leaves, from the City of Columbus, MSW Transfer Station that expired March 31, 2024. Given this, the city solicited and advertised for bid, with bids being opened on April 30, 2024. Four bids were received, with low qualified bid being from Andrew Daniels, Columbus Ne. in the amount of \$16.00 per ton. A bid tabulation is provided for reference.

If approved, the new contract will be for a three (3) year contract beginning May 6, 2024 and ending March 31, 2027 but may be automatically renewed by mutual agreement of the parties for an additional period not to exceed two years. Andrew Daniels agrees to be liable for any damages resulting in removal of said debris by signing a new Hold Harmless Agreement. Contract is on a per ton basis.

**FISCAL IMPACT:** The estimated cost of this activity is \$40,500.00 per year.

**CONCURRENCE:** Nick Mousel, MSW Transfer Station Supervisor

**SIGNATURE:**

By: *Chuck Sliva*  
Chuck Sliva, Public Works Director

Approved By: *Heather Lindsley*  
Heather Lindsley, Finance Director

Approved By: *Tara Vasicek*  
Tara Vasicek, City Administrator



**CITY OF COLUMBUS  
 BID TABULATION  
 2024 YARD WASTE REMOVAL BID TAB  
 BID OPENING: APRIL 30, 2024 AT 2:00 P.M.**

	Contractor: Andrew Daniels 37831 205th Street Columbus, NE 68601	Contractor: Mark Jenny 5656 Deermont Place Columbus, NE 68601	Contractor: Midwest Soilogix 3869 30th Avenue Columbus, NE 68601	Contractor: M&N Farms 624 Road 1 Columbus, NE 68601
Description	UNIT PRICE PER TON	UNIT PRICE PER TON	UNIT PRICE PER TON	UNIT PRICE PER TON
YARD WASTE REMOVAL / PER TON	\$16.00/ton	\$18.00/ton	\$20.00/ton	\$26.75/ton

5.D. Payroll and bills on file.

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
00116	ACE HARDWARE & GARDEN CNT				
05/07/2024	INVOICE	202781/5	GARDEN SPRAYER	22.99	
05/07/2024	INVOICE	202776/5	MENDER HOSE, HOSE CLAMP	16.34	
05/07/2024	INVOICE	202769/5	SPRINKLER POP UP	19.99	
05/07/2024	INVOICE	202763/5	CRABGRASS PREVENTOR	44.99	
05/07/2024	INVOICE	202760/5	KEY SCHLAGE	21.54	
05/07/2024	INVOICE	202745/5	MOTOR OIL 5W30	32.97	
05/07/2024	INVOICE	202733/5	KEY ID TAG, NUTS, BOLTS, SCREWS	20.70	
05/07/2024	INVOICE	202729/5	GROMMET VNYL BLACK	7.58	
05/07/2024	INVOICE	202715/5	LED 120W 2 PK	37.98	
05/07/2024	INVOICE	202714/5	CRABGRASS PREVENTOR	199.98	
05/07/2024	INVOICE	202699/5	TERM RING	5.99	
05/07/2024	INVOICE	202692/5	LEADER HOSE	19.99	
05/07/2024	INVOICE	202677/5	CONCRETE SELF LEVEL	59.94	
05/07/2024	INVOICE	202672/5	CAP HOSE BRASS	5.99	
05/07/2024	INVOICE	202804/5	PEAR HEAD 1/4" DRIVE	31.99	
05/07/2024	INVOICE	202625/5	SPRINKLER POP-UP, PVC NIPPLE	21.58	
05/07/2024	INVOICE	202618/5	TAIL PIECE	3.99	
05/07/2024	INVOICE	202617/5	EXTENSION CORD	27.99	
05/07/2024	INVOICE	202616/5	PADLOCK	15.99	
05/07/2024	INVOICE	202857/5	NUTS, BOLTS, SCREWS	2.70	
05/07/2024	INVOICE	202870/5	PADLOCK	24.99	
05/07/2024	INVOICE	202838/5	RUBBER PLUG	4.99	
05/07/2024	INVOICE	202650/5	SCREW DRIVING BIT SET	21.99	
05/07/2024	INVOICE	202640/5	SCOTTS 4 STEP FERTILIZER	239.99	
05/07/2024	INVOICE	202901/5	NUTS, BOLTS, SCREWS	10.92	
05/07/2024	INVOICE	202915/5	NUTS, BOLTS, SCREWS	13.34	
05/07/2024	INVOICE	202993/5	FORM A GASKET	5.99	
05/07/2024	INVOICE	202990/5	KEY MASTER	3.59	
05/07/2024	INVOICE	203004/5	PROPANE	69.46	
05/07/2024	INVOICE	203002/5	NUTS, BOLTS, SCREWS	6.60	
05/07/2024	INVOICE	203028/5	CEMENT PVC, PRIMER PVC, HOSE CLAMP	28.35	
05/07/2024	INVOICE	203065/5	PLUG INSERT, 90D ELBOW INSERT	5.38	
05/07/2024	INVOICE	203056/5	NUTS, BOLTS, SCREWS	7.49	
05/07/2024	INVOICE	203050/5	UTILITY KNIFE, WIRE STRIPPER, HEX NIPPLE	40.97	
05/07/2024	INVOICE	203074/5	PIPE PEX 3/4 X 10	2.99	
05/07/2024	INVOICE	203073/5	BARBED COUPL 1/2"	4.99	
05/07/2024	INVOICE	203080/5	NUTS, BOLTS, SCREWS	5.40	
05/07/2024	INVOICE	203088/5	SPRING SNAP, SNAP QUICK ROUND	24.08	
05/07/2024	INVOICE	203110/5	NUTS, BOLTS, SCREWS, DW T30 BIT	10.49	
05/07/2024	INVOICE	203145/5	HEX BUSH	2.99	
05/07/2024	INVOICE	203155/5	9V BATTERY	17.99	
05/07/2024	INVOICE	203184/5	VOYAGER II KEY	3.58	
05/07/2024	INVOICE	203200/5	NIPPLE GALV, HEX BUSHINGS	5.98	
05/07/2024	INVOICE	203199/5	PLIER, QUICK LINK	16.36	
05/07/2024	INVOICE	203216/5	3 - PADLOCKS	44.97	
05/07/2024	INVOICE	203213/5	PIPE JOUNT COMPOUND	6.99	
Total:				1,252.07	
Net of 46 Invoices / 0 Checks				1,252.07	
00180	ADVANCE AUTO PARTS				
05/07/2024	INVOICE	5606411364416	HOSE CLAMP	11.61	
05/07/2024	INVOICE	5606411364417	CURVED RADIATOR HOSE, HEATER HOSE ASSEMBLY	140.12	
05/07/2024	INVOICE	5606411564471	2 - BELTS	27.44	
05/07/2024	INVOICE	5606411664503	LUBE	13.50	
05/07/2024	INVOICE	5606410164052	2 - HYDRAULIC FILTERS	17.34	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	210.01	
			Net of 5 Invoices / 0 Checks	210.01	
11135 05/07/2024	ALAN PEDERSON INVOICE	5.07.2024	SHUFFLEBOARD - ARPA FUNDS	4,600.00	
			Total:	4,600.00	
			Net of 1 Invoices / 0 Checks	4,600.00	
10746 05/07/2024 05/07/2024	ALBIREO ENERGY LLC INVOICE INVOICE	PIN0044651 PIN0044444	CHECK FURNACE- TRIPPED ON LOW SNOW MELT SENSOR ISSUES & LOGIN ISSUES	360.00 3,796.06	
			Total:	4,156.06	
			Net of 2 Invoices / 0 Checks	4,156.06	
00559 05/07/2024 05/07/2024	ALTEC INDUSTRIES INC INVOICE INVOICE	51411960 51414203	ANNUAL PM INSPECTION, DIELECTRIC TEST VIN #1 ANNUAL PM INSPECTION, DIELECTRIC TEST VIN #1	1,316.77 1,509.18	
			Total:	2,825.95	
			Net of 2 Invoices / 0 Checks	2,825.95	
01095 05/07/2024	AMERICAN FENCE COMPANY LLC INVOICE	GIIN00002771	ACCESS CONTROL REPAIR	387.26	
			Total:	387.26	
			Net of 1 Invoices / 0 Checks	387.26	
01189 05/07/2024	AMERICAN RED CROSS INVOICE	22679044	LIFEGUARDING REVIEW, LIFEGUARDING & WATERPA	533.00	
			Total:	533.00	
			Net of 1 Invoices / 0 Checks	533.00	
11021 05/07/2024	APPLIED CONNECTIVE TECHNOLOGIES LLC INVOICE	209343	11 - DELL WORKSTATIONS, 15 - DELL 24" LED M	13,480.79	
			Total:	13,480.79	
			Net of 1 Invoices / 0 Checks	13,480.79	
10561 05/07/2024 05/07/2024 05/07/2024 05/07/2024 05/07/2024 05/07/2024 05/07/2024 05/07/2024 05/07/2024 05/07/2024	ARNOLD MOTOR SUPPLY INVOICE INVOICE INVOICE INVOICE INVOICE INVOICE INVOICE INVOICE INVOICE INVOICE	78NV104925 78NV105114 78NV104357 78NV103042 78NV102746 78NV102584 78NV101282 78NV104192 78NV104236 78NV104086	6 - HIGH AMP STUD-MOUNT FUSE ENGINE OIL FILTER PRIME/ORG COMPAT 50/50 1 GAL RAVEN NITRILE XL INTERIOR DOOR HANDLE OUTER & INNER AIR ELEMENT F/W SEPARATOR FILTER MAX FUSE HOLDER, 80A FUSE, STUD MOUNT FUSE, 3 - HIGH AMP STUD-MOUNT FUSE 2 - ENGINE OIL FILTERS	61.26 15.15 9.37 17.69 16.64 249.63 56.22 46.99 30.63 24.33	
			Total:	527.91	
			Net of 10 Invoices / 0 Checks	527.91	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
02344 05/07/2024	BAIRD HOLM LLP INVOICE	313783	23RD GRANT BEAUTIFICATION PROGRAM	94.50	
			Total:	94.50	
			Net of 1 Invoices / 0 Checks	94.50	
MISC 05/07/2024	BENAKABU BENA INVOICE	04/17/2024	UB refund for account: 400-62930-01	108.23	
			Total:	108.23	
			Net of 1 Invoices / 0 Checks	108.23	
10435 05/07/2024	BEST VERSION MEDIA, LLC INVOICE	316377-202406	AD MANAGEMENT FEE	152.00	
			Total:	152.00	
			Net of 1 Invoices / 0 Checks	152.00	
02555 05/07/2024	BGNE INC INVOICE	PI0119903	EPR, DIESEL OIL CONDITIONER, ADVANCED FORMU:	169.13	
05/07/2024	INVOICE	PI0120284	HEAVY DUTY DIESEL FUEL KIT	513.00	
			Total:	682.13	
			Net of 2 Invoices / 0 Checks	682.13	
03256 05/07/2024	BLACK HILLS ENERGY INVOICE	7226 0844 98 MAY	2NATURAL GAS	23.32	
05/07/2024	INVOICE	2278 6168 20 MAY	2NATURAL GAS	16.77	
05/07/2024	INVOICE	4665 9615 35 MAY	2NATURAL GAS	16.77	
05/07/2024	INVOICE	9767 8260 47 MAY	2NATURAL GAS	16.77	
05/07/2024	INVOICE	3343 6679 78 MAY	2NATURAL GAS	15.57	
05/07/2024	INVOICE	4086 6115 74 MAY	2NATURAL GAS	15.57	
05/07/2024	INVOICE	1164 9983 32 MAY	2NATURAL GAS	14.38	
05/07/2024	INVOICE	5389 9420 88 MAY	2NATURAL GAS	14.38	
			Total:	133.53	
			Net of 8 Invoices / 0 Checks	133.53	
10348 05/07/2024	BLUE TO GOLD LLC INVOICE	BTG-CN-33452	MASTERING SEARCH & SEIZURE	225.00	
			Total:	225.00	
			Net of 1 Invoices / 0 Checks	225.00	
11148 05/07/2024	BOB MCDONALD GARAGE DOOR INVOICE	4.07.2024	CART BUILDING DOOR-ADJUST PHOTO EYES	55.00	
			Total:	55.00	
			Net of 1 Invoices / 0 Checks	55.00	
01835 05/07/2024	BOGUS RICHARD INVOICE	4.10.2024	MILEAGE - LINCOLN BID OPENING AT KIRKHAM MI	118.72	
			Total:	118.72	
			Net of 1 Invoices / 0 Checks	118.72	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
01785	BOKF NA				
05/07/2024	INVOICE	<a href="#">COLUMBUSCR18</a>	COMBINED REVENUE BONDS, SERIES 2018	234,450.00	
05/07/2024	INVOICE	<a href="#">COLUMBCRRE20</a>	COMBINED REVENUE REFUNDING BOND SERIES 2020	519,450.00	
05/07/2024	INVOICE	<a href="#">COLUMBSCOP21</a>	CERTIFICATES OF PARTICIPATION SERIES 2021	458,750.00	
05/07/2024	INVOICE	<a href="#">COLUMBUSHW21</a>	GENERAL OIGATION HIGHWAY ALLOC FUND PLEDGE	92,525.00	
05/07/2024	INVOICE	<a href="#">COLUMBUSRE16</a>	COMBINED REVENUE & REFUNDING BONDS SERIES 2016	191,437.50	
			Total:	1,496,612.50	
			Net of 5 Invoices / 0 Checks	1,496,612.50	
00337	BOMGAARS				
05/07/2024	INVOICE	<a href="#">35313446</a>	STARTING FLUID, DIESEL OIL ADDITIVE	65.97	
05/07/2024	INVOICE	<a href="#">35318354</a>	WATER, BRASS HOSE SHUT OFF	21.17	
05/07/2024	INVOICE	<a href="#">35310508</a>	TRIMMER LINE, OPTI-2 LUBRICANT	32.15	
05/07/2024	INVOICE	<a href="#">35311024</a>	MULTI-BALL MOUNT, HITCH PIN & CLIP	82.98	
05/07/2024	INVOICE	<a href="#">35312107</a>	OATS, BULK SEED, SMOOTH BROMEGRASS	676.97	
05/07/2024	INVOICE	<a href="#">35313838</a>	COUPLER, WD-40, ANTI-SEIZE LUBRICANT	71.95	
05/07/2024	INVOICE	<a href="#">35316512</a>	RE-TRACTABLE RATCHET, CRIMP TOOL, TERMINALS	43.97	
05/07/2024	INVOICE	<a href="#">35316503</a>	PURPLE POWER	6.99	
05/07/2024	INVOICE	<a href="#">35322488</a>	3 PACK BLADES, OIL FILTER, PLUG KIT	74.97	
05/07/2024	INVOICE	<a href="#">35322309</a>	SELF DRILL SCREWS, MOUNTING TAPE	21.48	
			Total:	1,098.60	
			Net of 10 Invoices / 0 Checks	1,098.60	
00240	BOUND TREE MEDICAL LLC				
05/07/2024	INVOICE	<a href="#">85322998</a>	ENDOTRACHEAL TUBE HOLDER, RITE IN THE RAIN 1	1,168.35	
05/07/2024	INVOICE	<a href="#">85317064</a>	MEDICAL SUPPLIES	4,186.12	
			Total:	5,354.47	
			Net of 2 Invoices / 0 Checks	5,354.47	
03018	BS&A SOFTWARE				
05/07/2024	INVOICE	<a href="#">152914</a>	ANNUAL SERVICE/SUPPORT	33,213.00	
			Total:	33,213.00	
			Net of 1 Invoices / 0 Checks	33,213.00	
10959	BSN SPORTS LLC				
05/07/2024	INVOICE	<a href="#">925474369</a>	200' HOMERUN YOUTH/SOFTBALL FENCE PKG	2,413.00	
			Total:	2,413.00	
			Net of 1 Invoices / 0 Checks	2,413.00	
02979	CAPITAL BUSINESS SYSTEMS				
05/07/2024	INVOICE	<a href="#">1383709</a>	COPIER CONTRACT	43.21	
			Total:	43.21	
			Net of 1 Invoices / 0 Checks	43.21	
10626	CAPITAL ONE - WALMART				
05/07/2024	INVOICE	<a href="#">810858</a>	LYSOL, DAWN, CASCADE, SWIFTER, PEPSI, WINDE	198.25	
05/07/2024	INVOICE	<a href="#">342062</a>	FACE TISSUE, VIVA	35.96	
05/07/2024	INVOICE	<a href="#">105251</a>	48 QT LAG RED SGL	24.98	
05/07/2024	INVOICE	<a href="#">031566</a>	DAWN, SHARPIE, POST IT, TAPE, D BATTERIES, 1	185.13	
05/07/2024	INVOICE	<a href="#">785977</a>	HERSHEY CANDY, 48CT EASTER EGGS	25.91	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/07/2024	INVOICE	456569	CUTLERY, TAPE, SPRAY BOTTLE, PUDDING, TISSUI	41.19	
			Total:	511.42	
			Net of 6 Invoices / 0 Checks	511.42	
00060	CDW GOVERNMENT				
05/07/2024	INVOICE	QT73429	25 - GOV MS MPSA OFFICE STD P/DVC SL	7,624.75	
			Total:	7,624.75	
			Net of 1 Invoices / 0 Checks	7,624.75	
01209	CENTER POINT LARGE PRINT				
05/07/2024	INVOICE	2084790	MATERIALS	142.62	
			Total:	142.62	
			Net of 1 Invoices / 0 Checks	142.62	
03136	CENTRAL COMMUNITY COLLEGE				
05/07/2024	INVOICE	001990358	BACKFLOW RECERTIFICATION CLASS	425.00	
			Total:	425.00	
			Net of 1 Invoices / 0 Checks	425.00	
03138	CENTRAL SAND & GRAVEL CO				
05/07/2024	INVOICE	449097	CRUSHED GRAVEL	878.61	
			Total:	878.61	
			Net of 1 Invoices / 0 Checks	878.61	
00293	CENTRAL VALLEY AG COOPERATIVE				
05/07/2024	INVOICE	2222167	CORNERSTONE, MOJAVE, STRIKE THREE	415.12	
			Total:	415.12	
			Net of 1 Invoices / 0 Checks	415.12	
02470	CHAD'S COLLISION CENTER LLC				
05/07/2024	INVOICE	1729	ROOF HATCH DOOR & INSTALL KIT	986.70	
			Total:	986.70	
			Net of 1 Invoices / 0 Checks	986.70	
10642	CHROME N' STEEL TRUCK & TRAILER LLC				
05/07/2024	INVOICE	8058	LUG NUTS, STUD-METRIC	105.20	
05/07/2024	INVOICE	8059	TURN SIGNAL SWITCH	107.74	
05/07/2024	INVOICE	8028	CENTER BEARING	60.00	
			Total:	272.94	
			Net of 3 Invoices / 0 Checks	272.94	
00567	CITY OF COLUMBUS				
05/07/2024	INVOICE	300-57935-00	MAY 2WATER & SEWER	1,069.77	
05/07/2024	INVOICE	300-57936-00	MAY 2WATER & SEWER	96.31	
05/07/2024	INVOICE	300-57937-00	MAY 2WATER & SEWER	217.22	
05/07/2024	INVOICE	400-81020-00	MAY 2WATER & SEWER	214.29	
05/07/2024	INVOICE	200-41055-00	MAY 2WATER & SEWER	26.46	
05/07/2024	INVOICE	400-69475-00	MAY 2WATER & SEWER	42.92	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/07/2024	INVOICE	300-44995-00	MAY 2WATER & SEWER	96.94	
05/07/2024	INVOICE	400-65101-00	MAY 2WATER & SEWER	91.24	
05/07/2024	INVOICE	300-61005-00	MAY 2WATER & SEWER	76.84	
05/07/2024	INVOICE	300-50035-00	MAY 2WATER & SEWER	57.58	
05/07/2024	INVOICE	200-28755-00	MAY 2WATER & SEWER	42.92	
05/07/2024	INVOICE	300-47517-00	MAY 2WATER & SEWER	128.01	
05/07/2024	INVOICE	300-57934-00	MAY 2WATER & SEWER	255.72	
05/07/2024	INVOICE	300-44985-02	MAY 2WATER & SEWER	25.19	
05/07/2024	INVOICE	200-39615-01	MAY 2WATER & SEWER	110.26	
05/07/2024	INVOICE	300-45761-00	MAY 2WATER & SEWER	32.25	
05/07/2024	INVOICE	300-54059-00	MAY 2WATER & SEWER	91.87	
05/07/2024	INVOICE	200-37998-00	MAY 2WATER & SEWER	139.97	
05/07/2024	INVOICE	200-21960-05	MAY 2WATER & SEWER	117.71	
05/07/2024	INVOICE	300-49615-00	MAY 2WATER & SEWER	15.78	
05/07/2024	INVOICE	300-47514-00	MAY 2WATER & SEWER	128.03	
05/07/2024	INVOICE	300-62155-00	MAY 2WATER & SEWER	101.27	
05/07/2024	INVOICE	300-62105-00	MAY 2WATER & SEWER	37.87	
05/07/2024	INVOICE	200-39575-00	MAY 2WATER & SEWER	29.63	
05/07/2024	INVOICE	300-47518-00	MAY 2WATER & SEWER	51.18	
05/07/2024	INVOICE	200-21982-00	MAY 2WATER & SEWER	320.43	
05/07/2024	INVOICE	100-13650-01	MAY 2WATER & SEWER	167.38	
05/07/2024	INVOICE	300-45762-00	MAY 2WATER & SEWER	32.63	
05/07/2024	INVOICE	300-44986-00	MAY 2WATER & SEWER	96.31	
05/07/2024	INVOICE	300-57938-00	MAY 2WATER & SEWER	93.78	
05/07/2024	INVOICE	400-70005-01	MAY 2WATER & SEWER	180.80	
Total:				4,188.56	
Net of 31 Invoices / 0 Checks				4,188.56	
03140	COLUMBUS AREA CHAMBER OF				
05/07/2024	INVOICE	HEALTH	COLUMBUS BUCKS-PACE PROGRAM	1,020.00	
Total:				1,020.00	
Net of 1 Invoices / 0 Checks				1,020.00	
03141	COLUMBUS COMMUNITY HOSPITAL				
05/07/2024	INVOICE	10002274	PHARMACY, MED-SUR SUPPLIES	278.88	
Total:				278.88	
Net of 1 Invoices / 0 Checks				278.88	
00036	COLUMBUS CUSTOM EMBROIDERY				
05/07/2024	INVOICE	E44912	CARDIGAN - HOPKINS	39.00	
Total:				39.00	
Net of 1 Invoices / 0 Checks				39.00	
03139	COLUMBUS PLUMBING COMPANY				
05/07/2024	INVOICE	0006028	SLOAN 551 KIT, GASKET	6.90	
05/07/2024	INVOICE	0006027	SLOAN A36, ORING, SLOAN V551 KIT	43.80	
05/07/2024	INVOICE	0006030	6 - SLOAN ORINGS, 5 - SLOAN A551VB REPAIR K.	45.85	
05/07/2024	INVOICE	0006029	6 - SLOAN 551 KITS, O-RINGS	41.25	
Total:				137.80	
Net of 4 Invoices / 0 Checks				137.80	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
03143 05/07/2024	COLUMBUS TIRE & SERVICE INVOICE	1-29463	TIRE REPAIR	25.00	
			Total:	25.00	
			Net of 1 Invoices / 0 Checks	25.00	
11093 05/07/2024	CONNER PSYCHOLOGICAL SERVICES PC INVOICE	10002389	CONSULTATION	520.00	
			Total:	520.00	
			Net of 1 Invoices / 0 Checks	520.00	
01081 05/07/2024	CONSOLIDATED MANAGEMENT CO INVOICE	CMC-INV-2401382	MEALS - FULLER & MEISINGER	34.30	
05/07/2024	INVOICE	CMC-INV-2401420	MEALS - ROMSHEK	23.45	
05/07/2024	INVOICE	CMC-INV-2401538	MEALS - ROMSHEK, VELASQUE	17.40	
			Total:	75.15	
			Net of 3 Invoices / 0 Checks	75.15	
02718 05/07/2024	CORE & MAIN LP INVOICE	U772126	16 - 3/4S IPERL 1000G	2,640.04	
05/07/2024	INVOICE	U737749	FREIGHT	32.40	
05/07/2024	INVOICE	U457515	8 - CAST IRON FLANGE KITS	496.00	
05/07/2024	INVOICE	U467909	CREDIT - RETURN	(1,984.26)	
05/07/2024	INVOICE	U634178	3/4S IPERL 1000G, 3 WIRE WITH 25' CABLE F/I	3,081.54	
05/07/2024	INVOICE	U775323	METER WASHERS	52.89	
			Total:	4,318.61	
			Net of 6 Invoices / 0 Checks	4,318.61	
00338 05/07/2024	CROUCH RECREATION INC INVOICE	5394	SCOREBOARD	133,412.50	
			Total:	133,412.50	
			Net of 1 Invoices / 0 Checks	133,412.50	
01539 05/07/2024	D & K PRODUCTS INVOICE	76117IN	FUNGICIDE, PHOSPHORUS, INACTIVATOR	3,015.06	
05/07/2024	INVOICE	76118IN	IGNITION, EPEC 90	7,192.50	
			Total:	10,207.56	
			Net of 2 Invoices / 0 Checks	10,207.56	
00270 05/07/2024	DANKO EMERGENCY EQUIPMENT INVOICE	135227	NAME PATCHES	641.48	
05/07/2024	INVOICE	135285	V.H. BLACKINGTON GOLD PLATE	115.00	
05/07/2024	INVOICE	135303	V.H. BLACKINGTON GOLD PLATE W/CLUTCH BACK	182.00	
05/07/2024	INVOICE	135256	V.H. BLACKINGTON PINS & NAME BAR	1,304.68	
			Total:	2,243.16	
			Net of 4 Invoices / 0 Checks	2,243.16	
03279 05/07/2024	DAS STATE ACCOUNTING INVOICE	1423453	MONTHLY NETWORK CHARGES	1,356.79	
05/07/2024	INVOICE	1423403	MONTHLY NETWORK CHARGES	307.20	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	1,663.99	
			Net of 2 Invoices / 0 Checks	1,663.99	
MISC 05/07/2024	DEWINE THERON INVOICE	04/25/2024	UB refund for account: 400-63120-19	23.40	
			Total:	23.40	
			Net of 1 Invoices / 0 Checks	23.40	
03158	EAKES OFFICE SOLUTIONS				
05/07/2024	INVOICE	8927666-0	PAPER 2-1/4X150'	6.29	
05/07/2024	INVOICE	8927673-0	PAPER CARD STOCK	37.09	
05/07/2024	INVOICE	8927040-0	PERFED PAPER	549.50	
05/07/2024	INVOICE	8927231-0	PAD, JR LEGAL	43.17	
05/07/2024	INVOICE	8927232-0	VELLUM, EXACT WHITE	32.58	
05/07/2024	INVOICE	8923681-0	TONER CARTRIDGE	198.99	
05/07/2024	INVOICE	INV544882	COPIER CONTRACT - WATER OFFICE	648.35	
05/07/2024	INVOICE	8914949-0	CUSTOM STAMP-IMPORTANT-LARGE	30.00	
05/07/2024	INVOICE	8917103-0	COIN ENVELOPE	37.99	
05/07/2024	INVOICE	8927666-1	ROLL, POS	20.22	
05/07/2024	INVOICE	8914847-0	CREDIT - PAID \$26.70 S/B \$26.07	(0.63)	
05/07/2024	INVOICE	8922411-0	POUCH, LAM; EZLOAD ROLLFILM	185.28	
			Total:	1,788.83	
			Net of 12 Invoices / 0 Checks	1,788.83	
03159	EBSCO INDUSTRIES INC				
05/07/2024	INVOICE	1723931	MAGAZINE SUBSCRIPTION RENEWALS	2,625.86	
			Total:	2,625.86	
			Net of 1 Invoices / 0 Checks	2,625.86	
01741	ECOLAB				
05/07/2024	INVOICE	6344985074	SOFTENER, ENZYME DET, OXY BLEACH	1,202.85	
			Total:	1,202.85	
			Net of 1 Invoices / 0 Checks	1,202.85	
00191	ELECTRIC PUMP INC				
05/07/2024	INVOICE	0905623-IN	LEVEL SENSOR	1,353.00	
			Total:	1,353.00	
			Net of 1 Invoices / 0 Checks	1,353.00	
03161	ELECTRICAL ENGINEERING &				
05/07/2024	INVOICE	8531792-00	4 BLK STRD CUTTING REEL	2.86	
			Total:	2.86	
			Net of 1 Invoices / 0 Checks	2.86	
03165	FASTENAL COMPANY				
05/07/2024	INVOICE	NECOL254167	XL COVERALLS	97.35	
			Total:	97.35	
			Net of 1 Invoices / 0 Checks	97.35	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
00169	FRONTIER				
05/07/2024	INVOICE	40256277850209002	NWP 3/30/24 TO 4/29/24	94.36	
05/07/2024	INVOICE	4025627785	NWP 4/30/24 TO 5/29/24	94.48	
			Total:	188.84	
			Net of 2 Invoices / 0 Checks	188.84	
00459	GALE				
05/07/2024	INVOICE	84084720	MATERIALS	77.97	
05/07/2024	INVOICE	84043268	MATERIALS	24.80	
			Total:	102.77	
			Net of 2 Invoices / 0 Checks	102.77	
03172	GALLS LLC				
05/07/2024	INVOICE	027629859	MOLDED DUTY BELT	35.79	
05/07/2024	INVOICE	027630957	40 - FIRST DEFENSE 360 MK-3 STREAM .7%	790.15	
05/07/2024	INVOICE	027555493	NEOPRENE GLOVES - ZYWIEC QM	29.11	
05/07/2024	INVOICE	027647342	ONE PIECE NAME PLATE	59.94	
			Total:	914.99	
			Net of 4 Invoices / 0 Checks	914.99	
11147	GARCIA-CHICOINE ENTERPRISES INC				
05/07/2024	INVOICE	4.04.2024	GUARDRAIL MAINTENANCE	34,011.19	
			Total:	34,011.19	
			Net of 1 Invoices / 0 Checks	34,011.19	
03174	GEHRING CONSTRUCTION &				
05/07/2024	INVOICE	75825	33RD AVE & DISCOVERER	220.63	
05/07/2024	INVOICE	76012	33RD AVE & DISCOVERER	614.25	
05/07/2024	INVOICE	76112	11TH ST & 25TH AVE	493.63	
05/07/2024	INVOICE	75890	REBAR, SONOTUBE	831.08	
05/07/2024	INVOICE	75771	N/S OF ROUND ABOUT	921.38	
05/07/2024	INVOICE	75971	2952 18TH AVE	519.63	
05/07/2024	INVOICE	76205	1259 26TH AVE	444.00	
			Total:	4,044.60	
			Net of 7 Invoices / 0 Checks	4,044.60	
00303	GENE STEFFY FORD				
05/07/2024	INVOICE	217399	2004 FORD F350 - LUBE, OIL & FILTER, ELEMEN'	577.51	
			Total:	577.51	
			Net of 1 Invoices / 0 Checks	577.51	
01373	GRAINGER				
05/07/2024	INVOICE	9075685850	EXHAUST FAN	116.70	
05/07/2024	INVOICE	9079290277	3 - EXHAUST FANS	350.10	
			Total:	466.80	
			Net of 2 Invoices / 0 Checks	466.80	
02594	GREAT PLAINS BUILDING SUPPLY				
05/07/2024	INVOICE	2404-525643	2 - 2X4-12 SPF	15.82	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	15.82	
			Net of 1 Invoices / 0 Checks	15.82	
02075 05/07/2024	GREAT PLAINS COMMUNICATIONS INVOICE	125755 996-426-002	INTERNET 05/01 - 05/31	209.95	
			Total:	209.95	
			Net of 1 Invoices / 0 Checks	209.95	
02904 05/07/2024	GUNSLINGERS LLC INVOICE	23874	HOPPE'S BORE SNAKE	126.00	
			Total:	126.00	
			Net of 1 Invoices / 0 Checks	126.00	
03183 05/07/2024	HADLEY-BRAITHWAIT COMPANY INVOICE	231405	2 CASES C-PULL TOWELS, 3 CASES TRASH BAGS	246.75	
05/07/2024	INVOICE	230928	CENTER PULL TOWELS, TOILET PAPER	195.80	
			Total:	442.55	
			Net of 2 Invoices / 0 Checks	442.55	
00272 05/07/2024	HAWKINS INC INVOICE	6736924	CHEMICALS	4,296.42	
05/07/2024	INVOICE	6730236	CHEMICALS	6,240.10	
			Total:	10,536.52	
			Net of 2 Invoices / 0 Checks	10,536.52	
00150 05/07/2024	HOMETOWN LEASING INVOICE	20	COPIER LEASE PAYMENT	175.00	
			Total:	175.00	
			Net of 1 Invoices / 0 Checks	175.00	
10972 05/07/2024	IAPMO INVOICE	PF-0062932	1 YEAR MEMBERSHIP	250.00	
			Total:	250.00	
			Net of 1 Invoices / 0 Checks	250.00	
10920 05/07/2024	IMS ALLIANCE INVOICE	24-1238	NAME TAGS	123.72	
			Total:	123.72	
			Net of 1 Invoices / 0 Checks	123.72	
03194 05/07/2024	INGRAM LIBRARY SERVICES, INC INVOICE	81258381	MATERIALS	83.63	
05/07/2024	INVOICE	81408259	MATERIALS	1,117.34	
05/07/2024	INVOICE	81366314	MATERIALS	646.74	
05/07/2024	INVOICE	80858546	CREDIT - RETURN	(9.94)	
05/07/2024	INVOICE	81207415	MATERIALS	104.47	
05/07/2024	INVOICE	81219820	MATERIALS	59.92	
05/07/2024	INVOICE	81291118	MATERIALS	134.54	
05/07/2024	INVOICE	81333222	MATERIALS	113.91	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/07/2024	INVOICE	81342938	MATERIALS	24.37	
05/07/2024	INVOICE	81437143	MATERIALS	26.18	
05/07/2024	INVOICE	81453403	MATERIALS	404.70	
05/07/2024	INVOICE	81513875	MATERIALS	163.79	
05/07/2024	INVOICE	81551991	MATERIALS	61.78	
05/07/2024	INVOICE	81558633	MATERIALS	78.93	
Total:				3,010.36	
Net of 14 Invoices / 0 Checks				3,010.36	
03199	JACKSON SERVICES INC				
05/07/2024	INVOICE	5289344	UNIFORMS	26.60	
05/07/2024	INVOICE	5289343	MATS, BAR TOWELS, SHOP TOWELS ORANGE	24.35	
05/07/2024	INVOICE	5289342	UNIFORMS	93.26	
05/07/2024	INVOICE	5289341	MATS, ROLLER TOWELS, UNIFORMS	146.14	
05/07/2024	INVOICE	5289332	UNIFORMS	135.05	
05/07/2024	INVOICE	5291814	BAR MOPS, MICROFIBER TOWELS, APRONS	54.70	
05/07/2024	INVOICE	5289331	SHOP TOWELS ORANGE, UNIFORMS	241.71	
05/07/2024	INVOICE	5284289	UNIFORMS	26.55	
05/07/2024	INVOICE	5284288	MAT	2.92	
05/07/2024	INVOICE	5284287	UNIFORMS	93.21	
05/07/2024	INVOICE	5282309	UNIFORMS	73.50	
05/07/2024	INVOICE	5282308	UNIFORMS	25.63	
05/07/2024	INVOICE	5279844	MATS, SHOP TOWELS, UNIFORMS	277.24	
05/07/2024	INVOICE	5282305	BAR MOP, MICROFIBER TOWEL, APRON	52.89	
05/07/2024	INVOICE	5249897	BAR MOP, MICROFIBER TOWEL, APRONS	52.93	
05/07/2024	INVOICE	5249902	MAT	24.81	
05/07/2024	INVOICE	5249900	UNIFORMS	25.67	
05/07/2024	INVOICE	5279845	UNIFORMS	135.02	
05/07/2024	INVOICE	5279856	MOPS, MATS, POLISH TOWEL	55.41	
05/07/2024	INVOICE	5279855	UNIFORMS	26.57	
05/07/2024	INVOICE	5279854	MATS, BAR TOWELS, SHOP TOWELS ORANGE	34.03	
05/07/2024	INVOICE	5279853	UNIFORMS	93.23	
05/07/2024	INVOICE	5279852	MATS, ROLLER TOWELS, UNIFORMS	146.11	
05/07/2024	INVOICE	5277899	UNIFORMS	73.52	
05/07/2024	INVOICE	5277898	UNIFORMS	25.65	
05/07/2024	INVOICE	5277890	MATS	63.86	
05/07/2024	INVOICE	5284286	UNIFORMS	174.32	
05/07/2024	INVOICE	5284279	UNIFORMS	135.00	
05/07/2024	INVOICE	5286678	MATS, MOPS, POLISH TOWEL, WINDSHIELD WIPES,	133.93	
05/07/2024	INVOICE	5284278	UNIFORMS	233.46	
Total:				2,707.27	
Net of 30 Invoices / 0 Checks				2,707.27	
03202	KELLY SUPPLY COMPANY				
05/07/2024	INVOICE	S12294379-0	1X3/4 INS 90, CLAMP	4.12	
05/07/2024	INVOICE	S12294283-0	PVC TEE, COUP, ELL, BALL VALVE, PRESSURE GA	231.99	
05/07/2024	INVOICE	S12294435-0	GATES STEM, LOCK N LUBE GREASE COUPLER	118.88	
05/07/2024	INVOICE	S12294007-0	BONNET KIT	213.34	
05/07/2024	INVOICE	S12293509-0	DIAL, PHENOLIC CASE	160.21	
Total:				728.54	
Net of 5 Invoices / 0 Checks				728.54	
11047	KINGS III OF AMERICA LLC				
05/07/2024	INVOICE	2707989	VIDEO MONITORING, ELEVATOR PHONES 5/01/2024.	280.50	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	280.50	
			Net of 1 Invoices / 0 Checks	280.50	
03206	KOCH EXCAVATING CO INC				
05/07/2024	INVOICE	0006846	6 YARDS NATURAL MULCH	210.00	
05/07/2024	INVOICE	34896	TOP DIRT, DRAINAGE ROCK	4,761.53	
05/07/2024	INVOICE	0006847	3 YRDS NATURAL MULCH	105.00	
			Total:	5,076.53	
			Net of 3 Invoices / 0 Checks	5,076.53	
02325	LA QUINTA INN & SUITES KEARNEY				
05/07/2024	INVOICE	2951	ROOM - TRAVIS SCANLAN	229.90	
05/07/2024	INVOICE	2974	ROOM - TUCKER STOCKWELL	229.90	
05/07/2024	INVOICE	2975	ROOM - HEATH FIALA	229.90	
			Total:	689.70	
			Net of 3 Invoices / 0 Checks	689.70	
02596	LAWSON PRODUCTS				
05/07/2024	INVOICE	9311455776	AUTO FUSE, HEX WASHER, BRASS UNION, HEX CAP	169.64	
			Total:	169.64	
			Net of 1 Invoices / 0 Checks	169.64	
00103	LINCOLN JOURNAL STAR				
05/07/2024	INVOICE	118-60003415	MEETING NOTICES, ORDINANCES, MINUTES	1,392.75	
05/07/2024	INVOICE	118-60106294	ADVERTISING	227.00	
			Total:	1,619.75	
			Net of 2 Invoices / 0 Checks	1,619.75	
00822	LINCOLN WINWATER WORKS				
05/07/2024	INVOICE	10168901	2" #150 THRD FLANGE	16.96	
05/07/2024	INVOICE	10100901	REPAIR CLAMPS & VB	2,202.07	
05/07/2024	INVOICE	10159801	STOCK - 2-BOLT CPLG, END CAP, GATE VALVE, T	4,951.17	
05/07/2024	INVOICE	10160001	STOCK - 6X20 C900, CPLG, INSERT STIFFENER	1,903.82	
05/07/2024	INVOICE	10089801	SAMPLING STATION-ECLIPSE EX COLD	2,438.00	
05/07/2024	INVOICE	10100701	REPAIR CLAMPS	4,243.73	
			Total:	15,755.75	
			Net of 6 Invoices / 0 Checks	15,755.75	
10229	LINGO				
05/07/2024	INVOICE	1198095478	E911 PHONE CHARGES 4/01/2024 - 4/30/2024	51.70	
			Total:	51.70	
			Net of 1 Invoices / 0 Checks	51.70	
01806	M & L INC				
05/07/2024	INVOICE	4.01.2024-4.30.2024	YARD WASTE REMOVAL 4/01/2024 - 4/30/2024	3,438.60	
			Total:	3,438.60	
			Net of 1 Invoices / 0 Checks	3,438.60	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
10641 05/07/2024	MALLORY SAFETY AND SUPPLY LLC INVOICE	3513958	RAE SYSTEMS SERVICE	270.00	
			Total:	270.00	
			Net of 1 Invoices / 0 Checks	270.00	
03078 05/07/2024	MCMASTER-CARR INVOICE	25815287	PARALLEL-JAW FLAT TIP RETAINING RING PLIERS	58.57	
			Total:	58.57	
			Net of 1 Invoices / 0 Checks	58.57	
02101 05/07/2024	MD SOLUTIONS INC INVOICE	0055992	PLUS 4 STRAPPING BRACKET	255.00	
			Total:	255.00	
			Net of 1 Invoices / 0 Checks	255.00	
10692 05/07/2024	MEDLINE INDUSTRIES INC INVOICE	2315747930	GERM WIPES, SHOULDER IMMOBILIZER SLING	166.01	
			Total:	166.01	
			Net of 1 Invoices / 0 Checks	166.01	
11150 05/07/2024	MELLAS MICHAEL INVOICE	4.29.2024	REFUND	300.00	
			Total:	300.00	
			Net of 1 Invoices / 0 Checks	300.00	
03220 05/07/2024	MENARDS INVOICE	5294	CONCRETE MIX	134.70	
05/07/2024	INVOICE	5330	2 - SCOOP DH	51.98	
05/07/2024	INVOICE	5171	SPRING WATER	9.75	
05/07/2024	INVOICE	3896	GARAGE SHELVING	69.99	
05/07/2024	INVOICE	4151	TAPCON, HAMMER DRILL IT	40.96	
05/07/2024	INVOICE	4638	VULKEM MAX SEALANT GRAY	17.98	
05/07/2024	INVOICE	4630	12 - 2.5 GAL DEF, BLACK DIE CUT LETTERS	121.00	
05/07/2024	INVOICE	4626	TC PELLETS 5LB BUCKET	57.98	
05/07/2024	INVOICE	4625	VULKEM MAX SEALANT GRAY	17.98	
05/07/2024	INVOICE	4592	CABINETS, WALL CABINETS, STACKING CABINET	3,779.84	
05/07/2024	INVOICE	4422	TSTAT, SPRAY PAINT, TRAY LINER, ROLLER, SANI	156.65	
05/07/2024	INVOICE	4484	3 IN ONE GDL 11OZ	13.98	
05/07/2024	INVOICE	4535	DOWEL, PVC PIPE	22.04	
05/07/2024	INVOICE	4549	PAINT, SUPPLIES -SHE SHED, CONF RM, DINING	113.67	
05/07/2024	INVOICE	4956	LAWN BLANKET, GARDEN STAPLES	95.96	
05/07/2024	INVOICE	4970	SPLASH, #6 BLK THHN	5.45	
05/07/2024	INVOICE	4973	WELDABLE FLAT & ANGLE, U-BOLT	33.00	
05/07/2024	INVOICE	4961	40MM LAM STL WTHR RES 2"	8.99	
05/07/2024	INVOICE	4851	1/2" PVC CORD GRIP CNNCTR	2.98	
05/07/2024	INVOICE	4822	ELITE POST MOUNT STANDARD	19.99	
			Total:	4,774.87	
			Net of 20 Invoices / 0 Checks	4,774.87	
00205	MID-STATE ENGINEERING & TESTING				

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/07/2024	INVOICE	1276-0	LOST CREEK PARKWAY SEWER & WATERMAIN	343.00	
			Total:	343.00	
			Net of 1 Invoices / 0 Checks	343.00	
10309 05/07/2024	MIDWEST ALARM SERVICES INVOICE	448291	FIRE ALARM MONITORING	735.60	
			Total:	735.60	
			Net of 1 Invoices / 0 Checks	735.60	
00487 05/07/2024	MIDWEST TAPE LLC INVOICE	505321898	DVD	30.74	
			Total:	30.74	
			Net of 1 Invoices / 0 Checks	30.74	
03227 05/07/2024	MIDWEST TURF & IRRIGATION INVOICE	3928267-00	SEAL KIT	389.30	
05/07/2024	INVOICE	3924466-00	TURF SERVICE LABOR	262.50	
			Total:	651.80	
			Net of 2 Invoices / 0 Checks	651.80	
10752 05/07/2024	MOMS & MOPS INVOICE	4.15.2024	CLEANING CENTRAL MAINTENANCE	600.00	
			Total:	600.00	
			Net of 1 Invoices / 0 Checks	600.00	
03230 05/07/2024	MOTION INDUSTRIES INC INVOICE	NE07-00506876	SUPER HC V BELT	69.88	
05/07/2024	INVOICE	NE07-00507526	QUICK RELEASE CLAMPS	978.00	
05/07/2024	INVOICE	NE07-00507372	6 - STANDARD ROLLER CH SPKTS	3,483.72	
05/07/2024	INVOICE	NE07-00504613	50 - QUICK RELEASE CLAMPS	216.00	
05/07/2024	INVOICE	NE07-00504349	4 - HAND DRYERS	1,916.84	
05/07/2024	INVOICE	NE07-00503728	SAFETY GLASSES	54.24	
05/07/2024	INVOICE	NE07-00507143	OIL SEALS, SRDG BALL BEARINGS	182.32	
			Total:	6,901.00	
			Net of 7 Invoices / 0 Checks	6,901.00	
00153 05/07/2024	MUELLER SPRINKLERS INVOICE	9099	12 - HUNTER I 20 ADV	388.92	
			Total:	388.92	
			Net of 1 Invoices / 0 Checks	388.92	
00210 05/07/2024	MUNICIPAL PIPE TOOL CO LLC INVOICE	34412	SWITCH	104.98	
05/07/2024	INVOICE	34401	ORPT00066 GNET RETRO	7,022.40	
			Total:	7,127.38	
			Net of 2 Invoices / 0 Checks	7,127.38	
10225	NAPA AUTO PARTS OF COLUMBUS				

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/07/2024	INVOICE	744866	BATTERY - BEVERAGE CART	143.35	
05/07/2024	INVOICE	745299	WEATHERSHIELD EN HOSE, HOSE END FITTING	105.45	
			Total:	248.80	
			Net of 2 Invoices / 0 Checks	248.80	
00122 05/07/2024	NEBRASKA DEPT OF ENVIRONMENT AND INVOICE	BU84W32256.475200	TEST FEE - THOMAS KAPELS	50.00	
			Total:	50.00	
			Net of 1 Invoices / 0 Checks	50.00	
00140 05/07/2024	NEBRASKA GOLF & TURF INC INVOICE	02-155676	EXT SPRING, BUSHINGS, BRAKE STOP, WASHER, OI	160.15	
			Total:	160.15	
			Net of 1 Invoices / 0 Checks	160.15	
03233 05/07/2024	NEBRASKA LAW ENFORCEMENT INVOICE	13557	TABE TEST FEE	19.50	
05/07/2024	INVOICE	13591	TUITION, LODGING - ROMSHEK	500.00	
05/07/2024	INVOICE	13595	TUITION - SANTIAGOO	400.00	
			Total:	919.50	
			Net of 3 Invoices / 0 Checks	919.50	
00444 05/07/2024	NEBRASKA PUBLIC HEALTH INVOICE	576704	WATER TESTING	673.00	
			Total:	673.00	
			Net of 1 Invoices / 0 Checks	673.00	
00039 05/07/2024	NEBRASKA RURAL WATER ASSOC INVOICE	2024	2024 MEMBERSHIP RENEWAL - MUNICIPALITY	550.00	
			Total:	550.00	
			Net of 1 Invoices / 0 Checks	550.00	
00029 05/07/2024	NEBRASKA STATE FIRE MARSHAL INVOICE	98975	ANNUAL ELEVATOR INSPECTION	240.00	
			Total:	240.00	
			Net of 1 Invoices / 0 Checks	240.00	
00510 05/07/2024	NEIGHBORWORKS NORTHEAST INVOICE	0301	MATCH FUNDS NEW CONSTRUCTION 22-TFHP-17008	390,000.00	
			Total:	390,000.00	
			Net of 1 Invoices / 0 Checks	390,000.00	
03246 05/07/2024	NORTHEAST NEBRASKA ECONOMIC INVOICE	25325	FY 2024-2025 MEMBERSHIP FEES	27,271.78	
05/07/2024	INVOICE	25441	CDBG REHAB REUSE MARCH 2024 ADMIN SERVICES	42.50	
05/07/2024	INVOICE	25426	CDBG DHA REUSE MARCH 2024 ADMIN SERVICES	21.25	
			Total:	27,335.53	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Net of 3 Invoices / 0 Checks	27,335.53	
00358 05/07/2024	OBRIST & CO INC INVOICE	15213	SERVICE CALL - REPAIR WATER LINE	129.33	
			Total:	129.33	
			Net of 1 Invoices / 0 Checks	129.33	
03249 05/07/2024	OCCUPATIONAL HEALTH SERV INVOICE	5623	COLLECTION & TESTING	1,782.00	
05/07/2024	INVOICE	5682	NON DOT COLLECTION & TESTING	871.00	
			Total:	2,653.00	
			Net of 2 Invoices / 0 Checks	2,653.00	
00201 05/07/2024	OMAHA WORLD HERALD INVOICE	750-000000541417	26 WEEKS	559.00	
			Total:	559.00	
			Net of 1 Invoices / 0 Checks	559.00	
00176 05/07/2024	O'REILLY AUTOMOTIVE INC INVOICE	0681-272298	FUEL FILTER, FUEL/WTR SEP (CREDIT)	(11.73)	
05/07/2024	INVOICE	0681-277261	FUEL INJ CN	13.54	
05/07/2024	INVOICE	0681-277527	TRANS FLUID, OIL FILL PLUG, OIL CAP	69.80	
05/07/2024	INVOICE	0681-277379	SYNTH OIL, BRAKE CLEANER	121.78	
05/07/2024	INVOICE	0681-278105	HEATER HOSE	3.21	
			Total:	196.60	
			Net of 5 Invoices / 0 Checks	196.60	
00345 05/07/2024	PETE LIEN & SONS INC. INVOICE	CD99161726	QUICKLIME FINES	7,415.31	
05/07/2024	INVOICE	CD99164745	QUICKLIME FINES	6,921.29	
			Total:	14,336.60	
			Net of 2 Invoices / 0 Checks	14,336.60	
03258 05/07/2024	PETTY CASH INVOICE	5.07.2024	2024 START UP FOR PAWNEE PLUNGE	2,600.00	
05/07/2024	INVOICE	4.29.2024	PETTY CASH	167.56	
			Total:	2,767.56	
			Net of 2 Invoices / 0 Checks	2,767.56	
10241 05/07/2024	POMP'S TIRE SERVICE INC. INVOICE	1440020964	USED TRUCK TIRE	344.45	
05/07/2024	INVOICE	1440020963	REPLACE LF DUAL	757.16	
05/07/2024	INVOICE	1440020917	USED TRUCK TIRE	816.35	
05/07/2024	INVOICE	1440020841	USED TRUCK TIRE	310.00	
			Total:	2,227.96	
			Net of 4 Invoices / 0 Checks	2,227.96	
02926 05/07/2024	POWER TECH LLC INVOICE	W78346	REPLACE LP EVAPORATOR ON WELL #17	644.29	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/07/2024	INVOICE	C002943	SEMI ANNUAL GENERATOR SERVICE CONTRACT	1,345.00	
05/07/2024	INVOICE	W78484	MINOR INSPECTION & 2 HR LOAD BANK	705.00	
05/07/2024	INVOICE	C002942	GENERATOR SERVICE AGREEMENT APR 2024- MARCH	970.00	
Total:				3,664.29	
Net of 4 Invoices / 0 Checks				3,664.29	
03261	PRESTOX				
05/07/2024	INVOICE	59264500	PEST CONTROL - 4630 HOWARD BLVD	62.24	
05/07/2024	INVOICE	59264499	PEST CONTROL - 424 E 8TH ST	59.80	
Total:				122.04	
Net of 2 Invoices / 0 Checks				122.04	
10967	PROJECT LIFESAVER INTERNATIONAL				
05/07/2024	INVOICE	S240023363	CSOCASE, BATTERY, 6 BANDS	80.92	
Total:				80.92	
Net of 1 Invoices / 0 Checks				80.92	
10361	QUADIENT FINANCE USA, INC.				
05/07/2024	INVOICE	4.24.2024	POSTAGE	1,000.00	
Total:				1,000.00	
Net of 1 Invoices / 0 Checks				1,000.00	
10431	QUADIENT, INC.				
05/07/2024	INVOICE	17308763	IN6-7 SERIES INK CART	173.85	
Total:				173.85	
Net of 1 Invoices / 0 Checks				173.85	
03264	REARDON LAWN & GARDEN INC				
05/07/2024	INVOICE	9248	BAR	107.99	
05/07/2024	INVOICE	9457	DUST EJECTOR	30.99	
05/07/2024	INVOICE	9119	CARB OVERHAUL, 16" BULLET RAKER CARBIDE TIP	440.91	
05/07/2024	INVOICE	9159	14" LOOP, DL LOOP LOW-VIB, PICCO LOW-VIB, D:	194.00	
05/07/2024	INVOICE	9276	DUROCUT 20-2 PRECUT LINE HEAD	399.98	
05/07/2024	INVOICE	9126	BELT	16.99	
Total:				1,190.86	
Net of 6 Invoices / 0 Checks				1,190.86	
00161	REMBOLT LUDTKE LLP				
05/07/2024	INVOICE	179	LABOR & EMPLOYMENT ISSUES	72.00	
Total:				72.00	
Net of 1 Invoices / 0 Checks				72.00	
03163	RENSENHOUSE				
05/07/2024	INVOICE	1145-1021363	MH LAMP	90.30	
Total:				90.30	
Net of 1 Invoices / 0 Checks				90.30	
10984	RFCC				

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
05/07/2024	INVOICE	4.16.2024	CONSULTING FEE PUBLIC SAFETY RADIO SYSTEM PI	750.00	
			Total:	750.00	
			Net of 1 Invoices / 0 Checks	750.00	
10872 05/07/2024	RIVERSIDE PORTABLES LLC INVOICE	14595	PORTABLE RESTROOM - FIRE TRAINING TOWER	105.00	
			Total:	105.00	
			Net of 1 Invoices / 0 Checks	105.00	
10265 05/07/2024	ROAD BUILDERS MACHINERY AND SUPPLY INVOICE	S06099	GRADALL D-152 - CHECK HYDRAULICS	1,589.84	
			Total:	1,589.84	
			Net of 1 Invoices / 0 Checks	1,589.84	
01476 05/07/2024	RUTJENS CONSTRUCTION INVOICE	832	LOST CREEK PARKWAY GRAVITY SEWER	379,175.70	
			Total:	379,175.70	
			Net of 1 Invoices / 0 Checks	379,175.70	
01596 05/07/2024	RVW INC INVOICE	13937	2024 FIBER PROJECT ASSISTANCE	6,765.00	
			Total:	6,765.00	
			Net of 1 Invoices / 0 Checks	6,765.00	
10793 05/07/2024	SAND CREEK CONSTRUCTION COMPANY INVOICE	205	GERRARD PARK TENNIS & PICKLEBALL COURT RENO'	134,532.90	
			Total:	134,532.90	
			Net of 1 Invoices / 0 Checks	134,532.90	
03271 05/07/2024	SCHIEFFER SIGNS INC INVOICE	47276	14 - GATE SIGNS, PAM KLUCK MEMORIAL SIGN	752.00	
05/07/2024	INVOICE	47307	6 - METAL FIELD SIGNS FOR GERARD PARK	444.00	
			Total:	1,196.00	
			Net of 2 Invoices / 0 Checks	1,196.00	
10267 05/07/2024	SCHOENHOFER, ZACH INVOICE	4.23.2024	MEAL - BACKFLOW CLASS GRAND ISLAND	13.93	
			Total:	13.93	
			Net of 1 Invoices / 0 Checks	13.93	
03273 05/07/2024	SCHOOL DISTRICT #1 INVOICE	5.07.2024	LIQUOR AND TOBACCO REVENUE PMT 10/01/2023-4,	14,075.00	
			Total:	14,075.00	
			Net of 1 Invoices / 0 Checks	14,075.00	
00156 05/07/2024	SEALOCK GREG INVOICE	4.24.2024	PRE-EMPLOYMENT POLYGRAPH	125.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Total:	125.00	
			Net of 1 Invoices / 0 Checks	125.00	
03275	SECURITY EQUIPMENT INC				
05/07/2024	INVOICE	857647	CAMERA UPGARDES - PAWNEE PARK WATER PARK	16,835.00	
05/07/2024	INVOICE	847568	COMMERCIAL INTRUSION MONITORING, SOFTWARE SU	6,299.46	
			Total:	23,134.46	
			Net of 2 Invoices / 0 Checks	23,134.46	
MISC	SERC LLC				
05/07/2024	INVOICE	04/17/2024	UB refund for account: 300-59871-00	22.27	
			Total:	22.27	
			Net of 1 Invoices / 0 Checks	22.27	
00465	SERVICEMASTER BY SHEVLIN				
05/07/2024	INVOICE	10951	MONTHLY JANITORIAL SERVICE	2,485.00	
05/07/2024	INVOICE	10947	MONTHLY JANITORIAL SERVICE	6,980.00	
05/07/2024	INVOICE	10943	MONTHLY JANITORIAL SERVICE	3,850.00	
			Total:	13,315.00	
			Net of 3 Invoices / 0 Checks	13,315.00	
01090	SHEVLIN SUPPLY				
05/07/2024	INVOICE	7362	BATH TISSUE, GOJO HAND SOAP	259.32	
05/07/2024	INVOICE	7400	BATH TISSUE, FOAMING HAIR & BODY SHAMPOO	227.65	
05/07/2024	INVOICE	7389	TOILET TISSUE	366.20	
05/07/2024	INVOICE	7388	10 - DISPENSER FOR TOILET TISSUE	250.00	
05/07/2024	INVOICE	7397	BATH TISSUE, TOWELS	162.43	
			Total:	1,265.60	
			Net of 5 Invoices / 0 Checks	1,265.60	
01394	SIRIUS COMPUTER SOLUTIONS INC.				
05/07/2024	INVOICE	INV-001004490	96 - VMWARE VSPH 8 STD 1-YR	6,399.36	
05/07/2024	INVOICE	INV-001005634	LIBRARY LAN/DMZ NETWORK	2,844.00	
			Total:	9,243.36	
			Net of 2 Invoices / 0 Checks	9,243.36	
10595	STANARD & ASSOCIATES INC.				
05/07/2024	INVOICE	SA000057592	ENTRY LEVEL FIREFIGHTER SELECTION TEST	161.00	
			Total:	161.00	
			Net of 1 Invoices / 0 Checks	161.00	
03278	STANLEY PETROLEUM				
05/07/2024	INVOICE	2563	CREDIT - ALREADY BILLED ON INVOICE 2197 OVE	(1,459.00)	
05/07/2024	INVOICE	2561	OVERFILL ALARM-LABOR & OVERHEAD	1,810.00	
05/07/2024	INVOICE	4468T	DEF QUITTS AFTER A GALLON	380.00	
			Total:	731.00	
			Net of 3 Invoices / 0 Checks	731.00	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
03280	STATE OF NEBR	DEPT OF REVENUE			
05/07/2024	INVOICE	4302024GOLF	SALES TAX - APRIL 2024 GOLF	9,734.70	
05/07/2024	INVOICE	4302024UTILITY	SALES TAX - APRIL 2024 UTILITY	41,681.53	
05/07/2024	INVOICE	4302024POOLS	SALES TAX - APRIL 2024 POOLS	314.31	
			Total:	51,730.54	
			Net of 3 Invoices / 0 Checks	51,730.54	
00244	STERICYCLE INC				
05/07/2024	INVOICE	8006857767	STERI-SAFE BUDGET SUBSCRIPTION	759.88	
			Total:	759.88	
			Net of 1 Invoices / 0 Checks	759.88	
00105	SUPER SAVER				
05/07/2024	INVOICE	125757	GROCERIES	6.66	
05/07/2024	INVOICE	125884	GROCERIES	41.62	
05/07/2024	INVOICE	126036	LARD FOR PIES, POTATOES	7.46	
05/07/2024	INVOICE	126034	GROCERIES	15.04	
05/07/2024	INVOICE	126028	MILK	5.96	
05/07/2024	INVOICE	125941	BANANAS, EGGS, COCONUT, FREEZER BAGS	39.08	
			Total:	115.82	
			Net of 6 Invoices / 0 Checks	115.82	
10801	TARGET SOLUTIONS LEARNING LLC				
05/07/2024	INVOICE	INV92694	VECTOR LMS MEMBERSHIP	9,562.41	
			Total:	9,562.41	
			Net of 1 Invoices / 0 Checks	9,562.41	
10987	THE GOLF SHOP				
05/07/2024	INVOICE	168253	REIMBURSE TRASH BAGS	521.10	
			Total:	521.10	
			Net of 1 Invoices / 0 Checks	521.10	
03128	TIRE OUTLET INC				
05/07/2024	INVOICE	238817	REPAIR	35.00	
05/07/2024	INVOICE	238990	REPAIR	15.00	
05/07/2024	INVOICE	226531	REPAIR	35.00	
05/07/2024	INVOICE	239089	USED TIRE	160.00	
05/07/2024	INVOICE	239242	TIRE	351.23	
05/07/2024	INVOICE	239402	REPAIR	10.00	
05/07/2024	INVOICE	239569	4 - USED TRUCK TIRES	800.00	
05/07/2024	INVOICE	239350	REPAIR	35.00	
05/07/2024	INVOICE	239500	TIRE MOUNT	35.00	
05/07/2024	INVOICE	239441	TIRE	232.00	
			Total:	1,708.23	
			Net of 10 Invoices / 0 Checks	1,708.23	
10589	TK ELEVATOR CORPORATION				
05/07/2024	INVOICE	1000597481	MAINTENANCE	248.20	
			Total:	248.20	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
			Net of 1 Invoices / 0 Checks	248.20	
10803 05/07/2024	TOBY KID KLAUENBERG INVOICE	2.24.2024	JEDI ADVENTURE BEGINS - JUNE 4TH 2024	625.00	
			Total:	625.00	
			Net of 1 Invoices / 0 Checks	625.00	
00550 05/07/2024	TRUCK CENTER COMPANIES INVOICE	XA111039617:01	FILTER - VENTILATOR CBIN	9.40	
05/07/2024	INVOICE	XA111039519:01	CBL ASSY	164.10	
05/07/2024	INVOICE	XA111038506:02	BELT V RIBBED	137.76	
05/07/2024	INVOICE	XA111038506:03	MICRO V BELT	44.56	
			Total:	355.82	
			Net of 4 Invoices / 0 Checks	355.82	
00357 05/07/2024	TURFWERKS INVOICE	OW05133	REPLACED U-JOINT, HYD CYL	9,864.82	
			Total:	9,864.82	
			Net of 1 Invoices / 0 Checks	9,864.82	
00349 05/07/2024	TWEET'S SPORT SHOP INVOICE	14295	22 BLANKS	20.00	
			Total:	20.00	
			Net of 1 Invoices / 0 Checks	20.00	
00369 05/07/2024	UNIVERSITY OF NE-LINCOLN INVOICE	4.29.2024	FACILITATION OF LIBRARY STRATEGIC PLANNING I	1,000.00	
			Total:	1,000.00	
			Net of 1 Invoices / 0 Checks	1,000.00	
03294 05/07/2024	USA BLUE BOOK INVOICE	INV00324602	HACH DPD FREE CHLORINE	726.04	
05/07/2024	INVOICE	INV00325329	VENTED WASH BOTTLE	153.66	
05/07/2024	INVOICE	INV00328808	LIFTING SLINGS	281.37	
			Total:	1,161.07	
			Net of 3 Invoices / 0 Checks	1,161.07	
02045 05/07/2024	VAN WALL EQUIPMENT INC INVOICE	6187254	OIL LINE	189.34	
			Total:	189.34	
			Net of 1 Invoices / 0 Checks	189.34	
11146 05/07/2024	VANDENBERG ELE & COMMUNICATIONS LLC INVOICE	7789	GERRARD PARK FIELD B POWER TO SCOREBOARD	1,922.35	
05/07/2024	INVOICE	7787	CENTENNIAL PARK LIGHTING CONTROLS	1,423.00	
05/07/2024	INVOICE	7788	GERRARD PARK - NEW LIGHTING CONTROLS FIELDS	2,823.17	
			Total:	6,168.52	
			Net of 3 Invoices / 0 Checks	6,168.52	

Vendor Code Post Date	Vendor Name Activity	Inv/Check #	Description	Invoice Amt	Check Amt
01181	VERIZON WIRELESS				
05/07/2024	INVOICE	9960219439	CELL PHONE FEB 27 - MAR 26	80.02	
05/07/2024	INVOICE	9960219438	CELL PHONE FEB 27 - MAR 26 - ELLEY COFFIN	42.88	
05/07/2024	INVOICE	9960166772	CELL PHONE FEB 27 - MAR 26	1,227.52	
05/07/2024	INVOICE	9960219437	CELL PHONE FEB 27 - MAR 26	2,453.89	
			Total:	3,804.31	
			Net of 4 Invoices / 0 Checks	3,804.31	
02708	WELLNESS PARTNERS LLC				
05/07/2024	INVOICE	5224	MONTHLY NEWSLETTER	10.00	
			Total:	10.00	
			Net of 1 Invoices / 0 Checks	10.00	
03302	WEMHOFF REFRIGERATION INC				
05/07/2024	INVOICE	16240	SERVICE CALL - WALK IN FREEZER	493.84	
05/07/2024	INVOICE	16236	SERVICE CALL - DEFROST CONTROL	342.56	
05/07/2024	INVOICE	16247	SERVICE ICE MACHINE	208.00	
05/07/2024	INVOICE	16249	SERVICE CALL - ICE MACHINE	408.72	
			Total:	1,453.12	
			Net of 4 Invoices / 0 Checks	1,453.12	
03019	WORLD TRADE PRESS				
05/07/2024	INVOICE	INV680030	SUBSCRIPTION BUNDLE- ATOZ THE WORLD, ATOZ T	700.40	
			Total:	700.40	
			Net of 1 Invoices / 0 Checks	700.40	
11149	ZHENG'S SUPER BUFFET				
05/07/2024	INVOICE	0000092519	CHANGE OF OWNERSHIP - REFUND	300.00	
			Total:	300.00	
			Net of 1 Invoices / 0 Checks	300.00	
00215	ZIMCO SUPPLY CO				
05/07/2024	INVOICE	192141	PRODIAMINE, AMORTECH KADE	535.00	
05/07/2024	INVOICE	190827	23 - 28-5-10 50% EPEC + ARMAMENT 50# BAGS	4,600.00	
			Total:	5,135.00	
			Net of 2 Invoices / 0 Checks	5,135.00	
			invoices and 0 checks for 151 vendors:	2,984,151.88	

Inv Ref#	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
99042	SECURITY EQUIPMENT INC	03/13/2024	05/07/2024	6,299.46	6,299.46	Open	N
99937	MUNICIPAL PIPE TOOL CO LLC	04/11/2024	05/07/2024	7,022.40	7,022.40	Open	N
99938	HAWKINS INC	04/11/2024	05/07/2024	6,240.10	6,240.10	Open	N
99979	TARGET SOLUTIONS LEARNING LLC	04/09/2024	05/07/2024	9,562.41	9,562.41	Open	N
99998	PETE LIEN & SONS INC.	04/13/2024	05/07/2024	7,415.31	7,415.31	Open	N
100040	TURFWERKS	04/16/2024	05/07/2024	9,864.82	9,864.82	Open	N
100054	D & K PRODUCTS	04/08/2024	05/07/2024	7,192.50	7,192.50	Open	N
100086	RVW INC	03/31/2024	05/07/2024	6,765.00	6,765.00	Open	N
100130	SIRIUS COMPUTER SOLUTIONS INC.	04/15/2024	05/07/2024	6,399.36	6,399.36	Open	N
100224	PETE LIEN & SONS INC.	04/23/2024	05/07/2024	6,921.29	6,921.29	Open	N
100245	CDW GOVERNMENT	04/18/2024	05/07/2024	7,624.75	7,624.75	Open	N
100349	SERVICEMASTER BY SHEVLIN	05/01/2024	05/07/2024	6,980.00	6,980.00	Open	N
100403	STATE OF NEBR DEPT OF REVENUE	04/30/2024	05/07/2024	9,734.70	9,734.70	Open	N
# of Invoices:	13	# Due:	13	Totals:	98,022.10	98,022.10	
# of Credit Memos:	0	# Due:	0	Totals:	0.00	0.00	
Net of Invoices and Credit Memos:					98,022.10	98,022.10	

Inv Ref#	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
--- TOTALS BY FUND ---							
	100 - GENERAL FUND			65,709.63	65,709.63		
	200 - STREETS/ENGINEERING			508.32	508.32		
	220 - COMMUNICATIONS - E911			983.76	983.76		
	500 - UTILITY SERVICE			22,294.37	22,294.37		
	520 - WATER			8,176.58	8,176.58		
	570 - SOLID WASTE DIVISION			349.44	349.44		
--- TOTALS BY DEPT/ACTIVITY ---							
	100 - GENERAL ADMINISTRATION			15,681.49	15,681.49		
	102 - COLUMBUS AREA TRANSIT			304.99	304.99		
	103 - COLUMBUS SENIOR CENTER			304.99	304.99		
	110 - POLICE			2,453.75	2,453.75		
	120 - FIRE			6,032.17	6,032.17		
	121 - RESCUE			2,922.99	2,922.99		
	125 - VOLUNTEER FIRE DEPARTMENT			1,732.22	1,732.22		
	130 - LIBRARY			8,504.95	8,504.95		
	150 - PARKS			56.16	56.16		
	151 - PAWNEE PLUNGE WATER PARK			618.91	618.91		
	152 - AQUATIC CENTER POOL			304.99	304.99		
	155 - VAN BERG GOLF COURSE			1,813.14	1,813.14		
	156 - QUAIL RUN GOLF COURSE			24,978.88	24,978.88		
	200 - STREETS			508.32	508.32		
	220 - E911			983.76	983.76		
	500 - WASTEWATER COLLECTION			7,378.22	7,378.22		
	501 - WASTEWATER TREATMENT FAC			14,916.15	14,916.15		
	520 - WATER			8,176.58	8,176.58		
	570 - TRANSFER STATION			349.44	349.44		

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 000					
100-000-10111	PETTY CASH	PETTY CASH	2024 START UP FOR PAWNEE PLUNGE	2,600.00	
Total For Dept 000				2,600.00	
Dept 100 GENERAL ADMINISTRATION					
100-100-42101	LIQUOR AND BEER LICENSES	ZHENG'S SUPER BUFFET	CHANGE OF OWNERSHIP - REFUND	200.00	
100-100-53200	PROFESSIONAL SERVICES	BAIRD HOLM LLP	23RD GRANT BEAUTIFICATION PROGRAM	94.50	
100-100-53400	COMPUTER SUPPORT/MAINT	APPLIED CONNECTIVE TECHNOI	11 - DELL WORKSTATIONS, 15 - DELL 24" I	1,155.70	
100-100-53400	COMPUTER SUPPORT/MAINT	BS&A SOFTWARE	ANNUAL SERVICE/SUPPORT	11,474.80	
100-100-53400	COMPUTER SUPPORT/MAINT	CDW GOVERNMENT	25 - GOV MS MPSA OFFICE STD P/DVC SL	304.99	
100-100-53400	COMPUTER SUPPORT/MAINT	SECURITY EQUIPMENT INC	COMMERCIAL INTRUSION MONITORING, SOFTWF	2,212.14	
100-100-53400	COMPUTER SUPPORT/MAINT	SIRIUS COMPUTER SOLUTIONS	96 - VMWARE VSPH 8 STD 1-YR	6,399.36	
100-100-54310	BUILDING MAINTENANCE	ACE HARDWARE & GARDEN CNT	LED 120W 2 PK	286.54	
100-100-54310	BUILDING MAINTENANCE	JACKSON SERVICES INC	MATS	63.86	
100-100-54310	BUILDING MAINTENANCE	KINGS III OF AMERICA LLC	VIDEO MONITORING, ELEVATOR PHONES 5/01/	280.50	
100-100-54310	BUILDING MAINTENANCE	NEBRASKA STATE FIRE MARSH	ANNUAL ELEVATOR INSPECTION	240.00	
100-100-55500	PUBLICATIONS AND NOTICES	LINCOLN JOURNAL STAR	MEETING NOTICES, ORDINANCES, MINUTES	1,086.45	
100-100-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	KEY ID TAG, NUTS, BOLTS, SCREWS	20.70	
100-100-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	VELLUM, EXACT WHITE	32.58	
100-100-56020	OFFICE SUPPLIES	QUADIENT, INC.	IN6-7 SERIES INK CART	173.85	
100-100-56030	CLEANING SUPPLIES/SERVICE	SERVICEMASTER BY SHEVLIN	MONTHLY JANITORIAL SERVICE	3,850.00	
100-100-56040	POSTAGE AND FREIGHT	QUADIENT FINANCE USA, INC.	POSTAGE	1,000.00	
100-100-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	160.22	
100-100-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE FEB 27 - MAR 26 - ELLEY COFE	410.17	
100-100-56410	BOOKS AND PUBLICATIONS	WELLNESS PARTNERS LLC	MONTHLY NEWSLETTER	10.00	
100-100-56650	MEMBERSHIP DUES	NORTHEAST NEBRASKA ECONOMI	FY 2024-2025 MEMBERSHIP FEES	27,271.78	
100-100-57510-19009	CAPITAL-EQUIPMENT	RVW INC	2024 FIBER PROJECT ASSISTANCE	6,765.00	
Total For Dept 100 GENERAL ADMINISTRATION				63,493.14	
Dept 102 COLUMBUS AREA TRANSIT					
100-102-53400	COMPUTER SUPPORT/MAINT	CDW GOVERNMENT	25 - GOV MS MPSA OFFICE STD P/DVC SL	304.99	
100-102-54330	VEHICLE MAINTENANCE	CHAD'S COLLISION CENTER LI	ROOF HATCH DOOR & INSTALL KIT	986.70	
100-102-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	COIN ENVELOPE	37.99	
100-102-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	MAT	24.81	
100-102-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	96.94	
100-102-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE FEB 27 - MAR 26	42.88	
Total For Dept 102 COLUMBUS AREA TRANSIT				1,494.31	
Dept 103 COLUMBUS SENIOR CENTER					
100-103-53400-III-B	COMPUTER SUPPORT/MAINT	CDW GOVERNMENT	25 - GOV MS MPSA OFFICE STD P/DVC SL	101.66	
100-103-53400-III-C	COMPUTER SUPPORT/MAINT	CDW GOVERNMENT	25 - GOV MS MPSA OFFICE STD P/DVC SL	101.66	
100-103-53400-III-E	COMPUTER SUPPORT/MAINT	CDW GOVERNMENT	25 - GOV MS MPSA OFFICE STD P/DVC SL	101.67	
100-103-54320-III-C	EQUIPMENT MAINTENANCE	WEMHOFF REFRIGERATION INC	SERVICE CALL - WALK IN FREEZER	836.40	
100-103-55900	MISCELLANEOUS	ALAN PEDERSON	SHUFFLEBOARD - ARPA FUNDS	4,600.00	
100-103-56010	SUPPLIES	MENARDS	PAINT, SUPPLIES -SHE SHED, CONF RM, DI	113.67	
100-103-56010-III-C	SUPPLIES	EAKES OFFICE SOLUTIONS	CUSTOM STAMP-IMPORTANT-LARGE	30.00	
100-103-56010-III-C	SUPPLIES	JACKSON SERVICES INC	BAR MOPS, MICROFIBER TOWELS, APRONS	75.98	
100-103-56010-III-C	SUPPLIES	SUPER SAVER	BANANAS, EGGS, COCONUT, FREEZER BAGS	3.96	
100-103-56020-III-B	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	CREDIT - PAID \$26.70 S/B \$26.07	(0.63)	
100-103-56030-III-C	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	BAR MOPS, MICROFIBER TOWELS, APRONS	84.54	
100-103-56300-III-C	FOOD COSTS	SUPER SAVER	GROCERIES	111.86	
Total For Dept 103 COLUMBUS SENIOR CENTER				6,160.77	
Dept 105 FINANCE					

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 105 FINANCE					
100-105-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE FEB 27 - MAR 26	128.64	
Total For Dept 105 FINANCE				128.64	
Dept 110 POLICE					
100-110-52700	TRAINING AND TUITION	BLUE TO GOLD LLC	MASTERING SEARCH & SEIZURE	225.00	
100-110-52700	TRAINING AND TUITION	CONSOLIDATED MANAGEMENT CO	MEALS - FULLER & MEISINGER	75.15	
100-110-52700	TRAINING AND TUITION	NEBRASKA LAW ENFORCEMENT	TUITION, LODGING - ROMSHEK	900.00	
100-110-52700	TRAINING AND TUITION	PETTY CASH	PETTY CASH	129.95	
100-110-52700	TRAINING AND TUITION	TWEET'S SPORT SHOP	22 BLANKS	20.00	
100-110-52710	EMPLOYEE RECRUITMENT/RETENTION	NEBRASKA LAW ENFORCEMENT	TABE TEST FEE	19.50	
100-110-52800	UNIFORMS	GALLS LLC	MOLDED DUTY BELT	885.88	
100-110-52810	UNIFORMS-QUARTERMASTER	GALLS LLC	NEOPRENE GLOVES - ZYWIEC QM	29.11	
100-110-53200	PROFESSIONAL SERVICES	CONNOR PSYCHOLOGICAL SERVI	CONSULTATION	520.00	
100-110-53200	PROFESSIONAL SERVICES	SEALOCK GREG	PRE-EMPLOYMENT POLYGRAPH	125.00	
100-110-53400	COMPUTER SUPPORT/MAINT	CDW GOVERNMENT	25 - GOV MS MPSA OFFICE STD P/DVC SL	1,524.95	
100-110-53400	COMPUTER SUPPORT/MAINT	SECURITY EQUIPMENT INC	COMMERCIAL INTRUSION MONITORING, SOFTW	928.80	
100-110-54310	BUILDING MAINTENANCE	MIDWEST ALARM SERVICES	FIRE ALARM MONITORING	735.60	
100-110-54310	BUILDING MAINTENANCE	OBRIST & CO INC	SERVICE CALL - REPAIR WATER LINE	129.33	
100-110-54310	BUILDING MAINTENANCE	PROJECT LIFESAVER INTERNA	CSOCASE, BATTERY, 6 BANDS	80.92	
100-110-54330	VEHICLE MAINTENANCE	COLUMBUS TIRE & SERVICE	TIRE REPAIR	25.00	
100-110-54330	VEHICLE MAINTENANCE	PETTY CASH	PETTY CASH	37.61	
100-110-54380	MAINTENANCE AGREEMENTS	DAS STATE ACCOUNTING	MONTHLY NETWORK CHARGES	307.20	
100-110-54380	MAINTENANCE AGREEMENTS	POWER TECH LLC	SEMI ANNUAL GENERATOR SERVICE CONTRACT	1,345.00	
100-110-54380	MAINTENANCE AGREEMENTS	TK ELEVATOR CORPORATION	MAINTENANCE	248.20	
100-110-56010	SUPPLIES	GUNSLINGERS LLC	HOPPE'S BORE SNAKE	126.00	
100-110-56010	SUPPLIES	SHEVLIN SUPPLY	BATH TISSUE, TOWELS	162.43	
100-110-56030	CLEANING SUPPLIES/SERVICE	SERVICEMASTER BY SHEVLIN	MONTHLY JANITORIAL SERVICE	2,485.00	
100-110-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	149.96	
Total For Dept 110 POLICE				11,215.59	
Dept 120 FIRE					
100-120-52700	TRAINING AND TUITION	TARGET SOLUTIONS LEARNING	VECTOR LMS MEMBERSHIP	1,732.22	
100-120-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	COLLECTION & TESTING	1,782.00	
100-120-52710	EMPLOYEE RECRUITMENT/RETENTION	STANARD & ASSOCIATES INC.	ENTRY LEVEL FIREFIGHTER SELECTION TEST	161.00	
100-120-53200	PROFESSIONAL SERVICES	REMBOLT LUDTKE LLP	LABOR & EMPLOYMENT ISSUES	72.00	
100-120-53400	COMPUTER SUPPORT/MAINT	APPLIED CONNECTIVE TECHNOI	11 - DELL WORKSTATIONS, 15 - DELL 24" I	3,467.11	
100-120-53400	COMPUTER SUPPORT/MAINT	CDW GOVERNMENT	25 - GOV MS MPSA OFFICE STD P/DVC SL	914.97	
100-120-53400	COMPUTER SUPPORT/MAINT	SECURITY EQUIPMENT INC	COMMERCIAL INTRUSION MONITORING, SOFTW	210.00	
100-120-53400	COMPUTER SUPPORT/MAINT	TARGET SOLUTIONS LEARNING	VECTOR LMS MEMBERSHIP	395.00	
100-120-54310	BUILDING MAINTENANCE	ALBIREO ENERGY LLC	CHECK FURNACE- TRIPPED ON LOW	2,078.03	
100-120-54310	BUILDING MAINTENANCE	PRESTOX	PEST CONTROL - 4630 HOWARD BLVD	61.02	
100-120-54310	BUILDING MAINTENANCE	TARGET SOLUTIONS LEARNING	VECTOR LMS MEMBERSHIP	282.65	
100-120-54320	EQUIPMENT MAINTENANCE	MALLORY SAFETY AND SUPPLY	RAE SYSTEMS SERVICE	135.00	
100-120-54320	EQUIPMENT MAINTENANCE	REARDON LAWN & GARDEN INC	CARB OVERHAUL, 16" BULLET RAKER CARBIDE	15.99	
100-120-54330	VEHICLE MAINTENANCE	ACE HARDWARE & GARDEN CNT	MOTOR OIL 5W30	16.48	
100-120-54330	VEHICLE MAINTENANCE	BOMGAARS	3 PACK BLADES, OIL FILTER, PLUG KIT	74.97	
100-120-54330	VEHICLE MAINTENANCE	GENE STEFFY FORD	2004 FORD F350 - LUBE, OIL & FILTER, EI	288.76	
100-120-54330	VEHICLE MAINTENANCE	O'REILLY AUTOMOTIVE INC	HEATER HOSE	3.21	
100-120-54330	VEHICLE MAINTENANCE	TARGET SOLUTIONS LEARNING	VECTOR LMS MEMBERSHIP	2,497.33	
100-120-54330	VEHICLE MAINTENANCE	TRUCK CENTER COMPANIES	BELT V RIBBED	182.32	
100-120-56010	SUPPLIES	BOMGAARS	SELF DRILL SCREWS, MOUNTING TAPE	21.48	
100-120-56010	SUPPLIES	DANKO EMERGENCY EQUIPMENT	NAME PATCHES	641.48	
100-120-56010	SUPPLIES	IMS ALLIANCE	NAME TAGS	123.72	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 120 FIRE					
100-120-56010	SUPPLIES	MENARDS	CABINETS, WALL CABINETS, STACKING CABIN	1,889.92	
100-120-56010	SUPPLIES	REARDON LAWN & GARDEN INC	CARB OVERHAUL, 16" BULLET RAKER CARBIDE	424.92	
100-120-56020	OFFICE SUPPLIES	CAPITAL BUSINESS SYSTEMS	COPIER CONTRACT	21.61	
100-120-56020	OFFICE SUPPLIES	HOMETOWN LEASING	COPIER LEASE PAYMENT	87.50	
100-120-56030	CLEANING SUPPLIES/SERVICE	ECOLAB	SOFTENER, ENZYME DET, OXY BLEACH	1,202.85	
100-120-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	MOPS, MATS, POLISH TOWEL	94.68	
100-120-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	136.34	
100-120-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE FEB 27 - MAR 26	613.76	
100-120-57510-24011	CAPITAL-EQUIPMENT	DANKO EMERGENCY EQUIPMENT	V.H. BLACKINGTON GOLD PLATE	1,601.68	
Total For Dept 120 FIRE				21,230.00	
Dept 121 RESCUE					
100-121-52700	TRAINING AND TUITION	TARGET SOLUTIONS LEARNING	VECTOR LMS MEMBERSHIP	1,732.22	
100-121-54310	BUILDING MAINTENANCE	ALBIREO ENERGY LLC	CHECK FURNACE- TRIPPED ON LOW	2,078.03	
100-121-54310	BUILDING MAINTENANCE	PRESTOX	PEST CONTROL - 4630 HOWARD BLVD	61.02	
100-121-54310	BUILDING MAINTENANCE	TARGET SOLUTIONS LEARNING	VECTOR LMS MEMBERSHIP	282.65	
100-121-54320	EQUIPMENT MAINTENANCE	MALLORY SAFETY AND SUPPLY	RAE SYSTEMS SERVICE	135.00	
100-121-54330	VEHICLE MAINTENANCE	ACE HARDWARE & GARDEN CNT	MOTOR OIL 5W30	16.49	
100-121-54330	VEHICLE MAINTENANCE	GENE STEFFY FORD	2004 FORD F350 - LUBE, OIL & FILTER, EI	288.75	
100-121-54330	VEHICLE MAINTENANCE	TARGET SOLUTIONS LEARNING	VECTOR LMS MEMBERSHIP	908.12	
100-121-56010	SUPPLIES	BOUND TREE MEDICAL LLC	ENDOTRACHEAL TUBE HOLDER, RITE IN THE F	4,535.77	
100-121-56010	SUPPLIES	COLUMBUS COMMUNITY HOSPITAL	PHARMACY, MED-SUR SUPPLIES	278.88	
100-121-56010	SUPPLIES	MEDLINE INDUSTRIES INC	GERM WIPES, SHOULDER IMMOBILIZER SLING	58.00	
100-121-56010	SUPPLIES	MENARDS	CABINETS, WALL CABINETS, STACKING CABIN	1,889.92	
100-121-56020	OFFICE SUPPLIES	CAPITAL BUSINESS SYSTEMS	COPIER CONTRACT	21.60	
100-121-56020	OFFICE SUPPLIES	HOMETOWN LEASING	COPIER LEASE PAYMENT	87.50	
100-121-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	MOPS, MATS, POLISH TOWEL	94.66	
100-121-56030	CLEANING SUPPLIES/SERVICE	STERICYCLE INC	STERI-SAFE BUDGET SUBSCRIPTION	759.88	
100-121-56190	PERSONAL PROTECTIVE SUPP	BOUND TREE MEDICAL LLC	ENDOTRACHEAL TUBE HOLDER, RITE IN THE F	818.70	
100-121-56190	PERSONAL PROTECTIVE SUPP	MEDLINE INDUSTRIES INC	GERM WIPES, SHOULDER IMMOBILIZER SLING	108.01	
100-121-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	136.33	
100-121-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE FEB 27 - MAR 26	613.76	
Total For Dept 121 RESCUE				14,905.29	
Dept 125 VOLUNTEER FIRE DEPARTMENT					
100-125-52700	TRAINING AND TUITION	RIVERSIDE PORTABLES LLC	PORTABLE RESTROOM - FIRE TRAINING TOWEF	105.00	
100-125-52700	TRAINING AND TUITION	TARGET SOLUTIONS LEARNING	VECTOR LMS MEMBERSHIP	1,732.22	
Total For Dept 125 VOLUNTEER FIRE DEPARTMENT				1,837.22	
Dept 130 LIBRARY					
100-130-52710	EMPLOYEE RECRUITMENT/RETENTION	COLUMBUS CUSTOM EMBROIDERY	CARDIGAN - HOPKINS	39.00	
100-130-53400-PATRN	COMPUTER SUPPORT/MAINT	SIRIUS COMPUTER SOLUTIONS	LIBRARY LAN/DMZ NETWORK	1,422.00	
100-130-53400-PCLAB	COMPUTER SUPPORT/MAINT	SIRIUS COMPUTER SOLUTIONS	LIBRARY LAN/DMZ NETWORK	1,422.00	
100-130-53400-STAFF	COMPUTER SUPPORT/MAINT	APPLIED CONNECTIVE TECHNOI	11 - DELL WORKSTATIONS, 15 - DELL 24" I	2,735.25	
100-130-53400-STAFF	COMPUTER SUPPORT/MAINT	CDW GOVERNMENT	25 - GOV MS MPSTA OFFICE STD P/DVC SL	1,524.95	
100-130-55400	ADVERTISING AND PROMOTION	BEST VERSION MEDIA, LLC	AD MANAGEMENT FEE	152.00	
100-130-55400	ADVERTISING AND PROMOTION	LINCOLN JOURNAL STAR	ADVERTISING	227.00	
100-130-56030	CLEANING SUPPLIES/SERVICE	SERVICEMASTER BY SHEVLIN	MONTHLY JANITORIAL SERVICE	6,980.00	
100-130-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	160.21	
100-130-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE FEB 27 - MAR 26	42.88	
100-130-56240-PATRN	TELEPHONE	GREAT PLAINS COMMUNICATION	INTERNET 05/01 - 05/31	209.95	
100-130-56400-CHILD	PROGRAMS	UNIVERSITY OF NE-LINCOLN	FACILITATION OF LIBRARY STRATEGIC PLANN	500.00	
100-130-56400-CHSRP	PROGRAMS	TOBY KID KLAUENBERG	JEDI ADVENTURE BEGINS - JUNE 4TH 2024	625.00	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 130 LIBRARY					
100-130-56400-YASRP	PROGRAMS	UNIVERSITY OF NE-LINCOLN	FACILITATION OF LIBRARY STRATEGIC PLANN	500.00	
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	CENTER POINT LARGE PRINT	MATERIALS	142.62	
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	GALE	MATERIALS	102.77	
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	INGRAM LIBRARY SERVICES, I	MATERIALS	1,647.18	
100-130-56410-ADULT	BOOKS AND PUBLICATIONS	MIDWEST TAPE LLC	DVD	30.74	
100-130-56410-CHILD	BOOKS AND PUBLICATIONS	INGRAM LIBRARY SERVICES, I	MATERIALS	148.71	
100-130-56410-SUBSC	BOOKS AND PUBLICATIONS	EBSCO INDUSTRIES INC	MAGAZINE SUBSCRIPTION RENEWALS	2,600.91	
100-130-56410-SUBSC	BOOKS AND PUBLICATIONS	OMAHA WORLD HERALD	26 WEEKS	559.00	
100-130-56410-SUBSC	BOOKS AND PUBLICATIONS	WORLD TRADE PRESS	SUBSCRIPTION BUNDLE- ATOZ THE WORLD, AI	700.40	
100-130-56410-YOUNG	BOOKS AND PUBLICATIONS	EBSCO INDUSTRIES INC	MAGAZINE SUBSCRIPTION RENEWALS	24.95	
100-130-56410-YOUNG	BOOKS AND PUBLICATIONS	INGRAM LIBRARY SERVICES, I	MATERIALS	1,214.47	
Total For Dept 130 LIBRARY				23,711.99	
Dept 140 CEMETERY					
100-140-53400	COMPUTER SUPPORT/MAINT	BS&A SOFTWARE	ANNUAL SERVICE/SUPPORT	1,664.00	
100-140-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	CEMENT PVC, PRIMER PVC, HOSE CLAMP	33.73	
100-140-56010	SUPPLIES	BOMGAARS	WATER, BRASS HOSE SHUT OFF	53.32	
100-140-56010	SUPPLIES	KELLY SUPPLY COMPANY	1X3/4 INS 90, CLAMP	4.12	
100-140-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	26.46	
100-140-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE FEB 27 - MAR 26	42.88	
Total For Dept 140 CEMETERY				1,824.51	
Dept 145 COMMUNITY DEVELOPMENT					
100-145-53400	COMPUTER SUPPORT/MAINT	APPLIED CONNECTIVE TECHNOI	11 - DELL WORKSTATIONS, 15 - DELL 24" I	2,231.78	
100-145-53400	COMPUTER SUPPORT/MAINT	BS&A SOFTWARE	ANNUAL SERVICE/SUPPORT	332.00	
100-145-55500	PUBLICATIONS AND NOTICES	LINCOLN JOURNAL STAR	MEETING NOTICES, ORDINANCES, MINUTES	306.30	
100-145-56010	SUPPLIES	MENARDS	40MM LAM STL WTHR RES 2"	8.99	
100-145-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	POUCH, LAM; EZLOAD ROLLFILM	185.28	
100-145-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE FEB 27 - MAR 26	300.16	
100-145-56650	MEMBERSHIP DUES	IAPMO	1 YEAR MEMBERSHIP	250.00	
Total For Dept 145 COMMUNITY DEVELOPMENT				3,614.51	
Dept 150 PARKS					
100-150-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	NON DOT COLLECTION & TESTING	67.00	
100-150-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	76.95	
100-150-53400	COMPUTER SUPPORT/MAINT	SECURITY EQUIPMENT INC	COMMERCIAL INTRUSION MONITORING, SOFTWF	56.16	
100-150-54310	BUILDING MAINTENANCE	ACE HARDWARE & GARDEN CNT	KEY SCHLAGE	168.12	
100-150-54310	BUILDING MAINTENANCE	COLUMBUS PLUMBING COMPANY	6 - SLOAN ORINGS, 5 - SLOAN A551VB REPF	45.85	
100-150-54310	BUILDING MAINTENANCE	ELECTRICAL ENGINEERING &	4 BLK STRD CUTTING REEL	2.86	
100-150-54310	BUILDING MAINTENANCE	KELLY SUPPLY COMPANY	BONNET KIT	213.34	
100-150-54310	BUILDING MAINTENANCE	KOCH EXCAVATING CO INC	6 YARDS NATURAL MULCH	315.00	
100-150-54310	BUILDING MAINTENANCE	MOTION INDUSTRIES INC	4 - HAND DRYERS	1,916.84	
100-150-54310	BUILDING MAINTENANCE	SCHIEFFER SIGNS INC	6 - METAL FIELD SIGNS FOR GERARD PARK	222.00	
100-150-54310	BUILDING MAINTENANCE	VANDENBERG ELE & COMMUNIC	GERRARD PARK FIELD B POWER TO SCOREBOAF	6,168.52	
100-150-54320	EQUIPMENT MAINTENANCE	ACE HARDWARE & GARDEN CNT	FORM A GASKET	8.98	
100-150-54320	EQUIPMENT MAINTENANCE	ALTEC INDUSTRIES INC	ANNUAL PM INSPECTION, DIELECTRIC TEST V	1,509.18	
100-150-54320	EQUIPMENT MAINTENANCE	ARNOLD MOTOR SUPPLY	PRIME/ORG COMPAT 50/50 1 GAL	9.37	
100-150-54320	EQUIPMENT MAINTENANCE	MENARDS	WELDABLE FLAT & ANGLE, U-BOLT	33.00	
100-150-54320	EQUIPMENT MAINTENANCE	REARDON LAWN & GARDEN INC	BAR	107.99	
100-150-54320	EQUIPMENT MAINTENANCE	TIRE OUTLET INC	4 - USED TRUCK TIRES	800.00	
100-150-54330	VEHICLE MAINTENANCE	ACE HARDWARE & GARDEN CNT	NUTS, BOLTS, SCREWS	13.34	
100-150-54330	VEHICLE MAINTENANCE	ARNOLD MOTOR SUPPLY	INTERIOR DOOR HANDLE	16.64	
100-150-54330	VEHICLE MAINTENANCE	TIRE OUTLET INC	REPAIR	15.00	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 150 PARKS					
100-150-54490	IRRIGATION MAINTENANCE	MUELLER SPRINKLERS	12 - HUNTER I 20 ADV	388.92	
100-150-54520	EQUIPMENT RENTAL/PURCHASE	ACE HARDWARE & GARDEN CNT	GARDEN SPRAYER	22.99	
100-150-54520	EQUIPMENT RENTAL/PURCHASE	BSN SPORTS LLC	200' HOMERUN YOUTH/SOFTBALL FENCE PKG	1,206.50	
100-150-54520	EQUIPMENT RENTAL/PURCHASE	REARDON LAWN & GARDEN INC	DUROCUT 20-2 PRECUT LINE HEAD	399.98	
100-150-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	PROPANE	87.45	
100-150-56010	SUPPLIES	ARNOLD MOTOR SUPPLY	RAVEN NITRILE XL	17.69	
100-150-56010	SUPPLIES	MENARDS	SPLASH, #6 BLK THHN	5.45	
100-150-56010	SUPPLIES	MOTION INDUSTRIES INC	6 - STANDARD ROLLER CH SPKTS	3,483.72	
100-150-56010	SUPPLIES	SCHIEFFER SIGNS INC	6 - METAL FIELD SIGNS FOR GERARD PARK	222.00	
100-150-56010	SUPPLIES	SHEVLIN SUPPLY	BATH TISSUE, GOJO HAND SOAP	875.52	
100-150-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	771.54	
100-150-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE FEB 27 - MAR 26	205.79	
100-150-56400	PROGRAMS	BSN SPORTS LLC	200' HOMERUN YOUTH/SOFTBALL FENCE PKG	1,206.50	
100-150-56400	PROGRAMS	CAPITAL ONE - WALMART	CUTLERY, TAPE, SPRAY BOTTLE, PUDDING, T	41.19	
100-150-56400	PROGRAMS	MELLAS MICHAEL	REFUND	300.00	
100-150-57200-24013	CAPITAL-LAND & BUILDINGS	SAND CREEK CONSTRUCTION CC	GERRARD PARK TENNIS & PICKLEBALL COURT	134,532.90	
100-150-57510	CAPITAL-EQUIPMENT	CROUCH RECREATION INC	SCOREBOARD	133,412.50	
Total For Dept 150 PARKS				288,946.78	
Dept 151 PAWNEE PLUNGE WATER PARK					
100-151-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	NON DOT COLLECTION & TESTING	737.00	
100-151-53400	COMPUTER SUPPORT/MAINT	CDW GOVERNMENT	25 - GOV MS MPSA OFFICE STD P/DVC SL	304.99	
100-151-53400	COMPUTER SUPPORT/MAINT	SECURITY EQUIPMENT INC	CAMERA UPGARDES - PAWNEE PARK WATER PAF	2,368.92	
100-151-54310	BUILDING MAINTENANCE	ACE HARDWARE & GARDEN CNT	MENDER HOSE, HOSE CLAMP	273.93	
100-151-54310	BUILDING MAINTENANCE	COLUMBUS PLUMBING COMPANY	SLOAN 551 KIT, GASKET	91.95	
100-151-54310	BUILDING MAINTENANCE	MENARDS	TAPCON, HAMMER DRILL IT	76.92	
100-151-54310	BUILDING MAINTENANCE	RENSENHOUSE	MH LAMP	90.30	
100-151-54310	BUILDING MAINTENANCE	SCHIEFFER SIGNS INC	14 - GATE SIGNS, PAM KLUCK MEMORIAL SIG	752.00	
100-151-56090	SMALL TOOLS	ACE HARDWARE & GARDEN CNT	SCREW DRIVING BIT SET	21.99	
100-151-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVE	SALES TAX - APRIL 2024 POOLS	37.27	
100-151-57510-20059	CAPITAL-EQUIPMENT	SECURITY EQUIPMENT INC	CAMERA UPGARDES - PAWNEE PARK WATER PAF	14,780.00	
Total For Dept 151 PAWNEE PLUNGE WATER PARK				19,535.27	
Dept 152 AQUATIC CENTER POOL					
100-152-52700	TRAINING AND TUITION	AMERICAN RED CROSS	LIFEGUARDING REVIEW, LIFEGUARDING & WAI	533.00	
100-152-53400	COMPUTER SUPPORT/MAINT	CDW GOVERNMENT	25 - GOV MS MPSA OFFICE STD P/DVC SL	304.99	
100-152-54310	BUILDING MAINTENANCE	ACE HARDWARE & GARDEN CNT	CRABGRASS PREVENTOR	44.99	
100-152-54320	EQUIPMENT MAINTENANCE	ACE HARDWARE & GARDEN CNT	CAP HOSE BRASS	5.99	
100-152-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	PAPER CARD STOCK	37.09	
100-152-56030	CLEANING SUPPLIES/SERVICE	SHEVLIN SUPPLY	BATH TISSUE, FOAMING HAIR & BODY SHAMPC	227.65	
100-152-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	139.97	
100-152-56400	PROGRAMS	CAPITAL ONE - WALMART	HERSHEY CANDY, 48CT EASTER EGGS	25.91	
100-152-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVE	SALES TAX - APRIL 2024 POOLS	277.04	
Total For Dept 152 AQUATIC CENTER POOL				1,596.63	
Dept 155 VAN BERG GOLF COURSE					
100-155-54320	EQUIPMENT MAINTENANCE	NAPA AUTO PARTS OF COLUMBU	WEATHERSHIELD EN HOSE, HOSE END FITTING	105.45	
100-155-56070	FERTILIZER	ZIMCO SUPPLY CO	23 - 28-5-10 50% EPEC + ARMAMENT 50# BF	4,600.00	
100-155-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	51.18	
100-155-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVE	SALES TAX - APRIL 2024 GOLF	1,813.14	
Total For Dept 155 VAN BERG GOLF COURSE				6,569.77	
Dept 156 QUAIL RUN GOLF COURSE					

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 100 GENERAL FUND					
Dept 156 QUAIL RUN GOLF COURSE					
100-156-52710	EMPLOYEE RECRUITMENT/RETENTION	OCCUPATIONAL HEALTH SERV	NON DOT COLLECTION & TESTING	67.00	
100-156-54310	BUILDING MAINTENANCE	BOB MCDONALD GARAGE DOOR	CART BUILDING DOOR-ADJUST PHOTO EYES	55.00	
100-156-54310	BUILDING MAINTENANCE	MENARDS	CONCRETE MIX	134.70	
100-156-54310	BUILDING MAINTENANCE	WEMHOFF REFRIGERATION INC	SERVICE ICE MACHINE	616.72	
100-156-54320	EQUIPMENT MAINTENANCE	ARNOLD MOTOR SUPPLY	2 - ENGINE OIL FILTERS	24.33	
100-156-54320	EQUIPMENT MAINTENANCE	MENARDS	1/2" PVC CORD GRIP CNNCTR	2.98	
100-156-54320	EQUIPMENT MAINTENANCE	MIDWEST TURF & IRRIGATION	TURF SERVICE LABOR	262.50	
100-156-54320	EQUIPMENT MAINTENANCE	TURFWERKS	REPLACED U-JOINT, HYD CYL	9,864.82	
100-156-54320	EQUIPMENT MAINTENANCE	VAN WALL EQUIPMENT INC	OIL LINE	189.34	
100-156-54350	GOLF CART/COURSE MAINT	NEBRASKA GOLF & TURF INC	EXT SPRING, BUSHINGS, BRAKE STOP, WASHE	160.15	
100-156-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	CONCRETE SELF LEVEL	128.90	
100-156-56010	SUPPLIES	JACKSON SERVICES INC	UNIFORMS	79.72	
100-156-56010	SUPPLIES	MENARDS	TSTAT, SPRAY PAINT, TRAY LINER, ROLLER,	156.65	
100-156-56060	CHEMICALS	D & K PRODUCTS	FUNGICIDE, PHOSPHORUS, INACTIVATOR	3,015.06	
100-156-56060	CHEMICALS	ZIMCO SUPPLY CO	PRODIAMINE, AMORTECH KADE	535.00	
100-156-56070	FERTILIZER	D & K PRODUCTS	IGNITION, EPEC 90	7,192.50	
100-156-56110	PRO-SHOP SUPPLIES	CAPITAL ONE - WALMART	LYSOL, DAWN, CASCADE, SWIFTER, PEPSI, W	198.25	
100-156-56110	PRO-SHOP SUPPLIES	HADLEY-BRAITHWAIT COMPANY	CENTER PULL TOWELS, TOILET PAPER	195.80	
100-156-56110	PRO-SHOP SUPPLIES	NAPA AUTO PARTS OF COLUMBU	BATTERY - BEVERAGE CART	143.35	
100-156-56110	PRO-SHOP SUPPLIES	THE GOLF SHOP	REIMBURSE TRASH BAGS	521.10	
100-156-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	139.14	
100-156-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE FEB 27 - MAR 26	82.89	
100-156-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVE	SALES TAX - APRIL 2024 GOLF	7,921.56	
Total For Dept 156 QUAIL RUN GOLF COURSE				31,687.46	
Total For Fund 100 GENERAL FUND				500,551.88	
Fund 200 STREETS/ENGINEERING					
Dept 200 STREETS					
200-200-52800	UNIFORMS	JACKSON SERVICES INC	SHOP TOWELS ORANGE, UNIFORMS	653.17	
200-200-53200	PROFESSIONAL SERVICES	MOMS & MOPS	CLEANING CENTRAL MAINTENANCE	200.00	
200-200-53400	COMPUTER SUPPORT/MAINT	APPLIED CONNECTIVE TECHNOI	11 - DELL WORKSTATIONS, 15 - DELL 24" I	455.87	
200-200-53400	COMPUTER SUPPORT/MAINT	BS&A SOFTWARE	ANNUAL SERVICE/SUPPORT	2,530.00	
200-200-53400	COMPUTER SUPPORT/MAINT	CDW GOVERNMENT	25 - GOV MS MPSA OFFICE STD P/DVC SL	508.32	
200-200-54310	BUILDING MAINTENANCE	STANLEY PETROLEUM	CREDIT - ALREADY BILLED ON INVOICE 2197	351.00	
200-200-54320	EQUIPMENT MAINTENANCE	ALTEC INDUSTRIES INC	ANNUAL PM INSPECTION, DIELECTRIC TEST V	1,316.77	
200-200-54320	EQUIPMENT MAINTENANCE	ROAD BUILDERS MACHINERY AN	GRADALL D-152 - CHECK HYDRAULICS	1,589.84	
200-200-54320	EQUIPMENT MAINTENANCE	TIRE OUTLET INC	REPAIR	70.00	
200-200-54450	STREET MAINTENANCE	GEHRING CONSTRUCTION &	33RD AVE & DISCOVERER	3,524.97	
200-200-54460	LAND MAINTENANCE	BOMGAARS	OATS, BULK SEED, SMOOTH BROMEGRASS	676.97	
200-200-54460	LAND MAINTENANCE	MENARDS	LAWN BLANKET, GARDEN STAPLES	95.96	
200-200-55210	CLAIMS AND SETTLEMENTS	GARCIA-CHICOINE ENTERPRISE	GUARDRAIL MAINTENANCE	34,011.19	
200-200-56010	SUPPLIES	ACE HARDWARE & GARDEN CNT	SPRINKLER POP UP	52.06	
200-200-56010	SUPPLIES	BOMGAARS	RE-TRACTABLE RATCHET, CRIMP TOOL, TERMI	50.96	
200-200-56010	SUPPLIES	CENTRAL SAND & GRAVEL CO	CRUSHED GRAVEL	878.61	
200-200-56010	SUPPLIES	GREAT PLAINS BUILDING SUPE	2 - 2X4-12 SPF	15.82	
200-200-56010	SUPPLIES	HADLEY-BRAITHWAIT COMPANY	2 CASES C-PULL TOWELS, 3 CASES TRASH B	82.25	
200-200-56010	SUPPLIES	MENARDS	2 - SCOOP DH	71.97	
200-200-56010	SUPPLIES	REARDON LAWN & GARDEN INC	14" LOOP, DL LOOP LOW-VIB, PICCO LOW-VI	194.00	
200-200-56120	TRAFFIC SIGNS	MD SOLUTIONS INC	PLUS 4 STRAPPING BRACKET	255.00	
200-200-56120	TRAFFIC SIGNS	MOTION INDUSTRIES INC	QUICK RELEASE CLAMPS	1,194.00	
200-200-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	125.54	
200-200-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE FEB 27 - MAR 26	168.65	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 200 STREETS/ENGINEERING					
Dept 200 STREETS					
Total For Dept 200 STREETS				49,072.92	
Dept 202 MECHANICS SHOP					
200-202-52800	UNIFORMS	JACKSON SERVICES INC	SHOP TOWELS ORANGE, UNIFORMS	99.24	
200-202-56130	SUPPLIES FOR RESALE	ACE HARDWARE & GARDEN CNT	RUBBER PLUG	10.97	
200-202-56130	SUPPLIES FOR RESALE	ADVANCE AUTO PARTS	HOSE CLAMP	210.01	
200-202-56130	SUPPLIES FOR RESALE	ARNOLD MOTOR SUPPLY	6 - HIGH AMP STUD-MOUNT FUSE	154.03	
200-202-56130	SUPPLIES FOR RESALE	BGNE INC	EPR, DIESEL OIL CONDITIONER, ADVANCED F	682.13	
200-202-56130	SUPPLIES FOR RESALE	BOMGAARS	STARTING FLUID, DIESEL OIL ADDITIVE	65.97	
200-202-56130	SUPPLIES FOR RESALE	CHROME N' STEEL TRUCK & TR	LUG NUTS, STUD-METRIC	272.94	
200-202-56130	SUPPLIES FOR RESALE	LAWSON PRODUCTS	AUTO FUSE, HEX WASHER, BRASS UNION, HEX	169.64	
200-202-56130	SUPPLIES FOR RESALE	O'REILLY AUTOMOTIVE INC	FUEL FILTER, FUEL/WTR SEP (CREDIT)	71.61	
Total For Dept 202 MECHANICS SHOP				1,736.54	
Total For Fund 200 STREETS/ENGINEERING				50,809.46	
Fund 205 AIRPORT					
Dept 205 AIRPORT					
205-205-54320	EQUIPMENT MAINTENANCE	MIDWEST TURF & IRRIGATION	SEAL KIT	389.30	
205-205-56010	SUPPLIES	CENTRAL VALLEY AG COOPERAT	CORNERSTONE, MOJAVE, STRIKE THREE	415.12	
205-205-56010	SUPPLIES	MENARDS	TC PELLETS 5LB BUCKET	71.96	
205-205-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	29.63	
205-205-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE FEB 27 - MAR 26	85.76	
205-205-56260	UTILITIES - FSS BUILDING	CITY OF COLUMBUS	WATER & SEWER	55.13	
205-205-57200-23030	CAPITAL-LAND & BUILDINGS	BOGUS RICHARD	MILEAGE - LINCOLN BID OPENING AT KIRKHA	118.72	
Total For Dept 205 AIRPORT				1,165.62	
Total For Fund 205 AIRPORT				1,165.62	
Fund 220 COMMUNICATIONS - E911					
Dept 220 E911					
220-220-53400	COMPUTER SUPPORT/MAINT	EAKES OFFICE SOLUTIONS	TONER CARTRIDGE	198.99	
220-220-53400	COMPUTER SUPPORT/MAINT	SECURITY EQUIPMENT INC	COMMERCIAL INTRUSION MONITORING, SOFTWF	983.76	
220-220-54320	EQUIPMENT MAINTENANCE	POWER TECH LLC	GENERATOR SERVICE AGREEMENT APR 2024- N	970.00	
220-220-56010	SUPPLIES	CAPITAL ONE - WALMART	FACE TISSUE, VIVA	35.96	
220-220-56010	SUPPLIES	MENARDS	DOWEL, PVC PIPE	22.04	
220-220-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	55.13	
220-220-56240	TELEPHONE	DAS STATE ACCOUNTING	MONTHLY NETWORK CHARGES	1,356.79	
220-220-56240	TELEPHONE	LINGO	E911 PHONE CHARGES 4/01/2024 - 4/30/202	51.70	
220-220-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE FEB 27 - MAR 26	122.90	
220-220-57510-24028	CAPITAL-EQUIPMENT	RFCC	CONSULTING FEE PUBLIC SAFETY RADIO SYSI	750.00	
Total For Dept 220 E911				4,547.27	
Total For Fund 220 COMMUNICATIONS - E911				4,547.27	
Fund 240 HOUSING REHAB & LOANS					
Dept 240 HOUSING REHAB & LOANS					
240-240-56780	HOUSING LOANS & ADMIN	NORTHEAST NEBRASKA ECONOMIC	CDBG DHA REUSE MARCH 2024 ADMIN SERVICE	21.25	
Total For Dept 240 HOUSING REHAB & LOANS				21.25	
Dept 243 CDBG REVOLVING REHAB LOAN					
240-243-56780	HOUSING LOANS & ADMIN	NORTHEAST NEBRASKA ECONOMIC	CDBG REHAB REUSE MARCH 2024 ADMIN SERVI	42.50	
Total For Dept 243 CDBG REVOLVING REHAB LOAN				42.50	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 240 HOUSING REHAB & LOANS					
Total For Fund 240 HOUSING REHAB & LOANS				63.75	
Fund 260 PROGRESS AND JOBS GROWTH					
Dept 260 PROGRESS AND JOBS GROWTH					
260-260-56760	ECONOMIC DEVELOPMENT PLAN	NEIGHBORWORKS NORTHEAST	MATCH FUNDS NEW CONSTRUCTION 22-TFHP-17	390,000.00	
Total For Dept 260 PROGRESS AND JOBS GROWTH				390,000.00	
Total For Fund 260 PROGRESS AND JOBS GROWTH				390,000.00	
Fund 400 DEBT SERVICE FUND					
Dept 000					
400-000-22562	2021 COPS - CITY HALL	BOKF NA	CERTIFICATES OF PARTICIPATION SERIES 2C	365,000.00	
Total For Dept 000				365,000.00	
Dept 459 2021 COPS - CITY HALL					
400-459-59020	INTEREST AND FISCAL FEES	BOKF NA	CERTIFICATES OF PARTICIPATION SERIES 2C	93,750.00	
Total For Dept 459 2021 COPS - CITY HALL				93,750.00	
Dept 460 GENERAL OBLIGATION HIGHWAY ALLOC BONDS					
400-460-59020	INTEREST AND FISCAL FEES	BOKF NA	GENERAL OBLIGATION HIGHWAY ALLOC FUND PI	92,525.00	
Total For Dept 460 GENERAL OBLIGATION HIGHWAY ALLOC BO				92,525.00	
Total For Fund 400 DEBT SERVICE FUND				551,275.00	
Fund 500 UTILITY SERVICE					
Dept 000					
500-000-20100	SSX-1	BENAKABU BENA	UB refund for account: 400-62930-01	94.85	
500-000-22521	2012 REV REF BONDS	BOKF NA	COMBINED REVENUE REFUNDING BOND SERIES	51,018.44	
500-000-22524	2015B COMB REV BONDS	BOKF NA	COMBINED REVENUE REFUNDING BOND SERIES	88,949.75	
Total For Dept 000				140,063.04	
Dept 500 WASTEWATER COLLECTION					
500-500-52700	TRAINING AND TUITION	LA QUINTA INN & SUITES KE/ROOM - TRAVIS SCANLAN		344.85	
500-500-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	405.07	
500-500-53200	PROFESSIONAL SERVICES	MOMS & MOPS	CLEANING CENTRAL MAINTENANCE	200.00	
500-500-53400	COMPUTER SUPPORT/MAINT	APPLIED CONNECTIVE TECHNOI 11 - DELL WORKSTATIONS, 15 - DELL 24" I		1,139.69	
500-500-53400	COMPUTER SUPPORT/MAINT	BS&A SOFTWARE	ANNUAL SERVICE/SUPPORT	5,737.40	
500-500-53400	COMPUTER SUPPORT/MAINT	CDW GOVERNMENT	25 - GOV MS MPSA OFFICE STD P/DVC SL	355.82	
500-500-54320	EQUIPMENT MAINTENANCE	ELECTRIC PUMP INC	LEVEL SENSOR	1,353.00	
500-500-54320	EQUIPMENT MAINTENANCE	MUNICIPAL PIPE TOOL CO LLC	SWITCH	104.98	
500-500-54320	EQUIPMENT MAINTENANCE	O'REILLY AUTOMOTIVE INC	SYNTH OIL, BRAKE CLEANER	60.89	
500-500-54320	EQUIPMENT MAINTENANCE	POWER TECH LLC	MINOR INSPECTION & 2 HR LOAD BANK	352.50	
500-500-54320	EQUIPMENT MAINTENANCE	TIRE OUTLET INC	REPAIR	195.00	
500-500-54390	SYSTEM MAINTENANCE	BOMGAARS	MULTI-BALL MOUNT, HITCH PIN & CLIP	77.46	
500-500-54390	SYSTEM MAINTENANCE	FASTENAL COMPANY	XL COVERALLS	48.68	
500-500-54390	SYSTEM MAINTENANCE	KOCH EXCAVATING CO INC	TOP DIRT, DRAINAGE ROCK	150.77	
500-500-54390	SYSTEM MAINTENANCE	MUNICIPAL PIPE TOOL CO LLC	ORPT00066 GNET RETRO	7,022.40	
500-500-54390	SYSTEM MAINTENANCE	USA BLUE BOOK	LIFTING SLINGS	140.69	
500-500-56010	SUPPLIES	HADLEY-BRAITHWAIT COMPANY	2 CASES C-PULL TOWELS, 3 CASES TRASH BF	82.25	
500-500-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	PERFED PAPER	620.52	
500-500-56190	PERSONAL PROTECTIVE SUPP	MOTION INDUSTRIES INC	SAFETY GLASSES	27.12	
500-500-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	20.92	
500-500-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE FEB 27 - MAR 26	304.38	
500-500-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVE	SALES TAX - APRIL 2024 UTILITY	35,641.24	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 500 UTILITY SERVICE					
Dept 500 WASTEWATER COLLECTION					
500-500-57300-20091	CAPITAL-NEW CONSTRUCTION	MID-STATE ENGINEERING & T	LOST CREEK PARKWAY SEWER & WATERMAIN	343.00	
500-500-57300-20091	CAPITAL-NEW CONSTRUCTION	RUTJENS CONSTRUCTION	LOST CREEK PARKWAY GRAVITY SEWER	379,175.70	
500-500-59020	INTEREST AND FISCAL FEES	BOKF NA	COMBINED REVENUE REFUNDING BOND SERIES	65,917.38	
Total For Dept 500 WASTEWATER COLLECTION				499,821.71	
Dept 501 WASTEWATER TREATMENT FAC					
500-501-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	279.70	
500-501-53400	COMPUTER SUPPORT/MAINT	CDW GOVERNMENT	25 - GOV MS MPSA OFFICE STD P/DVC SL	304.99	
500-501-53400	COMPUTER SUPPORT/MAINT	SECURITY EQUIPMENT INC	COMMERCIAL INTRUSION MONITORING, SOFTWF	274.56	
500-501-54310	BUILDING MAINTENANCE	MENARDS	GARAGE SHELVING	69.99	
500-501-54320	EQUIPMENT MAINTENANCE	ACE HARDWARE & GARDEN CNT	GROMMET VNYL BLACK	7.58	
500-501-54320	EQUIPMENT MAINTENANCE	ARNOLD MOTOR SUPPLY	OUTER & INNER AIR ELEMENT	305.85	
500-501-54320	EQUIPMENT MAINTENANCE	MOTION INDUSTRIES INC	SUPER HC V BELT	252.20	
500-501-54320	EQUIPMENT MAINTENANCE	REARDON LAWN & GARDEN INC	BELT	16.99	
500-501-54320	EQUIPMENT MAINTENANCE	TRUCK CENTER COMPANIES	FILTER - VENTILATOR CBIN	9.40	
500-501-54330	VEHICLE MAINTENANCE	TIRE OUTLET INC	TIRE	232.00	
500-501-56010	SUPPLIES	CAPITAL ONE - WALMART	48 QT LAG RED SGL	210.11	
500-501-56010	SUPPLIES	MENARDS	SPRING WATER	9.75	
500-501-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	MATS, BAR TOWELS, SHOP TOWELS ORANGE	61.30	
500-501-56060	CHEMICALS	PETE LIEN & SONS INC.	QUICKLIME FINES	14,336.60	
500-501-56090	SMALL TOOLS	ACE HARDWARE & GARDEN CNT	PLIER, QUICK LINK	16.36	
500-501-56090	SMALL TOOLS	MCMASTER-CARR	PARALLEL-JAW FLAT TIP RETAINING RING PI	58.57	
500-501-56100	LABORATORY	USA BLUE BOOK	VENTED WASH BOTTLE	153.66	
500-501-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	1,477.08	
500-501-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE FEB 27 - MAR 26	85.76	
500-501-59020	INTEREST AND FISCAL FEES	BOKF NA	COMBINED REVENUE BONDS, SERIES 2018	556,009.10	
Total For Dept 501 WASTEWATER TREATMENT FAC				574,171.55	
Total For Fund 500 UTILITY SERVICE				1,214,056.30	
Fund 520 WATER					
Dept 000					
520-000-20100	WAM-41	BENAKABU BENA	UB refund for account: 400-62930-01	39.50	
520-000-22521	2012 REV REF BONDS	BOKF NA	COMBINED REVENUE REFUNDING BOND SERIES	46,709.33	
520-000-22523	2015A COMB REV REF BONDS	BOKF NA	COMBINED REVENUE REFUNDING BOND SERIES	58,322.48	
Total For Dept 000				105,071.31	
Dept 520 WATER					
520-520-52700	TRAINING AND TUITION	CENTRAL COMMUNITY COLLEGE	BACKFLOW RECERTIFICATION CLASS	425.00	
520-520-52700	TRAINING AND TUITION	LA QUINTA INN & SUITES KE2/ROOM	- TRAVIS SCANLAN	344.85	
520-520-52700	TRAINING AND TUITION	NEBRASKA DEPT OF ENVIRONMNT	TEST FEE - THOMAS KAPELS	50.00	
520-520-52700	TRAINING AND TUITION	SCHOENHOFER, ZACH	MEAL - BACKFLOW CLASS GRAND ISLAND	13.93	
520-520-52800	UNIFORMS	JACKSON SERVICES INC	UNIFORMS	147.02	
520-520-53200	PROFESSIONAL SERVICES	MOMS & MOPS	CLEANING CENTRAL MAINTENANCE	200.00	
520-520-53400	COMPUTER SUPPORT/MAINT	APPLIED CONNECTIVE TECHNOI	11 - DELL WORKSTATIONS, 15 - DELL 24" I	2,295.39	
520-520-53400	COMPUTER SUPPORT/MAINT	BS&A SOFTWARE	ANNUAL SERVICE/SUPPORT	5,737.40	
520-520-53400	COMPUTER SUPPORT/MAINT	CDW GOVERNMENT	25 - GOV MS MPSA OFFICE STD P/DVC SL	965.80	
520-520-53400	COMPUTER SUPPORT/MAINT	SECURITY EQUIPMENT INC	COMMERCIAL INTRUSION MONITORING, SOFTWF	970.68	
520-520-54320	EQUIPMENT MAINTENANCE	KELLY SUPPLY COMPANY	PVC TEE, COUP, ELL, BALL VALVE, PRESSUF	231.99	
520-520-54320	EQUIPMENT MAINTENANCE	O'REILLY AUTOMOTIVE INC	SYNTH OIL, BRAKE CLEANER	60.89	
520-520-54320	EQUIPMENT MAINTENANCE	POWER TECH LLC	MINOR INSPECTION & 2 HR LOAD BANK	352.50	
520-520-54320	EQUIPMENT MAINTENANCE	TIRE OUTLET INC	REPAIR	10.00	
520-520-54390	SYSTEM MAINTENANCE	ACE HARDWARE & GARDEN CNT	PIPE JOUNT COMPOUND	6.99	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 520 WATER					
Dept 520 WATER					
520-520-54390	SYSTEM MAINTENANCE	BOMGAARS	MULTI-BALL MOUNT, HITCH PIN & CLIP	77.47	
520-520-54390	SYSTEM MAINTENANCE	CORE & MAIN LP	METER WASHERS	52.89	
520-520-54390	SYSTEM MAINTENANCE	FASTENAL COMPANY	XL COVERALLS	48.67	
520-520-54390	SYSTEM MAINTENANCE	GEHRING CONSTRUCTION &	2952 18TH AVE	519.63	
520-520-54390	SYSTEM MAINTENANCE	KELLY SUPPLY COMPANY	GATES STEM, LOCK N LUBE GREASE COUPLER	118.88	
520-520-54390	SYSTEM MAINTENANCE	KOCH EXCAVATING CO INC	TOP DIRT, DRAINAGE ROCK	150.76	
520-520-54390	SYSTEM MAINTENANCE	LINCOLN WINWATER WORKS	2" #150 THRD FLANGE	15,755.75	
520-520-54390	SYSTEM MAINTENANCE	NEBRASKA RURAL WATER ASSOC	2024 MEMBERSHIP RENEWAL - MUNICIPALITY	550.00	
520-520-54390	SYSTEM MAINTENANCE	USA BLUE BOOK	LIFTING SLINGS	140.68	
520-520-54420	WELL MAINTENANCE	GRAINGER	EXHAUST FAN	466.80	
520-520-54420	WELL MAINTENANCE	POWER TECH LLC	REPLACE LP EVAPORATOR ON WELL #17	644.29	
520-520-55640	COMPLIANCE TESTING	NEBRASKA PUBLIC HEALTH	WATER TESTING	673.00	
520-520-56010	SUPPLIES	HADLEY-BRAITHWAIT COMPANY	2 CASES C-PULL TOWELS, 3 CASES TRASH B	82.25	
520-520-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	PERFED PAPER	620.50	
520-520-56060	CHEMICALS	HAWKINS INC	CHEMICALS	10,536.52	
520-520-56100	LABORATORY	USA BLUE BOOK	HACH DPD FREE CHLORINE	726.04	
520-520-56130	SUPPLIES FOR RESALE	CORE & MAIN LP	16 - 3/4S IPERL 1000G	1,151.78	
520-520-56135	AMR RADIO EXPENSE	CORE & MAIN LP	FREIGHT	3,113.94	
520-520-56190	PERSONAL PROTECTIVE SUPP	MOTION INDUSTRIES INC	SAFETY GLASSES	27.12	
520-520-56210	NATURAL GAS	BLACK HILLS ENERGY	NATURAL GAS	133.53	
520-520-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	158.20	
520-520-56240	TELEPHONE	FRONTIER	NWP 3/30/24 TO 4/29/24	188.84	
520-520-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE FEB 27 - MAR 26	510.17	
520-520-56690	SALES TAX REMITTANCE	STATE OF NEBR DEPT OF REVE	SALES TAX - APRIL 2024 UTILITY	3,957.70	
520-520-59020	INTEREST AND FISCAL FEES	BOKF NA	COMBINED REVENUE REFUNDING BOND SERIES	78,411.02	
Total For Dept 520 WATER				130,628.87	
Total For Fund 520 WATER				235,700.18	
Fund 560 STORMWATER UTILITY					
Dept 000					
560-000-20100	SUF-6	BENAKABU BENA	UB refund for account: 400-62930-01	12.17	
Total For Dept 000				12.17	
Dept 560 STORMWATER UTILITY					
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	SALES TAX - APRIL 2024 UTILITY	2,082.59	
560-560-57300-20107	CAPITAL-NEW CONSTRUCTION	KOCH EXCAVATING CO INC	TOP DIRT, DRAINAGE ROCK	4,460.00	
Total For Dept 560 STORMWATER UTILITY				6,585.51	
Total For Fund 560 STORMWATER UTILITY				6,597.68	
Fund 570 SOLID WASTE DIVISION					
Dept 000					
570-000-20100	SWD-1	BENAKABU BENA	UB refund for account: 400-62930-01	7.38	
Total For Dept 000				7.38	
Dept 570 TRANSFER STATION					
570-570-52800	UNIFORMS	JACKSON SERVICES INC	MATS, ROLLER TOOWELS, UNIFORMS	398.25	
570-570-53400	COMPUTER SUPPORT/MAINT	BS&A SOFTWARE	ANNUAL SERVICE/SUPPORT	5,737.40	
570-570-53400	COMPUTER SUPPORT/MAINT	SECURITY EQUIPMENT INC	COMMERCIAL INTRUSION MONITORING, SOFTWF	349.44	
570-570-54310	BUILDING MAINTENANCE	ACE HARDWARE & GARDEN CNT	NUTS, BOLTS, SCREWS	7.49	
570-570-54310	BUILDING MAINTENANCE	AMERICAN FENCE COMPANY LLC	ACCESS CONTROL REPAIR	387.26	

INVOICE GL DISTRIBUTION REPORT FOR CITY OF COLUMBUS, NE  
 EXP CHECK RUN DATES 05/07/2024 - 05/07/2024  
 BOTH JOURNALIZED AND UNJOURNALIZED  
 BOTH OPEN AND PAID

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 570 SOLID WASTE DIVISION					
Dept 570 TRANSFER STATION					
570-570-54310	BUILDING MAINTENANCE	STANLEY PETROLEUM	DEF QUIT AFTER A GALLON	380.00	
570-570-54320	EQUIPMENT MAINTENANCE	KELLY SUPPLY COMPANY	DIAL, PHENOLIC CASE	160.21	
570-570-54320	EQUIPMENT MAINTENANCE	REARDON LAWN & GARDEN INC	DUST EJECTOR	30.99	
570-570-54330	VEHICLE MAINTENANCE	POMP'S TIRE SERVICE INC.	USED TRUCK TIRE	2,227.96	
570-570-54330	VEHICLE MAINTENANCE	TIRE OUTLET INC	TIRE	386.23	
570-570-54330	VEHICLE MAINTENANCE	TRUCK CENTER COMPANIES	CBL ASSY	164.10	
570-570-54580	COMPOSTING	M & L INC	YARD WASTE REMOVAL 4/01/2024 - 4/30/202	3,438.60	
570-570-56010	SUPPLIES	MENARDS	12 - 2.5 GAL DEF, BLACK DIE CUT LETTERS	7.24	
570-570-56020	OFFICE SUPPLIES	EAKES OFFICE SOLUTIONS	PAPER 2-1/4X150'	26.51	
570-570-56030	CLEANING SUPPLIES/SERVICE	JACKSON SERVICES INC	MATS, ROLLER TOWELS, UNIFORMS	68.32	
570-570-56050	FUEL	MENARDS	12 - 2.5 GAL DEF, BLACK DIE CUT LETTERS	113.76	
570-570-56230	WATER AND SEWER	CITY OF COLUMBUS	WATER & SEWER	255.72	
570-570-56240	TELEPHONE	VERIZON WIRELESS	CELL PHONE FEB 27 - MAR 26	42.88	
Total For Dept 570 TRANSFER STATION				14,182.36	
Total For Fund 570 SOLID WASTE DIVISION				14,189.74	
Fund 600 HEALTH INSURANCE					
Dept 000					
600-000-10113	PETTY CASH WELLNESS	COLUMBUS AREA CHAMBER OF	COLUMBUS BUCKS-PACE PROGRAM	1,020.00	
Total For Dept 000				1,020.00	
Total For Fund 600 HEALTH INSURANCE				1,020.00	
Fund 730 LICENSES TO SCHOOLS					
Dept 730 LICENSES TO SCHOOLS					
730-730-42101	LIQUOR AND BEER LICENSES	ZHENG'S SUPER BUFFET	CHANGE OF OWNERSHIP - REFUND	100.00	
730-730-56710	SCHOOL DISTRICT	SCHOOL DISTRICT #1	LIQUOR AND TOBACCO REVENUE PMT 10/01/20	14,075.00	
Total For Dept 730 LICENSES TO SCHOOLS				14,175.00	
Total For Fund 730 LICENSES TO SCHOOLS				14,175.00	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
-----------	-------------------	--------	---------------------	--------	---------

Fund Totals:

Fund 100 GENERAL FUND	500,551.88
Fund 200 STREETS/ENGINEE	50,809.46
Fund 205 AIRPORT	1,165.62
Fund 220 COMMUNICATIONS	4,547.27
Fund 240 HOUSING REHAB &	63.75
Fund 260 PROGRESS AND JC	390,000.00
Fund 400 DEBT SERVICE FI	551,275.00
Fund 500 UTILITY SERVICE	1,214,056.30
Fund 520 WATER	235,700.18
Fund 560 STORMWATER UTII	6,597.68
Fund 570 SOLID WASTE DIV	14,189.74
Fund 600 HEALTH INSURANC	1,020.00
Fund 730 LICENSES TO SCH	14,175.00

Total For All Funds:	<u>2,984,151.88</u>
----------------------	---------------------

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

**7. SPECIAL PRESENTATIONS**

7.A. Proclamation declaring week of May 5, 2024, as Professional Municipal Clerks Week and recognition of Janelle Kline.



City Hall  
2500 14<sup>th</sup> St. Suite 3  
Columbus, NE 68601  
402-562-4232  
columbusne.us

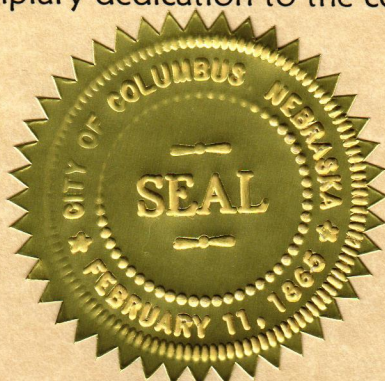
## PROCLAMATION

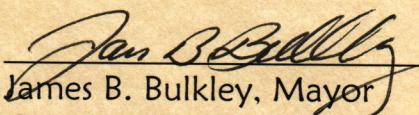
- WHEREAS,** The Office of the Professional Municipal Clerk, a time-honored and vital part of local Government, exists throughout the world; and
- WHEREAS,** The Office of the Professional Municipal Clerk is the oldest among public servants; and
- WHEREAS,** The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and
- WHEREAS,** Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and
- WHEREAS,** The Professional Municipal Clerk serves as the information center on functions of local government and community; and
- WHEREAS,** Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.
- WHEREAS,** It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

**NOW, THEREFORE, I, James B. Bulkley,** Mayor of the City of Columbus, Nebraska, do hereby recognize the week of May 5 through May 11, 2024, as

### **“Professional Municipal Clerks Week”**

and further extend appreciation to our local Professional Municipal Clerk and her staff, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.



  
James B. Bulkley, Mayor  
City of Columbus, NE

**8. PUBLIC HEARINGS - None**

**9. PETITIONS AND COMMUNICATIONS - None**

**10. REPORTS OF CITY OFFICES - None**

**11. REPORTS OF COUNCIL COMMITTEES - None**

**12. REPORTS OF SPECIAL COMMITTEES - None**

**13. REPORTS ON LEGISLATION - None**

**14. NEW BUSINESS**

14.A.Appointment of Anne Kinnison to Library Board to fill unexpired term of Jailene Ramirez.



City Hall  
2500 14<sup>th</sup> St. Suite 3  
Columbus, NE 68601  
402-562-4232  
columbusne.us

## MEMORANDUM

**DATE:** April 22, 2024  
**TO:** City Council Members  
**FROM:** James B. Bulkley, Mayor  
**SUBJECT:** Appointments


With your permission, I wish to submit the following name to you for appointment to the Library Board at the May 6, 2024, City Council meeting, per City Council rules.

### LIBRARY BOARD

(Filling unexpired term of Jailene Ramirez until September 2024)

**Anne Kinnison**  
**3920 Barrington Place, Columbus, NE**

Anne Kinnison joined the City of Columbus as Finance Director in 1994, retiring in 2018. Her certifications include Certified Public Accountant and Certified Government Financial Manager. She has served in leadership positions in a variety of state and local organizations. Anne, currently, is the chairman of the Columbus Housing Authority Board. She serves on the Children and Family Partnership of the Columbus Area United Way, and the East Central Long-Term Recovery Group. She is a member of Columbus Noon Rotary and Columbus Women's Club. Anne and her husband Logan have three adult children and eleven grandchildren, and are members of St. Isidore Church.

  
James B. Bulkley, Mayor  
City of Columbus

---

14.B. Appointment of Nicole Ripke to Library Board to fill unexpired term of Robert Hausmann.



City Hall  
2500 14<sup>th</sup> St. Suite 3  
Columbus, NE 68601  
402-562-4232  
columbusne.us

## MEMORANDUM

**DATE:** April 22, 2024  
**TO:** City Council Members  
**FROM:** James B. Bulkley, Mayor  
**SUBJECT:** Appointments

With your permission, I wish to submit the following name to you for appointment to the Library Board at the May 6, 2024, City Council meeting, per City Council rules.

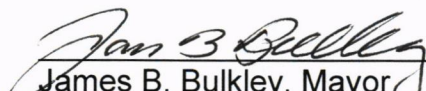
### LIBRARY BOARD

(Filling unexpired term of Robert Hausmann until September 2026)

**Nicole Ripke**  
**2053 37th Avenue, Columbus, NE**

Nicole Ripke moved to the area in 2019 to work as Program Director at Camp Luther. In 2022, she began working as the Youth Director at the Columbus Family YMCA and her family moved into Columbus. As the Youth Director, she develops and facilitates programs for kids and families, including preschool programs, camps, afterschool programming, and family events. She and her husband, Joel, have two young children.

Her family feels blessed to be a part of the Columbus community. Her job at the YMCA has given her the opportunity to get to know many kids, families, and community organizations. She is a mentor with Teammates, a member and volunteer at Peace Lutheran Church, and the coordinator of the Junior Runaround on the Downtown Runaround Committee. The Columbus Public Library is one of her family's favorite places in Columbus, and she is honored to have the opportunity to serve on the board.

  
James B. Bulkley, Mayor  
City of Columbus

---

14.C. Proposal from Commonwealth Electric Company in the amount of \$55,601 for Wi-Fi power and data at Berne Square, Bradshaw, Frankfort Square, Gerrard, Pawnee, and Wilderness parks; 18th Avenue Pedestrian Bridge; and Aquatic Center. *CIP #19-09*

**Information Technology**

☎ 402-562-4242

📠 402-562-4265

@ it@columbusne.us



**City of Columbus**

**City Hall**

2424 14<sup>th</sup> St.

P. O. Box 1677

Columbus, NE 68602

# MEMORANDUM

**DATE:** 5/2/2024  
**TO:** City Administrator / Mayor / City Council  
**FROM:** Matt Soukup, Computer Network Technician  
**RE:** City Parks & Public Facilities Wi-Fi Power and Data

**RECOMMENDATION:**

I recommend the approval of the Commonwealth Electric Company proposal for Wi-Fi power and data needs at multiple sites for the City Parks Wi-Fi expansion project.

**DISCUSSION:**

The power and data additions are needed for the added Wi-Fi access points and network for each site. Sites included are: Frankfort Square, Armory Park, Pawnee Park, Gerrard Park, Bradshaw Park, Wilderness Park, 18th Ave Ped Bridge, and Aquatic Center. Cost includes hardware and installation.

**FISCAL IMPACT:**

Cost will be \$55,601.00 including hardware and Commonwealth installation cost.

Part of the 2023-24 CIP 19-009 in the amount of \$550,000.

**CONCURRENCE:**

None at this time.


**ALTERNATIVES:**

Staff makes no alternative recommendation.

**SIGNATURE:**

By:   
Matt Soukup, Computer Network Technician

Approved By:   
Heather Lindsley, Finance Director

Approved By:   
Tara Vasicek, City Administrator



# Commonwealth Electric Company

of the Midwest

472 26<sup>th</sup> Avenue | Columbus, NE 68601 | (402)563-9334

May 1, 2024

Wi-Fi Expansion Power and Data Columbus NE,

Matt,

We are pleased to submit for your consideration our proposal for furnishing and installing electrical work for the above referenced project. It is our intention in submitting this scope letter to have a complete package. We do, however, make the following clarifications as to what our present bid entails.

## Clarifications

1. This proposal includes:
  - A. Temporary power and lighting according to our interpretation of the project requirements. We will furnish extensions for temporary power and lighting for our own forces only. Temporary power will be derived from the permanent power source for the project.
  - B. All required permits and inspection fees for electrical work covered by this contract.
  - C. Only that work shown on the above-referenced drawings and outlined in Divisions 26, 27, & 28 of the project specifications.
  - D. Cleanup for our own identifiable scraps to a centralized scrap pile. We will not accept back charges for any prorated portion of general cleanup of the premises, nor disposal of centralized scrap pile.
  - E. Roughly entails about 6000 ft. of Cat6 with terminations and testing.
  - F. Articulating mounts for access points.
  - G. Trenching and conduit for pedestrian bridge plus Hoffman box enclosures.
  - H. Electrical circuits and installation of receptacle.
  - I. Any labor and miscellaneous tools and materials associated with work.
  
2. This proposal does not include:
  - A. The cost of performance, payment, and maintenance bonds. However, we will furnish these bonds if desired for an additional cost.
  - B. Energy consumption cost and Power Company charges for permanent and temporary construction power and lighting.
  - C. Telephone Company and Cable Television company charges.
  - D. Furnishing, receiving, unloading, storage, installation, alignment, and removal of all motors or other mechanical equipment.
  - E. Painting except for touch-up of standard finishes on equipment that is furnished and installed by us.
  - F. Dewatering or Storm Water Pollution Prevention.
  - G. All other concrete work not pertaining to work mentioned above.
  - H. The furnishing and installation of all work associated with Division 23 – Mechanical.
  - I. The installation of the emergency generator day tank and muffler.
  - J. The furnishing and installation of items which fall within jurisdiction of trades other than electrical, including day tank, fuel, and muffler piping.
  - K. Please note this does not include any work that should be done by the Internet Service Provider.
  - L. Also, cassettes and Cisco C9200CX-12P-2X2G-E will not be provided as per our phone conversation.
  - M. Provision or installation of servers, switches, patch cables, and other related components.
  - N. Provision of WAP's (install only).
  - O. Programming of any kind.

**Committed to Excellence | Customers, Employees, Character, Mastery**

Columbus | Des Moines | Grand Island | Kearney | Lincoln | Omaha | Phoenix | Tucson

3. Our proposal is based on a normal 8 hour per day, 40 hour per week work schedule. We have included no provisions for shift work or overtime.
4. Our proposal includes standard insurance coverage limits. If additional umbrella or increased coverage limits are required, Commonwealth Electric reserves the right to review these costs and determine if there will be an increase to our proposal amount.
5. Our proposal does not include any acceleration costs to recover for delays not caused by Commonwealth Electric Company of the Midwest.
6. Our proposal is based on the determination that we will participate in the development of and revisions to a mutually agreed upon construction schedule.
7. We will not participate in liquidated damage expenses.
8. We exclude all demolition, painting and patching of existing walls, floors, ceilings, roofs and other interior, exterior, above grade and below grade concrete or asphalt surfaces.
9. We will not be responsible for work done on our account unless specifically authorized by us in writing.
10. We will accept a subcontract containing language similar in scope and intent to the current edition of AIA document A201– General Condition of the Contract of Construction.
11. We will not accept a contract with a Broad Form Hold Harmless Clause.
12. This scope letter must be made part of our subcontract.
13. This proposal is based on entering into a subcontract with your firm that is not more exacting than the contract between your firm and the owner.
14. This proposal is based upon the understanding that you and all your subcontractors will comply with the current applicable terms and provision of the Occupational Safety and Health Laws and Regulation and current Hazardous Communication Laws. Commonwealth Electric Company of the Midwest will not accept any liability imposed upon us caused from your non-compliance with the above, or that of your subcontractors.
15. Our proposal will remain firm for a period of fifteen (15) days from the date of this document, at which time we reserve the right to re-evaluate for possible adjustment(s) in pricing.
16. If during the performance of this project, the price of commodity materials such as steel, copper, PVC, etc. significantly increases, Commonwealth Electric of the Midwest will pursue equitable escalation costs for any materials, components, or goods made from these commodity items.
17. Based on the current market conditions, interruptions in the material supply chain and material availability issues may impact this project. Fluctuations with delivery dates and material pricing may result in pricing and schedule impacts to the project. Commonwealth Electric Company of the Midwest will pursue equitable change orders for availability and supply chain impacts.
18. Based on the above clarifications, we offer the following firm lump sum pricing for the above-mentioned electrical work

<b>Base Bid</b>	\$ <u>55,601.00</u>
<b>Performance/Payment bonds (Add, if required)</b>	\$ <u>500.00</u>

We appreciate the opportunity to provide you with our proposal on this project. Your consideration of our firm for completing the electrical work is valued and appreciated. Please do not hesitate to contact us should you have any questions regarding our proposal.

Sincerely,

Ruben Yanez  
Estimator  
(402) 270-8977

Frankfort Square: Work for 4 AP includes CAT6, terminations, and testing. Enclosure for power and 2 POE Injectors. \$3,294

Armory Park: Work for 1 AP includes CAT6, terminations, and testing. \$1,556

Pawnee Plunge: Work for 3 AP includes CAT6, terminations, and testing. 5,188

Pawnee Park Stadium: Work for 5 AP includes CAT6, terminations and testing. \$6,744

Pawnee Baseball: Work for 3 AP includes CAT6, terminations and testing. Enclosure for power and 2 POE Injectors \$8,282

Gerrard Park: Work for 4 AP includes CAT6, terminations and testing. \$6,225

Bradshaw Park: Work for 6 AP includes CAT6, terminations and testing. Circuit and outlet will be for area in concessions. \$8,857

Wilderness Park: Work for 2 AP includes CAT6, terminations and testing. \$2,038

Pedestrian Bridge Viaduct: Roughly 100 feet of trenching with Roughly 300 feet conduits with Hoffman boxes and weatherproof boxes with cover mounted at specified areas. CAT6 with terminations and testing. Standard 120 V connection for the power. \$11,095

Aquatic Center: Conduit run roughly 130 ft. for an AP on the pool deck. CAT 6, terminations, and testing for AP. \$2,322



Date: 04/29/2024

To: City of Columbus

Attn: Matt Soukup

Re: Wi-Fi Expansion Power and Data

Thank you for considering Electrical Contracting Solutions, LLC (ECS) for your electrical construction needs. We appreciate the opportunity to submit our proposal for the above-mentioned project.

This proposal aligns with the plans and specifications provided by email from Matt Soukup on 04/15/2024, and per the scope, clarifications, inclusions, and exclusions specified herein. Any alterations to these documents, whether adding or removing scope, must be accurately priced and approved before integration into the project and proposal.

**Base Bid: \$64,230**

- **Frankfort Square: \$4,470**
- **Armory Park: \$2,315**
- **Pawnee Plunge Water Park: \$4,825**
- **Pawnee Park Stadium: \$7,685**
- **Pawnee Park Legion Field: \$4,005**
- **Gerrad Park: \$6,350**
- **Bradshaw Park: \$7,890**
- **Wilderness Park Soccer: \$3,090**
- **18<sup>TH</sup> Ave Pedestrian Viaduct: \$21,265**
- **Aquatic Center: \$2,335**

Approved by

Signature\_\_\_\_\_

Printed Name\_\_\_\_\_

Date\_\_\_\_\_

*\*Due to material price fluctuations this proposal may be withdrawn or adjusted by ECS if not accepted within 30 calendar days of the proposal date.*

**Scope:**

- **Frankfort Square**
  - Install and mount (2) APs on light pole in middle of park.
  - Provide and install (1) enclosure for POE injectors.
  - Install and mount (2) APs on poles West of the shelter.
  - ECS to provide and install CAT6 to all APs.



- **Armory Park**
  - Install and mount (1) AP on SE corner of building.
  - Provide and install articulating mount for AP.
  - ECS to provide and install CAT6 fed from network switch to AP.
  - ECS assumes raceway to be EMT conduit.
  
- **Pawnee Plunge Water Park**
  - Install and mount (1) AP on Southwest peak of Bathhouse building.
    - ECS to provide and install CAT6, fed from network switch to AP.
    - Provide and install articulating mount for AP.
    - ECS assumes raceway to be PVC conduit.
  - Install and mount (1) AP on Northeast corner of Filter building.
    - ECS to provide and install CAT6, fed from network switch to AP.
    - Provide and install articulating mount for AP.
    - ECS assumes raceway to be PVC conduit.
  - Install and mount (1) AP on West end of Pump building.
    - ECS to provide and install CAT6, fed from network switch to AP.
    - Provide and install articulating mount for AP.
    - ECS assumes raceway to be PVC conduit.
  
- **Pawnee Park Stadium**
  - Install and mount (2) AP to press box, located on the North end.
  - Install and mount (1) AP on existing antenna pole.
  - Install and mount (1) AP on North end of bleachers.
  - Install and mount (1) AP on South end of bleachers.
  - ECS to provide and install CAT6 to each APs, fed from network switch.
  - ECS assumes raceway to be Rigid conduit.
  
- **Pawnee Park Legion Field**
  - Install and mount (1) AP on East end of concession building.
  - Provide and install articulating mount for AP.
  - Provide and install (2) enclosure for POE injectors and outlets on wood pole.
  - ECS to provide and install CAT6 to all APs.
  - ECS assumes raceway to be EMT conduit.
  
- **Gerrad Park**
  - Install and mount (4) AP on each end of the concession's buildings.
  - Provide and install (4) articulating mount for AP.
  - ECS assumes raceway to be EMT conduit.
  - ECS to provide and install CAT6 to all APs.



- **Bradshaw Park**
  - Install and mount (1) AP inside football concessions stands.
  - Install and mount (1) AP under South peak of football concessions stands.
  - Install and mount (4) AP on each peak of Baseball fields concession stands.
  - ECS to provide and install CAT6 to all APs.
  - ECS assumes raceway to be EMT conduit.
  
- **Wilderness Park Soccer**
  - Install and mount (2) APs on North and South peak of concessions stand.
  - ECS to provide and install CAT6 to all APs.
  - ECS assumes raceway to be EMT conduit.
  
- **18<sup>TH</sup> Ave Pedestrian Viaduct**
  - ECS to provide and install (2) enclosures box on the North and South end of Viaduct.
  - ECS to bore 2" PVC conduit from power/data enclosure on North and South side of Viaduct to nearest pillar.
  - ECS to provide and install (3) data drops per pillar.
  - ECS assumes raceway to be 2" Rigid conduit.
  
- **Aquatic Center**
  - Install and mount (1) AP on South pool deck.
  - ECS to provide and install CAT6, fed from network switch to AP.
  - ECS assumes raceway to be PVC conduit.

**Inclusions:**

- Branch power system.
- Telecommunications/Data Cabling
- ECS assumes City of Columbus to provide all AP's, Cameras, POE injectors, and Fiber.
- ECS assumes all APs to be POE.
- City of Columbus to mount and install Cameras on each pillar on 18<sup>th</sup> Ave Viaduct.
- Lift Rental.
- Sales tax.



## **Exclusions:**

- Installation of cameras.
- Security and card access system.
- Material cost increases.
- Firestopping services.
- Installation of equipment housekeeping pads.
- Cutting and repairing existing surfaces.
- All utility charges related to power usage, relocation, new installations, and design.
- Attic stock inventory.
- Dumpster rental.
- Liquidated damages clause.
- Scaffolding rental.
- Utility expenses associated with providing or expanding service to accommodate power needs.
- Replacement of temporary lighting due to damage caused by other trades' negligence.
- Cleaning of permanent fixtures.
- Rental of a generator for temporary power supply.
- Performance and payment bond procurement.


## **General Clarifications:**

- Additions or revisions to the scope of work will require a Purchase Order (PO) prior to commencement of work.
- This proposal assumes that it's the duty of the designing Engineer/Architect to furnish comprehensive and precise documents for our installation. It does not encompass any extra design or Engineering tasks.
- Premium time work is not included in this proposal unless explicitly stated in the inclusions above. Any premium time work necessitated by the actions or inactions of others will only be undertaken upon receiving written direction and approval of any additional costs associated with such tasks. This proposal is based on the assumption that regular working hours are from 7 AM to 4 PM, Monday to Friday.
- ECS reserves the right to negotiate contract documents.
- Should the order be cancelled, the customer acknowledges that ECS will promptly halt all work on the project and calculate final project costs, considering material expenses and labor hours expended from the project's initiation until the cancellation date.
- We presume that all breaks for the trades will take place on the floor or within the designated work area.
- Under no circumstances will work on this project continue beyond one year from the date of the Purchase Order. Any work conducted beyond this deadline will necessitate assessment for potential change orders involving additional costs.
- All materials are ensured to meet the specified standards. All work will be carried out in a skilled manner adhering to industry norms. Any modifications or deviations from the specified requirements incurring additional costs will only proceed upon written authorization and will be billed separately from the estimate. All agreements are subject to circumstances such as strikes, accidents, or delays beyond our control. The customer is responsible for maintaining fire, tornado, and other essential insurances. ECS is covered by Worker's Compensation Insurance.

# Wi-Fi Expansion Power and Data

We are expanding our network to a number of City facilities and parks. This expansion will include the addition of Wi-Fi access points, cameras, and other network hardware at the sites. All sites will need data and many will need power. Below is a listing of each site and the data and power needs.

## Icon Key

-  Switch
-  Access Point
-  Camera
-  Power

## Frankfort Square

- 2 x AP mounted to light pole in middle of park
  - existing power on pole
  - enclosure for POE injectors
  - CAT6 from enclosure to APs
- 2 x AP mounted to pole on west side of park
  - 2 x CAT6 through conduit from enclosure under shelter



## Armory Park

- 1 x AP on roof SE corner
  - CAT6 from inside north end of building
  - Articulating mount on roof



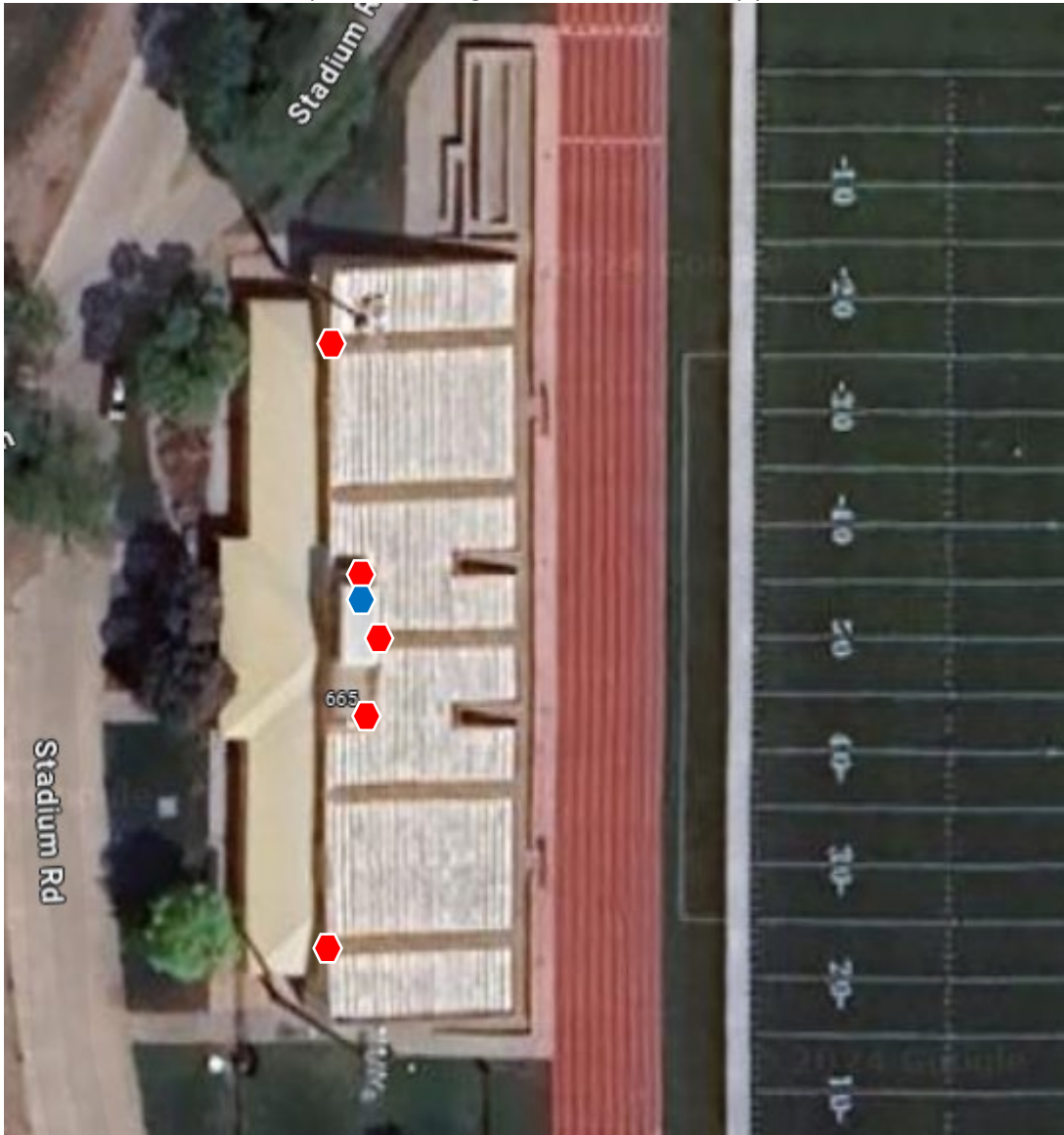
## Pawnee Plunge Water Park

- 1 x AP on SW peak of bathhouse
  - CAT6 from data room in middle of building
- 1 x AP on NE corner of filter building
  - CAT6 from electrical room on west end of building
  - Articulating mount on roof
  - ¾" plywood backing for data, size to fit, 3' x 2'
- 1 x AP on west end of pump building
  - CAT6 from switch location in middle of building
  - Possible need of articulating mount



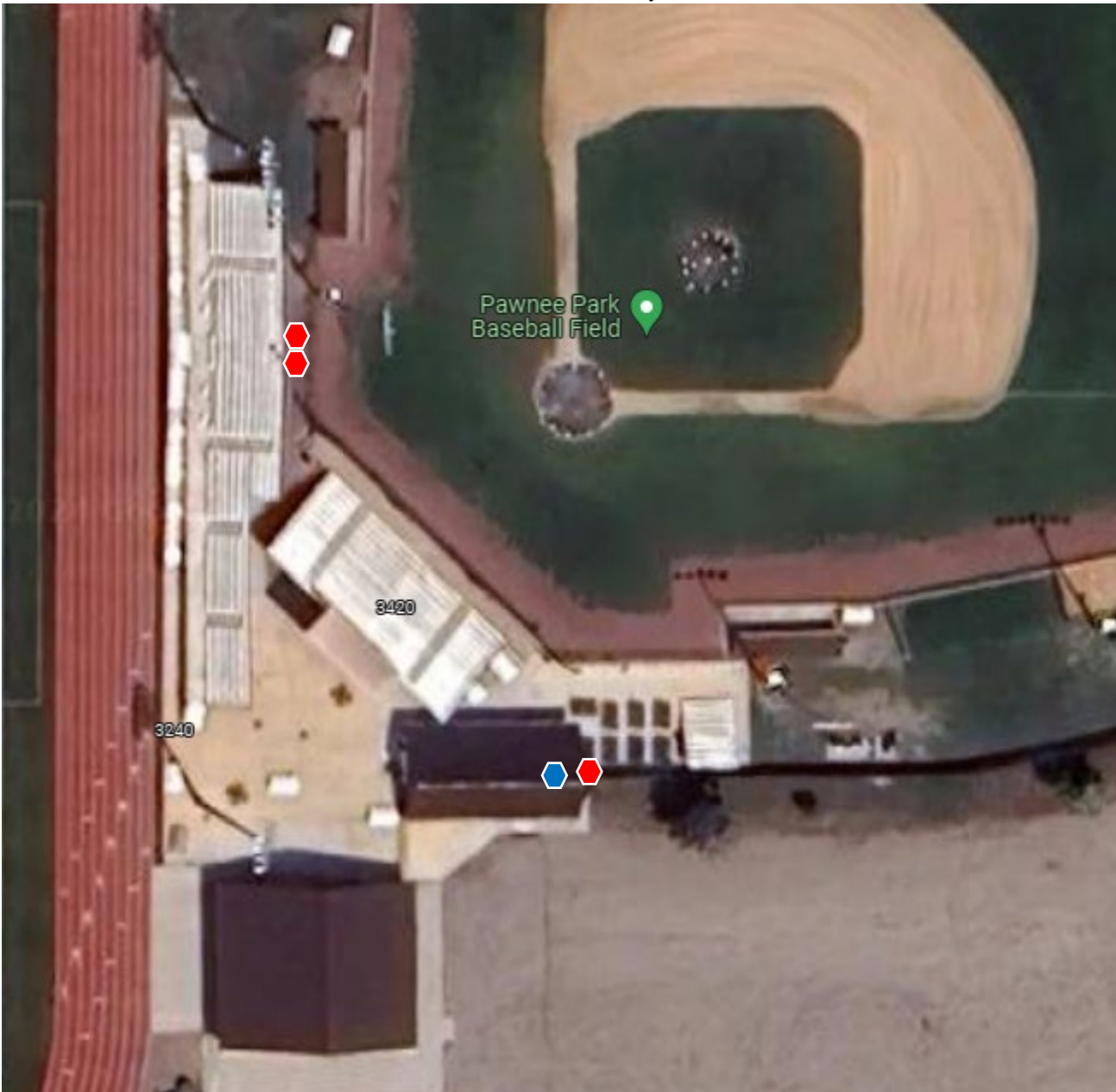
## Pawnee Park Stadium

- 3 x APs mounted to press box
  - CAT6 run inside of press box to switch location on north end
  - Mount to exiting antenna pole and chain link fence posts above main press box
- 1 x AP mounted on a pole to the stadium structure north of press box
  - CAT6 inside conduit to AP mount location
  - Mount to pole tall enough to be out of reach by public
- 1 x AP mounted on a pole to the stadium structure south of press box
  - CAT6 inside conduit to AP mount location
  - Mount to pole tall enough to be out of reach by public



## Pawnee Park Legion Field

- 1 x AP mounted to east end of concessions building
  - CAT6 to switch location inside concessions on east wall
  - Possible need of articulating mount
- 2 x APs mounted on wood pole behind football stands
  - Power with enclosure to fit outlet and 2 POE injectors



## Gerrard Park

- 2 x APs mounted to roof on corners of each concessions buildings
  - CAT6 to switch location inside buildings
  - 4 x articulating mounts on roofs



## Bradshaw Park

- Baseball Fields Concessions
  - Add circuit and outlet to data location if needed
  - 4 x APs mounted under each peak of concessions building
    - CAT6 in conduit surface mounted on second floor running down to first floor switch location
- Football field Concessions
  - Add circuit and outlet in concessions south wall east end
  - Add grounding cable for fiber grounding
  - 1 x AP mounted to ceiling inside concessions area
    - CAT6 above ceiling to switch location in concessions area
  - 1 x AP mounted under south peak
    - CAT6 above ceiling to switch location in concessions area



## Wilderness Park Soccer Complex

- Add circuit and outlet to data location if needed
- 1 x AP under north peak of concessions building
  - CAT6 to switch location in north area of building
- 1 x AP under south peak of concessions building
  - CAT6 above ceiling to switch location in north area of building



## 18<sup>th</sup> Ave Pedestrian Viaduct

- Power and enclosure by the current power locations for viaduct lighting
  - Enclosures need to fit fiber box, outlet, and switch.
  - Equipment to fit in enclosure (provided by City):
    - Switch: Cisco C9200CX-12P-2X2G-E (1.73" x 10.6" x 9.6")
    - Fiber Hardware:
      - Would probably use 2 blue Clearfield Patch and Splice cassettes in each enclosure to terminate the 24 fibers. The cassettes are 8" wide x 2" tall x 9" deep. Would need some additional space in front of the cassette for plugging in jumpers.
      - <https://www.seeclearfield.com/assets/documents/data-sheets/clearview-blue.pdf>
      - <https://www.seeclearfield.com/assets/documents/data-sheets/din-rail-mounting-kit.pdf>
    - Addition space for outlet and possibly other minimal hardware
- Conduit for Fiber and CAT6
  - 2" conduit from north enclosure, over viaduct, to south enclosure for fiber
  - Conduit from enclosures to pillars for CAT6 to camera locations, 3 drops on each pillar
- Cameras to be mounted to pillars north and south of the tracks
  - CAT6 in conduit from pillars (on side away from tracks) to power locations
  - Will need to determine location and box type needed for each camera
  - Example of what we are planning.





## Aquatic Center

- 1 x AP in pool deck
  - CAT6 from pool deck to switch location
  - Conduit inside pool deck room, drop ceiling and open in office area



14.D. Quote from Electronic Engineering in the total amount of \$58,687 to equip three new police vehicles. *CIP #21-05, 21-06, 21-07*

**Columbus Police Department  
Memorandum  
For Record**

**DATE:** April 24, 2024

**TO:** City Administrator Tara Vasicek

**FROM:** Captain Douglas Molczyk

**THROUGH:** Chief Charles Sherer

**SUBJECT:** Bid to equip 3 new Patrol Units.

**CIP #:** CIP 100-110-57520-21005, CIP 100-110-57520-21006, CIP 100-110-57520-21007

**RECOMMENDATION:**

The Police Department would like to accept the bid from Electronic Engineering in the amount of \$58,687.00, to equip our new units. That would be \$19,562.33 per unit.

**DISCUSSION:**

The Columbus Police Department has purchased and is waiting on the delivery of 3 new patrol units. We utilize Electronic Engineering for the installation of all our equipment, we also have a maintenance contract with them for all our patrol units to service all the electronics in the patrol cars that they install.

This quote is for purchasing and installing all the cages, mounts and electrics in all three of the patrol cars. To include the following items:

INSTALL CUSTOMER SUPPLIED EQUIPMENT

APX MOBILE RADIOS AND VRX1000's  
MDT EQUIPMENT AND DOCKING STATIONS  
CAMERA SYSTEMS  
MOBILE ROUTERS  
MPH BEE III DUAL ANTENNA RADARS

SUPPLY AND INSTALL

FEDERAL SIGNAL PATHFINDER WITH OBD INTERFACE  
DUAL SIREN SPEAKERS AND MOUNT  
FEDERAL SIGNAL VALOR LED LIGHTBAR  
ENABLE HEAD LIGHT FLASHERS  
TAIL LIGHT FLASHERS  
REAR ILS  
SIDE WINDOW LIGHTS WITH MOUNT  
MICROPULSE LIGHTS AROUND LICENSE PLATE AND GRILL.  
BCD996P2 SCANNER WITH ANTENNA  
BLACK RAC WITH WEAPON MOUNT  
7VS SINGLE PRISONER TRANSPORT  
TRANSPORT LIGHT  
PLASTIC BACK SEAT  
WINDOW BARRIERS  
SLIDING DRAWER WITH TRAY  
ELECTRONICS TRAY  
TROY CENTER CONSOLE WITH FACE PLATES  
DUAL CUP HOLDERS  
PRINTER ARMREST  
MAGNETIC MICROPHONE CLIPS  
POWER POINTS AND USB IN CENTER CONSOLE  
RED/WHITE LED DOME LIGHT UP FRONT  
REAR CARGO LIGHT ON SWITCH

Combined cost of \$\$58,687.00.

**FISCAL IMPACT:**

This money has been budgeted in 2023-2024 Capital Expenditure out of sales tax. There is \$75,000 per vehicle budgeted for purchase and equipment, each vehicle cost \$51,574 leaving \$23,426 dollars for equipment and install for each unit. We are asking for \$19,562.33 per unit, which is \$3863.67 per unit less than budgeted.

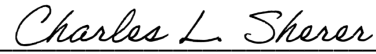
CIP Numbers 100-110-57520-21005, 100-110-57520-21006, 100-110-57520-21007

**ALTERNATIVES:**

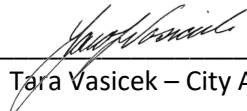
Not equipping the new patrol units.

**SIGNATURE:**

By:   
Douglas M. Molczyk – Police Captain

Approved:   
Charles Sherer – Chief of Police

Approved:   
Heather Lindsley – Finance Director

Approved:   
Tara Vasicek – City Administrator



Electronic Engineering  
 Electronic Engineering  
 1106 E 19th Street  
 Columbus, NE 68601  
 Phone:  
 Toll Free:

**QUOTE**  
**853005338**

**Prepared For:** Columbus Police Dept (85)  
 2330 14th St  
 Columbus, NE 68601  
 Email Invoices

elisa.paprocki@columbusne.us

**Your Account Representative**

Name: Kathie Hansel  
 Phone: 402-564-8497  
 Fax: 402-564-1421  
 Cell: 402-681-0191

Quantity	Product/Service Name	Unit Price	UOM	Extended
3	EMS Products-Inst/Rmvl-Ins-Flat Rate Remove equipment from patrol car.	600.00	EA	\$1,800.00
3	2 Way Radios-Inst/Rmvl-Ins-Flat Rate 2025 FORD PIU HYBRID	4,200.00	EA	\$12,600.00
	INSTALL CUSTOMER SUPPLIED EQUIPMENT APX MOBILE RADIOS AND VRX1000's MDT EQUIPMENT AND DOCKING STATIONS CAMERA SYSTEMS MOBILE ROUTERS MPH BEE III DUAL ANTENNA RADARS			
	SUPPLY AND INSTALL FEDERAL SIGNAL PATHFINDER WITH OBD INTERFACE DUAL SIREN SPEAKERS AND MOUNT FEDERAL SIGNAL VALOR LED LIGHTBAR ENABLE HEAD LIGHT FLASHERS TAIL LIGHT FLASHERS REAR ILS SIDE WINDOW LIGHTS WITH MOUNT MICROPULSE LIGHTS AROUND LICENSE PLATE AND GRILL. BCD996P2 SCANNER WITH ANTENNA BLACK RAC WITH WEAPON MOUNT 7VS SINGLE PRISONER TRANSPORT TRANSPORT LIGHT PLASTIC BACK SEAT WINDOW BARRIERS SLIDING DRAWER WITH TRAY ELECTRONICS TRAY TROY CENTER CONSOLE WITH FACE PLATES DUAL CUP HOLDERS PRINTER ARMREST MAGNETIC MICROPHONE CLIPS POWER POINTS AND USB IN CENTER CONSOLE RED/WHITE LED DOME LIGHT UP FRONT REAR CARGO LIGHT ON SWITCH			
3	Shop Supplies	19.95	EA	\$59.85
3	Misc wire *Define in line notes	900.00	FT	\$2,700.00



Electronic Engineering  
 Electronic Engineering  
 1106 E 19th Street  
 Columbus, NE 68601  
 Phone:  
 Toll Free:

**QUOTE**  
**853005338**

**Prepared For:** Columbus Police Dept (85)  
 2330 14th St  
 Columbus, NE 68601  
 Email Invoices

elisa.paprocki@columbusne.us

**Your Account Representative**

Name: Kathie Hansel  
 Phone: 402-564-8497  
 Fax: 402-564-1421  
 Cell: 402-681-0191

Quantity	Product/Service Name	Unit Price	UOM	Extended
	2025 PERFORMANCE WIRE PACKAGE GL Dept 900 GL Code 4100			
1	Shipping from Manufacturer FREIGHT AND INSURANCE ESTIMATE	2,000.00	EA	\$2,000.00
3	Pathfinder, Remote, 17 Button Controller	1,176.00	EA	\$3,528.00
3	OBD INTERFACE CABLE/25'/FORD-PF	196.00	EA	\$588.00
3	Expansion Module for Pathfinder	450.00	EA	\$1,350.00
6	ES100/SPEAKER/100W/NO-MOUNT	286.00	EA	\$1,716.00
3	Dual Speaker/ES100 /AS124 20 Utility	98.00	EA	\$294.00
9	KIT,L-BRKT,SINGLE HD,MS6	19.00	EA	\$171.00
3	SpectraLux Rear Hatch ILS, Dual-Color	1,181.00	EA	\$3,543.00
6	CORNER LED,SINGLE,INLINE FLASH	93.00	EA	\$558.00
6	COMPARTMENT-LIGHT/3IN/RED/WHITE	89.00	EA	\$534.00
3	LED Dome Light - 6" Round, w/ Red LED Night Light,Dodge Charger, Ford PI Sedan & PIU 10-30V, White Lens / White LEDs	132.00	EA	\$396.00
6	Actuator/Cargo Light/Red/White	26.00	EA	\$156.00
3	Actuator/Transport Light/Red/White	26.00	EA	\$78.00
3	ANT/SCANNER/150-840MHZ	54.00	EA	\$162.00
6	MIC-CLIP/MAGNETIC	40.00	EA	\$240.00
3	DELAY-TIMER/75A	192.00	EA	\$576.00
3	SEAT-COVER/IT-U 20/TACTICAL DRIVER SIDE	205.00	EA	\$615.00
3	2020 PI Utility 18" L-Shape Console, 8" Slope, 10" Level	487.00	EA	\$1,461.00
3	FACEPLATE/XTL/REMOTE-HEAD APX6500-05-07-CNTRL-HEAD	0.00	EA	\$0.00
3	FACEPLATE/4IN/PLATINUM	0.00	EA	\$0.00



Electronic Engineering  
 Electronic Engineering  
 1106 E 19th Street  
 Columbus, NE 68601  
 Phone:  
 Toll Free:

**QUOTE**  
**853005338**

**Prepared For:** Columbus Police Dept (85)  
 2330 14th St  
 Columbus, NE 68601  
 Email Invoices

elisa.paprocki@columbusne.us

**Your Account Representative**

Name: Kathie Hansel  
 Phone: 402-564-8497  
 Fax: 402-564-1421  
 Cell: 402-681-0191

Quantity	Product/Service Name	Unit Price	UOM	Extended
3	FACE-PLATE/2IN/1DC/1USB CARLING-SWITCH-CUTOUT	0.00	EA	\$0.00
3	Faceplate/Console - 3" D996-T Scanner	0.00	EA	\$0.00
3	Printer mount w/5x8 pad, bolts to consol e rear (AC-ARM-BKT, AC-ARM-PED-XL, AC-PE NPRTR, AC-FOAM-58)	428.00	EA	\$1,284.00
3	CUP-HOLDER/INT/DUAL/GROMMETS	64.00	EA	\$192.00
3	CARGO BOX TFN- Tray, Fixed With No Lock BSN- Base Sliding With No Lock	1,080.00	EA	\$3,240.00
3	CARGO/RADIO/TRAY-TRN STANDARD	389.00	EA	\$1,167.00
3	WINDOW BARRIER VS POLY TINTED 20-21 INTERCEPTOR UTILITY FITS ALL DOOR PANELS	362.00	EA	\$1,086.00
3	Firearm Mount Transfer Kit ForwardFacing Partition Mount Without Mount Plate ONLY COMPATIBLE WITH: -SPT Single Pris	89.00	EA	\$267.00
3	Full REPLACEMENT Transport Seat TPO Plastic w/Center Pull Seat Belts REQUIRED: -#12VS Stationary Window	1,359.00	EA	\$4,077.00
3	#7VS SPT Expanded Metal Partition-20-22 Utility	1,115.00	EA	\$3,345.00
3	Dual T-Rail Mount 1 1082E Blac-Rac 1 SM HK	873.00	EA	\$2,619.00
3	OEM Door Control Covers 20+ Utility	57.23	EA	\$171.69
3	VISOR BRACKET/20-23 FORD-PIU/CUT-OUT FRO RADAR ANTENNA & CAMERA	46.82	EA	\$140.46
9	MICROPULSE ULTRA 6, 12-LED LIGHT HEAD DUAL COLOR, BLUE/WHITE	201.00	EA	\$1,809.00
9	MICROPULSE ULTRA 6, 12-LED LIGHT HEAD DUAL COLOR, RED/WHITE	201.00	EA	\$1,809.00
3	HOOK-KIT/2020 Utility, LONG	0.00	EA	\$0.00



Electronic Engineering  
 Electronic Engineering  
 1106 E 19th Street  
 Columbus, NE 68601  
 Phone:  
 Toll Free:

**QUOTE**  
**853005338**

**Prepared For:** Columbus Police Dept (85)  
 2330 14th St  
 Columbus, NE 68601  
 Email Invoices

**Your Account Representative**

Name: Kathie Hansel  
 Phone: 402-564-8497  
 Fax: 402-564-1421  
 Cell: 402-681-0191

elisa.paprocki@columbusne.us

Quantity	Product/Service Name	Unit Price	UOM	Extended
1	VALOR/44"/DUAL COLOR	2,354.00	EA	\$2,354.00

Remark

<b>Total Quote Tangibles :</b>	\$42,227.15
<b>Total Quote Services :</b>	\$14,459.85
<b>Total Quote Charges :</b>	\$2,000.00
<b>Total Quote Discount :</b>	\$0.00
<b>Tax:</b>	\$0.00
<b>Total Quote :</b>	\$58,687.00

Prices quoted are F.O.B. factory. Quotation good for 30 days.  
 Delivery: Receipt of goods are determined by manufacturer lead time.

<b>Quotation Prepared By:</b>	<b>Accepted By:</b>
Name: _____	Name: _____
Date: 03/26/2024	Date: _____

14.E. Comments from mayor and city council members.

**15. RESOLUTIONS**

15.A. Resolution No. R24-51 awarding bid to Screed Tech LLC in the amount of \$1,654,884.15 for 8-Place T-Hangar project. *CIP #23-30*

**RESOLUTION NO. R24-51**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE BID FROM SCREED TECH LLC IN THE AMOUNT OF \$1,654,884.15 FOR EIGHT-PLACE T-HANGAR AT COLUMBUS MUNICIPAL AIRPORT (AIP PROJECT NOS. 3-31-0019-017-2023/018-2024 AND 019-2024), A COPY OF THE BID TABULATION IS ATTACHED HERETO AND INCORPORATED HEREIN; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF COLUMBUS; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH.

WHEREAS, the City has been working with the Nebraska Department of Transportation's Division of Aeronautics concerning an Eight-Place T-Hangar located at the Columbus Municipal Airport, and that project is referred to as AIP Project No. 3-31-0019-017-2023/018-2024/019-2024; and

WHEREAS, bids for the project have been received with Screed Tech LLC submitting the lowest bid in the amount of \$1,654,884.15; and

WHEREAS, the City desires to select the bid of Screed Tech LLC for this project; and

WHEREAS, contracts for this project will not be entered into until the Federal Aviation Administration has concurred and federal authorization has been received.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF CITY OF COLUMBUS, NEBRASKA, that the bid of Screed Tech LLC in the amount of \$1,654,884.15 for the Eight-Place T-Hangar (AIP Project No. 3-31-0019-017-2023/018-2024/019-2024), a copy of the bid tabulation is attached hereto and incorporated herein by this reference, is approved and the mayor is hereby authorized, directed, and empowered to execute the same on behalf of the City of Columbus.

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

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024

\_\_\_\_\_  
MAYOR

ATTEST:

---

CITY CLERK

APPROVED AS TO FORM:

---

CITY ATTORNEY

The City of **Columbus**

**MEMORANDUM**

**DATE:** May 1, 2024  
**FROM :** Richard J. Bogus, City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** 8-Place T-Hangar at Columbus Municipal Airport  
AIP Project Nos. 3-31-0019-017-2023/018-2024/019-2024

**RECOMMENDATION:**

I recommend approval of the Resolution approving of the low bidder, Screed Tech LLC; and approval of the bid in the amount of \$1,654,884.15, subject to Federal Aviation Administration (FAA) and Nebraska Department of Transportation (NDOT) Aeronautics Division concurrence for the above referenced project. Contracts will not be entered into until the FAA has concurred and federal authorization is received.

**DISCUSSION:**

Attached is recommendation correspondence from Kirkham Michael & Associates (KMA). Four bids were received and the bid tabulation is part of the KMA packet. KMA estimated construction cost was \$1,348,303. The required Disadvantage Enterprise participation is 0.45 percent.

The FAA anticipates release of federal authorization in July 2024. The bids received will remain in effect until after this anticipated FAA approval.

The project is an 8-Place T-hangar, pre-engineered steel building with 45-foot bi-fold doors, 1,900 square yards of concrete taxiway, site drainage, electrical utilities, and related work.

**FISCAL IMPACT:**

Part of 2023-2024 Budget CIP #23-030 in the amount of \$1,800,000. The project will extend into the next fiscal year and thus project costs will be included in the 2024-2025 fiscal year budget. Eligible project cost expenses are shared 90% federal and 10% local. The Airport Improvement Plan (AIP) grant, Bipartisan Infrastructure Law grant, and City entitlement funds total \$1,274,000. The City local share is \$179,556. The current funding deficiency is \$342,000. City could potentially receive additional AIP Non-Primary Entitlement funds from other State airports who may transfer expiring entitlement funds to the NDOT Aeronautics Division, other federal or state grants, use of sales tax, or any combination.

**ALTERNATIVE:**

Do not approve.

**SIGNATURE:**

By: Richard J. Bogus

Approved By: [Signature]

April 11, 2024

Richard J. Bogus, P.E.  
City of Columbus Engineer  
2424 14<sup>th</sup> Street  
Columbus, NE 68602-1677

RE: Recommendation of Award  
Construct 8-place T-hangar, Columbus Municipal Airport (OLU)  
AIP Project No. 3-31-0019-017-2023/018-2024/019-2024  
KM No. 2302225

Dear Mr. Bogus:

On April 9, 2024, four bids were received for the referenced project at the Columbus Municipal Airport. All bidders were qualified to submit a bid proposal within the requirements of the project specification and bid documents. All proposals were reviewed and evaluated, including unit price extensions. The bid tabulation is attached. A summary of the Bid Results and other required information have been provided below:

Bid Results

Bidder	Total Bid
Screed Tech LLC	\$1,654,884.15
B-D Construction, Inc.	\$1,896,761.51
Lobato Construction, LLC	\$1,928,744.50
Rathman Manning Construction	\$2,324,824.09

Lobato Construction and Rathman Manning Construction bids had irregularities in the unit price extension. The unit cost was the determining factor.

5% Bid Bond Guarantee

All bidders provided a 5% bid bond.

Executed Proposal by an Officer of the Company and an Attest to their Signature was Included

All proposals are signed and attested.

Cost to add the Sponsor and Engineer to their Policy as Additional Insured

There was no cost for any company.

Pre-bid Meeting

A pre-bid meeting was held on March 26, 2024.

Bidder Pre-qualification

The bidders are pre-qualified.

Bidder Debarment Through the SAM Registrar

No bidder is disbarred.

Buy American

All bidders indicate on their Buy American Certification forms that they will comply with Title 49 U.S.C. Section 50101 for this project. No waivers were requested.



Disadvantaged Business Enterprise (DBE) Participation

The DBE goal established for this project by the sponsor is 0.45%. All bidders met the goal.

Bidder	Anticipated DBE Utilization
Screed Tech LLC	0.62%
B-D Construction, Inc.	0.98%
Lobato Construction, LLC	4.03%
Rathman Manning Construction	0.61%

Tentative List of Subcontractors

Screed Tech listed 8 subcontractors, B-D Construction six, Lobato five, and Rathman Manning nine.

Recommendation for Award

In accordance with the project specifications and contract documents, it is Kirkham Michael's opinion that the bid is reasonable and recommends awarding the contract to Screed Tech LLC of Fairbury, Nebraska, on their bid proposal for the base bid of \$1,654,884.15 as the lowest responsive bidder. Their bid submittal is enclosed for your review.

**Please note that the NDOT and FAA must concur with the award to Screed Tech LLC before notification of the award can be issued. The Sponsor shall not enter a contract with Screed Tech LLC until federal authorization is received.**

If you have any questions or need any additional information, please contact us at 402.858.8852.

Sincerely

KIRKHAM, MICHAEL & ASSOCIATES, INC.

Cory Gaston  
Project Manager

Enclosure: Bid Tabulation  
Screed Tech LLC Proposal Including:  
Proposal Form  
Buy American Form  
List of Subcontractors  
DBE Letter of Intent  
Bid Bond  
DBE Certification

Cc w/enclosures Ryan DaMetz - FAA  
Anna Lannin - NDOT  
Tiffany Thompson - NDOT

## BID TABULATION

**PROJECT:**

Construct 8-Place T-Hangar  
Columbus Municipal Airport (OLU)

**ENGINEER:**

Kirkham Michael  
4390 114th Street  
Urbandale, Iowa 50322

**AIP GRANT NO.:**

3-31-0019-017-2023/018-2024/019-2024

**KM PROJECT NO.:**

2302225

**DATE OF BID OPENING:** April 9, 2024 at 11:00 AM

Description	Quantities	Units	Engineer's Estimate DBE = 0.45%		Screed Tech LLC DBE = 0.62%		B-D Construction, Inc. DBE = 0.98%		Lobato Construction, LLC DBE = 4.03%		Rathman Manning Construction DBE = 0.61%	
			Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
<b>BASE BID (Items 1 thru 19)</b>												
1 Mobilization	1	LS	\$ 80,000.00	\$ 80,000.00	\$ 75,000.00	\$ 75,000.00	\$ 44,850.00	\$ 44,850.00	\$ 180,000.00	\$ 180,000.00	\$ 8,880.00	\$ 8,880.00
2 Construction Safety Plan and Traffic Control	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 12,256.80	\$ 12,256.80	\$ 8,625.00	\$ 8,625.00	\$ 6,000.00	\$ 6,000.00	\$ 5,790.00	\$ 5,790.00
3 Pavement Removal	15	SY	\$ 250.00	\$ 3,750.00	\$ 42.00	\$ 630.00	\$ 40.00	\$ 600.00	\$ 50.00	\$ 750.00	\$ 98.40	\$ 1,476.00
4 Pavement Marking Removal	214	SF	\$ 4.00	\$ 856.00	\$ 1.00	\$ 214.00	\$ 1.15	\$ 246.10	\$ 4.00	\$ 856.00	\$ 4.67	\$ 999.38
5 Embankment (Established Quantity)	3,702	CY	\$ 11.00	\$ 40,722.00	\$ 21.00	\$ 77,742.00	\$ 22.00	\$ 81,444.00	\$ 20.00	\$ 74,040.00	\$ 26.58	\$ 98,399.16
6 Overexcavation	500	CY	\$ 15.00	\$ 7,500.00	\$ 34.00	\$ 17,000.00	\$ 40.00	\$ 20,000.00	\$ 15.00	\$ 7,500.00	\$ 32.90	\$ 16,450.00
7 12-Inch Compacted Subgrade	2,765	SY	\$ 5.00	\$ 13,825.00	\$ 18.00	\$ 49,770.00	\$ 17.75	\$ 49,078.75	\$ 2.00	\$ 5,530.00	\$ 7.42	\$ 20,516.30
8 6-Inch Subbase Course	2,765	SY	\$ 13.00	\$ 35,945.00	\$ 12.75	\$ 35,253.75	\$ 15.70	\$ 43,410.50	\$ 20.00	\$ 55,300.00	\$ 29.82	\$ 82,452.30
9 6-Inch P.C.C. (NDOT 47B-4400-Concrete Mix)	2,428	SY	\$ 90.00	\$ 218,520.00	\$ 105.00	\$ 254,940.00	\$ 92.90	\$ 225,561.20	\$ 96.00	\$ 233,088.00	\$ 83.30	\$ 202,252.40
10 Pavement Markings	448	SF	\$ 10.00	\$ 4,480.00	\$ 3.60	\$ 1,612.80	\$ 14.00	\$ 6,272.00	\$ 4.00	\$ 1,792.00	\$ 4.46	\$ 1,998.08
11 Seeding	0.57	AC	\$ 4,000.00	\$ 2,280.00	\$ 10,000.00	\$ 5,700.00	\$ 3,750.00	\$ 2,137.50	\$ 3,500.00	\$ 1,995.00	\$ 3,550.00	\$ 2,023.50
12 Mulching	0.57	AC	\$ 4,000.00	\$ 2,280.00	\$ 8,000.00	\$ 4,560.00	\$ 4,416.00	\$ 2,517.12	\$ 3,900.00	\$ 2,223.00	\$ 4,246.00	\$ 2,420.22
13 Silt Fence	669	LF	\$ 5.00	\$ 3,345.00	\$ 5.00	\$ 3,345.00	\$ 4.90	\$ 3,278.10	\$ 4.50	\$ 3,010.50	\$ 5.13	\$ 3,431.97
14 Connect to Existing Storm Sewer Inlet	1	EA	\$ 1,000.00	\$ 1,000.00	\$ 1,260.00	\$ 1,260.00	\$ 1,210.00	\$ 1,210.00	\$ 500.00	\$ 500.00	\$ 6,171.42	\$ 6,171.42
15 30-inch RCP	138	LF	\$ 100.00	\$ 13,800.00	\$ 219.60	\$ 30,304.80	\$ 210.00	\$ 28,980.00	\$ 170.00	\$ 23,460.00	\$ 206.81	\$ 28,539.78
16 Storm Sewer Inlet	1	EA	\$ 4,000.00	\$ 4,000.00	\$ 17,100.00	\$ 17,100.00	\$ 16,385.00	\$ 16,385.00	\$ 7,000.00	\$ 7,000.00	\$ 22,371.42	\$ 22,371.42
17 Relocate Fire Hydrant	1	EA	\$ 2,000.00	\$ 2,000.00	\$ 2,514.00	\$ 2,514.00	\$ 2,410.00	\$ 2,410.00	\$ 2,500.00	\$ 2,500.00	\$ 6,980.40	\$ 6,980.40
18 6-inch Water Line	8	LF	\$ 500.00	\$ 4,000.00	\$ 390.00	\$ 3,120.00	\$ 375.00	\$ 3,000.00	\$ 150.00	\$ 1,200.00	\$ 55.25	\$ 442.00
19 Construct 8-place Hangar	1	LS	\$ 900,000.00	\$ 900,000.00	\$ 1,062,561.00	\$ 1,062,561.00	\$ 1,356,756.24	\$ 1,356,756.24	\$ 1,322,000.00	\$ 1,322,000.00	\$ 1,813,229.76	\$ 1,813,229.76
<b>Total Base Bid (Items 1 thru 19)</b>			<b>\$1,348,303.00</b>		<b>\$1,654,884.15</b>		<b>\$1,896,761.51</b>		<b>\$1,928,744.50</b>		<b>\$2,324,824.09</b>	

**PROPOSAL FORM**

**TO:** City of Columbus  
Columbus, Nebraska

The undersigned, in compliance with the request for bids for construction of the following Project:

**Construct 8-Place T-Hangar  
Columbus Municipal Airport (OLU)  
Columbus, Nebraska  
FAA AIP Nos. 3-31-0019-017-2023/018-2024/019-2024**

Hereby proposes to furnish all labor, permits, material, machinery, tools, supplies, and equipment to faithfully perform all work required for construction of the Project in accordance with the project manual, project drawings, and issued Addenda within the specified time of performance for the following prices:

**BID SCHEDULE**

<b>Bid Item</b>	<b>Specification Reference and Item Description</b>	<b>Quantity</b>	<b>Unit</b>	<b>Unit Price</b>	<b>Extension</b>
<b>BASE BID (ITEMS 1-19)</b>					
1	Mobilization	1	LS	\$75,000.00	\$ 75,000.00
2	Construction Safety and Traffic Control	1	LS	\$12,256.80	\$ 12,256.80
3	Pavement Removal	15	SY	\$ 42.00	\$ 630.00
4	Pavement Marking Removal	214	SF	\$ 1.00	\$ 214.00
5	Embankment (Established Quantity)	3,702	CY	\$ 21.00	\$ 77,742.00
6	Overexcavation	500	CY	\$ 34.00	\$ 17,000.00
7	12-Inch Compacted Subgrade	2,765	SY	\$ 18.00	\$ 49,770.00
8	6-Inch Subbase Course	2,765	SY	\$ 12.75	\$ 35,253.75
9	6-Inch P.C.C. (NDOT 47-B-4400-Concrete Mix)	2,428	SY	\$ 105.00	\$ 254,940.00
10	Pavement Markings	448	SF	\$ 3.60	\$ 1,612.80
11	Seeding	0.57	AC	\$10,000.00	\$ 5,700.00
12	Mulching	0.57	AC	\$ 8,000.00	\$ 4,560.00
13	Silt Fence	669	LF	\$ 5.00	\$ 3,345.00
14	Connect to Existing Storm Sewer Inlet	1	EA	\$ 1,260.00	\$ 1,260.00
15	30-Inch RCP	138	LF	\$ 219.60	\$ 30,304.80
16	Storm Sewer Inlet	1	EA	\$17,100.00	\$ 17,100.00
17	Relocate Fire Hydrant	1	EA	\$ 2,514.00	\$ 2,514.00
18	6-Inch Water Line	8	LF	\$ 390.00	\$ 3,120.00
19	Construct 8-place Hangar	1	LS	\$1,062,561.00	\$ 1,062,561.00

TOTAL BASE BID (NUMERAL FORMAT) \$ 1,654,884.15  
 TOTAL BASE BID (WRITTEN FORMAT) one million six hundred fifty four thousand eight hundred eighty four dollars and fifteen cents

## **ACKNOWLEDGEMENTS BY BIDDER**

- a. By submittal of a proposal, the BIDDER acknowledges and accepts that the quantities established by the OWNER are an approximate estimate of the quantities required to fully complete the Project and that the estimated quantities are principally intended to serve as a basis for evaluation of bids. The BIDDER further acknowledges and accepts that payment under this contract will be made only for actual quantities and that quantities will vary in accordance with the General Provisions subsection entitled "Alteration of Work and Quantities".
- b. The BIDDER acknowledges and accepts that the Bid Documents are comprised of the documents identified within the Instructions to Bidders. The BIDDER further acknowledges that each the individual documents that comprise the Bid Documents are complementary to one another and together establishes the complete terms, conditions, and obligations of the successful BIDDER.
- c. As evidence of good faith in submitting this proposal, the undersigned encloses a bid guaranty in the form of a certified check or bid bond in the amount of 5% of the bid price. The BIDDER acknowledges and accepts that refusal or failure to accept award and execute a contract within the terms and conditions established herein will result in forfeiture of the bid guaranty to the owner as a liquidated damage.
- d. The BIDDER acknowledges and accepts the OWNER'S right to reject any or all bids and to waive any minor informality in any Bid or solicitation procedure.
- e. The BIDDER acknowledges and accepts the OWNER'S right to hold all Proposals **until July 15, 2024**, for purposes of review and evaluation and not issue a notice-of-award until that time.
- f. The undersigned agrees that upon written notice of award of contract, he or she will execute the contract within thirty (30) days of the notice-of-award and furthermore and provide executed payment and performance bonds within fifteen (15) days from the date of contract execution. The undersigned accepts that failure to execute the contract and provide the required bonds within the stated timeframe shall result in forfeiture of the bid guaranty to the owner as a liquidated damage.
- g. Time of Performance: By submittal of this proposal, the undersigned acknowledges and agrees to commence work within ten (10) calendar days of the date specified in the written "Notice-to-Proceed" as issued by the OWNER. The undersigned further agrees to complete the Project within **80 working days** from the commencement date specified in the Notice-to-Proceed.
- h. The undersigned acknowledges and accepts that for each and every Working day the project remains Incomplete beyond the contract time of performance, the Contractor shall pay the non-penal amount of **\$1,000** per ~~Calendar~~/Working day as a liquidated damage to the OWNER.
- i. The BIDDER acknowledges that the OWNER has established a contract Disadvantaged Business Enterprise goal of **0.45 percent** for this project. The BIDDER acknowledges and accepts the requirement to apply and document good faith efforts, as defined in Appendix A, 49 CFR Part 26, for subcontracting a portion of the prime contract to certified Disadvantaged Business Enterprises (DBE), as defined in 49 CFR Part 26 for purposes of meeting the OWNER'S established goal. The BIDDER, in complying with this requirement, proposes participation by Disadvantaged Business Enterprises as stated on the attached forms, "Utilization Statement" and "Letter of Intent"
- j. The BIDDER, by submission of a proposal, acknowledges that award of this contract is subject to the provisions of the Davis-Bacon Act. The BIDDER accepts the requirement to pay prevailing wages for each classification and type of worker as established in the attached wage rate determination as issued by the United States Department of Labor. The BIDDER further acknowledges and accepts their requirement to incorporate the provision to pay the established prevailing wages in every subcontract agreement entered into by the Bidder under this project.
- k. The undersigned specifically agrees not to discriminate against any recipients of services on the basis of race, color, sex, religion, creed, age, marital status, physical or mental disability, political affiliation, national origin, or ancestry, and not to discriminate against any employees or applicant for employment on the basis of race, color, sex, religion, creed, age, marital status, physical or mental disability, political affiliation, national origin, or ancestry.

- l. The undersigned states that they are complying with and will continue to comply with fair labor standards, as defined in Neb. Rev. Stat. § 73-104, (reissue 2003), in the pursuit of their business and in the execution of the contract pursuant to this bid.
- m. Compliance Reports (41 CFR Part 60-1.7): Within 30 days after award of this contract, the Contractor/Subcontractor shall file a compliance report (Standard Form 100) if s/he has not submitted a complete compliance report within 12 months preceding the date of award. This report is required if the Contractor/Subcontractor meets all of the following conditions:
  - 1. Contractors/Subcontractors are not exempt based on 41 CFR 60-1.5.
  - 2. Has 50 or more employees.
  - 3. Is a prime contractor or first tier subcontractor.
  - 4. There is a contract, subcontract, or purchase order amounting to \$50,000 or more.

n. The undersigned acknowledges receipt of the following addenda:

Addendum Number <u>  1  </u>	Dated <u>  3 / 28 / 24  </u>	Received <u>  3/28/24  </u>
Addendum Number <u>  2  </u>	Dated <u>  4 / 08 / 24  </u>	Received <u>  4/8/24  </u>
Addendum Number <u>      </u>	Dated <u>    /    /    </u>	Received <u>          </u>

**REPRESENTATIONS BY BIDDER**

By submittal of a proposal (bid), the BIDDER represents the following:

- a. The BIDDER has read and thoroughly examined the bid documents including all authorized addenda.
- b. The BIDDER has a complete understanding of the terms and conditions required for the satisfactory performance of project work.
- c. The BIDDER has fully informed themselves of the project site, the project site conditions, and the surrounding area.
- d. The BIDDER has familiarized themselves of the requirements of working on an operating airport and understands the conditions that may in any manner affect cost, progress, or performance of the work.
- e. The BIDDER has correlated their observations with that of the project documents.
- f. The BIDDER has found no errors, conflicts, ambiguities, or omissions in the project documents, except as previously submitted in writing to the owner that would affect cost, progress, or performance of the work.
- g. The BIDDER is familiar with all applicable Federal, State, and local laws, rules, and regulations pertaining to execution of the contract and the project work.
- h. The BIDDER has complied with all requirements of these instructions and the associated project documents.

**CERTIFICATIONS BY BIDDER**

- a. The undersigned hereby declares and certifies that the only parties interested in this proposal are named herein and that this proposal is made without collusion with any other person, firm, or corporation. The undersigned further certifies that no member, officer, or agent of OWNER'S has direct or indirect financial interest in this proposal.
- b. **Certification of Non-Segregated Facilities:** (41 CFR Part 60-1.8)  
 The BIDDER, as a potential federally-assisted construction contractor, certifies that it does not maintain or provide, for its employees, any segregated facilities at any of its establishments and that it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The BIDDER certifies that it will not maintain or provide, for its employees, segregated facilities at any of its establishments and that it will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The Bidder agrees that a breach of this certification is a violation of the Equal Opportunity Clause, which is to be incorporated in the contract.

As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms, and washrooms, restaurants and other eating areas, timeclocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated on the basis of race, color, religion, or national origin because of habit, local custom, or any other reason. The Bidder agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) it will obtain identical certifications from proposed subcontractors prior to the award of subcontracts which are not exempt from the provisions of the Equal Opportunity Clause and that it will retain such certifications in its files.

c. **Trade Restriction Certification: (49 CFR Part 30)**

The Bidder, by submission of an offer certifies that it:

1. Is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms published by the Office of the United States Trade Representative (USTR);
2. has not knowingly entered into any contract or subcontract for this project with a person that is a citizen or national of a foreign country on said list, or is owned or controlled directly or indirectly by one or more citizens or nationals of a foreign country on said list;
3. has not procured any product nor subcontracted for the supply of any product for use on the project that is produced in a foreign country on said list.

d. **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: (49 CFR Part 29)**

The Bidder certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. It further agrees by submitting this proposal that it will include this clause without modification in all lower tier transactions, solicitations, proposals, contracts, and subcontracts. Where the Bidder or any lower tier participant is unable to certify to this statement, it shall attach an explanation to this solicitation/proposal.

e. **Buy American Certification: (Title 49 U.S.C. Chapter 501)**

As a condition of bid responsiveness, the bidder must show it intend to comply with the Buy American preferences established under Title 49 U.S.C. Section 50101. Bidder must complete the attached Buy American certification. If the bidder requests a permissible waiver to the Buy America requirements, the Bidder identified as with the successful bid must submit a formal waiver request and component cost calculation within the prescribed time identified on the Buy America certification.

f. **Lobbying and Influencing Federal Employees:**

The bidder or offeror certifies by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

No Federal appropriated funds have been paid or will be paid, by or on behalf of the bidder or offeror, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**g. Additional Insured.**

If there is an additional charge for the insurance for naming the City of Columbus and the Engineer as an additional insured, the amount must be shown here. The amount shown will not change the total bid. A blank or inserting a zero will mean the Bidder's insurance company does not charge an extra fee for naming the City of Columbus and the Engineer as an additional insured. \$\_\_\_\_\_.

**ATTACHMENTS TO THIS BID**

The following documents are attached to and made a part of this Bid:

1. Bid Guaranty in the form of \_\_\_\_\_ Bid Bond\_\_\_\_\_.
2. Completed DBE forms "Utilization Statement" and "Letter of Intent".
3. Evidence of good faith efforts required by 49 CFR Part 26, Appendix A. If proposed DBE goal is met, submittal of evidence of good faith efforts is not required.
4. Evidence of BIDDER'S qualifications per the requirements of the Instructions-to-Bidders.
5. Buy American Certifications.

**SIGNATURE OF BIDDER**

**IF AN INDIVIDUAL:**

Name: \_\_\_\_\_

By: \_\_\_\_\_  
*(Signature of Individual)*

Doing Business as: \_\_\_\_\_

Business Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**IF A PARTNERSHIP:**

Partnership Name: \_\_\_\_\_

By: \_\_\_\_\_  
*(Authorized Signature)*  
*(Attach Evidence of Authority to sign as a Partnership)*

Name and Title: \_\_\_\_\_

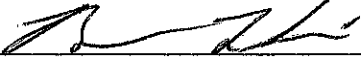
Business Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**IF A CORPORATION:**

Corporation Name: Screed Tech LLC.

By:   
(Authorized Signature)  
(Attach Evidence of Authority to sign)

Name and Title: Ben Larkins, Member

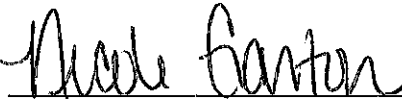
Business Address: 3002 Industrial Ave.  
Fairbury, NE 68352

(CORPORATE SEAL)

Telephone Number: 402-740-7840

Email Address: blarkins@screedtech.net

**ATTEST:**

By:   
(Authorized Signature)

Name and Title: Nicole Gaston, Office Manager

**IF A JOINT VENTURE: (Attach copy of Joint Venture Agreement)**

Joint Venture Name: \_\_\_\_\_

By: \_\_\_\_\_  
(Authorized Signature)(Attach Evidence of Authority to sign)

Name and Title: \_\_\_\_\_

Business Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Joint Venture Name: \_\_\_\_\_

By: \_\_\_\_\_  
(Authorized Signature)(Attach Evidence of Authority to sign)

Name and Title: \_\_\_\_\_

Business Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**LIST OF SUBCONTRACTORS**

AIP Project: 3-31-0019-017-2023/018-2024/019-2024

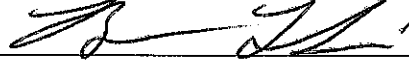
Airport: Columbus Municipal Airport

Location: Columbus, Nebraska

The Airport Sponsor is required to submit subcontract information about DBE and non-DBE subcontractors who perform work on their federally-assisted contracts. Therefore, the Airport Sponsor requires that the prime contractor submit the following information related to this project. The DBE rules described in the Information to Bidders and Special Provisions must be followed in regards to the firms listed on the DBE Participation Statement.

**PROPOSED SUBCONTRACTORS**

SUBCONTRACTOR	WORK TO BE PERFORMED	APPROXIMATE DOLLAR VALUE
1. <u>All Road Barricades</u>	<u>Traffic/Safety Control</u>	<u>\$10,214</u>
2. <u>Erect - A - Tube</u>	<u>Hangar Building</u>	<u>\$441,371</u>
3. <u>High Plains Erosion Control</u>	<u>Seeding/Mulching/Silt Fence</u>	<u>\$17,955</u>
4. <u>Tri-State Foundations</u>	<u>Footings</u>	<u>\$157,000</u>
5. <u>Koch Excavating</u>	<u>Dirt Work</u>	<u>\$214,000</u>
6. <u>Mid-States Engineering</u>	<u>Testing</u>	<u>\$22,000</u>
7. <u>Midwest Striping</u>	<u>Striping</u>	<u>\$3,000</u>
8. <u>Commonwealth</u>	<u>Electrical</u>	<u>\$94,250</u>
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____

SIGNED 

COMPANY Screed Tech

BY Ben Larkins

DATE 4/8/24

Ben Larkins  
(Printed name)

## Certification of Compliance with FAA Buy American Preference Construction Projects

As a matter of bid responsiveness, the bidder or offeror must complete, sign, date, and submit this certification statement with its proposal. The bidder or offeror must indicate how it intends to comply with 49 USC § 50101, BABA and other related Made in America Laws, U.S. statutes, guidance, and FAA policies, by selecting one of the following certification statements. These statements are mutually exclusive. Bidder must select one or the other (i.e., not both) by inserting a checkmark (✓) or the letter "X".

- Bidder or offeror hereby certifies that it will comply with 49 USC § 50101, BABA and other related U.S. statutes, guidance, and policies of the FAA by:
- a) Only installing iron, steel and manufactured products produced in the United States;
  - b) Only installing construction materials defined as: an article, material, or supply – other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives that are or consist primarily of non-ferrous metals; plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables); glass (including optic glass); lumber or drywall that have been manufactured in the United States.
  - c) Installing manufactured products for which the Federal Aviation Administration (FAA) has issued a waiver as indicated by inclusion on the current FAA Nationwide Buy American Waivers Issued listing; or
  - d) Installing products listed as an Excepted Article, Material or Supply in Federal Acquisition Regulation Subpart 25.108.

By selecting this certification statement, the bidder or offeror agrees:

- a) To provide to the Airport Sponsor or the FAA evidence that documents the source and origin of the iron, steel, and/or manufactured product.
  - b) To faithfully comply with providing U.S. domestic products.
  - c) To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.
  - d) Certify that all construction materials used in the project are manufactured in the U.S.
- The bidder or offeror hereby certifies it cannot comply with the 100 percent Buy American Preferences of 49 USC § 50101(a) but may qualify for a Type 3 or Type 4 waiver under 49 USC § 50101(b). By selecting this certification statement, the apparent bidder or offeror with the apparent low bid agrees:
- a) To submit to the Airport Sponsor or FAA within 15 calendar days of being selected as the responsive bidder, a formal waiver request and required documentation that supports the type of waiver being requested.
  - b) That failure to submit the required documentation within the specified timeframe is cause for a non-responsive determination that may result in rejection of the proposal.
  - c) To faithfully comply with providing U.S. domestic products at or above the approved U.S. domestic content percentage as approved by the FAA.
  - d) To furnish U.S. domestic product for any waiver request that the FAA rejects.

- e) To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.

**Required Documentation**

**Type 2 Waiver (Nonavailability)** - The iron, steel, manufactured goods or construction materials or manufactured goods are not available in sufficient quantity or quality in the United States. The required documentation for the Nonavailability waiver is

- a) Completed Content Percentage Worksheet and Final Assembly Questionnaire
- b) Record of thorough market research, consideration where appropriate of qualifying alternate items, products, or materials including;
- c) A description of the market research activities and methods used to identify domestically manufactured items capable of satisfying the requirement, including the timing of the research and conclusions reached on the availability of sources.

**Type 3 Waiver** – The cost of components and subcomponents produced in the United States is more than 60 percent of the cost of all components and subcomponents of the “facility/project.” The required documentation for a Type 3 waiver is:

- a) Completed Content Percentage Worksheet and Final Assembly Questionnaire including;
- b) Listing of all manufactured products that are not comprised of 100 percent U.S. domestic content (excludes products listed on the FAA Nationwide Buy American Waivers Issued listing and products excluded by Federal Acquisition Regulation Subpart 25.108; products of unknown origin must be considered as non-domestic products in their entirety).
- c) Cost of non-domestic components and subcomponents, excluding labor costs associated with final assembly and installation at project location.
- d) Percentage of non-domestic component and subcomponent cost as compared to total “facility” component and subcomponent costs, excluding labor costs associated with final assembly and installation at project location.

**Type 4 Waiver (Unreasonable Costs)** - Applying this provision for iron, steel, manufactured goods or construction materials would increase the cost of the overall project by more than 25 percent. The required documentation for this waiver is:

- a) A completed Content Percentage Worksheet and Final Assembly Questionnaire from
- b) At minimum two comparable equal bids and/or offers;
- c) Receipt or record that demonstrates that supplier scouting called for in Executive Order 14005, indicates that no domestic source exists for the project and/or component;
- d) Completed waiver applications for each comparable bid and/or offer.

**False Statements:** Per 49 USC § 47126, this certification concerns a matter within the jurisdiction of the Federal Aviation Administration and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code.

4/8/24 \_\_\_\_\_

Date

Screed Tech \_\_\_\_\_

Company Name

 \_\_\_\_\_

Signature

Member \_\_\_\_\_

Title

## Certification of Compliance with FAA Buy American Preference Equipment/Building Projects

As a matter of bid responsiveness, the bidder or offeror must complete, sign, date, and submit this certification statement with their proposal. The bidder or offeror must indicate how they intend to comply with 49 USC § 50101, and other Made in America Laws, U.S. statutes, guidance, and FAA policies by selecting one on the following certification statements. These statements are mutually exclusive. Bidder must select one or the other (not both) by inserting a checkmark (✓) or the letter "X".

- Bidder or offeror hereby certifies that it will comply with 49 USC § 50101, BABA and other related U.S. statutes, guidance, and policies of the FAA by:
- a) Only installing steel and manufactured products produced in the United States;
  - b) Only installing construction materials defined as: an article, material, or supply – other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives that are or consist primarily of non-ferrous metals; plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables); glass (including optic glass); lumber or drywall that have been manufactured in the United States.
  - c) Installing manufactured products for which the Federal Aviation Administration (FAA) has issued a waiver as indicated by inclusion on the current FAA Nationwide Buy American Waivers Issued listing; or
  - d) Installing products listed as an Excepted Article, Material or Supply in Federal Acquisition Regulation Subpart 25.108.

By selecting this certification statement, the bidder or offeror agrees:

- a) To provide to the Airport Sponsor or FAA evidence that documents the source and origin of the steel and manufactured product.
  - b) To faithfully comply with providing U.S. domestic product.
  - c) To furnish U.S. domestic product for any waiver request that the FAA rejects.
  - d) To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.
- The bidder or offeror hereby certifies it cannot comply with the 100 percent Buy American Preferences of 49 USC § 50101(a) but may qualify for a Type 3 waiver under 49 USC § 50101(b). By selecting this certification statement, the apparent bidder or offeror with the apparent low bid agrees:
- a) To submit to the Airport Sponsor or FAA within 15 calendar days of being selected as the responsive bidder, a formal waiver request and required documentation that supports the type of waiver being requested.
  - b) That failure to submit the required documentation within the specified timeframe is cause for a non-responsive determination that may result in rejection of the proposal.
  - c) To faithfully comply with providing U.S. domestic products at or above the approved U.S. domestic content percentage as approved by the FAA.
  - d) To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.

**Required Documentation**

**Type 2 Waiver (Nonavailability)** - The iron, steel, manufactured goods or construction materials are not available in sufficient quantity or quality in the United States. The required documentation for the Nonavailability waiver is:

- a) Completed Content Percentage Worksheet and Final Assembly Questionnaire
- b) Record of thorough market research, consideration where appropriate of qualifying alternate items, products, or materials including;
- c) A description of the market research activities and methods used to identify domestically manufactured items capable of satisfying the requirement, including the timing of the research and conclusions reached on the availability of sources.

**Type 3 Waiver** – The cost of the item components and subcomponents produced in the United States is more that 60 percent of the cost of all components and subcomponents of the “item”. The required documentation for a Type 3 waiver is:

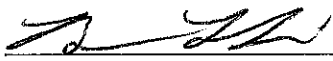
- a) Completed Content Percentage Worksheet and Final Assembly Questionnaire including;
- b) Listing of all product components and subcomponents that are not comprised of 100 percent U.S. domestic content (Excludes products listed on the FAA Nationwide Buy American Waivers Issued listing and products excluded by Federal Acquisition Regulation Subpart 25.108 (products of unknown origin must be considered as non-domestic products in their entirety).
- c) Cost of non-domestic components and subcomponents, excluding labor costs associated with final assembly at place of manufacture.
- d) Percentage of non-domestic component and subcomponent cost as compared to total “item” component and subcomponent costs, excluding labor costs associated with final assembly at place of manufacture.

**Type 4 Waiver (Unreasonable Costs)** - Applying this provision for iron, steel, manufactured goods or construction materials, would increase the cost of the overall project by more than 25 percent. The required documentation for this waiver is:

- a) Completed Content Percentage Worksheet and Final Assembly Questionnaire from
- b) At minimum two comparable equal bidders and/or offerors;
- c) Receipt or record that demonstrates that supplier scouting called for in Executive Order 14005, indicates that no domestic source exists for the project and/or component;
- d) Completed waiver applications for each comparable bid and/or offer.

**False Statements:** Per 49 USC § 47126, this certification concerns a matter within the jurisdiction of the Federal Aviation Administration and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code.

4/8/24  
 \_\_\_\_\_  
 Date  
 \_\_\_\_\_  
 Screed Tech  
 \_\_\_\_\_  
 Company Name

  
 \_\_\_\_\_  
 Signature  
 \_\_\_\_\_  
 Member  
 \_\_\_\_\_  
 Title

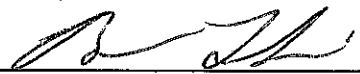
**UTILIZATION STATEMENT**  
Disadvantaged Business Enterprise

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner.  
(Please mark the appropriate box)

- The bidder/offeror is committed to a minimum of 0.45% DBE utilization on this contract.
- The bidder/offeror, while unable to meet the DBE goal of 0.45%, hereby commits to a minimum of \_\_\_\_\_% DBE utilization on this contract and also submits documentation, as an attachment demonstrating good faith efforts (GFE).

The undersigned hereby further assures that the information included herein is true and correct, and that the DBE firm(s) listed herein have agreed to perform a commercially useful function in the work items noted for each firm. The undersigned further understands that no changes to this statement may be made without prior approval from the Civil Right Staff of the Federal Aviation Administration.

Screed Tech  
Bidder's/Offeror's Firm Name

  
Signature

4/8/24  
Date

**DBE UTILIZATION SUMMARY**

	<u>Contract Amount</u>		<u>DBE Amount</u>		<u>Contract Percentage</u>
DBE Prime Contractor	\$ _____	x 1.00 =	\$ _____		_____ %
DBE Subcontractor	\$ 10,214	x 1.00 =	\$ 10,214		.617203 %
DBE Supplier	\$ _____	x 0.60 =	\$ _____		_____ %
DBE Manufacturer	\$ _____	x 1.00 =	\$ _____		_____ %
Total Amount DBE			\$ 10,214		.617203 %
DBE Goal			\$ 7,446.98		.45 %

**Note:** If the total proposed DBE participation is less than the established DBE goal, Bidder must provide written documentation of the good faith efforts as required by 49 CFR Part 26.

**LETTER OF INTENT**  
**Disadvantaged Business Enterprise**  
*(This page shall be submitted for each DBE firm)*

**Bidder/Offer** Name: Screed Tech  
 Address: 3002 Industrial Ave.  
 City: Fairbury State: NE Zip: 68352

**DBE Firm:** DBE Firm: All Road Barricades  
 Address: P.O. Box 29196  
 City: Lincoln State: NE Zip: 68529

**DBE Contact Person:** Name: Tammy Bremer Phone: (402) 467-2553

**DBE Certifying Agency:** NDOT Expiration Date: \_\_\_\_\_

*Each DBE Firm shall submit evidence (such as a photocopy) of their certification status.*

**Classification:**  Prime Contractor  Subcontractor  Joint Venture  
 Manufacturer  Supplier

Work item(s) to be performed by DBE	Description of Work Item	Quantity	Total
1	Mobilization	1 LS	\$2,500
2	Traffic/Safety Control	1 LS	\$7,500
4	Pavement Marking Removal	214 SF	\$214.00

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated participation is as follows:

DBE contract amount: \$ 10,214 Percent of total contract: .617203%

**AFFIRMATION:**

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By: Tammy Bremer President  
 (Signature) (Title)

**Note:** In the event the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.



# AIA<sup>®</sup> Document A310<sup>™</sup> – 2010

## Bid Bond

**CONTRACTOR:**

*(Name, legal status and address)*

**Screed Tech LLC**  
3002 Industrial  
Fairbury, NE 68352

**SURETY:**

*(Name, legal status and principal place of business)*

**Farmington Casualty Company**  
One Tower Square  
Hartford, CT 06183

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

**OWNER:**

*(Name, legal status and address)*

**City of Columbus**  
PO Box 1677  
Columbus, NE 68602-1677

**BOND AMOUNT:** Five Percent of the Amount Bid (5%)

**PROJECT:**

*(Name, location or address, and Project number, if any)*

**Construct 8-Place T-Hangar, Columbus Municipal Airport (OLU) FAA**  
**AIP Nos.3-31-0019-017-2023/018-2024/019-2024**

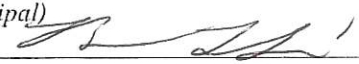

Project Number, if any:

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 9th day of April, 2024

	<b>Screed Tech LLC</b>
	<i>(Principal)</i> _____ <i>(Seal)</i>
<i>(Witness)</i>	
	<i>(Title)</i> _____
	<b>Farmington Casualty Company</b>
	<i>(Surety)</i> _____ <i>(Seal)</i>
<i>(Witness)</i>	
	<i>(Title)</i> <b>James M. King, Attorney-in-Fact</b>



Farmington Casualty Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company (the "Company") is a corporation duly organized under the laws of the State of Connecticut, and that the Company does hereby make, constitute and appoint Seth P Weedín, Jacob J. Buss, Robert T. Cirone, James M. King, and Thomas L. King of Lincoln, Nebraska, its true and lawful Attorney-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Company in its business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Company has caused this instrument to be signed, and its corporate seal to be hereto affixed, this 6th day of May, 2019.



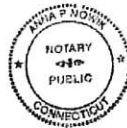
State of Connecticut
City of Hartford ss.

By: [Signature]
Robert L. Raney, Senior Vice President

On this the 6th day of May, 2019, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the 30th day of June, 2021



[Signature]
Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Board of Directors of Farmington Casualty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary of Farmington Casualty Company, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by the Company, which remains in full force and effect.

Dated this 9th day of April, 2024.



[Signature]
Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880. Please refer to the above-named Attorney-in-Fact and the details of the bond to which the power is attached.

15.B. Resolution No. R24-52 approving assessment contract with CBUS Hotels LLC for a qualifying energy project in accordance with Nebraska Property Assessed Clean Energy Act.

**RESOLUTION NO. R24-52**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AS GOVERNING BODY OF THE COLUMBUS AREA PACE DISTRICT, APPROVING AN ASSESSMENT CONTRACT WITH CBUS HOTELS LLC FOR A QUALIFYING ENERGY PROJECT IN ACCORDANCE WITH NEBRASKA PROPERTY CLEAN ENERGY ACT.

WHEREAS, to promote the utilization of energy-efficient improvements and renewable energy systems as part of development projects, the Mayor and Council of the City of Columbus, Nebraska (the "City"), via Ordinance No. 19-35, and in accordance with the Nebraska Property Assessed Clean Energy Act, sections 13-3201 to 13-3211 of the Nebraska Revised Statutes (the "Act"), created a property assessed clean energy ("PACE") district, known as the Columbus Area Pace District (the "District"); and

WHEREAS, the Mayor and Council of the City acts as the governing body and exercises all functions of the District; and

WHEREAS, in accordance with Ordinance No. 19-35, an application for utilization of PACE financing for an energy project within the District was submitted to the City Administrator of the City, acting as the District Administrator of the District, a copy of which is attached hereto as Exhibit A, and incorporated herein (the "PACE Application"); and

WHEREAS, pursuant to the provisions of Ordinance No. 19-35, the District Administrator has reviewed the PACE Application, and has determined that the energy project set forth in the PACE Application (the "Project") meets the eligibility criteria to receive PACE financing under the terms of Ordinance No. 19-35 and the Act; and

WHEREAS, in accordance with such finding of the District Administrator, the owner/developer of the Project and its lender, together with the District, wish to enter into an assessment contract for the Project's utilization of PACE financing; and

WHEREAS, the Mayor and Council of the City, as governing body of the District, has for its consideration, attached hereto and incorporated herein as Exhibit B, a proposed form of the assessment contract by and between said parties (the "Assessment Contract").

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY, AS GOVERNING BODY OF THE DISTRICT:

Section 1. The above recitals are true and correct, and are adopted hereby.

Section 2. The Assessment Contract, in the form presented, is hereby acknowledged and approved.

Section 3. The City Administrator of the City, in her capacity as District Administrator, is hereby authorized to execute said Assessment Contract in substantially the form presented, but with such changes or additions as she shall deem appropriate or necessary.

Section 4. The execution and delivery by the City Administrator of the Assessment Contract, or any such documents, instruments, agreements or certifications relating to such matters contained in the Assessment Contract, shall conclusively establish their authority with respect thereto and the authorization and approval thereof.

Section 5. Upon full execution of the Assessment Contract, the City Administrator of the City, as District Administrator, or her designee(s), is authorized to take any and all actions as she deems necessary or appropriate to implement the foregoing resolutions, and/or as are required in connection with the Assessment Contract, and to execute and deliver all such instruments, certificates, agreements and documents in furtherance of the same, in accordance with, and subject to, the terms of the Act and Ordinance No. 19-35.

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:



\_\_\_\_\_  
SPECIAL CITY ATTORNEY



# The City of Columbus

RESPONSIBLE • RESPONSIVE • REPUTABLE

Administration Office (402) 562-4232

Fax (402) 563-1380

## MEMORANDUM

**DATE:** May 1, 2024

**FROM:** Tara Vasicek, City Administrator

**TO:** Mayor and City Council

**RE:** Property Assessed Clean Energy (PACE) financing for CBUS Hotels, LLC

### RECOMMENDATION:

Approve the resolution to allow PACE financing for the CBUS Hotel project.

### DISCUSSION:

In 2019, the City Council approved a local PACE Financing Ordinance. The CBUS Hotels, LLC group submitted an application to utilize PACE to assist with the financing of energy efficient construction materials in the hotel. The CBUS Hotel is adjacent to the Harrah’s Casino. The attached contract approves \$3,000,000 in PACE for the applicant.

### FISCAL IMPACT:

There is no expense to the City to allow the use of PACE financing. The City does have a 10% administrative fee (\$30,000) and a \$1,000 application fee that is required to be paid by the applicant at the time of financing.

### ALTERNATIVE:

Do not approve.

### SIGNATURE:

By:  \_\_\_\_\_



**EXHIBIT A**  
**PACE APPLICATION**

(See attached)



2500 14<sup>th</sup> Street, Suite 3  
P.O. Box 1677  
Columbus, NE 68602-1677  
TELEPHONE (402) 562-4233  
FAX (402) 563-1380  
EMAIL [tara.vasicek@columbusne.us](mailto:tara.vasicek@columbusne.us)  
WEBSITE [www.columbusne.us](http://www.columbusne.us)

Name of Project: Dual Brand Marriott

**Property Owner Information**

Legal Name of Property Owner (Applicant): CBUS Hotels, LLC

Contact Person: Craig Foreman

Tax ID Number (FEIN or SSN): 87-3495050

Address: 3558 38th Avenue City: Columbus State: NE Zip: 68601

Phone: (402) 564-2775 Fax: \_\_\_\_\_ E-mail: craig@foremanlumber.com

**Property Information**

Address: 5912 Howard Blvd City: Columbus State: NE Zip: 68601

Property Legal Description: \_\_\_\_\_

Property Type: Hotel Tax Key Number (APN#): 710168836

Assessed Property Value: \$98,000 Appraised Property Value: \$15,780,000

Building Size: 65,781 SF Year Building Built: 2024

**Other PACE Projects**

Does the property owner hold any other PACE loans and has the property owner previously applied for PACE?  Yes  No

If yes, please provide details:

\_\_\_\_\_



**Office Use Only**

Rec'd By	Date Rec'd	PACE Application Fee (Due at Submission)	Administrative Fee (Due at Closing)

Approved      Condition(s): \_\_\_\_\_

Disapproved      Reason(s): \_\_\_\_\_

By: \_\_\_\_\_      Date: \_\_\_\_\_

**Project Narrative:** Briefly describe the overall project. *Submit separate sheets if necessary.*

The project will be a limited-service, extended-stay Dual-Branded Marriott. The property will be four floors high and will include a Fairfield by Marriott and TownePlace Suites by Marriott. It will be located adjacent to Harrah's Columbus Racing & Casino and will include a covered walkway between the hotel and casino.

The hotel will feature 102 rooms, a breakfast dining area, 1,196 SF of meeting space, an indoor pool, and outdoor pool and fire pit, a fitness room, lobby workstation, market pantry, and a guest laundry room. The hotel will also contain 138 surface parking spaces and all the necessary back-of-the-house space.

The site is 213,444 SF (4.90 acres) with a gross building area of 65,781 SF. The property is expected to open by May 1, 2024.

**Project Details:** *Submit separate sheets if necessary*

Measure #	Description /Specification of Energy/Water/Waste Measure
#1	High efficiency HVAC equipment
#2	High efficiency DHW system
#3	Low U-Factor Windows
#4	LED interior lighting fixtures
#5	
#6	

*Note: Energy, water and waste savings should be over term of financing period rather than useful life, unless useful life is less than the term.*

Measure #	Construction Costs/Bids	Estimated Useful Life (yrs.)	Year #1 Energy, Water & Waste Savings	Year #1 Maintenance & Operational Savings	Over Term Energy, Water & Waste Savings (specify % growth/yr.)	Over Term Maintenance & Operational Savings (specify % growth/yr.)	Over Term Total Savings (Energy + Water + Waste +O&M)
#1	1,166,400	25	17,249	3,500	823,247	167,045	990,292
#2	418,500	25	32,846	3,000	1,567,651	143,181	1,710,833
#3	574,560	35	1,958	500	107,053	27,335	134,388
#4	864,000	25	4,170	1,000	199,030	47,727	246,757
#5							
#6							
Estimated total energy savings (in kBtu, kwh or therms)			800,530				
Estimated total water savings (gal.), and/or waste reduced/recycled (tons)			N/A				
On-site renewable capacity (In kW)							
Expected \$ amount of utility incentives, rebates, solar tax credits, other benefits <i>Please specify which</i>							
Name, credentials, contact info of agent determining energy & water savings data			Jonathan Fletcher - PE Lead Energy Engineer - Asset Environments 402.990.5506				

Total costs of improvements/measures	3,023,460
Name of General Contractor firm Licensed in NE & bonded? Yes/No	Foreman Lumber Licensed
General contractor contact person Contact person phone Contact person email	Craig Foreman C:402-910-1615/O:402-564-2775 craig@foremanlumber.com
Optional: Energy Subcontractors (if any) <i>(after name, indicate if licensed and bonded)</i>	
Projected Jobs created by PACE Project and Project Environmental Benefits	Current CBUS Hotels

**Mortgage Lien & Deed of Trust Holder Information:** *Signed mortgage lien or deed of trust holder consent and subordination agreement required. (Attach additional pages if more than 1 mortgage or lien holder)*

Financial institution name	Bank of the Valley
Financial institution contact person	Eric Hall
Contact person phone & email	EHall@bankofthevalley.com, 402-564-2805

**Financing Details**

PACE capital provider	PACE Loan Group
PACE consultant (if any)	
Proposed PACE term ( <i>in years</i> )	27
Proposed interest rate and any Fees	Approx. US10Y + 3.99%
Annual assessment amount	Approx. \$284K, subject to change
LVPD administrative fee	
Financing closing date (est.)	April 15, 2024

**Approval Criteria**

Please mark all that apply. *Note: property owner refers to the legal entity which owns the property.*

- Applicant owns the property where the project will be located.
- Proposed improvements will be affixed to the property.
- The property owner has sufficient resources to complete the project.
- There are no delinquent ad valorem taxes for this property.
- There are no delinquent personal property taxes for this property.
- There are no delinquent special assessments for this property.

- There are no overdue or delinquent water or sewer charges for this property.
- There are no involuntary liens, including but not limited to construction liens for this property.
- There are no notices of default pursuant to any mortgage or deed of trust related to this property.
- The property owner has not declared bankruptcy in the last 5 years.
- The property owner is solvent and has no significant pending legal action.
- There are no unresolved or pending violations or complaints of violations of the Columbus Municipal Code for this property.
- The property owner understands that the estimated economic benefit, including, but not limited to, energy cost savings, maintenance cost savings, and other property operating savings expected from the energy project during the financing period, is equal to or greater than the principal cost of the energy project.
- The property owner is duly organized, validly existing and in good standing in the state of its organization, with authority to do business under the laws of the State of Nebraska.
- All owners of the property are aware of and approve the project.
- The property owner has obtained an acknowledged and verified written consent and subordination agreement executed by each mortgage holder or trust deed beneficiary stating that the mortgagee or beneficiary consents to the imposition of the annual assessment and that the priority of the mortgage or trust deed is subordinated.
- The property owner possesses all legal authority necessary to execute all project documents.
- All required permits, consents, approvals and authorizations in connection with the project have been obtained or will be obtained.

***If any of these criteria are not met, please attach an explanation.***

## **Required Application Documents and Information**

The following documents and information are needed at time of application submission to obtain approval for funding:

- Applicant name and contact information, including property owner and developer. \*
- Project location and legal description.\*
- Identification of contractor or supplier, including anticipated PACE contractor.\*
- Submit a copy of the approved bid for the energy efficiency project (attach signed bid/estimate).
- Project description.\*
- Total project cost.\*
- Description of proposed improvements.\*
- Description of energy efficiency project to be financed.\*
- Amount of requested assessment.\*
- Interest rate on the PACE assessment and any required fees.\*
- Term of assessment.\*
- Energy savings report indicating estimated energy savings and estimated cost savings for the energy project. \*
- Whether the applicant is requesting a waiver of the estimated economic benefit requirement.
- Title report showing any mortgage or lien holders. (attach title report)
- Lender consent (*attach consent document*)
- Projected jobs created by PACE project.\*
- Projected environmental benefits.\*
- Energy analysis report (attach engineer's report identifying qualifying energy and water conservation measures, energy and water conservation cost savings, maintenance cost savings, and other property operating savings expected from the energy and water conservation project).
- If the property owner wishes to request a waiver of the estimated economic benefit requirement, please attach a brief explanation for the request.
- Funding source.\*
- Assessment contract.
- Completed application or attachments with required information.

**\* included on application form or as attachment.**

**Submission Instructions**

Submit this application and necessary documents to:

**Tara Vasicek  
City Administrator  
City of Columbus, NE  
2424 14<sup>th</sup> Street  
Columbus, NE 68601  
tara.vasicek@columbusne.us  
402.564.4232**

**Property Owner Signature**

To the best of my knowledge, the statements made above are complete, true and accurate. I hereby certify that I am authorized to submit this application and affix my signature below. I recognize that submission of this application does not guarantee approval for funding.

Craig M. Foreman .

\_\_\_\_\_  
Signature

Member  
\_\_\_\_\_  
Title

Craig Foreman  
\_\_\_\_\_  
Printed name

3-15-24  
\_\_\_\_\_  
Date

## PACE Energy Study for the Dual Brand Columbus – REV1

3/5/24

Asset Environments has evaluated the energy and economic impacts of the proposed energy efficiency enhancements of the Dual Brand Hotel construction project located at 5912 Howard Blvd. in Columbus, NE. Based on the scope, design, and cost information provided, we have determined: the total eligible costs, energy and maintenance savings, resulting Savings to Investment Ratio (SIR), weighted average life of the improvements, and project financing period. The values for those findings are summarized below in Table 1.

**Table 1: Project Summary for Dual Brand Columbus**

Total PACE-Eligible Costs	Total Energy and Maintenance Savings	Savings to Investment Ratio (SIR)	Weighted Average Life of Improvements	Project Financing Period
<b>\$3,023,460</b>	<b>\$3,082,269</b>	<b>1.02</b>	<b>27 Years</b>	<b>27 Years</b>

The following document summarizes the Scopes of Work, Energy Savings Methodology, Utility Rate Development and Resulting Utility Savings.

### **Scopes of Work**

The following scopes of work were evaluated for PACE financing. To determine the energy and maintenance savings of the new hotel, Asset Environments compared the annual costs of a code-minimum building to the actual design. The City of Columbus current energy code is the International Energy Conservation Code (IECC) - 2018, which uses American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 90.1-2016 as a reference for several efficiency standards.

- 1) **HVAC Systems**: The building uses a combination of heating, ventilation and air conditioning (HVAC) systems to keep the building conditioned. All of the systems exceed energy minimums either for heating, cooling or both:
  - **PTHP Systems**: The hotel rooms are conditioned with Packaged Terminal Heat Pump (PTHP) systems. These systems use heat pumps with electric backup heat. The heat pumps have a heating efficiency of 3.5 COP versus an electric heating code minimum of 1.0 COP. Additionally, the cooling system has a cooling efficiency of 12.1 EER versus a code minimum of 11.2 EER system.
  - **Air Cooled Split System with Electric Resistance Heat**: The common area on the first floor is conditioned via split systems with electric resistance heat. The split systems being installed have a cooling efficiency of 14.0 SEER versus energy code minimum requirement of 13.0 SEER.

- **Multizone Split System Heat Pumps:** The hotel will include multizone heat pumps that will service the corridors for the second, third and fourth floors. The heat pumps have a weighted average Heating Seasonal Performance Factor (HSPF) of 12.5 versus a code minimum requirement of 3.41 HSPF for electric heating. The cooling system has a efficiency of 18 SEER versus a code minimum requirement of 13 SEER.
  - **Building Automation Systems:** The hotel features a Building Automation System (BAS) that is connected to the check-in system of the hotel. These systems are computer-based controls that ensure that the heating and cooling system run optimally and have far more functionality than standard programmable thermostats. They allow for monitoring of all HVAC systems and temperature setback of the hotel rooms when no guests are checked-in.
- 2) **High Efficiency DHW System:** The hot water for use in sinks, showers, laundry and other domestic functions will be heated via six (6) high efficiency Domestic Hot Water (DHW) heaters. The baseline model assumed that the hotel used electric hot water heaters; the actual DHW heaters are natural gas units with a nominal combustion efficiency 97%. Using high-efficiency natural gas heaters reduces both utility costs and air pollution due to the inefficiencies in creating electricity.
  - 3) **Additional Roof Insulation (evaluated but not included):** The insulation in the roof uses insulation with an R-Value of R-60 + R-4ci (ft<sup>2</sup>·°F·h/BTU). This exceeds code minimum requirements of R-38 (ft<sup>2</sup>·°F·h/BTU). Exceeding code minimum requirements will result in energy cost savings from reduced heating and cooling energy use.
  - 4) **Additional Wall Insulation (evaluated but not included):** The insulation installed on the wood framed walls is R-21 batt insulation(ft<sup>2</sup>·°F·h/BTU) with an Exterior Insulation Finish System (EIFS). The EIFS layer adds an additional R-8ci (ft<sup>2</sup>·°F·h/BTU) worth of continuous insulation. This is above the code minimum requirements of R-13 + R-3.8ci (ft<sup>2</sup>·°F·h/BTU). Similar to roof insulation, exceeding code minimum requirements will result in cost savings from reduced energy consumption.
  - 5) **Low U-Factor Windows:** The windows in the hotel will have a U-Factor that exceeds IECC requirements. U-Factor represents the rate of heat transfer through a material, so in the case of windows, a lower U-Factor means lower heating and cooling energy consumption. The maximum IECC-2018 U-Factor for a fixed window is 0.38 BTU/(hr \* °F \* ft<sup>2</sup>). The storefront windows at the Dual Brand Columbus will all have a value of 0.13 BTU/(hr \* °F \* ft<sup>2</sup>) and the hotel rooms windows will have a U-Factor of 0.32 BTU/(hr \* °F \* ft<sup>2</sup>).

- 6) **LED Interior Lighting Fixtures:** All of the new interior fixtures being installed in the building are Light Emitting Diode (LED) technology. These lights are much more efficient, last longer and require less maintenance than other alternatives such as fluorescent, incandescent and halogen lighting.

The IECC allows for evaluating lighting energy density in two ways: by area type or by building type. For this evaluation, the area type method was used. The following table lists the baseline and design lighting energy densities for each area evaluated.

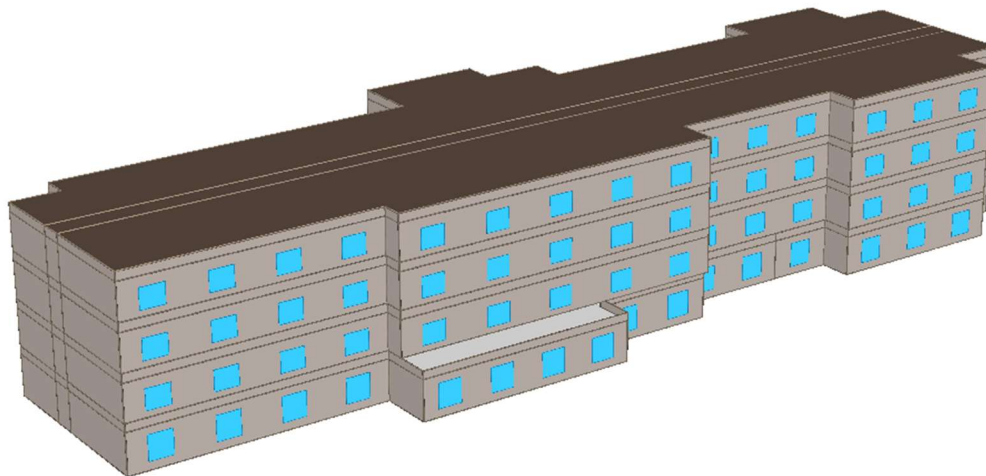
Area Type Method	Lighting Energy Density [W/SF]	Maximum Value [W/SF]	Area (SF)
Floor 2-4 Corridor	0.57	0.75	7,248
Floor 1 Amenities	0.49	0.75	15,047
Hotel Dwelling Units	0.28	0.68	43,087

- 7) **Low-Flow Plumbing Fixtures (evaluated but not included):** The lavatories (faucets), accessory sinks, showers, bathtubs, and water closets (toilets) in the guest rooms will all be lower-flow than code maximums. This will both save water, and in the case of the lavatories, sinks, and showers, save natural gas via reduced hot water consumption. The building was modeled with the following water consumption rates by fixture type based on the current design.

Fixture Type	Code Maximum Water Consumption	Actual Water Consumption	Quantity of Fixtures
Lavatories (Faucets)	2.20 gpm	1.20 gpm	102
Accessory Sinks	2.20 gpm	1.50 gpm	48
Showers / Bathtubs	2.50 gpm	2.00 gpm	102
Water Closets (Toilets)	1.60 gpf	1.28 gpf	102

## **Energy Savings Methodology**

The energy savings were modeled using an eQUEST energy model. eQUEST uses Department of Energy (DOE) software to model the energy interactions of a building's equipment and systems for all 8,760 hours of a year. The model of the Dual Brand building used a weather data file for Columbus, NE. A baseline model was created that used code minimum efficiencies for the building shell, HVAC, lighting and other systems and construction. The baseline was then altered to reflect actual design. The difference in energy usage between the baseline model and actual construction are the resulting savings listed in Table 2. See Figure 1 for a 3-D image of the resulting energy model.



*Figure 1 - An eQUEST energy simulation of the Dual Brand Columbus hotel. A baseline model was created using energy code minimum systems, and then the model was adjusted for each of the components that exceed energy code. The savings are the resultant difference between the baseline energy use and the adjusted model.*

## **Utility Rate Development**

Because there is no existing structure, there are no utility bills from which to develop rates. Therefore, the rates from utility providers in Columbus were used to estimate the cost savings for each of the utilities. Using the energy model, a projected utility rate was calculated for natural gas and electricity using the rate structure of the utility provider. A blended average was calculated which took into account energy rates and sales tax from each of the local utility providers. The following rates were used for each of the utility types:

- **Electricity**: Nebraska Public Power District blended rate of \$0.10 / kWh
- **Natural Gas**: Black Hills Energy Utilities blended rate, \$0.84 / therm
- **Water + Sewer**: City of Columbus Utilities, \$6.78 / kgal

## **Resulting Utility Savings**

The following are the total annual resultant energy savings for the selected scopes of work:

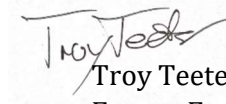
- Electricity: 800,530 kWh
- Natural Gas: -26,174 therms\*
- Water: n/a gallons
- CO<sub>2</sub>: 974,612 lbs

*\* The DHW heating system was modeled as an electric system in the baseline energy model, but the actual DHW system uses natural gas. The net effect of that measure is reducing electricity but increasing natural gas usage.*

Please contact us with any questions or concerns regarding the development of this report.



Jonathan Fletcher – PE  
Engineering Manager – Asset Environments



Troy Teeter  
Energy Engineer





Table 2 – Summary of scopes of work, costs and savings associated with PACE-eligible enhancements to the Dual Brand Columbus hotel. Please note that the rows in gray are measures that were evaluated but not included in eligible scopes of work.

#	Facility Improvement Measure (FIM)	Construction Cost (\$)	Net Cost (\$)	Estimated Useful Life (Years)	Annual Energy & Water Savings (Year 1, \$)	Annual O&M Savings (Year 1, \$)	Simple Payback (yrs)	Savings Over Term			
								Energy & Water Savings (\$)	Maintenance & Operational Savings (\$)	Total Energy & O&M Savings (\$)	Savings to Investment Ratio (SIR)
1	High Efficiency HVAC Equipment	\$1,166,400	\$ 1,166,400	25	\$ 17,249	\$ 3,500	56.2	\$ 823,247	\$ 167,045	\$ 990,292	0.85
2	High Efficiency DHW System	\$418,500	\$ 418,500	25	\$ 32,846	\$ 3,000	11.7	\$ 1,567,651	\$ 143,181	\$ 1,710,833	4.09
3	Additional Roof Insulation	\$486,810	\$ 486,810	35	\$ 639	\$ -	> 100				
4	Additional Wall Insulation	\$888,300	\$ 888,300	35	\$ 1,328	\$ -	> 100				
5	Low U-Factor Windows	\$574,560	\$ 574,560	35	\$ 1,958	\$ 500	> 100	\$ 107,053	\$ 27,335	\$ 134,388	0.23
6	LED Interior Lighting Fixtures	\$864,000	\$ 864,000	25	\$ 4,170	\$ 1,000	> 100	\$ 199,030	\$ 47,727	\$ 246,757	0.29
7	Low-Flow Plumbing	\$837,000	\$ 837,000	25	\$ 3,282	\$ -	> 100				
<b>Totals</b>		<b>\$ 3,023,460</b>	<b>\$ 3,023,460</b>	<b>27</b>	<b>\$ 56,224</b>	<b>\$ 8,000</b>	<b>47.1</b>	<b>\$ 2,696,982</b>	<b>\$ 385,288</b>	<b>\$ 3,082,269</b>	<b>1.02</b>

(weighted ave.)

**EXHIBIT B**  
**ASSESSMENT CONTRACT**

(See attached)

**ASSESSMENT CONTRACT  
REAL ESTATE COVENANT**

THIS ASSESSMENT CONTRACT REAL ESTATE COVENANT (“**Contract**”), is made and entered into effective this \_\_\_\_ day of May, 2024 (“**Effective Date**”) by and among the **CITY OF COLUMBUS**, a Nebraska municipal corporation, (“**City**”), as Governing Body for the **COLUMBUS AREA PACE DISTRICT**, a Nebraska clean energy assessment district (the “**District**”), **PLG FINANCE 1, LLC**, a Minnesota limited liability company (“**Lender**”), and **CBUS HOTELS, LLC**, a Nebraska limited liability company (“**Property Owner**”).

WITNESSETH:

WHEREAS, the Property Owner is the owner of the fixtures and improvements located on that certain real property located at 5912 Howard Boulevard, Columbus, Nebraska 68601, as further described on Exhibit A attached hereto (the “**Property**”);

WHEREAS, the City has adopted Ordinance No. 19-35, which is incorporated herein by this reference (as amended from time to time, the “**Ordinance**”), by which the City created a clean energy assessment district comprised of all areas within the City and its extraterritorial jurisdiction pursuant to Nebraska Revised Statute §§ 13-3201 to 13-3211, inclusive, and known as the “Property Assessed Clean Energy Act” (the “**Act**”) and provides for repayment of financed costs through annual assessments pursuant to assessment contracts entered with property owners and third party lenders;

WHEREAS, the Property Owner has obtained the written consent and subordination agreement required by Neb. Rev. Stat. § 13-3205(2)(a) of all persons or entities that currently hold mortgage liens or deeds of trust on the Property, if any, to the Loan, as herein defined and this Contract, and represents to the City that all applicable requirements and conditions of Neb. Rev. Stat. § 13-3205(2) have been satisfied;

WHEREAS, Property Owner intends to make energy efficiency improvements (as such term is used in Neb. Rev. Stat. §13-3203(3) of the Act or in the Ordinance) at the Property, as described on Exhibit B attached hereto and including the information required by Neb. Rev. Stat. § 13-3203(3)(a) (the “**Project**”);

WHEREAS, the Act provides that the energy efficiency improvements serve a public purpose in that (i) energy efficiency and the use of renewable energy are important for preserving the health and economic well-being of Nebraska’s citizens, (ii) using less energy decreases the cost of living and keeps the cost of public power low by delaying the need for additional power plants, and by building the market for energy efficiency and renewable

energy products, new jobs will be created for Nebraskans, and (iii) a public purpose will be served by providing municipalities with the authority to finance the installation of energy efficiency improvements and renewable energy systems through the creation of clean energy assessment districts;

WHEREAS, Lender has agreed to make a loan to Property Owner in the amount of THREE MILLION AND 00/100 DOLLARS (\$3,000,000.00) (the “**Loan**”), the proceeds of which will be used to fund the implementation of the Project, and the repayment of which will be made from PACE Special Assessments levied on the Property pursuant to the Act and this Contract;

WHEREAS, the Act provides in part that “the obligations set forth in the assessment contract, including the obligation to pay assessments, are a covenant that shall run with the land and be obligations upon future owners of the qualifying property”;

WHEREAS, City has agreed to direct the Platte County Treasurer to levy the PACE Special Assessments, collect or cause the collection of the PACE Special Assessments, record such PACE Special Assessments as a lien on the Property, as allowed by the Act, and authorize direct payments on such PACE Special Assessments to be made directly to Lender to be applied to pay down the Loan, all as more particularly set forth herein; and

WHEREAS, City is authorized to enter into this Contract pursuant to the Act.

NOW, THEREFORE, for and in consideration of the making of the Loan and the financing and collection arrangements between Lender, Property Owner and City, and other good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, Lender, Property Owner and City acknowledge and agree as follows:

1. Defined Terms. The words and phrases as specifically defined in the Act, as amended, or in the Ordinance shall have their defined meanings. The following capitalized terms used in this Contract shall have the meanings defined or referenced below or in the Recitals above:

“Bi-Annual Installment(s)” means the portion of the Loan Amount that is due on a particular date in a particular Tax Year as more fully described in Sections 2 and 5 hereof and shown on Exhibit C, as may be increased by the County Treasurer Fee, if applicable, pursuant to Section 5(a).

“City Parties” shall have the meaning set forth in Section 16(a) hereof.

“County Treasurer” means the Office of the Platte County Treasurer.

“Lender Parties” shall have the meaning set forth in Section 17(a) hereof.

“Liabilities” shall have the meaning set forth in Section 16 hereof.

“Loan” shall have the meaning set forth in the Recitals above.

“Loan Agreement” shall mean the PACE Loan Agreement entered into between the Property Owner and the Lender.

“Loan Amount” means, as of any date of computation, the outstanding amount of all principal plus capitalized interest under the Note, accrued but unpaid interest and any applicable penalties, costs, fees, charges, late payment charges, default interest rate charges, prepayment premiums or fees or administrative expenses related to the Loan, including without limitation, the administrative fees set forth in Section 18 hereof and any and all other fees to be paid to County Treasurer, the Lender, or any other party by the Property Owner in connection with the Loan.

“Loan Documents” shall mean the loan documents with respect to the PACE Loan entered into between the Property Owner and the Lender.

“Note” shall have the meaning given such term in the Loan Agreement.

“PACE Special Assessments” means the aggregate amount of all Bi-Annual Installments of the Loan Amount, which Bi-Annual Installments shall be levied as special assessments pursuant to § 13-3205(7) of the Act.

“Project” means the planning, design, and installation of the energy efficiency improvements on the Property.

“Register of Deeds” means the Office of the Register of Deeds for Platte County.

“Tax Year” means the period from January 1 through the following December 31.

2. Payments. The Loan Amount shall be payable in Bi-Annual Installments on May 1 and September 1 of each Tax Year. The Loan shall bear interest, including default interest, at the rates set forth in the Note and payments shall be due under the Note and the Loan Agreement as more fully described therein and in Section 5 of this Contract, ending upon payment in full of the Loan Amount and all other charges, fees, expenses and other amounts due under this Contract, the Loan Agreement and the Note. The amounts of the Bi-Annual Installments are based on a Loan Amount as of the date of this Contract of THREE MILLION AND 00/100 DOLLARS (\$3,000,000.00), and more specifically provided on Exhibit C attached hereto. The Loan shall be fully amortized over the term of the Loan as set forth on the schedule of Bi-Annual Installments attached hereto as Exhibit C, and shall be repaid on the terms set forth in this Contract, the Loan Agreement and the Note. Each year during the term of this Contract, Lender shall supply District with the amount of the Bi-Annual Installment for such year by delivering a completed Lender Installment Certificate in the form attached hereto as Exhibit D on or before December 31 of such year. Should Lender fail to deliver a Lender Installment Certificate on or before December 31 of any year, with a copy to the Property Owner, the Bi-Annual Installment shall be presumed to be the same as the Bi-Annual Installment for the applicable year as shown on Exhibit C, with any surplus or shortfall to be addressed by adjusting the amount of the subsequent year's Bi-Annual Installment.

3. Consent to PACE Special Assessments.

(a) By entering into the Contract, District hereby agrees to enforce the PACE Special Assessments and impose the Bi-Annual Installments as special assessments pursuant to the Act in the manner specified in this Contract. Upon execution of this Contract, District will cause this Contract to be delivered to Lender to be thereafter recorded against the Property in the Office of the Register of Deeds.

(b) Property Owner hereby agrees and acknowledges: (i) that Property Owner has received or will receive a special benefit by financing the Project through District that equals or exceeds the total amount of the PACE Special Assessments; (ii) that the Property is subject to the PACE Special Assessments and consents to the levy of the Bi-Annual Installments; (iii) that Property Owner shall pay the Bi-Annual Installments when due pursuant to the terms set forth in this Contract, the Loan Agreement and the Note; (iv) that Bi-Annual Installments of the PACE Special Assessments are a lien on the Property as provided in the Act and the Ordinance; and (v) all representations, warranties, statements, exhibits, instruments and other documents contained in or included as a part of the application submitted to the District requesting levy of the PACE Special Assessments are true, correct and complete as of the date hereof.

4. Term. This Contract shall remain in full force and in effect until the Loan Amount and all other charges, fees, expenses and other amounts due under this Contract, the Loan Agreement and the Note have been paid in full. Property Owner hereby agrees and acknowledges that (a) the weighted average useful life of the Project is equal to or exceeds the term of this Contract; (b) there are sufficient resources to complete the Project; and (c) the estimated economic benefit, including, but not limited to, energy cost savings, maintenance cost savings, and other property operating savings expected from the Project during the term of this Contract, is equal or greater than the principal cost of the Project.

5. Bi-Annual Installments.

(a) During the term of this Contract, the PACE Special Assessments (including all Bi-Annual Installments thereof) will be paid by the Property Owner directly to the Lender, which installments shall constitute payment of the applicable Bi-Annual Installment and payment of the corresponding installment due on the Loan. The Property Owner and the Lender agree that the Lender may collect from Property Owner, in addition to such Installments, a fee in such amount as allowed by law (the "County Treasurer Fee") and set forth in the Loan Documents, and shall cause such County Treasurer Fee to be paid to the County Treasurer.

(b) The aggregate amount of all PACE Special Assessments shall equal the cost of the energy Project, and interest, including capitalized interest, financing costs and fees described in the Loan Documents and this Contract, all as permitted by the Act and as expressed in the Loan Agreement, and any such amount as needed to pay the County Treasurer Fee and any administrative fees, as shown on Exhibit C attached and incorporated by this reference.

(c) The Property Owner hereby agrees to pay the PACE Special Assessment coming due on December 31 of each Tax Year in two (2) equal installments, the first on or before May 1 and the second on or before September 1 of the year immediately following the date that the PACE Special Assessment came due. For clarity, and as an example, for a PACE Special Assessment due as of December 31, 2024, the PACE Special Assessment payment for Tax Year 2024 shall be made as follows: (i) the first installment of one-half of the PACE Special Assessment shall be due and payable on or before May 1, 2025, and delinquent on May 2, 2025, and (ii) the second installment of one-half of the PACE Special Assessment shall be due and payable on or before September 1, 2025, and shall be considered delinquent on

September 2, 2025.

(d) The Property Owner hereby agrees to pay the property tax bills and Bi-Annual Installments for the Property during the term of this Contract, which shall not exceed the weighted average useful life of the energy project, in a timely fashion so as to avoid any default or delinquency in such payment.

(e) If Property Owner fails to pay all or part of any Bi-Annual Installment when due, or fees or costs under the Loan Documents and this Contract, the parties hereto acknowledge and agree that (i) default interest on the unpaid amounts of the Bi-Annual Installments as well as fees and costs (which shall include, without limitation, any Prepayment Fee as defined in the Note) shall accrue in favor of Lender as set forth in the Note and Loan Documents, (ii) such default interest, fees and costs shall be added to the PACE Special Assessments and shall be included as part of the Bi-Annual Installments due thereafter unless and until all such accrued and unpaid default interest, fees and costs are paid in full, and (iii) such default interest, fees and costs shall be in addition to any and all penalties and interest that may be imposed by or accrue in favor of District as a result of Property Owner's failure to pay real estate or other property taxes or other assessments on the Property. In addition, Bi-Annual Installments shall continue to be levied as special assessments notwithstanding Property Owner's failure to pay all or part of any past Bi-Annual Installment, such that the County Treasurer shall continue to levy Bi-Annual Installments, including default interest, fees and costs to be paid to Lender, until the Loan Amount, including all accrued and unpaid interest, is paid in full.

(f) Property Owner hereby acknowledges and agrees that failure to pay any Bi-Annual Installment of the PACE Special Assessments, or failure to pay any property taxes pertaining to the Property, will result in penalties and interest accruing in favor of Lender on the amounts due, in addition to penalties and interest that may accrue in favor of District. In addition, District shall record a PACE lien on the Property as a result of any delinquent Bi-Annual Installments of the PACE Special Assessments. Furthermore, Property Owner agrees not to seek a compromise of any delinquent Bi-Annual Installment.

(g) Any PACE Special Assessment imposed on the Property that becomes delinquent, including any interest on the PACE Special Assessment and any penalty, shall constitute a lien against the Property until the PACE Special Assessment, including any interest and penalty, is paid in full. When all such delinquent PACE Special Assessments, including any interest, default interest and penalties thereon are paid in full, Lender shall promptly send a notice thereof to District at which time District shall, at Property Owner's expense, promptly, in accordance with Neb. Rev. Stat. § 13-3206(5)(a), file a release of PACE lien in the office of the Register of Deeds.

6. Loan Amount; Prepayment.

(a) Subject to the terms and conditions in the Loan Agreement, Lender agrees to disburse to Property Owner the Loan Amount.

(b) Property Owner may only prepay the Loan as set forth in the Loan Agreement and Note. In the event of any permitted prepayment, Lender shall certify

to Property Owner and District the aggregate amount due on the Loan, including principal, interest, fees and any Prepayment Fee as described in the Note, within thirty (30) days of receipt of a written request for prepayment from Property Owner. District shall certify to Property Owner and Lender any and all amounts collected by District and not yet remitted to Lender within fifteen (15) days of receipt of a written request for prepayment by Property Owner, as well as any administrative fees payable, but not yet collected, as of the anticipated prepayment date. To the extent that District has received any funds from Property Owner prior to Property Owner's requested date of prepayment, but has not yet remitted the same to Lender, District shall remit the same to Lender on or before the date of Property Owner's requested date of prepayment. No prepayment shall be effective, and no funds paid by Property Owner or District will be applied to the Loan Amount, unless and until Lender receives the full Loan Amount from District and Property Owner. Property Owner acknowledges that failure of District to remit any funds held by District on or prior to Property Owner's requested date of prepayment may result in additional interest due in connection with such prepayment.

(c) Without the prior written consent of Lender, which consent may be given or withheld in Lender's sole discretion, the Loan may not be prepaid in part and, if such consent is given, any such partial prepayment must be made in strict compliance with the terms and conditions set forth in such written consent, which terms and conditions may include a prepayment penalty. Any partial prepayment in violation of this provision will not be accepted by Lender. Notwithstanding the foregoing, Property Owner shall not be deemed to have made a prepayment if Property Owner decides to pay any Bi-Annual Installment in full, as opposed to payment on an installment basis, for any given year, as applicable.

(d) Property Owner, pursuant to Neb. Rev. Stat. § 13-3205(3)(b), shall verify final costs of the energy project and ensure that any amounts paid by District toward the costs of the energy project will not exceed such final costs.

#### 7. Collection of Bi-Annual Installments; Payments to Lender.

(a) The District shall follow reasonable and customary practices to collect the Bi-Annual Installments once levied, including assessing penalties and charging interest.

(b) Unless otherwise agreed to by District and Lender, all Bi-Annual Installment payments shall be billed by Lender or its agent, and paid by Property Owner directly to the Lender or, upon direction from the Lender, to the Lender's agent, as the Lender shall so direct in accordance with the Loan Agreement.

(c) Lender or its agent will send an invoice to Property Owner, at the address provided in Section 20 of this Contract, no less than thirty (30) days prior to the date upon which Bi-Annual Installments are due. The invoice shall include the full amount of the Bi-Annual Installments due, per the amounts listed in the Note. Nothing in this Section shall relieve Property Owner of its obligation to pay any amounts owing under the Loan Documents and this Contract, nor affect Lender's ability to charge any default interest, should Lender, for any reason, fail to send the invoice, or should Property Owner, for any reason, not receive the invoice.

(d) District and Lender acknowledge and agree that any then-existing mortgage lender (of which Property Owner provides written notice) shall have the right, but not the obligation, to cure any default in the payment of any Bi-Annual Installment by paying such Bi-Annual Installment in full. District and Lender shall accept such cure as if made by Property Owner. District and Lender have no obligation to provide any notice or any opportunity to cure any default to any third party, except as expressly set forth in this Contract.

(e) In the event of a failure of the Property Owner or its successors to pay any Installment of the PACE Assessments resulting in a PACE lien on the Property, District agrees to exercise the remedies available to District under the law, including referral of the matter to Platte County for collection and/or foreclosure pursuant to the statutes applicable to the collection and enforcement of assessments by the County Treasurer.

8. Other Obligations Payable from Special Charges. District will not issue or incur any obligations payable from the proceeds of the PACE Special Assessments nor voluntarily create or cause to be created any debt, lien, pledge, assignment, encumbrance or other charge upon the PACE Special Assessments or the Bi-Annual Installments, except for administrative fees as provided in this Contract, the Loan Agreement, or as allowed by the Act.

9. Representations regarding Loan and Loan Documents. The undersigned on behalf of District hereby represents to Lender and to Property Owner that (i) he/she is entering this Contract pursuant to applicable provisions of the Act and of Columbus Ordinance No. 19-35, (ii) it is his/her intent and belief that this Contract is and will be the valid and legally enforceable obligation of District, enforceable in accordance with its terms except to the extent that enforcement thereof may be subject to legal challenge, including without limitation bankruptcy and other similar laws affecting creditors' rights generally, and (iii) to his/her knowledge this Contract and the dollar amount and all other terms and conditions set forth herein are in compliance with the provisions of the Act and the Ordinance. District shall at all times, to the extent permitted by law and from time to time authorized by the City Council of City, as governing body of District, defend, preserve and protect the PACE Special Assessments created by this Contract.

10. Re-Levy of Special Charge. If District shall have omitted to cause the assessment or collection of any PACE Special Assessments when it is required by this Contract or by the Act or Ordinance to have done so, then District shall take all necessary steps that are then available to cause new PACE Special Assessments (equal in amount to those not assessed, levied or collected plus interest and penalties, if any, thereon) to be levied against the Property in addition to those PACE Special Assessments otherwise to be levied or assessed against the Property. If any PACE Special Assessment shall become uncollectible or unenforceable for any reason, including without limitation foreclosure, judicial decree or operation of law, then District shall take all necessary steps to cause a new PACE Special Assessment (equal in amount to the invalid PACE Special Assessments plus interest and penalties, if any, thereon) ("**Replacement Assessments**"), to be assessed and levied against the Property and the remaining PACE Special Assessments due and payable under this Contract shall be adjusted to reflect such Replacement Assessments and levy and Exhibits C and D hereto shall be amended to reflect such Replacement Assessments and levy.

11. Covenant that Runs with the Property. The Property Owner agrees that the obligations set forth in this Contract, including the obligation to pay the Bi-Annual Installments, the PACE Special Assessments, any Replacement Assessments, any PACE liens arising in connection with each PACE Special Assessment, and all charges and fees permitted under this Contract are collectively a covenant for the benefit of the City and the Lender that touches, concerns and shall run with the real property that comprises the Property, and are obligations upon all future owners of the qualifying Property during the term of this Contract as set forth in Section 4. Upon the transfer of ownership of the Property, including, but not limited to, a sale pursuant to a foreclosure or a sale pursuant to the exercise of a power of sale under a deed of trust, the obligation to pay Bi-Annual Installments and PACE Special Assessments shall run with the real property comprising the Property. Property Owner agrees that, prior to the effective date of any contract that binds any purchaser to purchase the Property, the Property Owner shall provide notice to the purchaser that the purchaser assumes responsibility for payment of the PACE Special Assessments as provided in subdivision (3)(d) of Section 13-3205 of the Act. Property Owner shall provide notice to the Lender within thirty (30) days of the effective date of any contract that binds any purchaser to purchase the Property.

12. Lien Priority. The Property Owner acknowledges that the financing under this Contract and the Loan Documents will be paid back as a statutory assessment levied against the Property pursuant to Section 13-3205(7) of the Act, notice of which shall be recorded against the Property in the Office of the Register of Deeds of Platte County, Nebraska, and which assessment, together with interest, fees and any penalties, shall constitute a lien on the Property with the same priority and status as other property tax and assessment liens, and which shall be collected subject to the terms agreed as contained in this Contract and the Loan Documents.

13. Waiver of Strict Compliance on Lien Notices. The Property Owner waives, to the maximum extent permitted by law, compliance with the statutory notice requirements from the Lender to District with regard to delinquencies under Section 13-3206 of the Act, or any amendment or replacement thereto, and agrees that, with respect to any given delinquency where the notice provision has not been complied with, the Lender may redeclare the delinquency on a stated date to be determined by the Lender, give notice to District as to such redeclared delinquency as provided by the Act which shall be treated for all purposes as if such redeclared delinquency was the initial delinquency, and District shall thereafter file the lien provided for by the Act with respect to such PACE Special Assessment in the time period provided by the Act.

14. Specific Representations, Warranties, and Covenants of Property Owner. Property Owner hereby represents, warrants, and covenants to Lender and District as follows:

(a) Property Owner has obtained the written consent and subordination agreement required by Neb. Rev. Stat. § 13-3205(2)(a) of all persons or entities that currently hold mortgage liens or deeds of trust on the Property, if any, to the Loan and this Contract, and represents that all applicable requirements and conditions of Neb. Rev. Stat. § 13-3205(2) have been satisfied.

(b) There are no delinquent taxes, special assessment, water or sewer charges, or any other assessments levied on the Property; that there are no involuntary

lines on the Property; and that the Property Owner is current on all debt secured by a mortgage or trust deed encumbering or otherwise securing the Property.

(c) There are no delinquent annual assessment on the Property which were imposed to pay for a different energy project under the Act.

(d) Under no circumstance shall the costs of the Project be considered eligible costs with respect to any tax-increment financing project of which the Property is a part.

(e) The Property consists of improvements constructed upon real property owned by Convergence, L.L.C., pursuant to that certain ground lease between Property Owner and Convergence, L.L.C. (the "Ground Lease").

(f) As of the Effective Date, and so long as this Contract is in effect, the Property shall be severed from the underlying ground and constitute real property separate therefrom for purposes of property tax assessment, in accordance with section 77-1376 et al., of the Nebraska Revised Statutes, all of which is not in violation of the Ground Lease.

(g) This Contract, and the subject matters and transactions contemplated herein, including, without limitation, levy of the PACE Special Assessments, does not and will not during the duration of this Contract, violate the terms of the Ground Lease, and any and all requirements or conditions under the Ground Lease to the levying of the PACE Special Assessments have been satisfied or waived by Ground Lessor.

(h) To Property Owner's knowledge, there are no current or ongoing events of default under the Ground Lease, and the Ground Lease is in full force and effect.

(i) The Ground Lease shall not be amended, modified, or terminated without the prior written consent of Lender.

15. Prohibition Against Other Assessments. The Property Owner shall not, during the term of this Contract, enter into any other voluntary assessment contract with the City, or cause, suffer or permit any other voluntary assessment to be levied against the Property without the prior written consent of the Lender.

16. Waiver of Claims Against City.

(a) For and in consideration of City's execution and delivery of this Contract, Property Owner, for itself and for its successor-in-interest to the Property and for any one claiming by, through or under Property Owner, hereby waives the right to recover from the City, District, and any and all officials, agents, employees, attorneys or representatives of City or District (collectively, the "City Parties"), and fully and irrevocably releases, indemnifies, holds harmless, and shall defend the City Parties, and each of them, from and against, any and all claims, costs, expenses, obligations, liabilities, causes of action or damages including attorneys' fees and court costs, that Property Owner may now have or hereafter acquire against any of the City Parties and arising out of or accruing from or related to (i) this Contract, (ii) the disbursement of the Loan Amount, (iii) the levy and collection of the Bi-Annual Installments, (iv) the

imposition of the lien of the PACE Special Assessments, (v) the performance of the Project, (vi) the Project, (vii) any damage to or diminution in value of the Property that may result from construction or installation of the Project, (viii) any injury or death that may result from the construction or installation of the Project, (ix) the selection of manufacturer(s), dealer(s), supplier(s), contractor(s) and/or installer(s), and their action or inaction with respect to the Project, (x) the merchantability and fitness for any particular purpose, use or application of the Project, (xi) the amount of energy savings resulting from the Project or any assured performance guaranty, (xii) the workmanship of any third parties under any agreements including any construction contracts, and (xiii) any other matter with respect to the Project (collectively, the "Liabilities"). This release includes without limitation claims, costs, expenses, obligations, liabilities, causes of action and damages of which Property Owner is not presently aware or which Property Owner does not suspect to exist which, if known by Property Owner, would materially affect Property Owner's release of the City Parties. Notwithstanding the foregoing, Property Owner's release under this section shall not extend to Liabilities arising from City's intentional default, gross negligence or willful misconduct.

(b) This Section 16 shall survive the disbursement of the Loan Amount or any portion thereof, the payment of the Loan Amount in full, the transfer or sale of the Property by Property Owner and the termination of this Contract.

17. Waiver of Claims Against Lender.

(a) For and in consideration of Lender's execution and delivery of this Contract, Property Owner, for itself and for its successor-in-interest to the Property and for any one claiming by, through or under Property Owner, hereby waives the right to recover from the Lender and any and all officials, agents, employees, attorneys and representatives of Lender (collectively, the "Lender Parties"), and fully and irrevocably releases the Lender Parties from, any and all claims, obligations, liabilities, causes of action or damages including attorneys' fees and court costs, that Property Owner may now have or hereafter acquire against any of the Lender Parties and accruing from or related to the Liabilities, as defined above. This release includes claims, obligations, liabilities, causes of action and damages of which Property Owner is not presently aware or which Property Owner does not suspect to exist which, if known by Property Owner, would materially affect Property Owner's release of the Lender Parties. Notwithstanding the foregoing, Property Owner's release under this Section shall not extend to Liabilities arising from Lender's intentional default, gross negligence or willful misconduct.

(b) The waivers and releases by Property Owner contained in this Section shall survive the disbursement of the Loan Amount or any portion thereof, the payment of the Loan Amount in full, the transfer or sale of the Property by Property Owner and the termination of this Contract.

18. Administrative Fees.

(a) Property Owner agrees to pay (i) a one-time application fee in the amount of \$1,000.00 to District, (ii) a one-time administration processing fee from the proceeds of the Loan to District in the amount of \$30,000.00; and (iii) a one-time PACE counsel fee in the amount of \$10,000.00. Such payments shall be paid no later than



10050 Crosstown Circle, Suite 600  
Eden Prairie, MN 55344  
Attn: Nicholas J. Monson

If to District  
And/or City:

City of Columbus  
c/o City Administrator  
2500 14th Street, SUITE 3  
P.O. Box 1677  
Columbus, NE 68602

with copy to:

Baird Holm LLP  
c/o Michael D. Sands  
1700 Farnam Street; Suite 1500  
Omaha, NE 68102

or to such other person or address as the Property Owner, City, Lender and District shall furnish to each other in writing.

21. Assignment or Sale by Lender. Property Owner and District agree that Lender may, at its option, assign the Loan, and its rights and obligations under the Loan (including this Contract, the Note and the other Loan Documents). Property Owner, District and Lender acknowledge and agree that there are no limitations on the right of Lender to assign its interests in the Loan.

22. Collateral Assignment of this Contract. District agrees that this Contract may be collaterally assigned by Property Owner to the Lender and its successors or assigns.

23. Supremacy. In the event of any conflict, inconsistency or ambiguity between the provisions of this Contract and the provisions of the Loan Agreement, the provisions of this Contract shall control.

24. Compliance with Laws. Lender and Property Owner hereby agree to comply with all applicable federal, state and local lending and disclosure requirements and with the provisions of the Act.

25. Counterparts. This Contract may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall be deemed a single agreement.

26. Amendment. This Contract may be amended only by a writing signed by Property Owner, Lender and District.

27. Severability. If any one or more of the provisions of this Contract shall be found to be invalid, illegal or unenforceable in any respect of to any extent, such finding shall not affect the validity, legality or enforceability of the remaining provisions of this Contract.

28. Transferability. Property Owner, Lender and District agree that the obligations of this Contract, including without limitation the obligation to pay Bi-Annual Assessments, are covenants that shall run with the land and be obligations that are binding on all future owners of the Property.

29. Effect of Subdivision of Property. No subdivision of the Property subject to this Contract shall be valid unless an amendment to this Contract divides the total Bi-Annual Assessment due between the newly subdivided parcels pro rata to the special benefit realized by each subdivided parcel.

30. Non-Waiver. No waiver by Lender or District of any default or breach of this Agreement shall operate as a waiver of any other default or of the same default on a future occasion.

31. Authorization. This Contract has been duly authorized by all necessary action by the Property Owner and does not conflict with, result in a violation of, or constitute a default under any provision of any agreement or other instrument binding upon the Property Owner, or with any law, regulation, or court order that is applicable to the Property Owner in any way.

32. Modification of Contract. This Contract may not be modified, altered, changed, or amended except by written instrument executed by all Parties hereto.

[Signature Pages Follow]

**PROPERTY OWNER:**

**CBUS HOTELS, LLC,**  
a Nebraska limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF NEBRASKA        )  
  )  
COUNTY OF \_\_\_\_\_  )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2024, by \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the entity upon behalf of which he/she acted, executed the instrument. He/She is the \_\_\_\_\_ of **CBUS HOTELS, LLC**, a Nebraska limited liability company, for and on behalf of said limited liability company, and he/she acknowledged, signed and delivered the instrument as his/her free and voluntary act, for the uses and purposes therein set forth.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

[seal]

**LENDER:**

PLG FINANCE 1, LLC,  
a Minnesota limited liability company

By: \_\_\_\_\_  
Name: Raphael Golberstein  
Its: Chief Manager

STATE OF MINNESOTA            )  
  ) ss.  
COUNTY OF HENNEPIN        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2024, by RAPHAEL GOLBERSTEIN, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the entity upon behalf of which he/she acted, executed the instrument. He/she is the Chief Manager of PLG FINANCE 1, LLC, a Minnesota limited liability company, for and on behalf of said limited liability company, and he/she acknowledged, signed and delivered the instrument as his/her free and voluntary act, for the uses and purposes therein set forth.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

[seal]



**EXHIBIT A**

**Property Description**

All fixtures and improvements located on the following real property situated in the City of Columbus, County of Platte, State of Nebraska and described as follows:

[\_\_\_\_\_]

## **EXHIBIT B**

### **Description of Project**

**The following Energy Efficiency Improvements as detailed in that certain PACE Energy Study for the Dual Brand Columbus, dated January 19, 2024 and prepared by ae Asset Environments:**

- 1. HVAC Systems**
  - a. PTHP Systems**
  - b. Air Cooled Split System with Electric Resistance Heat**
  - c. Multizone Split System Heat Pumps**
  - d. Building Automation Systems**
- 2. High Efficiency DHW System**
- 3. Additional Roof Insulation**
- 4. Additional Wall Insulation**
- 5. Low U-Factor Windows**
- 6. LED Interior Lighting Fixtures**
- 7. Low-Flow Plumbing Fixtures**

## EXHIBIT C

### SCHEDULE OF BI-ANNUAL INSTALLMENTS

[]

The above Installments are based on the following assumptions:

1. All interest payable shall be calculated on the basis of a 360-day year, but shall be charged for the actual number of days elapsed, that is, by applying the ratio of the interest rate over a year of 360 days, multiplied by the outstanding Principal Balance, multiplied by the actual number of days the Principal Balance is outstanding.
2. There is no out-of-pocket installment due [\_\_\_\_\_, 20\_\_], [\_\_\_\_\_, 20\_\_], [\_\_\_\_\_, 20\_\_], and [\_\_\_\_\_, 20\_\_] - the amount shown above for such dates represents capitalized interest.
3. The Lender disburses all Loan proceeds to the Property Owner (as defined in the Loan Agreement, but subject to the Disbursement Agreement) on the date hereof. Interest accrues from the date of disbursement at the interest rate described in the Loan Agreement. The Property Owner acknowledges that an amount equal to all interest that shall accrue from the date of disbursement until [\_\_\_\_\_, 20\_\_], shall be disbursed to Lender at Closing as capitalized interest.
4. After the initial Installment, District will adjust the PACE Assessments and the subsequent Installments, if necessary, to reflect the actual PACE Assessments due pursuant to the Assessment Contract, as certified to District by Lender.
5. The above Installments shall include the County Treasurer Fee.

**EXHIBIT D**

**Third-Party Lender’s Form of Installment Certification**

Property Owner: \_\_\_\_\_  
Property Tax Key: \_\_\_\_\_  
Interest Rate: \*\*\*PACE rate TE\*\*\*  
Date of PACE loan: \*\*\*PACE closing date DT\*\*\*

Payment Date	Date of PACE Loan	Installment	Number of Installments Remaining	Outstanding Loan Amount as of date of Installment Certification

15.C.Resolution No. R24-53 approving lease agreement with Jim and Dan Donoghue to rent farm ground known as well field property in the annual amount of \$36,027 commencing May 6, 2024, and ending December 31, 2025.

**RESOLUTION NO. R24-53**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A LEASE AGREEMENT WITH JIM AND DAN DONOGHUE TO RENT FARM GROUND KNOWN AS WELL FIELD PROPERTY, CONSISTING OF 130.6 ACRES, MORE OR LESS, SITUATED IN PLATTE COUNTY, NEBRASKA, SOUTH AND ADJACENT TO LAKE BABCOCK IN THE ANNUAL AMOUNT OF \$36,027 FOR A TERM COMMENCING MAY 6, 2024, AND ENDING DECEMBER 31, 2025, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH.

WHEREAS, the City of Columbus desires to lease the ground known as Well Field Property for 2024 and 2025; and

WHEREAS, Jim and Dan Donoghue are willing to pay \$36,027 annually and the City is willing to accept the same as fair and reasonable rent.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF CITY OF COLUMBUS, NEBRASKA, that the Farm Lease Agreement with Jim and Dan Donoghue, a copy of which is attached hereto and incorporated herein by this reference is approved and the mayor is hereby authorized, directed, and empowered to the same on behalf of the City of Columbus.

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

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY



**CITY OF COLUMBUS  
 BID TABULATION  
 CITY WELLFIELD LAND LEASE  
 BID OPENING: APRIL 30, 2023 AT 2:00 P.M.**

Contractor: Jim & Dan Donoghue 25657 235th Avenue Columbus, NE 68601	Contractor: Jeremy Schreiber 5773 E 29th Avenue Columbus, NE 68601	Contractor: M&N Farms 624 Road 1 Columbus, NE 68601	Contractor:
---	---	--	-------------

BID FOR EAST TRACT 49.2 ACRES	\$ 17,712.00	\$ 15,990.00	\$ 15,842.40	
BID FOR WEST TRACT 81.4 ACRES	\$ 18,315.00	\$ 19,943.00	\$ 19,698.80	
<b>COMBINED BID BOTH EAST AND WEST TRACTS</b>	<b>\$ 36,027.00</b>	<b>\$ 35,933.00</b>	<b>\$ 35,541.20</b>	<b>\$ -</b>

# **FARM LEASE**

(City of Columbus Well Field Property)

**THIS LEASE** made this 6th day of May, 2024, between THE CITY OF COLUMBUS, NEBRASKA, a political subdivision of the State of Nebraska (hereinafter referred to as “Lessor”) and Jim and Dan Donoghue (hereinafter referred to as “Lessee”).

**IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED IN THIS LEASE, THE PARTIES ACKNOWLEDGE AND AGREE AS FOLLOWS:**

1. **PROPERTY LEASED:** That the Lessor does hereby lease unto the Lessee, Lessor’s Well Field Property containing 130.6 cropland acres more or less situated in:

Platte County, Nebraska, South and adjacent to Lake Babcock located in:  
Section Six (6), Township Seventeen (17) North, Range One (1) East of  
the 6<sup>th</sup> P.M., Platte County, Nebraska

The Property is further described as follows:

East Tract: The tillable acres of the City of Columbus wellfield in the  
East ½, Section Six (6), Township Seventeen (17) North, Range One (1)  
East of the 6<sup>th</sup> P.M., Platte County, Nebraska.

Approximate: Farmland - 64.0 Acres; Cropland - 49.2 Acres

West Tract: The tillable acres of the City of Columbus wellfield in the  
West ½ A, Section Six (6), Township Seventeen (17) North, Range One  
(1) East of the 6<sup>th</sup> P.M., Platte County, Nebraska.

Approximate: Farmland - 97.0 Acres; Cropland – 81.4 Acres

Both tracks herein referred to as the “Property”.

2. **LEASE TERM:** The term of this Lease shall commence on May 6, 2024 and end December 31, 2025. There is no automatic renewal of this Lease.
3. **RENTAL AMOUNT:** Lessee agrees to pay the Lessor annual rent each year of the Lease in the sum of \$36,027.00. Said annual rent shall be due in full as follows: the first year’s payment is due on May 30, 2024, and second year’s payment on due on January 1, 2025. Lessee shall have a period of 30 days from the date upon which rent is payable during which Lessee may make said payments without being declared in default. Any payment not paid on date due shall incur interest at the rate of 16% per annum until paid.
4. **SURRENDER OF PROPERTY:** Lessee covenants that at the expiration of the term of this Lease he will surrender and yield up the possession of the property to Lessor, without further demand or notice, in as good order and condition as when the same was entered upon by the Lessee.
5. **LIMITATIONS ON PLANTING:** Lessee agrees not to plant or prepare ground for the planting of any crop on any portion of said land when said crop would not mature until after the expiration of this Lease, without first obtaining the written consent of said Lessor. The Lessee shall not to destroy, burn or remove any stacks, straw, stalks or stubble and shall not remove any dirt, trees, shrubs, fences, fixtures, or other personal property, if any, from the premises without the prior written consent of the Lessor. No livestock shall be permitted on the property.

6. **USE OF PREMISES:** Lessee agrees to operate the farm in an efficient manner. Lessee shall do the plowing, seeding, cultivating and harvesting at the proper times and in the proper manner using accepted agricultural practices; agrees to control erosion as completely as possible; and agrees to keep the premises free from weeds, including along adjoining fence lines and highways or roads and about all buildings, if any. Lessee agrees to keep in good repair all grass waterways, terraces, open ditches and inlets and outlets of tile drains. Lessee agrees to use accepted agricultural practices for all herbicide application, including any eradication program for musk thistle; to use accepted agricultural practices for the control and eradication of corn borer, root worm and other crop pests; and to use accepted agricultural practices for the proper application of fertilizer. Lessee acknowledges that the Property leased is a City Well Field; and, therefore, Lessee is restricted as to the use of chemicals and fertilizers. Accordingly, chemicals and fertilizers applied by the Lessee shall be approved in writing before use by Mr. Dean Hanke (402-563-9639 or 402-276-0716) or by another employee of the Lessor that has been or may be so designated from time to time, Lessee agrees to plant no crops or prepare no ground for planting of any crop, or a portion of said land, which said crop would not mature until after the expiration of this Lease, without obtaining the prior written consent of the Lessor. Lessee agrees to control soil erosion as completely as and as practicable as possible and keep in good repair all terraces, open ditches, established water courses, inlets and outlets of tile drains, grass waterways, and conservation structures of a similar nature, and shall refrain from any operation or practice that will injure them, if any of such are situated on the above-described property. Lessee may grade the premises to remove high or low spots that hinder the farming operation with the express approval by Lessor through Mr. Dean Hanke or by another such employee of the Lessor that has been or may be designated from time to time. No improvements shall be made by the Lessee without written authorization by Lessor. All of the aforementioned obligations on Lessee shall be at Lessee=s sole expense.
7. **PROPERTY IN GOOD REPAIR:** Lessee agrees to keep the premises and every part thereof in good repair including fences, without charge or cost to Lessor, provided that Lessor shall, at its own cost, furnish all materials for such repairs not made necessary by the default or negligence of the Lessee and that no repairs will be made by Lessee without written consent of Lessor, or its agent, and Lessor shall not be liable for any loss or damage that may result from any destruction or defective condition of the land. All improvements or repairs made without consent of Lessor shall become part of the real property. Lessee agrees he will not commit waste on or damage to the farm and will use due care to prevent others from doing so.
8. **LESSOR'S RIGHT OF REENTRY AND REPOSSESSION:** Lessee specifically acknowledges during the pendency of this Lease that Lessor reserves the right to reenter upon and repossess the Property under the following conditions:
  - a. Lessor may need to reenter and repossess the Property at any time to inspect the same or to make repairs, alterations or improvements thereon; or to prepare for future crops and to sow grain in the fall before the expiration of this Lease; or for attending to any business matters pertaining to the farm.
  - b. In addition to all other remedies provided by law or contained herein, the Lessor may, at its option, upon the failure to perform any of the agreements of this Lease by the Lessee, without formal notice or demand, reenter upon said premises and repossess the same and hold and enjoy the same as though this Lease had never been in effect.
  - c. Lessor may need to reenter and repossess the Property, or any portion(s) thereof, for well expansion and other related City projects that are currently proposed or that may be proposed in the future. In such situation(s) Lessor shall be entitled to reenter and

repossess only that portion(s) of the Property needed for the well expansion or other related City project. In Lessor doing so, Lessee acknowledges that its crops (beans/corn/both) in a given year may be destroyed or damaged. When Lessor reenters and repossesses for this reason, Lessee shall be entitled to compensation only as follows:

i. If the crop has not yet been planted: Lessee is entitled to compensation in the amount of the cost of the fertilizer or tillage of the ground for the specific area reentered and repossessed. The compensation Lessee is entitled to receive under this provision shall be calculated and limited in generally the following manner:

- The total cost for fertilizing/tilling the Property shall be divided by 130.6 cropland acres and that amount shall equal the cost of fertilizing/tilling per acre; that figure shall then be multiplied by the number of acres actually repossessed; and, that total shall then equal the compensation allowed. Thus, by way of example only:

\$20,000 (total cost to fertilize/till the Property)  
divided by 130.6 (total cropland acres)  
equals \$153.14 (cost per acre to fertilize/till)

\$153.14 (cost per acre to fertilize/till)  
multiplied by 3.5 (acres actually repossessed)  
equals \$535.99 (total compensation allowed)

ii. If the crop has been planted but not yet harvested, then upon completion of harvest: Lessee is entitled to compensation in the amount of the estimated cost per bushel from the acres of the crop actually destroyed or damaged. The compensation Lessee is entitled to receive under this provision shall be calculated in generally the following manner:

- The average bushel per acre from the land actually harvested (this average shall be evidenced from the data collected from Lessee's combine and yield monitor) shall be multiplied by the number of acres actually destroyed or damaged; that figure shall then be multiplied by the average spot price for corn from ADM Columbus based on their October 15 and November 15 spot prices or the average spot prices for beans from CVA Monroe based on their October 1 and October 15 spot prices; and, that total shall then equal the compensation allowed. For the purposes of this paragraph 'spot price' shall mean the price of the corn or bean sold and delivered on aforementioned dates listed at the aforementioned locations. Thus, by way of example only:

250 (example average corn bushel per acre from land actually harvested)  
multiplied by 3.5 (acres actually destroyed or damaged)  
equals 875 (bushels of corn eligible for compensation)

875 (bushels of corn eligible for compensation)  
multiplied by \$5.19 (example of estimate of average spot prices for corn)  
equals \$4,541.25 (total compensation allowed)

iii. If the crop has already been harvested then Lessee shall not be entitled to any compensation for the reentered and repossessed Property, or portion thereof.

iv. The compensation provided for under Paragraph 8(c) is only allowed on the repossessed Property for the year that the fertilizing/tilling actually occurred and/or the year the crop is actually damaged or destroyed. Thus, if the Property,

or any portion(s) thereof, are reentered and repossessed under Paragraph 8(c) in the first year of this Lease then that is the only year in which compensation will be paid to the Lessee and there will be no compensation paid for the reentering or repossessing of that the same Property, or portion(s) thereof, for the second year of this Lease. If in second year of this Lease a different portion(s) of the property are reentered and repossessed under Paragraph 8(c) then the compensation for Lessee on those different portion(s) shall follow the requirements of subparagraphs (i), (ii), and (iii).

9. **STATE AND LOCAL LAWS:** Lessee shall remain in compliance with Federal, State and Local Environmental Regulations and Ordinances. Lessee agrees to follow all labels, restrictions and instructions to the use of fertilizers, pesticides and herbicides and other chemicals which may be applied to the Property. Lessee further agrees that all waste shall be disposed of in a manner approved of by the federal and state environmental agencies and regulations. Lessee hereby indemnifies the Lessor from any loss, liability, claim or expense including without limitations, cleanup, engineering, attorney fees and expenses that the Lessor may incur by reason of the use, generation or disposal of toxic or hazardous waste or substances on or about the premises. This indemnity shall survive the term of this Lease or any extension thereof.
10. **ASSURANCES BY LESSEE:** Lessee did not solicit or induce any individual or entity to refrain from submitting a bid regarding leasing this Property. Lessee did not engage in corrupt, fraudulent, collusive, or coercive practices in competing for this Lease. Lessee has visited and inspected the Property; has become familiar with it; and, is satisfied as to the general, local, and site conditions that may affect the usage of the property.
11. **DEFAULT:** Lessor and Lessee agree that every condition, covenant, and provision of this Lease is material and reasonable. Any breach by Lessee(s) of a condition, covenant, or provision of this Lease will constitute a material breach and a default of Lessee's obligations under this Lease, including, but not limited to:
  - a. Failure of Lessee to abide by any provision(s) of this Lease.
  - b. Abandonment of the property by Lessee(s).
  - c. Failure of Lessee to make the rental payment as required under this Lease.
  - d. Lessee files a voluntary petition under the Bankruptcy Act of the United States, or is judged bankrupt under such act, or is the subject of a petition filed in federal or state court for the appointment of a trustee or receiver in bankruptcy or insolvency, or makes a general assignment for the benefit of creditors.
  - e. Discovery by Lessor that any material information provided by Lessee related to its Bid or this Lease is/was materially false.
  - f. Unapproved or unauthorized transfer of any interest acquired under this Lease by Lessee.
  - g. Use of Property for unlawful purposes by Lessee.
  - h. Maintaining, committing, or permitting of a nuisance on the Property by Lessee.

Upon a material breach and default, unless otherwise stated in Paragraph 12(b), Lessee shall be provided with written notice and demand to cure said material default. Said notice shall give the Lessee fifteen (15) days after receipt of written notice to cure the default(s).

12. **TERMINATION OF AGREEMENT:**

- a. **TERMINATION AFTER OPPORTUNITY TO CURE:** In the event the Lessee is in default of this Lease as set forth in Paragraph 11, and such default is not cured within

fifteen (15) days after receipt of written notice of default from Lessor, then Lessor at its sole discretion may terminate this Lease effective immediately by written notice to Lessee. Upon such termination the Lessor may, at its option, enter upon the property and re-take possession of the same and hold and enjoy the same as though this Lease had never been in effect. In such event, Lessee agrees to peaceably vacate the property and to yield up possession to the Lessor without further demand or notice.

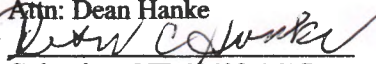
- b. IMMEDIATE TERMINATION OF AGREEMENT: Any insolvency of the Lessee, a receiver being appointed to take possession of all or substantially all of the property of the Lessee, the making of a general assignment for the benefit of creditors by the Lessee, or the filing by or against the Lessee under the provisions of the Federal Bankruptcy Code or any state insolvency laws shall immediately terminate this Lease and entitle the Lessor to re-enter and regain possession of the premises. In such event, Lessee agrees to peaceably vacate the property and to yield up possession to the Lessor without further demand or notice.

13. NOTICES: The parties expressly agree for the purposes of notice, including legal service of process during the term of this Lease, the following named individuals shall be the authorized representatives of the parties:

- Lessor:

City of Columbus

Attn: Dean Hanke

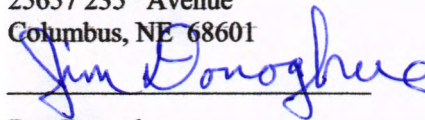
  
Columbus, NE 68602-1677

- Lessee:

Jim Donoghue

25657 235<sup>th</sup> Avenue

Columbus, NE 68601

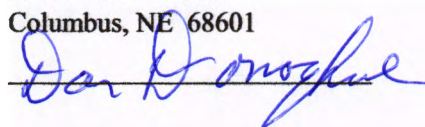


- Lessee:

Dan Donoghue

25657 235<sup>th</sup> Avenue

Columbus, NE 68601



or such other representative at such address as either party may designate by written notice to the other party. All notices, requests, demands, or other communications under this Lease shall be in writing and shall be deemed to have been given the date of service if served personally on the party to whom notice is given; or, on the fourth (4<sup>th</sup>) day after mailing if mailed to the party to whom notice is to be given, by first class mail, registered mail, or certified mail, with postage prepaid and properly addressed as shown above.

14. BINDING EFFECT: This Lease shall extend to and be binding upon the heirs, personal representatives, and administrators, successors, and assigns of the Lessor and Lessee.
15. ASSIGNMENT OF LEASE: Lessee shall not have the right to sub-let, assign, transfer, or in any manner re-lease any part of the Property or improvements. Any attempts to do so without Lessor's expressed written approval shall be null and void.

16. **NON-WAIVER:** No waiver by Lessor of any default or breach of this Lease shall operate as a waiver of any other default or of the same default on a future occasion.
17. **SURVIVABILITY:** Invalidation of any one or more of the provisions of this Lease by judgment or court order shall in no way affect any other provision(s) of the Lease and all which other provisions shall remain in full force and effect.
18. **CAPTION HEADINGS:** Caption Headings in this Lease are for convenience only and are not to be used to interpret or define the provisions of the Lease.
19. **AUTHORIZATION:** Lessee's execution, delivery, and performance of this Lease has been duly authorized by all necessary action by the Lessee(s) and does not conflict with, result in a violation of, or constitute a default under any provision of any agreement or other instrument binding upon the Lessee with any law, regulation, or court order that is applicable to the Lessee in any way.
20. **FULL INTEGRATION:** This is a fully integrated Lease and supersedes any and all prior agreements, whether oral or written, between the parties; and, this Lease embodies a full and complete understanding of the parties.

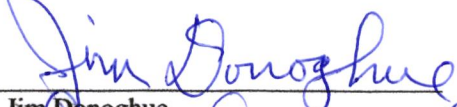
**IN WITNESS WHEREOF**, the parties hereto have hereunto set their hands the day and year first above written.

**LESSOR:**

CITY OF COLUMBUS, NEBRASKA, a political  
Subdivision of the State of Nebraska

By: \_\_\_\_\_  
James B. Bulkley, Mayor

**LESSEE:**

By:   
Jim Donoghue

By:   
Dan Donoghue

**16. ORDINANCES ON FIRST READING**

16.A. Ordinance No. 24-11 authorizing issuance of sales tax revenue bonds in an amount not to exceed \$5,150,000 for community building.



Ord. No. 24-11

## MEMORANDUM

**DATE:** May 6, 2024  
**TO:** Tara Vasicek, City Administrator  
**FROM:** Heather Lindsley, Finance Director  
**SUBJECT:** 2024 Sales Tax Bonds

**RECOMMENDATION:** Staff recommends that the ordinances to issue Sales Tax Bonds, for the Community Building Project, be approved.

**DISCUSSION:** Cody Wickham from DA Davidson presented several options to finance the Community Building Project. Staff recommends to issue \$5,000,000.00 in Sales Tax Bonds for the project. The BANs were originally financed for three years at \$10,000,000.00. Over the three years, the City was able to build their sales tax balance and were able to pay for the Quail Run Golf Course repairs and the 23<sup>rd</sup> street reconstruction. We have been reimbursed 95% of the Quail Run Repairs and received confirmation that we'll be reimbursed for \$3,025,000 of the 23<sup>rd</sup> street reconstruction repairs. The Sales Tax fund has been able to fund these projects, so it is my recommendation that we use the \$5,000,000.00 in reimbursements to the sales tax fund to pay down on the sales tax bonds and only finance \$5,000,000.00.

FISCAL IMPACT:

The City must issue permanent financing in order to complete the project, just not as much as originally financed. The interest savings on \$5,000,000.00 would be substantial.

ALTERNATIVES:

The alternative would be to issue Sales Tax Bonds for \$10,000,000.00 as opposed to \$5,000,000.00.

SIGNATURE:

DEPARTMENT HEAD: Heather Lindberg

CITY ADMINISTRATOR APPROVAL: Joseph B. Smith

**ORDINANCE NO. 24-11**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF SALES TAX REVENUE BONDS (COMMUNITY BUILDING PROJECT), SERIES 2024, NOT TO EXCEED \$5,150,000 PRINCIPAL AMOUNT FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING A COMMUNITY BUILDING OF THE CITY; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AUTHORIZING A BOND INSURANCE POLICY AND RELATED PROVISIONS; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AS FOLLOWS:

**FINDINGS AND DETERMINATIONS**

The Mayor and City Council (the "Council") of the City of Columbus, Nebraska (the "City"), hereby find and determine that:

1. Pursuant to Sections 16-6,100 and 77-27,142, Reissue Revised Statutes of Nebraska, as amended, the Mayor and Council have the authority, upon a majority vote of electors voting at a general or special election, to issue negotiable bonds of the City payable from sales and use tax revenues for a community building to include a library, children's museum, art gallery and community room.

2. The City currently levies a sales and use tax (the "Special Tax") in the amount of one-half percent (0.50%) upon the same transactions within the City on which the State of Nebraska is authorized to impose a tax pursuant to the Local Option Revenue Act (Sections 77-27,142 to 77-27,148, inclusive, Reissue Revised Statutes of Nebraska, as amended, the "Revenue Act"). The Special Tax was approved by the voters of the City at an election held on May 10, 2016 to be used as a funding mechanism and expended only for capital building projects to include a library/cultural arts center and police and fire facilities (together, the "Special Tax Projects"). The Special Tax shall continue until the later of (a) completion of such projects, (b) voter rejection of bond elections for such projects, or (c) the date on which there are no outstanding and unpaid bonds for which the Special Tax has been pledged.

3. Pursuant to Resolution No. R18-16 adopted by the Mayor and Council on March 5, 2018, a special election (the "2018 Election") was called and was held in conjunction with the Statewide Primary Election on May 15, 2018, (i) on the proposition for the issuance of bonds in an amount not to exceed \$16,000,000 to provide funds to

pay site costs and costs of constructing, furnishing and equipping police and fire facilities; said bonds to bear interest at such rate or rates and become due at such time or times as may be determined or directed by the Mayor and Council; and (ii) on the question of applying funds from the Special Tax to pay debt service on such bonds.

4. Pursuant to Resolution No. R20-84 adopted by the Mayor and Council on August 17, 2020, a special election (the “2020 Election”) was called and was held in conjunction with the Statewide General Election on November 3, 2020, (i) on the proposition for the issuance of bonds in an amount not to exceed \$10,000,000 to provide funds to pay costs of constructing a community building to include: library, children’s museum, art gallery and community room (the “Project”); said bonds to bear interest at such rate or rates and become due at such time or times as may be determined or directed by the Mayor and Council; and (ii) on the question of applying funds from the Special Tax to pay debt service on such bonds.

5. Pursuant to Ordinance No. 16-16 passed and adopted on June 20, 2016, the Mayor and Council have authorized the levy and collection of the Special Tax, said Ordinance No. 16-16 has been certified to the Nebraska Department of Revenue, and the levy of the Special Tax commenced on January 1, 2017.

6. The City is authorized to and shall continue to levy and collect the Special Tax until all of the indebtedness evidenced by the bonds authorized herein (including any refunding bonds issued to refund such indebtedness) is no longer outstanding and unpaid.

7. The City has previously issued and there are now outstanding and unpaid issues payable from the Special Tax for the Special Tax Projects authorized at the 2018 Election as follows:

(a) Sales Tax Revenue Bonds (Police and Fire Project), Series 2018, in the outstanding principal amount of \$12,960,000, dated September 25, 2018 (the “Outstanding 2018 Bonds”), and bearing interest and maturing as follows:

<u>Principal Amount</u>	<u>Maturing September 15 Of Year</u>	<u>Interest Rate</u>
\$660,000	2024	4.000%
690,000	2025	4.000
715,000	2026	4.000
745,000	2027	4.000
775,000	2028	4.000
4,295,000	2033†	3.250
5,080,000	2038†	3.625

† Term Bond

such Outstanding 2018 Bonds being part of an issue of \$15,840,000 principal amount of Sales Tax Revenue Bonds (Police and Fire Project), Series 2018, issued by the City pursuant to an ordinance duly passed and approved by the Mayor and Council of the City (the “Outstanding 2018 Bonds Ordinance”).

(b) Sales Tax Revenue Bond Anticipation Notes (Community Building Project), Series 2021, in the outstanding principal amount of \$10,000,000, dated April 15, 2021 (the “Outstanding Notes”), issued on a subordinate basis to the Outstanding 2018 Bonds to finance the costs of the Project and bearing interest and maturing as follows:

Principal <u>Amount</u>	Maturing June 15 <u>Of Year</u> 2024	Interest <u>Rate</u>
\$10,000,000		0.850%

such Outstanding Notes being part of an issue of \$10,000,000 principal amount of Sales Tax Revenue Bond Anticipation Notes (Community Building Project), Series 2021, issued by the City pursuant to an ordinance duly passed and approved by the Mayor and Council of the City. Such Outstanding 2018 Bonds are redeemable at the option of the City at any time on or after April 15, 2023, at a redemption price equal to the principal amount thereof plus accrued interest to the date fixed for redemption.

8. Pursuant to the Outstanding 2018 Bonds Ordinance, the City may issue bonds on a parity with the Outstanding 2018 Bonds if, based upon the most recent audited financial statement of the City for the fiscal year ended September 30, 2023, the Special Tax Revenues for the fiscal year immediately preceding the issuance of additional bonds shall have been equal to at least 150% of the Average Annual Debt Service with respect to all Outstanding 2018 Bonds and the bonds authorized herein (the “Parity Bonds Test”)

9. It is necessary, desirable, advisable and in the best interest of the City that not to exceed \$5,150,000 principal amount of the bonds authorized by the 2020 Election be issued to finance the costs of the Project and refinance the Outstanding Notes, upon a certificate delivered by an Authorized Officer to certify compliance with the Parity Bonds Test.

10. All conditions, acts and things required to exist or to be done precedent to the issuance of Sales Tax Revenue Bonds (Community Building Project), Series 2024, of the City of Columbus, Nebraska, in the principal amount of not to exceed Five Million One Hundred Fifty Thousand Dollars (\$5,150,000) pursuant to Sections 16-6,100 and 77-27,142, Reissue Revised Statutes of Nebraska, as amended, to pay a portion of the cost of the Project do exist and have been done as required by law.

## ARTICLE I

### DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to the words and terms defined elsewhere herein, the following capitalized words and terms as used in this Ordinance shall have the following meanings:

“Authorized Officer” means the Mayor, City Administrator or City Finance Director of the City.

“Beneficial Owner” means any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Bonds for federal income tax purposes.

“Bond Counsel” means Gilmore & Bell, P.C., Omaha, Nebraska, or other attorney or firm of attorneys with a nationally recognized standing in the field of municipal bond financing selected by the City.

“Bond Insurer” means Assured Guaranty Municipal.

“Bond Payment Date” means any date on which principal of or interest on any Bond is payable at the Maturity thereof or on any Interest Payment Date.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Paying Agent.

“Bondholder” or “Registered Owner” when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register.

“Bonds” means the City’s Sales Tax Revenue Bonds (Community Building Project), Series 2024, in the original aggregate principal amount of not to exceed \$5,150,000 authorized and issued pursuant to this Ordinance.

“Business Day” means a day other than a Saturday, Sunday or holiday on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its banking operations.

“Cede & Co.” means Cede & Co., as nominee name of The Depository Trust Company, New York, New York.

“City” means the City of Columbus, Nebraska, and any successors or assigns.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations of the Treasury Department proposed or promulgated thereunder.

“Continuing Disclosure Undertaking” means that certain Continuing Disclosure Undertaking executed and delivered by the City dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

“2024 Debt Service Fund” means the fund by that name created by Section 501 hereof.

“2024 Debt Service Reserve Fund” means the fund by that name created by Section 501 hereof.

“2024 Debt Service Reserve Requirement” means that amount set out and defined in Section 602(b) hereof.

“Defaulted Interest” means interest on any Bond which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations serving as security for the obligations, plus any cash in the escrow fund, are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations serving as security for the obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) the obligations are rated in the highest rating category by Moody's Investors Service, Inc. (presently "Aaa") or Standard & Poor's Ratings Group (presently "AAA").

"2018 Election" means the special election held by the City in conjunction with the Statewide Primary Election on May 15, 2018 as defined and described in the Findings and Determinations section of this Ordinance;

"2020 Election" means the special election held by the City in conjunction with the Statewide Primary Election on November 3, 2020 as defined and described in the Findings and Determinations section of this Ordinance;

"Interest Payment Date" means the Stated Maturity of an installment of interest on any Bond.

"Maturity" when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for optional or mandatory redemption or otherwise.

"Original Purchaser" means D.A. Davidson & Co., Omaha, Nebraska, as underwriter of the Bonds.

"Ordinance" means this Ordinance as from time to time amended in accordance with the terms hereof.

"Outstanding" means, when used with reference to Bonds, as of any particular date, all Bonds theretofore issued and delivered hereunder, except the following Bonds:

(a) Bonds theretofore cancelled by the Paying Agent or delivered to the Paying Agent for cancellation;

(b) Bonds deemed to be paid in accordance with the provisions of Section 1101 hereof; and

(c) Bonds in exchange for or in lieu of which other Bonds have been registered and delivered hereunder.

“Parity Bonds” means any other bonds or other obligations issued to pay costs of one or more Special Tax Projects payable from the proceeds of the Special Tax hereafter issued or incurred in accordance with the provisions of this Ordinance and standing on a parity and equality with the Bonds with respect to the payment of principal and interest from the proceeds of the Special Tax, so long as any such bonds remain outstanding and unpaid or until provision is made for the payment and defeasance of such bonds.

“Parity Ordinance” means any ordinance authorizing the issuance of Parity Bonds.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means the City Treasurer or a bank or trust company as determined by an Authorized Officer in the Designation, and any successors and assigns.

“Permitted Investments” means any of the following securities and obligations, if and to the extent the same are at the time legal for investment of the City’s moneys held in the funds referred to in Section 501 hereof:

(a) United States Government Obligations;

(b) bonds, notes or other obligations of any political subdivision of the State of Nebraska, that at the time of their purchase are rated in either of the two highest rating categories by a nationally recognized rating service;

(c) repurchase agreements with any bank, bank holding company, savings and loan association, trust company, or other financial institution organized under the laws of the United States or any state, that are continuously and fully secured by any one or more of the securities described in clause (a) or (b) above and have a market value, exclusive of accrued interest, at all times at least equal to the principal amount of such repurchase agreement and are held in a custodial or trust account for the benefit of the City;

(d) obligations of the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Financing Bank, the Federal Intermediate Credit Corporation, Federal Banks for Cooperatives, Federal Land Banks, Federal Home Loan Banks, Farmers Home Administration and Federal Home Loan Mortgage Corporation;

(e) certificates of deposit or time deposits, whether negotiable or nonnegotiable, issued by any bank or trust company organized under the laws of the United States or any state, provided that such certificates of deposit or time

deposits shall be either (1) continuously and fully insured by the Federal Deposit Insurance Corporation, or (2) continuously and fully secured by such securities as are described above in clauses (a) through (c) above, inclusive, which shall have a market value, exclusive of accrued interest, at all times at least equal to the principal amount of such certificates of deposit or time deposits; and

(f) any other securities or investments that are lawful for the investment of moneys held in such funds or accounts under the laws of the State of Nebraska.

“Person” means any natural person, corporation, partnership, firm, joint venture, association, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Principal Office” means, in the case of the City Treasurer, the office maintained by the City Treasurer in City Hall, or, in the case of a commercial banking association or corporation or trust company, the corporate trust administration office maintained by such entity at which such entity discharges its obligations under this Ordinance.

“Project” means the planning, design and construction of a community building to include: library, children’s museum, art gallery and community room and acquiring the necessary related equipment and fixtures.

“Project Fund” means the fund by that name created by Section 501 hereof.

“Rebate Fund” means the fund by that name referred to in Section 501 hereof.

“Record Date” for the interest payable on any Interest Payment Date means the 15th day (whether or not a Business Day) next preceding such Interest Payment Date.

“Redemption Date” when used with respect to any Bond to be redeemed means the date fixed for such redemption pursuant to the terms of this Ordinance.

“Redemption Price” when used with respect to any Bond to be redeemed means the price at which such Bond is to be redeemed pursuant to the terms of this Ordinance, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Replacement Bonds” means Bonds issued to the beneficial owners of the Bonds in accordance with Section 207 hereof.

“Revenue Fund” means the fund by that name created by Section 501 hereof.

“Securities Depository” means, initially, The Depository Trust Company, New York, New York, and its successors and assigns.

“Special Record Date” means the date fixed by the Paying Agent pursuant to Section 204 hereof for the payment of Defaulted Interest.

“Special Tax” means the one-half of one percent (0.50%) additional sales tax as defined and described in the Findings and Determinations section of this Ordinance.

“Special Tax Projects” mean capital building projects as defined and described in the Findings and Determinations section of this Ordinance.

“Special Tax Revenues” means all amounts received by the City from the levy and collection of the Special Tax, excluding the approximately 10% (as currently existing or as may be amended) of such receipts set aside for improvements to streets and roads.

“Stated Maturity” when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Ordinance as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

“Sales Tax Revenue Bonds” means collectively the Bonds and the Parity Bonds.

“Tax Certificate” means the Federal Tax Certificate executed and delivered by the City in connection with the issuance of the Bonds, as the same may be amended or supplemented in accordance with the provisions thereof.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payments on obligations issued or guaranteed by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service, and such obligations are held in a custodial or trust account for the benefit of the City.

## ARTICLE II

### AUTHORIZATION OF BONDS

Section 201. Authorization of Bonds. The City is authorized and directed to issue a series of bonds of the City, designated “Sales Tax Revenue Bonds (Community Building Project), Series 2024”, in the principal amount of not to exceed \$5,150,000 (the “Bonds”) for the purpose of paying a portion of the costs of constructing the Project and paying certain costs of issuing the Bonds, as provided in this Ordinance. Any remaining balance of the bonds authorized at the Election may be issued by the City in one or

more subsequent series of bonds only for the purposes set forth in the proposition approved at the Election which additional bonds shall be issued on parity with the Bonds authorized by this Ordinance.

Section 202. Description of Bonds. The Bonds shall consist of fully registered bonds, numbered from R-1 upward in order of issuance, in denominations of \$5,000 or any integral multiple thereof, and bearing a series designation of the calendar year in which the Bonds are issued. The Bonds shall be subject to registration, transfer and exchange as provided in Section 205 hereof. All of the Bonds shall be dated the date of delivery thereof, shall become due and payable in the amounts on the Stated Maturities, subject to redemption and payment prior to their Stated Maturities as provided in Article III hereof, and shall bear interest at the rates determined by an Authorized Officer in accordance with the provisions of Section 212 hereof. The Bonds shall bear interest computed on the basis of a 360-day year of twelve 30-day months from the date thereof or from the most recent Interest Payment Date to which interest has been paid or duly provided for.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be in substantially the form set forth in Exhibit A attached hereto.

Section 203. Designation of Paying Agent. The Paying Agent is hereby designated as the City's (a) paying agent for the payment of principal of and interest on the Bonds and (b) bond registrar with respect to the registration, transfer and exchange of Bonds (the "Paying Agent"). The City is hereby authorized to enter into the Bond Registrar and Paying Agent Agreement dated the date of the Bonds, between the City and the Paying Agent, in substantially the form presented to and reviewed by the Mayor and Council (a copy of which shall be filed in the records of the City). The Mayor is authorized to execute the Bond Registrar and Paying Agent Agreement with such changes therein as such official deems appropriate, for and on behalf of and as the act and deed of the City.

The City will at all times maintain a Paying Agent meeting the qualifications herein described for the performance of the duties hereunder. The City reserves the right to appoint a successor Paying Agent by (1) filing with the bank or trust company then performing such function a certified copy of the proceedings giving notice of the termination of such bank or trust company and appointing a successor, and (2) causing notice to be given by first class mail to each registered owner. No resignation or removal of the Paying Agent shall become effective until a successor has been appointed and has accepted the duties of the Paying Agent.

Each Paying Agent appointed hereunder shall at all times be a commercial banking association or corporation or trust company organized and in good standing and doing business under the laws of the United States of America or of the State, authorized under such laws to exercise trust powers and subject to supervision or examination by federal or state regulatory authority.

The Paying Agent shall be paid the usual fees and expenses for its services in connection therewith, which fees and expenses shall be paid as other Expenses are paid.

Section 204. Method and Place of Payment of Bonds. The principal or Redemption Price of and interest on the Bonds shall be payable in any coin or currency of the United States of America that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity by check or draft to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the designated corporate trust office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the registered owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest by check or draft mailed by the Paying Agent to such registered owner at the address shown on the Bond Register.

Notwithstanding the foregoing provisions of this Section 204, any Defaulted Interest with respect to any Bond shall cease to be payable to the registered owner of such Bond on the relevant Record Date and shall be payable to the registered owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The City shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds, the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed by first class mail, postage prepaid, to each registered owner of a Bond entitled to such notice at the address of such registered owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and shall at least annually forward a copy or summary of such records to the City.

Section 205. Registration, Transfer and Exchange of Bonds. The City covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond

Register to be kept at the office of the Paying Agent for the registration, transfer and exchange of Bonds as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section 205. Upon surrender of any Bond at the principal corporate trust office of the Paying Agent, the Paying Agent shall transfer or exchange such Bond for a new Bond or Bonds in any authorized denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange. Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Paying Agent, duly executed by the registered owner thereof or by the registered owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Paying Agent shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The City shall pay the fees and expenses of the Paying Agent for the registration, transfer and exchange of Bonds provided for by this Ordinance and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Paying Agent, are the responsibility of the registered owners of the Bonds. In the event any registered owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such registered owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such registered owner hereunder or under the Bonds.

The City and the Paying Agent shall not be required (a) to register the transfer or exchange of any Bond after notice calling such Bond or portion thereof for redemption has been given or during the period of 15 days next preceding the first mailing of such notice of redemption, or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the City of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to Section 204 hereof.

The City and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on such Bond and for all other purposes. All payments so made to any such registered owner or upon the registered owner's order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Paying Agent, the Bond Register may be inspected and copied by the registered owners (or a designated representative thereof) of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such registered owners to be evidenced to the satisfaction of the Paying Agent.

Section 206. Execution, Authentication and Delivery of Bonds. The Mayor and City Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to the Paying Agent for authentication.

Each of the Bonds, including any Bonds issued in exchange or as substitution for the Bonds initially delivered, shall be signed by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the City Clerk, and shall have the official seal of the City affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form set forth in Exhibit A attached hereto, which shall be manually executed by an authorized officer or employee of the Paying Agent, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Ordinance or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Paying Agent. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Ordinance. Upon authentication, the Paying Agent shall deliver the Bonds to the Original Purchaser, upon payment of the purchase price of the Bonds plus accrued interest thereon to the date of their delivery.

Section 207. Mutilated, Destroyed, Lost and Stolen Bonds. If (a) any mutilated Bond is surrendered to the Paying Agent, or the City and the Paying Agent receive evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the Paying Agent such security or indemnity as may be required by the Paying Agent, then, in the absence of notice to the Paying Agent that such Bond has been acquired by a bona fide purchaser, the City shall execute and, upon the City's request, the Paying Agent shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the City in its discretion may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section 207, the City may require the payment by the registered owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section 207 shall constitute a replacement of the prior obligation of the City, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Bonds which remain Outstanding.

Section 208. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent and applicable record retention laws. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the City.

#### Section 209. Book-Entry Bonds; Securities Depository.

(a) The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no beneficial owner will receive certificates representing their respective interests in the Bonds, except in the event the Paying Agent issues Replacement Bonds as provided in subsection (b) hereof. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Paying Agent authenticates and delivers Replacement Bonds to the beneficial owners as described in subsection (b).

(b) (1) If the City determines (A) that the Securities Depository is unable to properly discharge its responsibilities, or (B) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (C) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Bondholder other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, or (2) if the Paying Agent receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Bondholder other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, then the Paying Agent shall notify the Bondholders of such

determination or such notice and of the availability of certificates to Owners requesting the same, and the Paying Agent shall register in the name of and authenticate and deliver Replacement Bonds to the beneficial owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (1)(A) or (1)(B) of this subsection (b), the City, with the consent of the Paying Agent, may select a successor securities depository in accordance with subsection (c) of this Section 209 to effect book-entry transfers. In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Paying Agent, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the City, the Paying Agent or Bondholders are unable to locate a qualified successor of the Securities Depository in accordance with subsection (c) of this Section 209, then the Paying Agent shall authenticate and cause delivery of Replacement Bonds to Bondholders, as provided herein. The Paying Agent may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Bonds. The cost of printing Replacement Bonds shall be paid for by the City.

(c) In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities Exchange Act of 1934, as amended, the City may appoint a successor Securities Depository provided the Paying Agent receives written evidence satisfactory to the Paying Agent with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Paying Agent upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in appropriate denominations and form as provided herein.

Section 210. Preliminary and Final Official Statement. The Authorized Officers are hereby authorized to approve and deem final the Preliminary Official Statement, in substantially the form presented to and reviewed by the Mayor and City Council, and the final Official Statement is hereby authorized and approved by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as the Authorized Officers deem necessary to conform to and describe the transaction, all in accordance with Rule 15c2-12 as promulgated by the Securities and Exchange Commission. The proper officials of the City are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the date of payment for and delivery of the Bonds.

For the purpose of enabling the Original Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the City hereby deems the information regarding the City contained in the Preliminary Official Statement to be “final” as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the City are hereby authorized, if requested, to provide the Original Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Original Purchaser to comply with the requirement of such Rule.

The City agrees to provide to the Original Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the final Official Statement to enable the Original Purchaser to comply with the requirements of Rule 15c2-12(b)(4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 211. Sale of Bonds. The City shall sell the Bonds at a negotiated sale to the Original Purchaser at a purchase price as determined in the Designation described in Section 212 hereof, plus accrued interest to the date of delivery. Delivery of the Bonds shall be made to the Original Purchaser as soon as practicable after the adoption of this Ordinance, upon payment therefor in accordance with the terms of sale. The Authorized Officers, or each individually, are authorized to execute and deliver such documents as may be appropriate for and on behalf of the City to effect the sale of the Bonds as provided herein, any such officer’s signature(s) thereon being conclusive evidence of such official’s and the City’s approval thereof.

Section 212. Authorization of Officers. (a) The Authorized Officers, or each individually, are hereby authorized and directed, in the exercise of his or her own independent judgment and absolute discretion, to hereafter, from time to time, specify, set, designate, determine, establish and appoint, as the case may be, and in each case in accordance with and subject to the provisions of this Ordinance, in a written designation (the “Designation”) (1) the date of original issue of the Bonds, (2) the aggregate stated principal amount of Bonds to be issued, which shall in no event exceed \$5,150,000, (3) the dates on which the principal of the Bonds shall mature and the principal amount of Bonds to mature on each of such dates, together with any mandatory sinking fund payments with respect to Bonds which are issued are “term bonds,” (4) the date of final maturity of the Bonds, which shall in no event be later than June 15, 2044, (5) the Interest Payment Dates, (6) the date upon which the Bonds shall be sold, (7) the rate or rates of interest to be carried by each maturity of the Bonds such that the true interest cost on the Bonds shall not exceed 5.50%, (8) the provisions governing the redemption of the Bonds prior to maturity, the nature of any notice to be given in the event of any such prior redemption, the redemption price or prices payable upon such redemption (not to exceed 100%) and the respective periods in which each redemption price shall be payable, (9) the price at which the Bonds may be sold to the Purchaser, which may include net original issue discount or net original issue premium, provided that the underwriting discount shall not exceed 0.85% of the aggregate stated

principal amount thereof, (10) the amount of the 2024 Debt Service Reserve Requirement for the Bonds, as permitted by Section 602(b) (11) all of the other terms of the Bonds not otherwise determined or fixed by the provisions of this Ordinance, and (12) the form, content, terms, and provisions of any closing and other documentation executed and delivered by the City in connection with authorization, issuance, sale and delivery of the Bonds.

### ARTICLE III

#### REDEMPTION OF BONDS

##### Section 301. Redemption of Bonds.

(a) *Optional Redemption.* At the option of the City, Bonds or portions thereof may be called for redemption and payment prior to the Stated Maturity thereof at any time on or after the fifth anniversary of their date of original issue, or at such other times as be determined in accordance with the Designation described in Section 212, hereof, in whole or in part at a Redemption Price equal to 100% of the principal amount, plus accrued interest thereon to the Redemption Date.

(b) *Mandatory Redemption.* Any Bonds issued as “term bonds” shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in Article IV hereof which are to be deposited into the 2024 Debt Service Fund shall be sufficient to redeem, and the City shall redeem on the dates specified by an Authorized Officer pursuant to Section 212 hereof the principal amounts determined by an Authorized Officer pursuant to Section 212 hereof.

At its option, to be exercised on or before the 45th day next preceding any mandatory redemption date, the City may: (1) deliver to the Paying Agent for cancellation term bonds subject to mandatory redemption on said mandatory Redemption Date, in any aggregate stated principal amount desired; or (2) furnish the Paying Agent funds, together with appropriate instructions, for the purpose of purchasing any term bonds subject to mandatory redemption on said mandatory Redemption Date from any Registered Owner thereof whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical; or (3) receive a credit with respect to the mandatory redemption obligation of the City under this Section for any term bonds subject to mandatory redemption on such mandatory redemption date which, prior to such date, have been redeemed (other than through the operation of the mandatory redemption requirements of this Section 301(b)) and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this Section 301(b). Each term bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the City to redeem term bonds of the same Stated Maturity on such mandatory redemption date, and any excess of such amount shall be credited

on future mandatory redemption obligations for term bonds of the same Stated Maturity in chronological order, and the principal amount of term bonds of the same Stated Maturity to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the City intends to exercise any option granted by the provisions of clauses (1), (2) or (3) above, the City will, on or before the 45th day next preceding each mandatory Redemption Date, furnish the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1), (2) and (3) are to be complied with respect to such mandatory redemption payment.

#### Section 302. Selection of Bonds to Be Redeemed.

(a) The Paying Agent shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Paying Agent not less than 35 days prior to the Redemption Date of written instructions of the City specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in Section 303 hereof are met. The foregoing provisions of this paragraph shall not apply in the case of any mandatory redemption of Bonds hereunder, and Bonds shall be called by the Paying Agent for redemption pursuant to such mandatory redemption requirements without the necessity of any action by the City and whether or not the Paying Agent holds moneys available and sufficient to effect the required redemption.

(b) Bonds shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof, subject further to the restrictions as set out in Section 301(b) above. When less than all of the Outstanding Bonds are to be redeemed, such Bonds shall be redeemed in such principal amount and from the Stated Maturities selected by the City, and Bonds of less than a full Stated Maturity shall be selected by the Paying Agent in \$5,000 units of principal amount in such equitable manner as the Paying Agent may determine.

(c) In the case of a partial redemption of Bonds when Bonds of denominations greater than \$5,000 are then outstanding, then for all purposes in connection with such redemption each \$5,000 of face value shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of face value represented by any Bond are selected for redemption, then upon notice of intention to redeem such \$5,000 unit or units, the Registered Owner of such Bond or the Registered Owner's duly authorized agent shall present and surrender such Bond to the Paying Agent (1) for payment of the Redemption Price and interest to the Redemption Date of such \$5,000 unit or units of face value called for redemption, and (2) for exchange, without charge to the Registered Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Registered Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the

Redemption Date to the extent of the \$5,000 unit or units of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. Unless waived by any Registered Owner of Bonds to be redeemed, official notice of any redemption shall be given by the Paying Agent on behalf of the City by mailing a copy of an official redemption notice by first class mail at least 30 days prior to the Redemption Date, to the Original Purchaser of the Bonds and each Registered Owner of the Bonds to be redeemed at the address shown on the Bond Register.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds are to be redeemed the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the Principal Office of the Paying Agent.

The failure of any Registered Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on that date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the City defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Registered Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as

provided herein. All Bonds that have been redeemed shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

The Paying Agent is also directed to comply with any mandatory or voluntary standards established by the Securities and Exchange Commission then in effect for processing redemptions of municipal securities. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

So long as the Securities Depository is effecting book-entry transfers of the Bonds, the City or the Paying Agent shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the beneficial owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a beneficial owner of a Bond (having been mailed notice from the Paying Agent, a Participant or otherwise) to notify the beneficial owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

## ARTICLE IV

### SECURITY FOR BONDS

Section 401. Security for Bonds. The Bonds are special obligations of the City payable solely from, and secured as to the payment of principal and interest by a pledge of the Special Tax Revenues on a parity with the Outstanding 2018 Bonds. The City hereby pledges the Special Tax Revenues received from and after the date of issuance of the Bonds to the payment of the principal of and interest on the Bonds, the Outstanding 2018 Bonds, and any Parity Bonds. The Bonds shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction, and the general taxing power of the City is not pledged to the payment of the Bonds, either as to principal or interest. The Bonds are being issued as "Parity Bonds" as that term is defined and used in the Outstanding 2018 Bonds Ordinance.

The covenants and agreements of the City contained in this Ordinance and in the Bonds shall be for the equal benefit, protection and security of the legal owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Ordinance. The Bonds shall stand on a parity and be equally and ratably secured with respect to the payment of principal and interest from the Special Tax Revenues and in all other respects with the Outstanding 2018 Bonds and any Parity Bonds. The Bonds shall not have any priority with respect to the payment of principal or interest from the Special Tax Revenues or otherwise over the Outstanding 2018 Bonds or the Parity Bonds; and the Outstanding 2018 Bonds and the Parity Bonds shall not have any

priority with respect to the payment of principal or interest from the Special Tax Revenues or otherwise over the Bonds.

## ARTICLE V

### FUNDS; DEPOSIT AND APPLICATION OF BOND PROCEEDS AND OTHER MONEYS

Section 501. Establishment of Funds. There are hereby created or ratified and ordered to be established and maintained in the treasury of the City the following separate funds to be known respectively as the:

- (a) Project Fund for Sales Tax Revenue Bonds (Community Building Project), Series 2024 (the "Project Fund").
- (b) Special Tax Revenue Fund (the "Revenue Fund"), previously established in the Outstanding 2018 Bonds Ordinance.
- (c) Debt Service Fund for Sales Tax Revenue Bonds (Community Building Project), Series 2024 (the "2024 Debt Service Fund").
- (d) Debt Service Reserve Fund for Sales Tax Revenue Bonds (Community Building Project), Series 2024 (the "2024 Debt Service Reserve Fund").
- (e) Surplus Fund (the "Surplus Fund"), previously established in the Outstanding 2018 Bonds Ordinance.
- (f) Rebate Fund for Sales Tax Revenue Bonds (Community Building Project), Series 2024 (the "2024 Rebate Fund").

The funds referred to in paragraphs (a) through (f) of this Section shall be maintained and administered by the City solely for the purposes and in the manner as provided in this Ordinance so long as any of the Bonds remain Outstanding within the meaning of this Ordinance.

Section 502. Deposit of Bond Proceeds and Other Moneys. The net proceeds received from the sale of the Bonds and certain other moneys of the City, shall be deposited simultaneously with the delivery of the Bonds, as follows:

- (a) The accrued interest on the Bonds and premium, if any, shall be deposited in the 2024 Debt Service Fund and applied in accordance with Section 602(a) hereof.
- (b) The remaining balance of the proceeds of the Bonds shall be deposited in the Project Fund and applied in accordance with Section 503 hereof.

Section 503. Application of Moneys in the Project Fund. Money in the Project Fund shall be used solely for the purpose of (a) paying the cost of constructing the Project in accordance with the plans and specifications approved by the Mayor and Council of the City, including any alterations in or amendments to said plans and specifications approved by the Mayor and Council of the City, (b) redeeming the Outstanding Notes, and (c) for paying the costs and expenses incident to the issuance of the Bonds.

Upon completion of the Project as hereinbefore provided, but in no event later than third anniversary of the date of original issue of the Bonds, any moneys remaining in the Project Fund and not required for the payment of unpaid costs thereof shall be deposited in the 2024 Debt Service Fund.

## ARTICLE VI

### APPLICATION OF SPECIAL TAXES

Section 601. Revenue Fund. The City covenants and agrees that from and after the delivery of the Bonds, and continuing as long as any of the Bonds remain outstanding hereunder, and Outstanding 2018 Bonds are outstanding, or any Parity Bonds are outstanding, all of the Special Tax Revenues shall as and when received be paid and deposited into the Revenue Fund. Said Special Tax Revenues shall be segregated and kept separate and apart from all other moneys, revenues, funds and accounts of the City and shall not be commingled with any other moneys, revenues, funds and accounts of the City. The Revenue Fund shall be administered and applied solely for the purposes and in the manner provided in this Ordinance.

Section 602. Application of Money in Funds. The City covenants and agrees that from and after the delivery of the Bonds and continuing so long as any of the Bonds shall remain outstanding, it will on the first day of each month administer and allocate all of the moneys then held in the Revenue Fund as follows:

(a) *2024 Debt Service Fund.* Each month there shall be paid and credited to the 2024 Debt Service Fund all amounts in the Revenue Fund until debt service requirements on the next two Bond Payment Dates for the Bonds have been deposited in the 2024 Debt Service Fund.

The amounts required to be paid and credited to the 2024 Debt Service Fund pursuant to this Section shall be made at the same time and on a parity with the amounts at the time required to be paid and credited to the debt service funds established for the payment of principal and interest on the Outstanding 2018 Bonds and the Parity Bonds, if any, under the provisions of the Outstanding 2018 Bonds Ordinance and any Parity Ordinance.

All amounts paid and credited to the 2024 Debt Service Fund shall be expended and used by the City for the sole purpose of paying the interest on and

principal of the Bonds as and when the same become due at Maturity and on each Interest Payment Date.

If at any time the money in the Revenue Fund is insufficient to make in full the payments and credits at the time required to be made to the 2024 Debt Service Fund and to the debt service funds established to pay the principal of and interest on the Outstanding 2018 Bonds and any Parity Bonds, the available moneys in the Revenue Fund shall be divided among such debt service funds in proportion to the respective principal amounts of said series of bonds at the time outstanding which are payable from the moneys in said debt service funds.

(b) *2024 Debt Service Reserve Fund.* On the date of original issue of the Bonds, there shall be deposited from available funds of the City the full amount of the 2024 Debt Service Reserve Requirement, which amount shall be determined in the Designation (the “2024 Debt Service Reserve Requirement”). Except as hereinafter provided in this Section, all amounts paid and credited to the 2024 Debt Service Reserve Fund shall be expended and used by the City solely to prevent any default in the payment of interest on or principal of the Bonds on any Maturity date or Interest Payment Date if the moneys in the 2024 Debt Service Fund are insufficient to pay the interest on or principal of said Bonds as they become due. So long as the 2024 Debt Service Reserve Fund aggregates the 2024 Debt Service Reserve Requirement, no payments into said Fund shall be required, but if the City is ever required to expend and use a part of the moneys in said Fund for the purpose herein authorized and such expenditure reduces the amount of said Fund below the 2024 Debt Service Reserve Requirement, the City shall deposit all payments and credits required at the time to be made under the provisions of subsections (a) and (b) of this Section have been made until said 2024 Debt Service Reserve Fund shall again aggregate the 2024 Debt Service Reserve Requirement. Any investment earnings or accrued interest in the 2024 Debt Service Reserve Fund above and beyond the 2024 Debt Service Reserve Requirement shall be transferred to the Surplus Fund on a monthly basis.

The amounts required to be paid and credited to the 2024 Debt Service Reserve Fund pursuant to this Section shall be made at the same time and on a parity with the amounts at the time required to be paid and credited to the debt service reserve funds established for the Outstanding 2018 Bonds and the Parity Bonds, if any, under the provisions of the Outstanding 2018 Bonds Ordinance and any Parity Ordinance.

Moneys in the 2024 Debt Service Reserve Fund may be used to call the Bonds for redemption and payment prior to their Stated Maturity, provided all of the Bonds at the time outstanding are called for payment and funds are available to pay the same according to their terms. Moneys in the 2024 Debt Service Reserve Fund shall be used to pay and retire the last Outstanding 2018 Bonds unless such Bonds and all interest thereon are otherwise paid. Any amounts in

the 2024 Debt Service Reserve Fund in excess of the 2024 Debt Service Reserve Requirement on any valuation date shall be transferred to the 2024 Debt Service Fund.

If at any time the moneys in the Revenue Fund are insufficient to make in full the payments and credits at the time required to be made to the 2024 Debt Service Reserve Fund and to the debt service reserve funds established to protect the payment of the Outstanding 2018 Bonds and any Parity Bonds, the available moneys in the Revenue Fund shall be divided among such debt service reserve funds in proportion to the respective principal amounts of said series of bonds at the time outstanding which are payable from the moneys in such debt service reserve funds.

(c) *Surplus Fund.* After all payments and credits required at the time to be made under the provisions of Section 602(a) and (b), hereof have been made, all money remaining in the Revenue Fund shall be paid and credited to the Surplus Fund. Money in the Surplus Fund may be applied to: (i) call and prepay the Bonds, Outstanding 2018 Bonds, or Parity Bonds in whole or in part; (ii) pay costs of one or more Special Tax Projects; or (iii) pay debt service on other bonds or indebtedness issued to pay costs of one or more Special Tax Projects, which is issued as subordinate indebtedness to the Bonds.

(d) *Deficiency of Payments into Funds.* If at any time the Special Tax Revenues are insufficient to make any payment on the date or dates hereinbefore specified, the City will make good the amount of such deficiency by making additional payments or credits out of the first available Special Tax Revenues thereafter received, such payments and credits being made and applied in the order hereinbefore specified in this Section.

Section 603. Transfer of Funds to Paying Agent. The City Treasurer is hereby authorized and directed to withdraw from the 2024 Debt Service Fund, and, to the extent necessary to prevent a default in the payment of either principal of or interest on the Bonds, from the 2024 Debt Service Reserve Fund and the Surplus Fund as provided in Section 602 hereof, sums sufficient to pay the principal of and interest on the Bonds as and when the same become due on any Bond Payment Date, and to forward such sums to the Paying Agent in a manner which ensures the Paying Agent will have available funds in such amounts on or before the Business Day immediately preceding each Bond Payment Date. If, through lapse of time, or otherwise, the Registered Owners of Bonds are no longer entitled to enforce payment of their obligations, it shall be the duty of the Paying Agent forthwith to return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

Section 604. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may

be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

Section 605. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the City to the Registered Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Registered Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Ordinance or on, or with respect to, said Bond. If any Bond is not presented for payment within four years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay to the City the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitations, thereafter be an unsecured obligation of the City, and the Registered Owner thereof shall be entitled to look only to the City for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the City shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 606. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Tax Certificate. All money in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Tax Certificate), for payment to the United States of America, and neither the City nor the Registered Owner of any Bond shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Tax Certificate.

(b) The City shall periodically determine the rebatable arbitrage under Section 148(f) of the Code in accordance with the Tax Certificate, and the City shall make payments to the United States Government at the times and in the amounts determined under the Tax Certificate. Any funds remaining in the Rebate Fund after redemption and payment of all of the Bonds and the interest thereon, and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be released to the City.

(c) Notwithstanding any other provision of this Ordinance, including in particular Article XI hereof, the obligation to pay rebatable arbitrage to the United States and to comply with all other requirements of this Section and the Tax Certificate shall survive the defeasance or payment in full of the Bonds.

## ARTICLE VII

### DEPOSIT AND INVESTMENT OF MONEYS

#### Section 701. Deposit and Investment of Moneys.

(a) Money in each of the funds and accounts created by and referred to in this Ordinance shall be deposited in a bank or banks located in the State of Nebraska that are members of the Federal Deposit Insurance Corporation. All such deposits shall be continuously and adequately secured by the banks holding such deposits as provided by the laws of the State of Nebraska.

(b) Money held in any fund or account referred to in this Ordinance may be invested in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than the date when the money invested may be needed for the purpose for which such fund or account was created. All earnings on any investments held in any fund or account shall accrue to and become a part of such fund or account, provided that, during the period of construction of the extensions and improvements to the Community Building, all earnings on the investment of such funds shall be credited to the Project Fund. All earnings on investments held in the 2024 Debt Service Reserve Fund shall accrue to and become a part of such Fund until the amount on deposit in such Fund shall aggregate the 2024 Debt Service Reserve Requirement; thereafter, all such earnings shall be credited to the 2024 Debt Service Fund. In determining the amount held in any fund or account under any of the provisions of this Ordinance, obligations shall be valued at the lower of the cost or the market value thereof; provided, however, that investments held in the 2024 Debt Service Reserve Fund shall be valued at market value only. If and when the amount held in any fund or account shall be in excess of the amount required by the provisions of this Ordinance, the City shall direct that such excess be paid and credited to the 2024 Debt Service Fund, provided that, during the period of construction of the extensions and improvements to the community building, such excess shall be paid and credited to the Project Fund.

(c) So long as any of the Parity Bonds remain outstanding and unpaid, any investments made pursuant to this Section shall be subject to any restrictions in the Parity Ordinance with respect to the funds and accounts created by and referred to in the Parity Ordinance.

## ARTICLE VIII

### GENERAL COVENANTS AND PROVISIONS

The City covenants and agrees with each of the Registered Owners of any of the Bonds that so long as any of the Bonds remain Outstanding and unpaid it will comply with each of the following covenants:

## Section 801. Tax Covenants.

(a) The City covenants that (1) it will comply with all applicable provisions of the Code, including Sections 103 and 141 through 150, necessary to maintain the exclusion from federal gross income of the interest on the Bonds, and (2) it will not use or permit the use of any proceeds of Bonds or any other funds of the City, nor take or permit any other action, or fail to take any action, which would adversely affect the exclusion from federal gross income of the interest on the Bonds. The City will also adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with other applicable future law, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

(b) The City covenants that (1) it will use the proceeds of the Bonds as soon as practicable for the purposes for which the Bonds are issued, and (2) it will not invest or directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City in any manner, or take or omit to take any action, that would cause the Bonds to be “arbitrage bonds” within the meaning of Section 148(a) of the Code.

(c) The City covenants that it will pay or provide for the payment from time to time of all rebatable arbitrage to the United States pursuant to Section 148(f) of the Code and the Tax Certificate. This covenant shall survive payment in full or defeasance of the Bonds. The Tax Certificate may be amended or replaced if, in the opinion of Bond Counsel, such amendment or replacement will not adversely affect the exclusion from federal gross income of the interest on the Bonds.

(d) The City covenants that it will not use any portion of the proceeds of the Bonds, including any investment income earned on such proceeds, directly or indirectly, (1) in a manner that would cause any Bond to be a “private activity bond” within the meaning of Section 141(a) of the Code, or (2) to make or finance a loan to any Person.

(e) The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to Article XI of this Ordinance or any other provision of this Ordinance, until the final Maturity of all Bonds Outstanding.

Section 802. Continuing Disclosure. The City hereby (a) authorizes and directs that an Authorized Officer execute and deliver, on the date of issue of the Bonds, the Continuing Disclosure Undertaking in such form as shall be satisfactory to the City, and (b) covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. The Authorized Officer’s signature thereon shall be conclusive evidence of such officer’s and the City’s approval. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in the Continuing Disclosure Undertaking) or any Beneficial Owner or any Registered Owner of a Bond may take such actions as may be necessary and appropriate, including seeking mandamus or

specific performance by court order, to cause the City to comply with its obligations under this Section 802.

## ARTICLE IX

### ADDITIONAL BONDS AND OBLIGATIONS

Section 901. Senior Lien Bonds. The City covenants and agrees that so long as any of the Bonds remain Outstanding, the City will not issue any additional bonds or incur or assume any other debt obligations appearing as liabilities on the balance sheet of the City for the payment of moneys determined in accordance with generally accepted accounting principles including capital leases as defined by generally accepted accounting principles, payable from the Special Tax Revenues which are superior to the Bonds.

Section 902. Parity Lien Bonds. The City covenants and agrees that so long as any of the Bonds remain Outstanding, it will not issue any additional Parity Bonds payable out of the Special Tax Revenues or any part thereof which stand on a parity or equality with the Bonds ("Parity Bonds") unless the following conditions are met:

(a) The City shall not be in default in the payment of principal of or interest on any Bonds or any Parity Bonds at the time outstanding or in making any payment at the time required to be made into the respective funds and accounts created by and referred to in this Ordinance or any Parity Ordinance (unless such additional bonds or obligations are being issued to provide funds to cure such default); and

(b) Based upon the most recent audited financial statement of the City, the Special Tax Revenues for the fiscal year immediately preceding the issuance of additional bonds shall have been equal to at least 150% of the Average Annual Debt Service with respect to all Outstanding Bonds, Outstanding 2018 Bonds and Parity Bonds, including the Parity Bonds proposed to be issued. In the event that the Mayor and Council determine it necessary and advisable for the City to issue Parity Bonds and the audit for the fiscal year next preceding the date of authorization of such Parity Bonds is not yet available, the City may issue such Parity Bonds if the audit for the fiscal year immediately preceding such next preceding fiscal year shows that the Special Tax Revenues for such fiscal year shall have been equal to 150% of the Average Annual Debt Service with respect to all Bonds and Parity Bonds then Outstanding, including the Parity Bonds proposed to be issued, and if the City Treasurer certifies that the unaudited books and records of the City for the fiscal year next preceding the date of authorization of such Parity Bonds do not show any variance which would be sufficient to evidence a reduction in debt service coverage below 150% of the Average Annual Debt Service of all Parity Bonds, including the Parity Bonds proposed to be issued.

Additional sales tax bonds of the City issued under the conditions set forth in this Section 902 shall stand on a parity with the Bonds and shall enjoy complete equality or lien on and claim against the Special Tax Revenues with the Bonds, and the City may make equal provision for paying such bonds and the interest thereon out of the Revenue Fund and may likewise provide for the creation of reasonable debt service funds and debt service reserve funds for the payment of such additional bonds and the interest thereon out of money in the Revenue Fund.

Section 903. Junior Lien Bonds and Other Obligations. Nothing in this Ordinance shall prohibit or restrict the right of the City to issue additional sales tax bonds or other sales tax obligations for any lawful purpose, provided at the time of the issuance of such additional bonds or obligations the City is not in default in the performance of any covenant or agreement contained in this Ordinance (unless such additional sales tax bonds or obligations are being issued to provide funds to cure such default), and provided further that such additional sales tax bonds or obligations shall be junior and subordinate to the Bonds and any Parity Bonds then Outstanding so that if at any time the City shall be in default in paying either interest on or principal of the Bonds, or if the City is in default in making any payments required to be made by it under the provisions of Sections 602(a) and (b) hereof, the City shall make no payments with respect to such junior and subordinate bonds or obligations from the Special Tax Revenues until such default or defaults be cured. In the event of the issuance of any such junior and subordinate sales tax bonds or obligations, the City, subject to the provisions of this Ordinance, may make provision for paying the principal of and interest on such sales tax bonds or obligations out of money in the Surplus Fund or from other available sources.

Section 904. Refunding Bonds. The City shall have the right, without complying with the provisions of Section 902 hereof, to refund any of the Bonds under the provisions of any law then available, and the refunding bonds so issued shall enjoy complete equality of pledge with any of the Bonds which are not refunded, if any, upon the Special Tax Revenues; provided, however, that if only a portion of the Bonds are refunded and if such Bonds are refunded in such manner that the refunding bonds bear a higher average rate of interest or become due on a date earlier than that of the Bonds which are refunded, then such Bonds may be refunded without complying with the provisions of Section 902 hereof only by and with the written consent of the registered owners of a majority in principal amount of the Bonds not refunded.

## ARTICLE X

### DEFAULT AND REMEDIES

Section 1001. Remedies. The provisions of this Ordinance, including the covenants and agreements herein contained, shall constitute a contract between the City and the Registered Owners of the Bonds, and the Registered Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have

the right for the equal benefit and protection of all Registered Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Registered Owner or Owners against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Ordinance or by the Constitution and laws of the State of Nebraska;

(b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Registered Owners of the Bonds.

Section 1002. Limitation on Rights of Bondholders. No one or more Bondholders secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Registered Owners of such Outstanding Bonds.

Section 1003. Remedies Cumulative. No remedy conferred herein upon the Bondholders is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Registered Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies consequent thereon. No delay or omission of any Bondholder to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Registered Owners of the Bonds by this Ordinance may be enforced and exercised from time to time and as often as may be deemed expedient. If any suit, action or proceedings taken by any Bondholder on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or has been determined adversely to such Bondholder, then, and in every such case, the City and the Registered Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Bondholders shall continue as if no such suit, action or other proceedings had been brought or taken.

Section 1004. No Obligation to Levy Taxes. Nothing contained in this Ordinance shall be construed as imposing on the City any duty or obligation to levy any taxes other

than the Special Tax either to meet any obligation incurred herein or to pay the principal of or interest on the Bonds.

## ARTICLE XI

### DEFEASANCE

Section 1101. Defeasance. When any or all of the Bonds or the interest payments thereon have been paid and discharged, then the requirements contained in this Ordinance and the pledge of revenues made hereunder and all other rights granted hereby shall terminate with respect to the Bonds so paid and discharged. Bonds or the interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Ordinance if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State of Nebraska and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds, in trust for and irrevocably appropriated thereto, money and/or Defeasance Obligations which, together with the interest to be earned thereon, will be sufficient for the payment of the principal or Redemption Price of said Bonds, and/or interest to accrue on such Bonds to the Stated Maturity or Redemption Date, as the case may be, or if default in such payment shall have occurred on such date, then to the date of the tender of such payments; provided, however, that if any such Bonds shall be redeemed prior to the Stated Maturity thereof, (1) the City shall have elected to redeem such Bonds, and (2) either notice of such redemption shall have been given, or the City shall have given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Paying Agent to redeem such Bonds in compliance with Section 302(a) of this Ordinance. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the City, for the purpose of paying and discharging any of the Bonds or the interest payments thereon, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Registered Owners of the Bonds, and such money shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All moneys and Defeasance Obligations deposited with the Paying Agent or other bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

## ARTICLE XII

### MISCELLANEOUS PROVISIONS

Section 1201. Amendments. The rights and duties of the City and the Bondholders, and the terms and provisions of the Bonds or of this Ordinance, may be amended or modified at any time in any respect by Ordinance of the City with the written consent of the Registered Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Registered Owners and duly acknowledged or proved in

the manner of a deed to be recorded, and such instrument or instruments shall be filed with the City Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;
- (b) effect a reduction in the amount which the City is required to pay by way of principal of or interest on any Bond;
- (c) permit the creation of a lien on the Special Tax Revenues prior or equal to the lien of the Bonds or Parity Bonds;
- (d) permit preference or priority of any Bonds over any other Bonds; or
- (e) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Ordinance.

Any provision of the Bonds or of this Ordinance may, however, be amended or modified by Ordinance duly adopted by the governing body of the City at any time in any respect with the written consent of the Registered Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Bondholders, the City may amend or supplement this Ordinance for the purpose of curing any formal defect, omission, inconsistency or ambiguity therein or in connection with any other change therein which is not materially adverse to the interests of the Bondholders.

Every amendment or modification of the provisions of the Bonds or of this Ordinance shall be expressed in an ordinance adopted by the governing body of the City amending or supplementing the provisions of this Ordinance and shall be deemed to be a part of this Ordinance. A certified copy of every such amendatory or supplemental Ordinance, if any, and a certified copy of this Ordinance shall always be kept on file in the office of the City Clerk, shall be made available for inspection by the Registered Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Ordinance, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental Ordinance or of this Ordinance will be sent by the City Clerk to any such Bondholder or prospective Bondholder.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the City Clerk a copy of the Ordinance of the City hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Registered Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The City shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Ordinance made hereunder which affects the duties or obligations of the Paying Agent under this Ordinance.

Section 1202. Bond Insurance. Section 15. The Authorized Officers are authorized to agree to the terms of and acquire a bond insurance policy (the "Bond Insurance Policy") issued by the Bond Insurer guaranteeing the scheduled payment of the principal of and interest on the Insured Bonds. Notwithstanding any other provision of this Ordinance to the contrary, the following provisions shall be applicable to any Bonds designated as Insured Bonds, with such changes, additions or alternate provisions as may be determined necessary or appropriate by an Authorized Officer and provided in a Designation:

- (a) The Bond Insurer is a third party beneficiary to this Ordinance.
- (b) No modification, amendment or supplement to this Ordinance shall become effective except upon obtaining the prior written consent of the Bond Insurer.
- (c) The City shall send copies of any modification or amendment to this Ordinance to Moody's Investors Service at least 10 days prior to the effective date thereof.
- (d) The rights granted to the Bond Insurer under this Ordinance to request, consent to or direct any action are rights granted to the Bonds Insurer in consideration of its issuance of the Bond Insurance Policy. Any exercise by the Bond Insurer of such rights is merely an exercise of the Bond Insurer's contractual rights and shall not be construed or deemed to be taken for the benefit or on behalf of the Bondholders nor does such action evidence any position of the Bond Insurer, positive or negative, as to whether Bondholder consent is required in addition to consent of the Bond Insurer.
- (e) Amounts paid by the Bond Insurer under the Bond Insurance Policy shall not be deemed paid for purposes of this Ordinance and shall remain outstanding and continue to be due and owing until paid by the City in accordance with this Ordinance.
- (f) Claims upon the Bond Insurance Policy and payments by and to the Bond Insurer shall be made in accordance with the following provisions:

If, on the third business day prior to the related scheduled interest payment date or principal payment date ("Payment Date") there is not on deposit with the Paying Agent, after making all transfers and deposits required under this Ordinance, moneys sufficient to pay the principal of and interest on the Insured Bonds due on such Payment Date, the Paying

Agent shall give notice to the Bond Insurer and to its designated agent (if any) (the "Insurer's Fiscal Agent") by telephone or telecopy of the amount of such deficiency by 12:00 noon, New York City time, on such business day. If, on the second business day prior to the related Payment Date, there continues to be a deficiency in the amount available to pay the principal of and interest on the Insured Bonds due on such Payment Date, the Paying Agent shall make a claim under the Insurance Policy and give notice to the Bond Insurer and the Insurer's Fiscal Agent (if any) by telephone of the amount of such deficiency, and the allocation of such deficiency between the amount required to pay interest on the Insured Bonds and the amount required to pay principal of the Insured Bonds, confirmed in writing to the Bond Insurer and the Insurer's Fiscal Agent by 12:00 noon, New York City time, on such second business day by filling in the form of Notice of Claim and Certificate delivered with the Insurance Policy.

The Paying Agent shall designate any portion of payment of principal on Insured Bonds paid by the Bond Insurer, whether by virtue of mandatory sinking fund redemption, maturity or other advancement of maturity, on its books as a reduction in the principal amount of Insured Bonds registered to the then current Bondholder, whether DTC or its nominee or otherwise, and shall issue a replacement Insured Bond to the Bond Insurer, registered in the name of Assured Guaranty Municipal Corp., in a principal amount equal to the amount of principal so paid (without regard to authorized denominations); provided that the Paying Agent's failure to so designate any payment or issue any replacement Insured Bond shall have no effect on the amount of principal or interest payable by the Issuer on any Insured Bond or the subrogation rights of the Bond Insurer.

The Paying Agent shall keep a complete and accurate record of all funds deposited by the Bond Insurer into the Policy Payments Account (defined below) and the allocation of such funds to payment of interest on and principal of any Insured Bond. The Bond Insurer shall have the right to inspect such records at reasonable times upon reasonable notice to the Paying Agent.

Upon payment of a claim under the Insurance Policy, the Paying Agent shall establish a separate special purpose trust account for the benefit of Bondholders referred to herein as the "Policy Payments Account" and over which the Paying Agent shall have exclusive control and sole right of withdrawal. The Paying Agent shall receive any amount paid under the Insurance Policy in trust on behalf of Bondholders and shall deposit any such amount in the Policy Payments Account and distribute such amount only for purposes of making the payments for which a claim was made. Such amounts shall be disbursed by the Paying Agent to

Bondholders in the same manner as principal and interest payments are to be made with respect to the Insured Bonds under the sections hereof regarding payment of Insured Bonds. It shall not be necessary for such payments to be made by checks or wire transfers separate from the check or wire transfer used to pay debt service with other funds available to make such payments. Notwithstanding anything herein to the contrary, the City agrees to pay to the Bond Insurer (i) a sum equal to the total of all amounts paid by the Bond Insurer under the Insurance Policy (the "Insurer Advances"); and (ii) interest on such Insurer Advances from the date paid by the Bond Insurer until payment thereof in full, payable to the Bond Insurer at the Late Payment Rate per annum (collectively, the "Insurer Reimbursement Amounts"). "Late Payment Rate" means the lesser of (A) the greater of (1) the per annum rate of interest, publicly announced from time to time by JPMorgan Chase Bank at its principal office in The City of New York, as its prime or base lending rate (any change in such rate of interest to be effective on the date such change is announced by JPMorgan Chase Bank) plus 3%, and (2) the then applicable highest rate of interest on the Insured Bonds and (B) the maximum rate permissible under applicable usury or similar laws limiting interest rates. The Late Payment Rate shall be computed on the basis of the actual number of days elapsed over a year of 360 days. The City hereby covenants and agrees that the Insurer Reimbursement Amounts are secured by a lien on and pledge of the Revenues and payable from such Revenues on a parity with debt service due on the Insured Bonds.

Funds held in the Policy Payments Account shall not be invested by the Paying Agent and may not be applied to satisfy any costs, expenses or liabilities of the Paying Agent. Any funds remaining in the Policy Payments Account following an Insured Bond payment date shall promptly be remitted to the Bond Insurer.

(g) The Bond Insurer shall, to the extent it makes any payment of principal of or interest on the Insured Bonds, become subrogated to the rights of the recipients of such payments in accordance with the terms of the Insurance Policy.

(h) To the extent permitted by law and by the Outstanding 2018 Bonds Ordinance, the City shall pay or reimburse the Bond Insurer any and all charges, fees, costs and expenses which the Bond Insurer may reasonably pay or incur in connection with (i) the administration, enforcement, defense or preservation of any rights or security in this Ordinance; (ii) the pursuit of any remedies under this Ordinance or otherwise afforded by law or equity, (iii) any amendment, waiver or other action with respect to, or related to, this Ordinance whether or not executed or completed, (iv) the violation by the City of any law, rule or regulation, or any judgment, order or decree applicable to it or (v) any litigation or other dispute in connection with this Ordinance or the transactions contemplated hereby, other

than amounts resulting from the failure of the Bond Insurer to honor its obligations under the Insurance Policy. The Bond Insurer reserves the right to charge a reasonable fee as a condition to executing any amendment, waiver or consent proposed in respect of this Ordinance.

(i) The Bond Insurer shall be entitled to pay principal or interest on the Insured Bonds that shall become Due for Payment but shall be unpaid by reason of Nonpayment by the City (as such terms are defined in the Bond Insurance Policy) and any amounts due on the Insured Bonds as a result of acceleration of the maturity thereof in accordance with this Ordinance, whether or not the Bond Insurer has received a Notice of Nonpayment (as such terms are defined in the Bond Insurance Policy) or a claim upon the Bond Insurance Policy.

(j) The notice address of the Bond Insurer is: "Assured Guaranty Municipal Corp, 31 West 52<sup>nd</sup> Street, New York, New York, 10019, Attention: Managing Director – Surveillance, Re: Policy No. [insert policy number here when issued], Telephone: (212) 974-0100, Telecopier (212) 581-3268." In each case in which notice or other communication refers to an Event of Default, then a copy of such notice or other communication shall also be sent to the attention of the General Counsel and shall be marked to indicate "URGENT MATERIAL ENCLOSED."

(k) The Bond Insurer shall be provided with the following information:

(i) Annual audited financial statements within 150 days after the end of the City's fiscal year (together with a certification of the City that it is not aware of any default or Event of Default under this Ordinance), and the City's annual budget within 30 days after the approval thereof together with such other information, data or reports as the Insurer shall reasonably request from time to time;

(ii) Notice of any default known to the City within five business days after knowledge thereof;

(iii) Prior notice of the advance refunding or redemption of any of the Insured Bonds, including the principal amount, maturities and CUSIP numbers thereof;

(iv) Notice of the resignation or removal of the Paying Agent and Bond Registrar and the appointment of, and acceptance of duties by, any successor thereto;

(v) Notice of the commencement of any proceeding by or against the City commenced under the United States Bankruptcy Code or any other applicable bankruptcy, insolvency, receivership, rehabilitation or similar law (an "Insolvency Proceeding");

(vi) Notice of the making of any claim in connection with any Insolvency Proceeding seeking the avoidance as a preferential transfer of any payment of principal of, or interest on, the Insured Bonds;

(vii) A full original transcript of all proceedings relating to the execution of any amendment or supplement to this Ordinance; and

(viii) All reports, notices and correspondence to be delivered to Bondholders under the terms of this Ordinance.

(l) To accomplish defeasance of the Insured Bonds, the City shall cause to be delivered (i) a report of an independent firm of nationally recognized certified public accountants or such other accountant as shall be acceptable to the Bond Insurer (the "Accountant") verifying the sufficiency of the escrow established to pay the Insured Bonds in full on the maturity or redemption date (the "Verification"), (ii) an Escrow Deposit Agreement (which shall be acceptable in form and substance to the Insurer), (iii) an opinion of nationally recognized bond counsel to the effect that the Insured Bonds are no longer "Outstanding" under the Ordinance and (iv) if there is a Paying Agent for the Insured Bonds a certificate of discharge of the Paying Agent with respect to the Insured Bonds; each Verification and defeasance opinion shall be acceptable in form and substance, and addressed, to the City, the Paying Agent and the Bond Insurer. The Bond Insurer shall be provided with final drafts of the above-referenced documentation not less than five business days prior to the funding of the escrow.

(m) The maturity of the Insured Bonds shall not be accelerated without the consent of the Bond Insurer and in the event the maturity of the Insured Bonds is accelerated, the Bond Insurer may elect, in its sole discretion, to pay accelerated principal and interest accrued on such principal to the date of acceleration (to the extent unpaid by the City) and the Paying Agent shall accept such amounts. Upon payment of such accelerated principal and interest accrued to the acceleration date as provided above, the Bond Insurer's obligations under the Bond Insurance Policy with respect to such Insured Bonds shall be fully discharged.

(n) The prior written approval of the Bond Insurer is required if the City exercises any provision of this Ordinance permitting the purchase of Insured Bonds in lieu of redemption if any Insured Bond so purchased is not cancelled upon purchase.

(o) The City shall provide the Bond Insurer with such additional information as the Bond Insurer may reasonably request.

(p) The City will permit the Bond Insurer to discuss the affairs, finances and accounts of the City or any information or any information the Bond Insurer may reasonably request regarding the security for the Bonds with appropriate officers of the Bond Insurer and will use commercially reasonable efforts to enable the Bond Insurer to have access to the facilities, books and records of the City on any business day upon reasonable prior notice.

(q) Notwithstanding satisfaction of the other conditions to the issuance of Parity Bonds set forth herein, no Parity Bonds shall be issued if an event of default (or any event which, once all notice or grace period have passed, would constitute an event of default) exists unless such default shall be cured upon such issuance.

(r) The Bond Insurer shall be deemed to be the sole holder of the Insured Bonds for the purpose of exercising any voting right or privilege or giving any consent or direction or taking any other action that the owners of the Insured Bonds are entitled to take in the event of a default. In furtherance thereof and as a term of the Ordinance and each Insured Bond, the Registrar and each Owner appoint the Bond Insurer as their agent and attorney-in-fact and agree that the Bond Insurer may at any time during the continuation of any proceeding by or against the Issuer under the United States Bankruptcy Code or any other applicable bankruptcy, insolvency, receivership, rehabilitation or similar law (an "Insolvency Proceeding") direct all matters relating to such Insolvency Proceeding, including without limitation, (A) all matters relating to any claim or enforcement proceeding in connection with an Insolvency Proceeding (a "Claim"), (B) the direction of any appeal of any order relating to any Claim, (C) the posting of any surety, supersedeas or performance bond pending any such appeal, and (D) the right to vote to accept or reject any plan of adjustment. In addition, the Registrar and each Owner delegate and assign to the Insurer, to the fullest extent permitted by law, the rights of the Registrar and each Owner in the conduct of any Insolvency Proceeding, including, without limitation, all rights of any party to an adversary proceeding or action with respect to any court order issued in connection with any such Insolvency Proceeding.

Section 1203. Notices, Consents and Other Instruments by Bondholders. Any notice, consent, request, direction, approval, objection or other instrument required by this Ordinance to be signed and executed by the Bondholders may be in any number of concurrent writings of similar tenor and may be signed or executed by such Bondholders in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Ordinance, and shall be conclusive in favor of the City and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution; and

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Registered Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Ordinance, Bonds owned by the City shall be disregarded and deemed not to be Outstanding under this Ordinance, except that, in determining whether the Bondholders shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Bondholders know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Bondholders the pledgee's right so to act with respect to such Bonds and that the pledgee is not the City.

Section 1204. Further Authority. The officers of the City, including but not limited to the Mayor, City Clerk, City Administrator and Finance Director, shall be, and they hereby are, authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1205. Severability. If any section or other part of this Ordinance, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance.

Section 1206. Governing Law. This Ordinance shall be governed by and constructed in accordance with the applicable laws of the State of Nebraska.

Section 1207. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the Mayor and City Council and approval by the Mayor and publication in pamphlet form as provided by law.

Introduced by Council Member: \_\_\_\_\_

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CITY OF COLUMBUS, NEBRASKA

(SEAL)

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Bond Counsel

EXHIBIT A TO ORDINANCE

(FORM OF BONDS)

EXCEPT AS OTHERWISE PROVIDED IN THE ORDINANCE (REFERRED TO HEREIN), THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY (AS DEFINED HEREIN) OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY.

UNITED STATES OF AMERICA  
STATE OF NEBRASKA

Registered  
No.

Registered  
R-\_\_\_\_\_  
\$\_\_\_\_\_

—

CITY OF COLUMBUS, NEBRASKA

SALES TAX REVENUE BONDS (COMMUNITY BUILDING PROJECT)  
SERIES 2024

Interest Rate      Maturity Date      Dated Date of Bonds      CUSIP Number  
%  
\_\_\_\_\_

REGISTERED OWNER: \_\_\_\_\_ [\*\*CEDE & CO.\*\*]

PRINCIPAL \_\_\_\_\_ AMOUNT:  
\_\_\_\_\_ DOLLARS

The CITY OF COLUMBUS, NEBRASKA, a city of the first class and a political subdivision of the State of Nebraska (the "City"), for value received, promises to pay to the registered owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the principal amount shown above on the maturity date shown above, and to pay interest thereon, but solely from the source and in the manner herein specified, at the interest rate per annum shown above (computed on the

basis of a 360-day year consisting of 12 30-day months) from the Dated Date shown above or from the most recent interest payment date to which interest has been paid or duly provided for, payable semiannually on \_\_\_\_\_ and \_\_\_\_\_ in each year, beginning on \_\_\_\_\_, 2024, until said principal amount has been paid.

The principal or redemption price of this Bond shall be paid at maturity by check or draft or upon earlier redemption to the person in whose name this Bond is registered at the maturity or redemption date thereof, upon presentation and surrender of this Bond at the office of \_\_\_\_\_, in \_\_\_\_\_, Nebraska (the "Paying Agent"). The interest payable on this Bond on any interest payment date shall be paid to the person in whose name this Bond is registered on the Bond Register at the close of business on the Record Date for such interest by check or draft mailed by the Paying Agent to such registered owner at the address shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such registered owner.

This Bond is one of a duly authorized series of bonds of the City designated "Sales Tax Revenue Bonds (Community Building Project), Series 2024," aggregating the principal amount of \$\_\_\_\_\_ (the "Bonds"), which were authorized by more than 50% of the ballots cast by the qualified electors of the City at an election which was duly called by the Mayor and City Council and held in conjunction with the Statewide Primary Election on November 3, 2020, issued by the City for the purpose of planning, design and construction of a community building and related improvements and acquiring the necessary related equipment and fixtures (the "Project") under the authority of and in full compliance with the Constitution and laws of the State of Nebraska, including particularly Sections 16-6,100 and 77-27,142 Reissue Revised Statutes of Nebraska, as amended, and pursuant to Ordinance No. \_\_\_\_\_ duly adopted by the governing body of the City (herein called the "Ordinance"). Notice of said election was given by publication at least one time each week for three successive weeks prior thereto in a legal newspaper of general circulation in the City, and at said election the question of the issuance of said bonds and the pledge of the Special Tax Revenues (as described in the Ordinance) to pay said debt service on said bonds as the same fall due was submitted to the qualified electors of said City in compliance with Sections 77-27,142 to 77-27,148, inclusive, Reissue Revised Statutes of Nebraska, as amended. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the Ordinance.

At the option of the City, Bonds or portions thereof maturing on \_\_\_\_\_, 20\_\_\_\_ and thereafter may be called for redemption and payment prior to maturity at any time on or after the fifth anniversary of their date of original issue in whole at any time or in part in such principal amounts and from such maturity or maturities as the City, in its sole and absolute discretion may determine (Bonds of less than a full maturity to be selected in multiples of \$5,000 principal amount in such equitable manner as the Paying Agent shall designate) at redemption price equal to 100% of the principal amount, plus accrued interest thereon to the redemption date.

Notice of redemption, unless waived, is to be given by the Paying Agent by mailing an official redemption notice by first class mail at least 30 days prior to the

redemption date, to the original purchaser(s) of the Bonds and each Registered Owner of each of the Bonds to be redeemed at the address shown on the Bond Register. Notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City defaults in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest.

The Bonds are special obligations of the City payable solely from, and secured as to the payment of principal and interest by a pledge of the Special Tax Revenues. The Bonds shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction. Under the conditions set forth in the Ordinance, the City has the right to issue additional parity bonds payable from the Special Tax Revenues; provided, however, that such additional bonds may be so issued only in accordance with and subject to the covenants, conditions and restrictions relating thereto set forth in the Ordinance. Under the conditions set forth in the Ordinance, the City also has the right to issue subordinate indebtedness payable from the Surplus Fund, as more fully described in the Ordinance.

The City hereby covenants and agrees with the Registered Owner of this Bond that it will keep and perform all covenants and agreements contained in the Ordinance, to which reference is hereby made for a description of the covenants and agreements made by the City with respect to the collection, segregation and application of the Special Tax Revenues, the nature and extent of the security for the Bonds, the rights, duties and obligations of the City with respect thereto, and the rights of the Registered Owners thereof.

The Bonds are issuable in the form of fully registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

This Bond may be transferred or exchanged, as provided in the Ordinance, only on the Bond Register upon surrender of this Bond together with a written instrument of transfer or exchange satisfactory to the Paying Agent duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any authorized denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Ordinance and upon payment of the charges therein prescribed. The City and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Ordinance. One Bond certificate with respect to each date on which the Bonds are stated to mature or with respect to each form of Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in

the Bonds by the Securities Depository's participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The City and the Paying Agent will recognize the Securities Depository nominee, while the registered owner of this Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The City and the Paying Agent will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made in accordance with existing arrangements among the City, the Paying Agent and the Securities Depository.

EXCEPT AS OTHERWISE PROVIDED IN THE ORDINANCE, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Ordinance until the Certificate of Authentication hereon has been executed by the Paying Agent.

IT IS HEREBY CERTIFIED AND DECLARED that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the Bonds have existed, happened and been performed in due time, form and manner as required by law, and that before the issuance of the Bonds, provision has been duly made for the collection and segregation of the Special Tax Revenues.

IN WITNESS WHEREOF, the CITY OF COLUMBUS, NEBRASKA, has executed this Bond by causing it to be signed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk and its official seal to be affixed hereto or imprinted hereon.

CITY OF COLUMBUS, NEBRASKA

By: \_\_\_\_\_ (facsimile signature)  
Mayor

\_\_\_\_\_  
City Clerk

(Seal)

\_\_\_\_\_  
Nebraska, Paying Agent

By:

\_\_\_\_\_  
Authorized Officer or Signatory

\_\_\_\_\_

---

---

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers  
unto

---

Print or Type Name, Address and Social Security Number  
or other Taxpayer Identification Number of Transferee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ agent to transfer the within Bond on the Bond Register kept by the Paying Agent for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bond in every particular.

Medallion Signature Guarantee:

---

---

**17. ORDINANCES ON SECOND READING**

17.A.Ordinance No. 24-10 approving Text Amendments to Columbus Land Development Ordinance.

**CITY OF COLUMBUS  
MEMORANDUM**

---

**DATE:** May 2, 2024  
**FROM:** Andy Woehrer, Chief Building and Code Official  
**TO:** Tara Vasicek, City Administrator  
**RE:** Columbus Land Development Ordinance Text Amendments  
Second Reading

**RECOMMENDATION:**

Staff and I recommend approval of the text amendments made to the Columbus Land Development Ordinances, with additional revisions made since the April 15 city council meeting.

**DISCUSSION:**

Staff and I have reviewed the previously approved CLDO text amendments and recommend the enclosed revisions. The enclosed revisions include three attachments which contain the redline revision, a clean copy, and the revisions made since the first reading. The text amendments since the first reading are as follows:

- Clarification of “denial” and “non-approval” which was done at the request of the city attorney. (See red-lined pages 175, 178, 202, 251, 253, 254)
- Revision to the escrow account balance necessary for Wireless Telecommunications Facilities which was done at the request of the City’s consultant. (See red-lined page 201)

**FISCAL IMPACT:**

None

**ALTERNATIVE:**

Do not approve

**SIGNATURE:**

By: Andrew J. Wehr

---

Approved By: *[Signature]*

---

# Draft

## ORDINANCE NO. 24-10

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO REVISE AND AMEND THE COLUMBUS LAND DEVELOPMENT ORDINANCE, ZONING AND SUBDIVISION CHAPTERS ADOPTED BY ORDINANCE NO. 23-09 ON AUGUST 21, 2023, AS FOLLOWS: SAID REVISIONS AND AMENDMENTS INCLUDE CHANGES WHICH ENCOMPASS VARIOUS CORRECTIONS AND DISCREPANCIES AS WELL AS REVISIONS TO THE ADMINISTRATION OF BOTH CHAPTERS, INCLUDING REVISIONS TO ZONING DEFINITIONS, CHANGES TO APPLICATIONS AND PROCEDURES FOR MINOR AND MAJOR SUBDIVISIONS, INCLUDING PRELIMINARY PLATS AND FINAL PLATS AS WELL AS APPLICATION REQUIREMENTS; NEW AND REVISED "FIGURES" INCLUDING FIGURE 2-15 IN CHAPTER 1, ARTICLE 2, AND "TABLES" APPEARING IN THE CLDO, ZONING CODE TABLES 4-2, 4-4, 8-1, 9-1, 10-7, 10-9 AND SUBDIVISION CODE TABLES 3-1, 3-2, AND 4-1; CHANGES TO "USE TYPES" INCLUDING COMMERCIAL USE TYPES; CONSTRUCTION SALES AND SERVICE; "SITE DEVELOPMENT REGULATIONS"; "SUPPLEMENTAL USE REGULATIONS", INCLUDING RESIDENTIAL USES AND SWIMMING POOLS; "SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS", INCLUDING SET BACK ADJUSTMENTS AND ALLOWABLE ADJUSTMENTS FOR CREATIVE SUBDIVISIONS; "OVERLAY DISTRICTS", STANDARDS FOR FLOODPLAIN DEVELOPMENT, REQUIRED LANDSCAPE DEPTH, OFF-STREET PARKING REQUIREMENTS, OFF-STREET PARKING DESIGN REQUIREMENTS AND OFF-STREET LOADING; "SIGN REGULATIONS", INCLUDING PERMITTED PERMANENT SIGNS, ELECTRONIC INFORMATION SIGNS; "WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE"; CHANGES ALLOWING ACTION BY THE COMMUNITY DEVELOPMENT DIRECTOR OR HIS OR HER DESIGNEE; "SUBDIVISIONS"; CHANGES TO GENERAL GUIDELINES FOR SUBDIVISION LAYOUT, RELATIONSHIP TO COMPREHENSIVE PLAN; SUBDIVISION DEFINITIONS; CIRCULATION SYSTEM DESIGN, INCLUDING GENERAL STANDARDS, STREET HIERARCHY AND DESIGN, ALLEYS, AND LIGHTING AND WIRING; "PUBLIC IMPROVEMENTS AND INFRASTRUCTURE", INCLUDING SANITARY SEWERS, STORM SEWERS AND STORM WATER MANAGEMENT AND EASEMENTS; "IMPROVEMENT PROCEDURES" INVOLVING PRE-CONSTRUCTION CONFERENCE; AND CHANGES TO PROMOTE THE WORKABILITY OF SAID CHAPTERS; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION IN

PAMPHLET FORM AS AUTHORIZED BY SECTION 16-405 OF NEBRASKA REVISED STATUTES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA:

**Section 1.** That the City of Columbus, Nebraska under Ordinance 23-09 adopted the Columbus Land Development Ordinance for the City of Columbus, Zoning Chapter, and under Ordinance 23-09 adopted the Columbus Land Development Ordinance for the City of Columbus, Subdivision Chapter, both having been approved August 21, 2023.

**Section 2.** That since the adoption of said Zoning Chapter and Subdivision Chapter a certain number of discrepancies and typographical errors have been discovered by the City in working with said Chapters and that a revision of the same is necessary to correct the same and a revision is also necessary to amend provisions relating to both the Zoning Chapter and Subdivision Chapter to promote the workability of said Chapters within their initial purpose and to incorporate changes recommended by City staff.

**Section 3.** The Zoning Chapter of the Columbus Land Development Ordinance for the City of Columbus is hereby amended and revised as hereinafter set forth:

I. AMENDMENT TO ZONING CHAPTER

**A. Article Two: Definitions, Section 2-3 Definition of Terms, Section 2-4 A,** is hereby amended and revised to read as follows:

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. **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.
6. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
7. **Alley:** A public right of way, which is used as a secondary means of access to abutting property.

8. 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.

9. Apartment: A housing unit within a building designed for and suitable for occupancy by only one family.

10. 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.

**B. Article Two, Section 2-5 B.,** is hereby amended and revised to read as follows:

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 Chief Building Code Official 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.

**C. Article Two, Section 2-7 D.,** is hereby amended and revised to read as follows:

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.
6. Dwelling Unit: A single unit providing complete independent living facilities for one or more persons; including permanent provisions for living, sleeping, eating, cooking, and sanitation. The minimal dwelling size is 400 square feet.

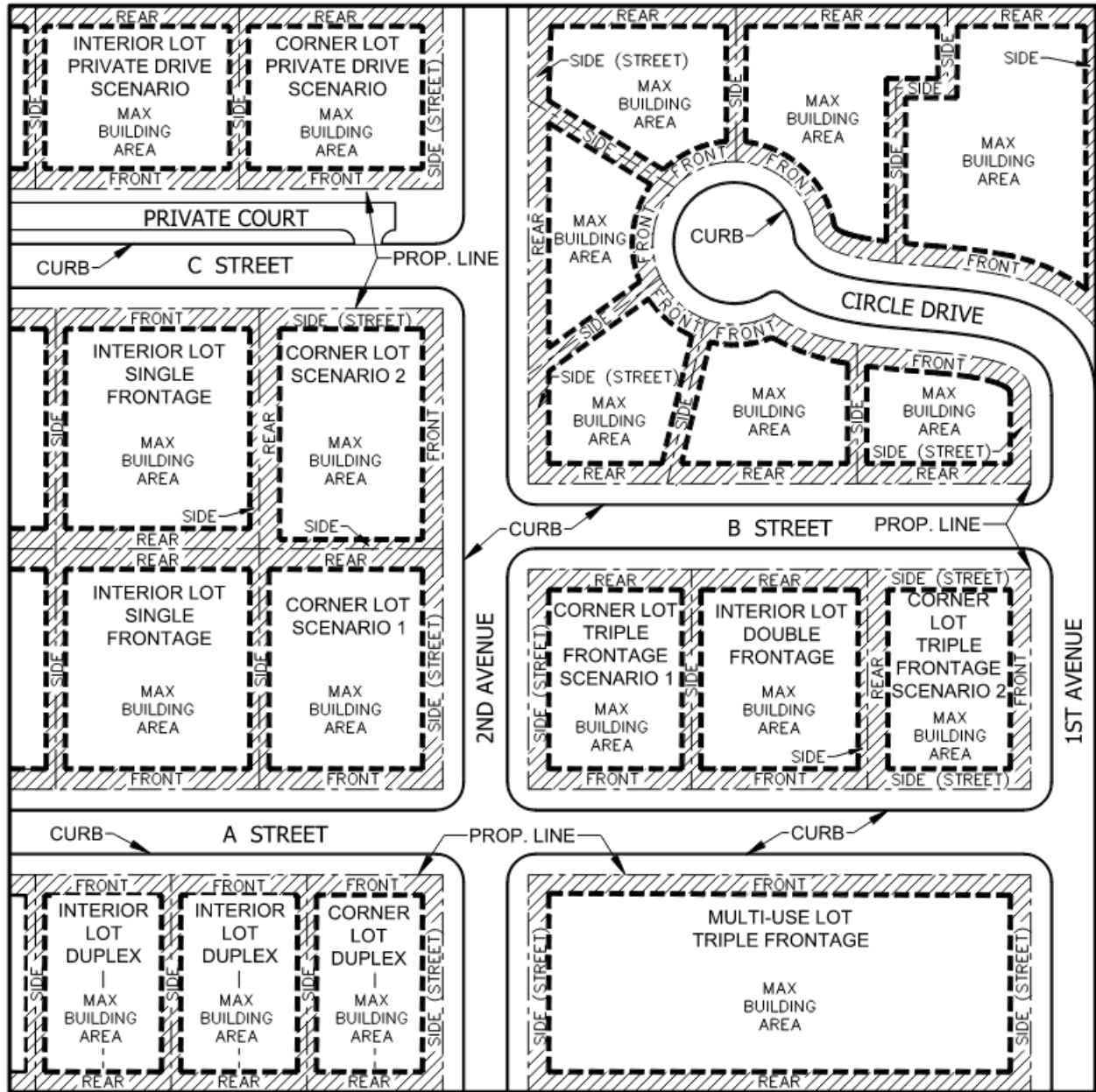
**D. Article Two, Section 2-9 F.,** is hereby amended and revised to read as follows:

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.

E. Table 2-15, Appearing in Section 2-15, is hereby amended and revised to read as follows:

Figure 2-15: Lot Definitions



F. Article Two, Section 2-19 P., is hereby amended and revised to read as follows:

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 Garage:** A building for the storage of motor vehicles where no repair or service facilities are maintained and where no motor vehicles are kept for rental or sale.
9. **Private Street:** Privately owned and maintained access to a lot or parcel and shall have a public easement for utility and fire access.

**G. Article Three: Use Types, Section 3-7 Commercial Use Types**, is hereby amended and revised to read as follows:

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 4-3 (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.
- 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 miniwarehousing.

- 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.

**H. Article Four: Zoning District Regulations, Table 4-2, Purpose of Zoning District,** is hereby amended and revised to read as follows:

<b>Symbol</b>	<b>Title</b>	<b>Purpose</b>
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 District	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 District	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 District	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 District	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 District	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 District	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 District	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 District	This district provides for a variety of commercial, office, high density residential, 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.

I. Article Four: Zoning District Regulations, Table 4-4, Site Development Regulations, is hereby amended and revised to read as follows:

**Table 4-4: Site Development Regulations**

Regulator	AG	RR	R-1	R-2	R-3
<b>Minimum Lot Area (square feet)</b>	10 Acres	1 acre	-	-	-
<b>Minimum Lot Width (feet)</b>	300	100	-	-	-
<b>Minimum Site Area per Housing Unit (square feet)</b>	10 acres	1 acre	-	-	-
<b>Minimum Yards (feet)</b>					
<b>Front Yard</b>	50	50	-	-	-
<b>Front Yard to Building Line</b>	-	-	15	15	15
<b>Front Yard to Garage Line</b>	-	-	20	20	20
<b>Street Side Yard</b>	25	25	15	15	15
<b>Interior Side Yard</b>	25	25	7	7 (Note 1)	7 (Note 1)
<b>Rear Yard</b>	35	35	15	15	15
<b>Maximum Height (feet)</b>	100	36	36 (Note 2,3)	36 (Note 2,3)	36 (Note 2,3)
<b>Maximum Building Coverage</b>	NA	NA	50%	50%	50%
<b>Maximum Impervious Coverage</b>	NA	NA	55%	65%	65%
<b>Floor Area Ration</b>	NA	NA	NA	NA	1.00

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

**Note 2:** 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 3:** Accessory buildings cannot be over 20 feet in height to the peak.

**Table 4-4: Site Development Regulations**

<b>Regulator</b>	<b>NTR Park</b>	<b>NTR Subdivision</b>
<b>Minimum Area to be developed</b>	2 acres	2 acres
<b>Minimum Lot Area (square feet)</b>	1,000	2,000
<b>Minimum Lot Width (feet)</b>	20	24
<b>Minimum Yards (feet)</b>		
<b>Front Yard</b>	10	20
<b>Street Side Yard</b>	10	10
<b>Interior Side Yard</b>	5	5
<b>Rear Yard</b>	10	15
<b>Maximum Height (feet)</b>	14'8"	36
<b>Maximum Building Coverage</b>	50%	50%
<b>Maximum Impervious Coverage</b>	55%	65%
<b>Shared Parking</b>	1 space per lot	
<b>Minimum Common Open Space (Note 4)</b>	20%	15%

**Note 4:** Stormwater treatment facilities may be included in Common Open Space provided required recreation space is still provided and water quality volumes for 2-year storm events and provisions for 100-year storm events are met. These facilities must be located a minimum of 10 feet from any public right-of-way. Common Open Space must be owned, maintained, and inspected by the developer or home owners' association

**Table 4-4: Site Development Regulations**

<b>Regulator</b>	<b>O*</b>	<b>LC*</b>	<b>UC*</b>	<b>B-1</b>	<b>B-2*</b>
<b>Minimum Lot Area (square feet)</b>	5,000	5,000	5,000	NONE	5,500
<b>Minimum Lot Width (feet)</b>	50	50	50	NONE	50
<b>Site Area per Housing Unit (square feet)</b>	2,000 (Note 5)	2,000 (Note 5)	2,000 (Note 5)	500	1,500 (Note 5)
<b>Minimum Yards (feet)</b>					
<b>Front Yard</b>	20	20	15	0	10
<b>Street Side Yard</b>	20	20	10	0	10
<b>Interior Side Yard</b>	10	10	10	0	0
<b>Rear Yard</b>	20	20	20	0	20
<b>Maximum Height (feet)</b>	48	36	36	NO LIMIT	60
<b>Maximum Building Coverage</b>	50%	50%	50%	100%	70%
<b>Maximum Impervious Coverage (Note 6)</b>	70%	70%	80%	100%	90%
<b>Floor Area Ratio</b>	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 5:** 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 6:** Storm water treatment water quality volumes and detention volumes must be met within the development, as part of a regional system, or other City program.

**Table 4-4: Site Development Regulations**

<b>Regulator</b>	<b>NTR Park</b>	<b>NTR Subdivision</b>
<b>Minimum Area to be developed</b>	2 acres	2 acres
<b>Minimum Lot Area (square feet)</b>	1,000	2,000
<b>Minimum Lot Width (feet)</b>	20	24
<b>Minimum Yards (feet)</b>		
<b>Front Yard</b>	10	20
<b>Street Side Yard</b>	10	10
<b>Interior Side Yard</b>	5	5
<b>Rear Yard</b>	10	15
<b>Maximum Height (feet)</b>	14'8"	36
<b>Maximum Building Coverage</b>	50%	50%
<b>Maximum Impervious Coverage</b>	55%	65%
<b>Shared Parking</b>	1 space per lot	
<b>Minimum Common Open Space (Note 4)</b>	20%	15%

**J. Article Five: Overlay Districts, Section 5-32, Standards for Floodplain Development,** is hereby amended and revised to read as follows:

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 Elevation and Floodproofing Requirements.

#### 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 of two openings having a net total area of not less than one (1) square inch for every one (1) square foot of enclosed space,

(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,

(5) 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.

**K. Article Six: Supplemental Use Regulations, Section 6-3, Supplemental Use Regulations: Residential Uses**, is hereby amended and revised to read as follows:

a. Townhouse Residential: Where permitted, townhouse residential is subject to the following regulations:

The minimum width for any townhouse lot sold individually shall be 20 feet.

1. 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 4-4: 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 4-4: 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 NonTraditional 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. Permitting: A set down permit with fee as set by Resolution is required for each mobile home.

10. Anchoring: Each manufactured home shall be equipped with tie down anchors as approved by the Building Official.

**L. Article Six: Supplemental Use Regulations, Section 6-10, Supplemental Use Regulations: Swimming Pools**, is hereby amended and revised to read as follows:

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 Building Official or his/her designee, 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. LOCATION:

(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. RECIRCULATION POOLS: (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.

**M. Article Seven: Supplemental Site Development Regulations, Section 7-2, Setback Adjustments,** is hereby amended and revised to read as follows:

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 fifteen feet from any street property line.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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; excluding garages, refer to Table 4-4: Site Development Regulations.

(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, trucks, trailers, or other obstructions shall be built or placed above a maximum height of 30-inches above the established curb grade or radii 20 feet or 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.

**N. Article Six: Supplemental Use Regulations, Section 7-4, Allowable Adjustments to Site Development Regulations for Creative Subdivisions**, is hereby amended and revised to read as follows:

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 15 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%.

**O. Article 8, Landscaping, Screening, and Performance Standards, Table 8-1 Required Landscape Depth**, is hereby amended and revised to read as follows:

**TABLE 8-1: Required Landscape Depth**

<b>Zoning District</b>	<b>Depth of Landscaping Adjacent to Street Property Line</b>
AG	35 feet
RR	50 feet
R-1	15 feet
R-2	15 feet
R-3*	15 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

\* For residential uses only. 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.

**P. Article Nine: Off-Street Parking, Table 9-1: Off Street Parking Requirements,** is hereby amended and revised to read as follows:

**Table 9-1: Off-Street Parking Requirements**

<b>Agricultural Use Types</b>	
Horticulture	1 space per 1,000 square feet of sales area.
Crop Production	No requirement.
Animal Production	No requirement.
Commercial Feedlots	No requirement.
<b>Residential Use Types</b>	
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, 1space for 1 bedroom dwelling units and studios, 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.

<b>Civic Use Types</b>	
Administration	1 space per 500 square feet.
Cemetery	No requirement.
Clubs	1 space per 4-person capacity.
Convalescent Services	1 space per 4 beds.
Cultural Services	1 space per 1,000 square feet.
Day Care Services	1 space per 5-person capacity + 1 space per employee of largest shift.
Group Care Facility	1 space per 4-person capacity + 1 space per employee of largest shift.
Group Home	1 space per 4-person capacity + 1 space per employee of largest shift.
Guidance Services	1 space per 300 square feet.
Health Care	1 space per 300 square feet + 1 space per employee of largest shift.
Maintenance Facilities	See Schedule A.
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.

<b>Commercial Use Types</b>	
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.

<b>Office Use Types</b>	
General Offices	1 space per 500 square feet.
<b>Miscellaneous Use Types</b>	
Broadcasting Tower	No requirement.

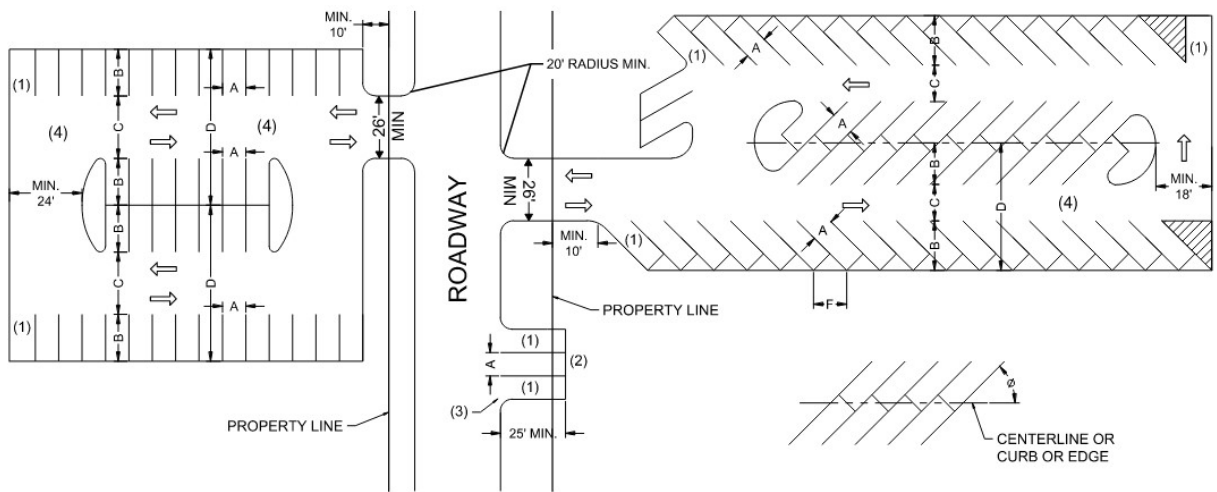
Non-Putrescible Landfill	No requirement.
All Landfills	No requirement.
<b>Industrial Use Types</b>	
Agricultural Industries	See Schedule A.
Light Industry	See Schedule A.
General Industry	See Schedule A.
Heavy Industry	See Schedule A.
Railroad Facilities	See Schedule A.
Resource Extraction	1 space per employee on largest shift.
Salvage Services	See Schedule A.
Warehousing	See Schedule A.
Construction Yards	See Schedule A.

<b>SCHEDULE A</b>	
<b>This schedule sets forth minimum off street parking requirements for uses with elements that have different functions and operating characteristics.</b>	
<b>Function of Element</b>	<b>Requirement</b>
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

**Q. Article Nine: Off-Street Parking, Section 9-5, Off-Street Parking Design Standards,** is hereby amended and revised to read as follows:

Off-Street Parking in all zones must meet the following minimum requirements.

**FIGURE 9-5 (a): Off-Street Parking Standards**



ANGLE (°)	STALL WIDTH (A)	STALL DEPTH (B)	AISLE WIDTH (C)	TYPICAL MODULE (D)
45°	9.0'	18.0'	13.0'	52.0'
60°	9.0'	19.0'	17.0'	55.0'
90°	9.0'	18.0'	24.0'	60.0'

(1) FOR PERPENDICULAR (90°) PARKING, STALL 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 9-5(a) and Figure 9-5(b).

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(b). 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 or adequate types and coverage of landscaping, rock cover may be allowed as an alternative to turf groundcover or understory landscaping. Internal parking lot islands shall not be paved.

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.

**R. Article Nine: Off-Street Parking, Section 9-6, Off-Street Loading,** is hereby amended and revised to read as follows:

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 positive gravity flow drain or pumping system to the storm sewer system or stormwater treatment facility. The collection point in the loading dock must include a sand and oil separator.

**S. Article Ten, Sign Regulations, Section 10-7, Permitted Permanent Sign Type by Zoning District, Table 10-3,** is hereby amended and revised to read as follows:

**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
<b>Detached Signs</b>												
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)
<b>Attached Signs</b>												
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
<b>Other Regulated Signs</b>												
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/SP*	N/SP*	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. SP\*=Special Use Permit; can only be obtained by education and religious uses \* Electronic Information Sign requires issuance of a Special Use Permit pursuant to Section 12-3.

T. Article Ten, Sign Regulations, Section 10-9 Sign type Supplemental Regulations: Permanent Signs, is hereby amended and revised to read as follows:

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
<b># Permitted Per Premise</b>	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
<b>Separation of Signage Per Linear Foot of Premise Street Frontage</b>	NA	NA	1 per 150	NA	1 per 300	NA	1 per 200	1 per 300	1 per 300
<b>Maximum Sign Area per Sign (sq. ft.)</b>	32	32	32	100	150	100	150	200	200
<b>Maximum Height (ft.) Above Natural Grade</b>									
<b>Ground</b>	15	6	6	15	15	15	15	15	15
<b>Monument</b>	15	6	6	15	25	15	25	25	25
<b>Pole</b>	N	N	N	30	45	30	N	45	45
<b>Front Yard Setback (ft.)</b>	25	5	2	2	2	0	-	2	2
<b>Side Yard Setback (ft.)</b>	10	10	2	2	2	0	-	2	2

NA = Not Applicable

N = Not Permitted

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
<b># Permitted Per Premise</b>	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
<b>Separation of Signage Per Linear Foot of Premise Street Frontage</b>	NA	NA	1 per 150	NA	1 per 300	NA	1 per 200	1 per 300	1 per 300
<b>Maximum Sign Area per Sign (sq. ft.)</b>	32	32	32	100	150	100	150	200	200
<b>Maximum Height (ft.) Above Natural Grade</b>									
<b>Ground</b>	15	6	6	15	15	15	15	15	15
<b>Monument</b>	15	6	6	15	25	15	25	25	25
<b>Pole</b>	N	N	N	30	45	30	N	45	45
<b>Front Yard Setback (ft.)</b>	25	5	2	2	2	0	-	2	2
<b>Side Yard Setback (ft.)</b>	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.

**U. Article Thirteen: Part A- Wireless Telecommunications Facilities Siting Ordinance, Section 13-4, Definitions,** is hereby amended and revised to read as follows:

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 “commercially impracticable” and shall not render an act or the terms of an agreement “commercially impracticable”.

- h. **“Completed Application”** means an Application that contains all information and/or data necessary to enable an informed decision to be made with respect to an Application.
- i. **“Council”** or **“City Council”** means the City Council of the City of Columbus, Nebraska.
- j. **“Distributed Antenna System or DAS”** means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.
- k. **“Eligibility Facility”** means a facility as defined in FCC 14-153.
- l. **“Eligible Facility Permit”** means the official zoning permit approved and issued by the Community Development Director or his or her designee 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.

**V. Article Thirteen: Part A – Wireless Telecommunications Facilities Siting Ordinance, Section 13-8, Eligible Facility Permit and Special Use Permit Application and Other Requirements**, is hereby amended and revised to read as follows:

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 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; 1
6. 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.

**W. Article Thirteen: Part A - Wireless Telecommunications Facilities Siting Ordinance, Section 13-44 Permits to Occupy the Right-of-Way, is hereby amended and revised to read as follows:**

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) 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, or his or her designee, 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.

**\*\*\*\*\*REMAINDER OF PAGE INTENTIONALLY LEFT BLANK\*\*\*\*\***

**Section 4.** The Subdivision Chapter of the Columbus Land Development Ordinance, for the City of Columbus is hereby amended and revised as hereinafter set forth.

## **II. AMENDMENT TO SUBDIVISION CHAPTER**

A. **Article One, General Provisions, Section 1-2, Authority and Purpose**, is hereby amended and revised to read as follows:

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 or the public storm sewer system.
3. Provision of adequate access to lots, including alternative routes to lots and sites within the subdivision and minimization of cul-de-sac 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.

B. **Article Two, Section 1-3, Relationship to the Comprehensive Plan**, is hereby amended and revised to read as follows:

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 which includes the Lone Range Transportation Plan, the Columbus Land Development Ordinance, the Official Zoning Map, and the City of Columbus's Capital or General Fund Budget.

C. **Article Two, Definitions, Section 2-3 A.**, is hereby amended and revised to read as follows:

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; no additional street right-of-way or other public easement and complies with all pre-existing zoning requirements following subdivision.

D. **Article Two, Section 2-4 B.**, is hereby amended and revised to read as follows:

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. Best Management Practices (BMP). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters of storm water conveyance systems. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal and drainage from raw material storage.

3. 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.

**E. Article Two, Section 2-5 C.,** is hereby amended and revised to read as follows:

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 back of curbline to back of 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.

**F. Article Two, Section 2-6 D.,** is hereby amended and revised to read as follows:

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. Disturbed Area: Area of the land's surface disturbed by any work or activity upon the property by means including, but not limited to, grading, excavating, stockpiling soil, fill or other materials, clearing, vegetation removal, removal or deposit of any rock, soil or other materials or other activities which expose soil. Disturbed Area does not include the tillage of land that is zoned for and intent is for agricultural use.
7. Divided Street: A street whose moving lanes in opposite directions is separated by a physical barrier such as a median.
8. Drainage: The removal of surface or stormwater from land by drains, grading, or other means.
9. Drainage System: The system through which water flows.

**G. Article Two, Section 2-7 E.,** is hereby amended and revised to read as follows:

1. Easement: A right-of-way granted 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 a way of a land surface by water, wind, ice, or gravity.

**H. Article Two, Section 2-14 L.,** is hereby amended and revised to read as follows:

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 street 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, private street, or private drive line.

**I. Article Two, Section 2-15 M.,** is hereby amended and revised to read as follows:

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; no additional public right-of-way or easement; 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.
5. Municipal Separate Storm Sewer System (MS4): Publicly owned facilities which storm water is collected and/or conveyed including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, pipe storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage ditches/channels, reservoirs and other drainage structures.

**J. Article Two, Section 2-16 N.,** is hereby amended and revised to read as follows:

1. National Fire Protection Agency (NFPA)
2. Nebraska Department of Environment and Energy (NDEE): State agency formerly known as the Nebraska Department of Quality and includes some former divisions of the Nebraska Department of Health and Human Services.
3. Notice of Intent (NOI): Associated with the Nebraska Department of Environment and Energy, Construction Storm Water Permit.
4. Pollutant Discharge Elimination System (NPDES): A permit issued by the Environmental Protection Agency or the Nebraska Department of Environment and Energy as authority delegated pursuant to 33 USC, Section 1342(b) that authorizes the discharge of pollutants to waters of the state.

**K. Article Two, Section 2-18 P.,** is hereby amended and revised to read as follows:

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 housing, including proposed public infrastructure and streets, stormwater treatment and detention system, and internal site layout and building 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. Final plat must be consistent with the preliminary plat.

4. Private Street: Privately owned and maintained access to a lot or parcel and shall have a public easement for utility and fire access.

**L. Article Two, Section 2-20 R.**, is hereby amended and revised to read as follows:

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, sanitary mains, or storm sewer mains.

**M. Article Two, Section 2-21 S.**, is hereby amended and revised to read as follows:

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. Storm Water Treatment Facility (STF). Permanent best management practices put in place to provide control and treatment of stormwater runoff after construction for land development is complete. These facilities are physical in nature and sometimes referred to as structural BMPs

6. Street: A right-of-way, dedicated to public use, which provides a primary means of access to an abutting lot or parcel and to the street hierarchy system.

7. 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

8. Storm Water Management Plan (SWMP): City approved documentation supporting analysis, design, maintenance and inspection of storm water treatment facilities

9. Storm Water Pollution Prevention Plan (SWPPP): A document which narrates the best management practices and activities to be implemented by a person during the construction activities, which identifies sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems and/or receiving waters.

10. 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.

**N. Article Two, Section 2-22 T.**, is hereby amended and revised to read as follows:

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 within all adjacent properties and rights-of-way, as well as the changes in elevation, using a 50-foot grid to achieve 1-foot contours throughout.

**O. Article Three: Procedures and Administration, Section 3-3, Minor Subdivisions**, is hereby amended and revised to read as follows:

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 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: Application Requirements. 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.
  - (a) Subdivision requested naming is subject to the approval of the Administrative Official. Ideally Subdivision naming would be consistent with the adjacent subdivision names. Subdivision names shall not be duplicated, or similar, and must be appropriate. Subdivision names, or similar naming, which are not contiguous cannot be used.
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 3-3a 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.

**P. Article Three, Section 3-4 Major Subdivisions**, is hereby amended and revised to read as follows:

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, subject to the suggestion of the Administrative Official, the applicant shall meet with the Development Review Team (DRT) regarding general requirements and issues relating to the proposed subdivision.

DRT members will reserve time, as set by resolution of the City Council, for DRT project review and meetings with project representatives.

Applications will be due seven (7) days 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 in the region, public facilities, special flood hazard areas, water 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 (10) working days following the pre-application meeting, pending time needed for any action plan inquires or confirmations, 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.

5. Major revisions made to the concept plan may require an additional DRT meeting as determined by the Administrative Official.

#### d. Preliminary Plat Application

##### 1. Application Requirements

After the DRT meeting, 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.

##### 2. Draft Development Agreement

The preliminary plat application shall include a draft of a Development Agreement on a form provided by the Administrative Official following a format established by the Engineering Department. The Development Agreement, among other things, generally establishes the responsibilities of City and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; the maximum amount of bonded indebtedness to be incurred if public improvements are financed through an Improvement District as provided in State Law and other matters as identified by the Administrative Official for said development. Applicants shall request the draft development agreement a minimum of 7 days prior to submittal deadline. This request must follow the DRT meeting.

##### 3. Preliminary Plat Review Procedure

(a) After submission of a complete application for a preliminary plat, the Administrative Official and staff shall review the application. 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 all utilities known or on the Digger's Hotline submittal along with any responses which may affect the plat.

(b) Subdivision requested naming is subject to the approval of the Administrative Official. Ideally Subdivision naming would be consistent with the adjacent subdivision names. Subdivision names shall not be duplicated, or similar, and must be appropriate. Subdivision names, or similar naming, which are not contiguous cannot be used.

(c) 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 14 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 as determined by the Administrative Official.

(d) If the Applicant elects to not proceed with the Preliminary Plat after the public notice has been sent in for publishing, the Applicant must provide a written request to the Administrative Official, requesting a delay and provide a date for the next Planning Commission meeting they wish to place it on the agenda. The placement on the agenda will be subject to the approval of the Administrative Official.

(e) The Administrative Official shall submit a written recommendation for action to the Planning Commission.

#### 4. Planning Commission and City Council Action

(a) The Planning Commission, following at least ten calendar 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.

#### e. Final Plat Application Process

##### 1. Application Requirements

Except for a Concurrent Plat Approval Procedure, 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. A note, as required by State Statute, this includes the time needed to advertise for a public hearing. Thus, in order to keep the process on schedule, the applicant is strongly encouraged to include of the complete submittals at the time of the initial application. 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's ready for signature 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 14 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) If the Applicant elects to not proceed with the Preliminary Plat after the public notice has been sent in for publishing, the Applicant must provide a written request to the Administrative Official, requesting a delay and provide a date for the next Planning Commission meeting they wish to place it on the agenda. The placement on the agenda will be subject to the approval of the Administrative Official.

(d) 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 Development Agreement. Developer signature of the Final Deed of Dedication must be obtained and submitted 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 calendar 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 calendar 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 calendar 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.

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
<b>PLAT INFORMATION</b>				
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, lot bearings, setback lines, and lot areas in square feet.	X	X	X	X
Remaining property parcel layout of roadways and lots, upon request if applicable.		X	X	
Existing and proposed easements or land reserved for or dedicated to public use; existing and proposed ROW and trails	X	X	X	X
<b>ENVIRONMENTAL INFORMATION</b>				
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	

**Q. Chapter 2, Article 3, Table 3-1 and Table 3-2 are hereby amended and revised to read as follows:**

**TABLE 3-1: Application Requirements**

Submittal Requirements:

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
<b>PLAT INFORMATION</b>				
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	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
Acreeage of Tract.	X	X	X	X

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
<b>IMPROVEMENTS AND CONSTRUCTION INFORMATION</b>				
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	
Table 3-2 STF identification with completed information			X	
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

Table 3-1 APPLICATION REQUIREMENTS

**TABLE 3-1: APPLICATION REQUIREMENTS**

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
<b>GRADING AND DRAINAGE PLAN (separate plan sheet)</b>				
<b>Submittal of a copy of the preliminary plat or design plans without the additional items below is not acceptable and will be considered an incomplete submission.</b>				

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 area key map and calculations including from off-site area traveling through the proposed system		X	X	
Stormwater treatment postconstruction facility including elevations and special construction details. Includes Table 3-2 STF identifier on the drainage plan complete with data		X	X	
Floodplain or floodway from latest Flood Insurance Rate Maps (FIRM)		X	X	

**TABLE 3-1: APPLICATION REQUIREMENTS**

			<b>Major Subdivision</b>
--	--	--	--------------------------

	<b>Administrative Subdivision</b>	<b>Minor Subdivision</b>	<b>Preliminary</b>	<b>Final</b>
<b>PLAT INFORMATION</b>				
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	
<b>SUBMITTAL</b>				
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	

<i>STF Type</i>	<i>STF Location (Lat/Long)</i>	<i>Drainage Area (Acres)</i>	<i>Design WQCV (cf) or <math>Q_{wQ}</math> (cfs)</i>	<i>WQCV (cf) or <math>Q_{wQ}</math> (cfs) Provided</i>

**R. ARTICLE FOUR: CIRCULATION SYSTEM DESIGN, Section 4-2,** is hereby amended and revised to read as follows:

**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 public streets shall provide for the logical extension of existing public streets, proposed public 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 public streets to subsequent, later developments as determined by the Administrative Official and City Engineer.

**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 Master Trail 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

**S. Article Four, Section 4-3, Street Hierarchy and Design**, is amended and revised to read as follows:

#### 4-3 Street Hierarchy and Design

##### 1. Characteristics of the Hierarchy

(a) Streets shall be classified according to a street hierarchy with design tailored to function with existing and proposed traffic or turning movements.

(b) Each street roadway shall be classified and designed to meet appropriate standards.

(c) The categories, functions, and projected traffic loads of the street hierarchy are set forth in Table 4-1.

##### 2. Cartway Width

(a) Cartway width for each street classification is determined by parking and curbing requirements based on form or intensity of adjacent development.

(b) To promote economic development of streets, minimum cartway widths shall be used. Minimum cartway widths are set forth in Table 4-2.

##### 3. Curbs, Gutters, and Shoulders

(a) Curbing shall be required for the purposes of safety, drainage, and protection of the pavement edge, as set forth in Table 4-3.

(b) 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:

(1) Rural: Rural Residential or predominately agricultural land.

(2) Urban: Residential land use; or adjacent land uses which include commercial, office, industrial, or civic use types.

(c) Where curbing is not required, edge definition, shouldering, and stabilization shall be provided.

(d) 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.

(e) All curbs shall provide ramps for accessibility by handicapped people consistent with the requirements of the Americans with Disabilities Act.

(1) Curb construction shall follow standards established by the City of Columbus.

(2) Curb cuts for driveways may be ground smooth to a two-inch drop curb in residential. Maximum curb cut length as measured along the street back of curb is 40 feet including any radii or wings. Radii or wings matching into the public street must remain within the property as projected.

(3) Curb cuts may be ground smooth to a two-inch drop curb in commercial areas with lots less than 4,500 square feet in total size. Maximum throat width is 30 feet with a maximum curb cut length with two 20-foot radii measured along the street back of curb is 70 feet. Radii returns matching into the public street must remain within the developed property as projected.

(4) Curb cuts in commercial areas with lots greater than 4,500 square feet in total size shall be sawed straight and removed to a 2-foot lug and a two-inch drop curb to total pavement thickness shall be constructed. Grinding is not accepted. Maximum throat width is 40 feet. The maximum curb cut length as measured along the street back of curb with two 20-foot radii is 80 feet and 30-foot radii is 100 feet. Radii returns matching into the public street must remain within the development property as projected.

(5) Curb cuts 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. Grinding is not accepted. Maximum throat width is 50 feet. The maximum curb cut length as measured along the street back of curb with two 20-foot radii is 90 feet up to a maximum of 50-foot radii is 150 feet. Radii returns matching into the public street must remain within the development property as projected.

#### 4. Sidewalks

(a) Sidewalk requirements are determined by road classification and intensity of development, as set forth in Table 4-3.

(b) 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.

(c) In conventional residential and commercial development, shall be placed generally parallel to streets within right-of-way located 4-foot from the property line. 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.

(d) In the B1 zoning district, sidewalks may abut curb. Subject to the approval of the City Engineer. Sidewalk landscaping requirements must be met.

(e) 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.

(f) Sidewalks shall provide a clear paved 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.

(g) 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 in residential and five inches thick in commercial and industrial 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.

(h) All sidewalks, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

## 5. Bikeways and Recreational Trail

(a) Bikeways and recreational trails shall be required in subdivisions when specified as part of the comprehensive development plan or master trail plan.

(b) All off-street recreational trails shall be f 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 Americans with Disability Act ramps or other preapproved rare occurrence. 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.

- (c) Recreational trails may satisfy part of the requirements of this ordinance for sidewalks or open space.
- (d) Trails shall provide a clear path free of any obstructions a minimum of one foot on both sides.
- (e) All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets.
- (f) All trails, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

## 6. Right-of-Way

- (a) 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.
- (b) Any right-of-way that continues an existing street shall be no less than that of existing street.
- (c) The requirements for right-of-ways for functional categories of roads is set forth in Table 4-3.
- (d) Dedications: Dedications of right-of-way for collector, sub collector, community, or arterial streets shall be made consistent with the comprehensive development plan.

## 7. Street Design Standards

### (a) Pavement

(1) All streets shall be paved to current standards utilized in the City of Columbus except:

a. Local streets in rural intensity residential subdivisions. In these settings, streets may utilize an aggregate 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.

b. Courts or Plaza not within the corporate limits or being annexed as part of the development, may utilize a minimum thickness of six-inch aggregate or crushed rock surfacing, provided that such courts or lanes remain in private or private cooperative ownership.

(2) Street pavement thickness shall relate to the role of the street in the hierarchy, sub-grade conditions, and pavement type.

### (b) Continuity of Arterial or Collector Streets

(1) No subdivision shall prevent the extension of arterial or collector streets through and beyond the subdivision. Private Streets cannot emulate a public

street or prevent the logical extension of public streets or those planned in the Comprehensive Plan. The subdivider may plan and design collector streets not designated in the Comprehensive Development Plan subject to the approval of the City Council.

(c) Arterial Street Construction Alternate

(1) 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.

(d) Cul-de-sacs and Street Bulb-Outs

(1) 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.

(2) Street bulb-outs may be utilized on Local streets if approved by the City Engineer.

e) Street Intersections

(1) 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.

(2) In most cases, no more than two streets should intersect at a single intersection.

(3) Local street intersections with major arterials should be avoided.

(4) 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 street 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.

(5) 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.

(6) Intersections and driveways shall not be within 200-feet of all types of Arterial roadways, major roundabouts, or signalized intersections. Driveway requests closer than 200 feet in residential area may be requested and are subject to the City Engineer’s review and approval.

(f) Block Size

(1) 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.

8. Street Names

(a) 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:

<b>Street Direction and Type</b>	<b>Name</b>
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)

9. Adjacency to Arterials and Railroads

(a) Where the subdivision is adjacent to or contains a street designated as a major or minor 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 or commercial property and separation of through and local traffic as determined by the City Engineer.

(b) Where the subdivision is adjacent to or contains a railroad right-of-way or limited access highway or arterial, 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.

#### 10. Prohibited Practices

(a) The following design practices shall be prohibited:

- (1) Privately-owned reserve strips controlling access to streets, sidewalks, trails, utilities or similar.
- (2) Private Streets emulating public streets and allowing continuation of local, collector or arterial existing roadways or those planned in the Comprehensive Plan.
- (3) Half-or reduced standard width streets.
- (4) Public alleys, except in a B1 zoning district.

**T. Article Four, Section 4-4 Alley Design**, is hereby amended and revised to read as follows:

##### 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 subject to approval of the City Engineer.
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 are 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.

**U. Article Four, Section 4-5, Lighting and Wiring**, is hereby amended and revised to read as follows:

##### a. Street Lighting

1. Street lighting shall be provided by the Developer 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. Relocation of existing above ground power lines with above ground power lines which are needed for development is subject to pre-approval of the Administrative Official.

V. Chapter 2, Article 4, Table 4-1, Street Hierarchy, is hereby amended and revised as follows:

TABLE 4-1: Street Hierarchy

Residential Street Type	Function	Guideline Maximum ADT
<b>Private Street or Frontage Road (Private)</b>	Street providing private or controlled access must meet State Fire Marshall turnaround requirements for emergency vehicles and NFPA standards. Private streets may not emulate public streets or prevent the logical extension of existing public roadways or those planned in the Comprehensive Plan.	120-150
<b>Local</b>	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed.	250-1,000

<b>Collector</b>	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
<b>Minor and Other Arterials</b>	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
<b>Major Arterial</b>	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+

**W. Article Five, Section 5-3, Sanitary Sewers,** is hereby amended and revised to read as follows:

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.

**X. Article Five, Public Improvements and Infrastructure, Section 5-4, Storm Sewers and Storm Water Management,** is hereby amended and revised to read as follows:

a. Design

1. All subdivisions shall have a post-construction storm water treatment facility and detention system in accordance with the Storm Water Management Plan and City Code Chapters 53 and 54. This system shall be discussed at the pre-application DRT 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, Storm Water Management Plan, Drainage Manual, 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 pre-development burdened with surface waters should have the effects ameliorated as much as possible.

5. Peak flow rates out of the subdivision or development shall not exceed predevelopment rates. Detention system must be provided within the development, as part of a regional system, or other city program. The detention system must be located a minimum of 10 feet from any public right-of-way.

6. Design shall use the best available technology to minimize off-site runoff, encourage natural filtration, simulate natural drainage, and minimize discharge of pollutants.

7. No surface or point source water may be channeled into a sanitary sewer system.

8. Where possible, a subdivision's drainage system shall coordinate with that of surrounding properties or streets.

9. The pre-application information should include drainage impacts and shall be discussed with the DRT members.

10. Post-construction stormwater treatment and detention system within the development must remain to be owned by the Developer, home owners association or similar association or district. They cannot be sold in part of whole to individual property owners in residential or commercial districts. The Environmental Protection Agency and the Nebraska Department of Environment and Energy require privately owned and operated systems to be inspected and maintained in accordance with a Maintenance Agreement as made part of the Development Agreement. Publicly owned and operated systems have the same inspection and maintenance requirements.

b. Construction Stormwater Pollution Prevention Plan and Notice of Intent

1. In accordance with the Environmental Protection Agency, Nebraska Department of Environment and Energy (NDEE) and City Code Chapters 53 and 54, and the Storm Water Management Plan (SWPPP), prior to disturbance of one acre, the Developer must obtain a NDEE Construction Runoff NOI which includes a Stormwater Pollution Prevention Plan and provide a copy to the City Engineering Department. The SWPPP must be developed and signed by a certified official.

2. Individual residential or commercial developments which are at or over one acre and which the developer is maintaining their NOI do not have to submit they own NOI or SWPPP. However, if the development NOI is terminated, a NOI must be obtained through the NDEE.

3. Individual residential or commercial developments which are under one acre need to complete an Individual Lot Plan as part of the Building Permit process. If under one acre, you do not need a NDEE NOI unless due to the potential or actual contamination of waters of US, unless one is requested by the City Engineer.

4. The SWPPP Best Management Practice (BMP) must include perimeter stormwater protection by constructing a silt fence or other BMP that is applicable for the topography and situation, such as, waddles on side slopes. The use of earthen berms as a perimeter BMP is not acceptable usage. Additional BMPs shall be provided as designed and shown on the SWPPP including, but not limited to, inlet protection, wet land protection, track out pad(s), concrete wash out (if applicable) and signage.

5. Developer must notify the City Engineering Department, Project Manager, a minimum of 72 hours in advance of the following:

(a) Preconstruction conference location and time upon which the NOI, SWPPP, and contact information for the certified inspector shall be provided and discussed. The City Project Manager, and/or City

Construction Observer, or another City designee, will attend the meeting.

(b) Upon final construction of the initial BMPs for an inspection and approval to proceed with the earthwork or construction phase.

6. BMPs and development must be inspected in accordance with the SWPPP by certified officials, keep SWPPP records and documents updated, and be available to report to the City or NDEE upon any inspection.

7. The Developer and Post-Construction owner or association must provide storm water treatment facility and detention inspections and maintenance in accordance with the Maintenance Agreement and Development Agreement for system on the development. Any required maintenance work must be completed within the required work timeline.

**Y. Article Five, Public Improvements and Infrastructure, Section 5-5 Easements,** is hereby amended and revised as follows:

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. Backlot utility or drainage easements a minimum of 10 feet in width, or wider for that required to carry the design and larger storm events as determined in the drainage calculations, shall be provided and shown on the plat.

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.

**Z. Article, Six, Improvement Procedures, Section 6-3, Pre-Construction Conference,** is hereby amended and revised to read as follows:

a. Prior to beginning construction the developer shall hold a pre-construction conference with adequate advanced notification, a minimum of 72 hours, 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, SWPPP

inspector, public and private utilities and others which have a direct or indirect interest in the project's successful completion.

c. The developer is responsible for taking and providing minutes of the pre-construction conference to the city within 7 calendar days of the meeting.

**Section 5.** This ordinance shall repeal all ordinances or portions thereof.

**Section 6.** This ordinance shall become effective upon its passage, approval, and publication as provided by 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 any interested party at the City offices.

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

# **CITY OF COLUMBUS MEMORANDUM**

---

**DATE:** April 2, 2024  
**FROM:** Andy Woehrer, Chief Building and Code Official  
**TO:** Tara Vasicek, City Administrator  
**RE:** Columbus Land Development Ordinance Text Amendments

## **RECOMMENDATION:**

Staff and I recommend approval of the text amendments made to the Columbus Land Development Ordinance.

## **DISCUSSION:**

Staff and I have reviewed and recommend the enclosed revisions to the CLDO. I have attached the redline revisions for your review and consideration. The main bullets points are as follows:

- Revisions to definitions
- Changes to the “Use Types”
- New and revised “Figures” and “Tables”: appearing in the CLDO
- Changes to “Site Development Regulations”
- Changes to “Supplemental Use Regulations”
- Changes to “Supplemental Site Development Regulations”
- Changes to the Required Landscape Depth
- Changes to Off Street Parking Requirements
- Changes to Sign Regulations
- Changes to Special Use permit and Re-zoning applications and procedures
- Changes to the procedure concerning administrative, minor and major subdivisions, including preliminary plats and final plats
- Changes to Circulation System Design
- Changes to Storm Sewers and Storm Water Management

**FISCAL IMPACT:**


None

**ALTERNATIVE:**

Do not approve or revise text amendments

**SIGNATURE:**

By: Andreas J. Weisner

Approved By: 

# **CITY OF COLUMBUS MEMORANDUM**

---

**DATE:** May 2, 2024  
**FROM:** Andy Woehrer, Chief Building and Code Official  
**TO:** Tara Vasicek, City Administrator  
**RE:** Columbus Land Development Ordinance Text Amendments  
Second Reading

## **RECOMMENDATION:**

Staff and I recommend approval of the text amendments made to the Columbus Land Development Ordinances, with additional revisions made since the April 15 city council meeting.

## **DISCUSSION:**

Staff and I have reviewed the previously approved CLDO text amendments and recommend the enclosed revisions. The enclosed revisions include three attachments which contain the redline revision, a clean copy, and the revisions made since the first reading. The text amendments since the first reading are as follows:

- Clarification of “denial” and “non-approval” which was done at the request of the city attorney. (See pages 175, 178, 201, 202, 251, 253, 254)
- Revision to the escrow account balance necessary for Wireless Telecommunications Facilities which was done at the request of the City’s consultant.

## **FISCAL IMPACT:**

None

## **ALTERNATIVE:**

Do not approve

**SIGNATURE:**

By: Andrew J. Wehr

Approved By: \_\_\_\_\_



## **The Columbus Land Development Ordinance for the City of Columbus**

**TABLE OF CONTENTS**  
**COLUMBUS LAND DEVELOPMENT ORDINANCE**

CHAPTER 1: ZONING	9
1 ARTICLE ONE	9
GENERAL PROVISIONS	9
1-1 Title	9
1-2 Jurisdiction	9
1-3 Purpose	9
1-4 Consistency with Comprehensive Development Plan and Long-Range Transportation Plan	9
1-5 Conflicting Provisions	10
1-6 Relief from Other Provisions	10
1-7 Severability of Provisions	10
2 ARTICLE TWO	11
DEFINITIONS	11
2-1 Purpose	11
2-2 General Construction of Language	11
2-3 Definitions of Terms	11
2-4 A	12
2-5 B	12
2-6 C	13
2-7 D	14
2-8 E	14
2-9 F	15
2-10 G	15
2-11 H	15
2-12 I	16
2-13 J	16
2-14 K	16
2-15 L	16
2-16 M	18
2-17 N	19
2-18 O	20
2-19 P	20
2-20 Q	21
2-21 R	21
2-22 S	21
2-23 T	22
2-24 U	22
2-25 V	23
2-26 W	23
2-27 X	23
2-28 Y	23
2-29 Z	23
3 ARTICLE THREE	24
USE TYPES	24
3-1 Purpose	24
3-2 Determinations	24
3-3 Agricultural Use Types	24
3-4 Residential Use Types	25
3-5 Office Use Types	25
3-6 Civic Use Types	26
3-7 Commercial Use Types	28
3-8 Parking Use Types	33
3-9 Industrial Use Types	33

3-10	Transportation Use Types .....	35
3-11	Miscellaneous Type Uses.....	35
4	ARTICLE FOUR .....	37
	ZONING DISTRICT REGULATIONS .....	37
4-1	Purpose .....	37
4-2	Establishment of Districts .....	37
4-3	Application of Districts .....	38
4-4	Hierarchy .....	38
4-5	Development Regulations.....	38
4-6	Zoning Map .....	38
4-7	Interpretation of District Boundaries.....	39
4-8	Vacation of Streets and Alleys .....	39
5	ARTICLE FIVE .....	56
	OVERLAY DISTRICTS .....	56
5-1	General Purpose .....	56
5-2	Purpose .....	56
5-3	Permitted Uses.....	56
5-4	Site Development Regulations.....	56
5-5	Access to Public Streets.....	56
5-6	Application Process.....	56
5-7	Adoption of District.....	57
5-8	Amendment Procedure.....	57
5-9	Building Permits .....	57
5-10	Termination of PUD District .....	58
5-11	Purpose .....	58
5-12	Permitted Uses.....	58
5-13	Site Development Regulations.....	58
5-14	Access to Public Streets.....	59
5-15	Application Process.....	59
5-16	Adoption of District.....	59
5-17	Amendment Procedure.....	60
5-18	Building Permits .....	60
5-19	Termination of CCD District .....	60
5-20	Purpose .....	60
5-21	Procedure for Adoption.....	60
5-22	Adoption of District.....	61
5-23	Building Permits .....	61
5-24	Purpose .....	61
5-25	Procedure for Adoption.....	62
5-26	Adoption of District .....	62
5-27	Building Permits .....	62
5-28	Statutory Authorization, Finding of Fact and Purposes.....	63
5-29	General Provisions.....	64
5-30	Establishment of Zoning Districts.....	65
5-31	Floodplain Management Administration .....	65
5-32	Standards for Floodplain Development .....	72
5-33	Nonconforming Use.....	78
5-34	Amendments.....	79
5-35	Definitions .....	79
5-36 to 5-39	Reserved for Future Use .....	83
5-40	A: Agricultural Overlay District .....	83
5-41	Purpose .....	83
5-42	Application of District.....	83
5-43	Permitted Uses.....	83
5-44	Pre-Existing Zoning.....	83
5-45	Adoption of District.....	84

6	ARTICLE SIX	85
	SUPPLEMENTAL USE REGULATIONS	85
6-1	Purpose	85
6-2	Supplemental Use Regulations: Agricultural Uses	85
6-3	Supplemental Use Regulations: Residential Uses	85
6-4	Supplemental Use Regulations: Civic Uses	88
6-5	Supplemental Use Regulations: Commercial Uses	88
6-6	Supplemental Use Regulations: Industrial Uses	90
6-7	Supplemental Use Regulations: Home-Based Businesses	92
6-8	Supplemental Use Regulations: Accessory Uses	94
6-9	Supplemental Use Regulations: Outdoor Storage	95
6-10	Supplemental Use Regulations: Swimming Pools	95
6-11	Supplemental Use Regulations: Mailboxes	98
6-12	Supplemental Use Regulations: Cargo Containers and Portable Storage Containers	98
7	ARTICLE SEVEN	100
	SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS	100
7-1	Purpose	100
7-2	Setback Adjustments	100
7-3	Height Exceptions	104
7-4	Allowable Adjustments to Site Development Regulations for Creative Subdivisions	104
7-5	Fence Regulations	105
7-6	Downtown Building Standards	106
7-7	Appeals	107
8	ARTICLE EIGHT	108
	LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS	108
8-1	Purpose	108
8-2	Applicability	108
8-3	Landscaping Requirements	108
8-4	Bufferyard Provisions	110
8-5	Screening Standards	110
8-6	General Provisions	111
8-7	Grade Elevation at Residential Building Setback	111
8-8	Performance Standards in the B-2 and ML/C-1 Zoning Districts	112
9	ARTICLE NINE	113
	OFF-STREET PARKING	113
9-1	Purpose	113
9-2	General Applications	113
9-3	Schedule of Off-Street Parking Requirements	113
9-4	Parking Facility Location	118
9-5	Off-Street Parking Design Standards	118
9-6	Off-Street Loading	122
9-7	Parking for Personal and Recreational Vehicles	123
10	ARTICLE TEN	124
	SIGN REGULATIONS	124
10-1	Purpose and Intent	124
10-2	Applicability, Interpretation, Serviceability, and Non-Commercial Speech Substitution	125
10-3	Definition of Terms	125
10-4	General Sign Regulations	134
10-5	Prohibited and Exempt Signs	141
10-6	Method of Measurement for Regulations	142
10-7	Permitted Permanent Sign Type by Zoning District	147
10-8	Illumination/Lighting Sign Elements	148
10-9	Sign Type Supplemental Regulations: Permanent Signs	149
10-10	Master Sign Plan; Permanent Signs	153
10-11	Permitted Temporary Sign Type By Zoning District	155
10-13	Outdoor Advertising Signs	160

10-14	Outdoor Advertising Signs; Regulations for New Installations .....	162
10-15	Additional Regulations for the Downtown Business District .....	162
11	ARTICLE ELEVEN .....	164
	NONCONFORMING DEVELOPMENT .....	164
11-1	Purpose .....	164
11-2	Regulations Additive .....	164
11-3	Nonconforming Lots .....	164
11-4	Nonconforming Structures .....	164
11-5	Nonconforming Uses .....	165
12	ARTICLE TWELVE .....	167
	ADMINISTRATION AND PROCEDURES .....	167
12-1	Purpose .....	167
12-2	Site Plan Review Procedure .....	167
12-3	Special Use Permit Procedure .....	169
12-4	Amendment Procedure .....	176
12-5	Extension of the Extra-Territorial Jurisdiction .....	178
12-6	Building Permits and Certificates of Occupancy .....	179
12-7	Schedule of Fees, Charges and Expenses .....	180
12-8	Board of Adjustment .....	181
12-9	Powers and Duties of the Board of Adjustment .....	182
12-10	Appeals from the Board of Adjustment .....	184
12-11	Duties of Building Official, Board of Adjustment, City Council, and Courts on Matters of Appeal 184	
12-12	Severability Clause .....	184
12-13	Complaints Regarding Violations .....	184
12-14	Penalties for Violation .....	184
12-15	Development Review Team (DRT) .....	185
13	ARTICLE THIRTEEN .....	186
	PART A - WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE .....	186
13-1	Purpose and Legislative Intent .....	186
13-2	Title .....	186
13-3	Severability .....	186
13-4	Definitions .....	186
13-5	Overall Policy and Desired Goals for Eligible Facility and Special Use Permits for Wireless Telecommunications Facilities .....	190
13-6	Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities Required; Exceptions .....	190
13-7	Exclusions .....	191
13-8	Eligible Facility Permit and Special Use Permit Application and Other Requirements .....	191
13-9	Location of Wireless Telecommunications Facilities .....	198
13-10	Shared Use of Wireless Telecommunications Facilities and Other Structures .....	199
13-11	Height of Telecommunications Towers .....	199
13-12	Visibility of Wireless Telecommunications Facilities .....	200
13-13	Security of Wireless Telecommunications Facilities .....	200
13-14	Signage .....	200
13-15	Lot Size and Setbacks .....	200
13-16	Retention of Expert Assistance and Reimbursement by Applicant .....	201
13-17	Public Hearing and Notification Requirements .....	201
13-18	Action on an Application for a Special Use Permit for Wireless Telecommunications Facilities 202	
13-19	Action on an Application for an Eligible Facility Permit for Wireless Telecommunications Facilities .....	202
13-20	Extent and Parameters of Eligible Facility Permit and Special Use Permit for Wireless Telecommunications Facilities .....	202
13-21	Application Fee .....	203
13-22	Small Cell / DAS Facilities .....	203

13-23	Performance Security.....	203
13-24	Reservation of Authority to Inspect Wireless Telecommunications Facilities.....	203
13-25	Liability Insurance.....	204
13-26	Indemnification.....	205
13-27	Fines.....	205
13-28	Default and/or Revocation.....	206
13-29	Removal of Wireless Telecommunications Facilities.....	206
13-30	Relief.....	207
13-31	Periodic Regulatory Review by the City.....	208
13-32	Adherence to State and/or Federal Rules and Regulations.....	208
13-33	Adherence to International Building Code.....	208
13-34	Conflict with Other Laws.....	208
13-35	Effective Date.....	208
13-36	Authority.....	209
13-37 to 13-39	Reserved for Future Use.....	209
<b>PART B - SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY</b> .....		<b>210</b>
13-40	Title.....	210
13-41	Severability.....	210
13-42	Definitions.....	210
13-43	Purpose and Scope.....	213
13-44	Permits to Occupy the Right-of-Way.....	214
13-45	Rates.....	217
13-46	Aesthetic and Design Standards.....	217
13-47	Independent Technical and Legal Review.....	218
13-48	Relief.....	218
14	<b>ARTICLE FOURTEEN</b> .....	<b>219</b>
<b>SEXUALLY ORIENTED BUSINESS</b> .....		<b>219</b>
14-1	Purpose and Intent.....	219
14-2	Definitions.....	219
14-3	Classification.....	223
14-4	Location of Sexually Oriented Businesses.....	223
14-5	Appeals, Exemption from Location Restrictions.....	224
14-6	Signs for Sexually Oriented Businesses.....	225
15	<b>ARTICLE FIFTEEN</b> .....	<b>226</b>
<b>PERMITS TO OCCUPY THE RIGHT-OF-WAY</b> .....		<b>226</b>
15-1	Definitions.....	226
15-2	Purpose; Scope; Exceptions.....	226
15-3	Permits.....	227
15-4	Fees and Taxes.....	231
15-5	Aesthetic and Design Standards.....	231
15-6	Independent Technical and Legal Reviews.....	234
15-7	Relief.....	234
<b>CHAPTER 2: SUBDIVISIONS</b> .....		<b>235</b>
1	<b>ARTICLE ONE</b> .....	<b>235</b>
<b>GENERAL PROVISIONS</b> .....		<b>235</b>
1-1	Title.....	235
1-2	Authority and Purpose.....	235
1-3	Relationship to the Comprehensive Plan.....	236
1-4	Jurisdiction and Applicability.....	237
1-5	Amendment.....	237
1-6	Fees.....	237
1-7	Enforcement.....	237
1-8	Penalties.....	237
1-9	Interpretation, Conflict, and Severability.....	238

2	ARTICLE TWO	239
	DEFINITIONS	239
2-1	Purpose	239
2-2	Definitions of Terms	239
2-3	A.	239
2-4	B.	239
2-5	C.	240
2-6	D.	240
2-7	E.	241
2-8	F.	241
2-9	G.	241
2-10	H.	241
2-11	I.	241
2-12	J.	241
2-13	K.	241
2-14	L.	241
2-15	M.	242
2-16	N.	242
2-17	O.	242
2-18	P.	242
2-19	Q.	243
2-20	R.	243
2-21	S.	244
2-22	T-Z	244
3	ARTICLE THREE	245
	PROCEDURES AND ADMINISTRATION	245
3-1	Purpose	245
3-2	Administrative Subdivisions	245
3-3	Minor Subdivisions	246
3-4	Major Subdivisions	248
4	ARTICLE FOUR	261
	CIRCULATION SYSTEM DESIGN	261
4-1	Purpose	261
4-2	General Standards	261
4-3	Street Hierarchy and Design	262
4-4	Alleys	268
4-5	Lighting and Wiring	268
4-6	Arterials	272
5	ARTICLE FIVE	273
	PUBLIC IMPROVEMENTS AND INFRASTRUCTURE	273
5-1	Purpose	273
5-2	Water	273
5-3	Sanitary Sewers	274
5-4	Storm Sewers and Storm Water Management	275
5-5	Easements	277
5-6	Dedications	278
5-7	Public Infrastructure Improvement Impact Fee	278
6	ARTICLE SIX	279
	IMPROVEMENT PROCEDURES	279
6-1	Purpose	279
6-2	Application	279
6-3	Pre-Construction Conference	279
6-4	Notification of Completion and Acceptance by City	279

# CHAPTER 1, ARTICLE 1: GENERAL PROVISIONS

## TABLE OF FIGURES

### COLUMBUS LAND DEVELOPMENT ORDINANCE

Figure 2-15: Lot Definitions .....	17
Figure 7-2 (a): Vision Clearance Zone .....	102
Figure 7-2 (b): Vision Clearance Zone .....	103
Figure 9-5 (a): Off-Street Parking Standards .....	119
Figure 9-5 (b): Parking Lot Internal Island .....	121
Figure 10-3 (a): Permanent Signs Examples .....	132
Figure 10-3 (b): Temporary Signs Example .....	133
Figure 10-6 (a): Lot Frontage Determination .....	144
Figure 10-6 (b): Formulas for Determining Sign Area for Signs with Two or More Faces .....	145
Figure 10-6 (c): Measurement of Sign Height .....	146
Figure 15-5: Street Right-of-Way .....	233

## TABLE OF TABLES

### COLUMBUS LAND DEVELOPMENT ORDINANCE

Table 4-1: Base Districts .....	37
Table 4-2: Purposes of Zoning Districts .....	40
Table 4-3: Permitted Uses by Zoning District .....	42
Table 4-4: Site Development Regulations .....	51
Table 8-1: Required Landscape Depth .....	109
Table 8-2: Bufferyard Requirements (feet) .....	110
Table 8-3: Maximum Permitted Sound Levels at Residential Boundaries .....	112
Table 9-1: Off-Street Parking Requirements .....	114
Table 10-1: Maximum Size of Exposed Glass Panel .....	138
Table 10-2: Permitted Permanent Sign Budget by District .....	143
Table 10-3: Permitted Permanent Signs by Type and Zoning District .....	147
Table 10-4: Permitted Permanent Signs by Type and Zoning District .....	148
Table 10-5: Permitted Site Development Standards for Detached Signs by Zoning Districts .....	149
Table 10-6: Permitted Site Development Standards for Attached Signs by Zoning Districts .....	150
Table 10-7: Permitted Temporary Signs by Type and Zoning District .....	156
Table 10-8: Permitted Banner Sign Number and Size by Street Frontage .....	157
Table 10-9: Permitted Freestanding Yard Sign Number and Size by Street Frontage .....	158
Table 12-1: Criteria for Site Plan Review and Special Use Permits .....	171
Table 3-1: Application Requirements .....	255
Table 3-2 Storm Water Treatment Facility Identifier .....	260
Table 4-1: Street Hierarchy .....	270
Table 4-2: Cartway Width .....	271
Table 4-3: Curb, Sidewalk, and Right-of-Way Requirements .....	272

# CHAPTER 1, ARTICLE 1: GENERAL PROVISIONS

## **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 (CLDO), 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 if such outlying area were within the corporate limits of the City of Columbus. Boundaries of the Extra-Territorial Jurisdiction established by this ordinance shall be shown on the Extra-Territorial Jurisdiction Map maintained by the City Engineer. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of and concurrent with this ordinance. The Extra-Territorial Jurisdiction may be changed from time to time following the extension of City boundaries either by annexation or by additions brought into the City pursuant to the Subdivision Code. Such changes shall be reflected on the Extra-Territorial Map. The City Clerk and Engineer shall keep a complete record of all changes to the Extra-Territorial Jurisdiction Map.

#### **1-3 Purpose**

The purposes of the 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.

## CHAPTER 1, ARTICLE 1: GENERAL PROVISIONS

### **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.

## CHAPTER 1, ARTICLE 2: DEFINITIONS

### 2 ARTICLE TWO: DEFINITIONS

#### 2-1 Purpose

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

#### 2-2 General Construction of Language

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

##### 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.

## CHAPTER 1, ARTICLE 2: DEFINITIONS

### **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. **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.
6. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
7. **Alley:** A public right of way, which is used as a secondary means of access to abutting property.
8. **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.
9. **Apartment:** A housing unit within a building designed for and suitable for occupancy by only one family.
10. **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.

## CHAPTER 1, ARTICLE 2: DEFINITIONS

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~~Chief Building and Code Official 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.

## CHAPTER 1, ARTICLE 2: DEFINITIONS

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 10<sup>th</sup> Street and 15<sup>th</sup> Street and 21<sup>st</sup> Avenue and 32<sup>nd</sup> Avenue, all public rights-of-way or portions thereof located within these boundaries, and all buildings or structures abutting, adjoining, or bordering the same.
- 5.6. Dwelling Unit: A single unit providing complete independent living facilities for one or more persons; including permanent provisions for living, sleeping, eating, cooking, and sanitation. The minimal dwelling size is 400 square feet.

### 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.

## CHAPTER 1, ARTICLE 2: DEFINITIONS

### **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.

## CHAPTER 1, ARTICLE 2: DEFINITIONS

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

### **2-12 I**

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

### **2-13 J**

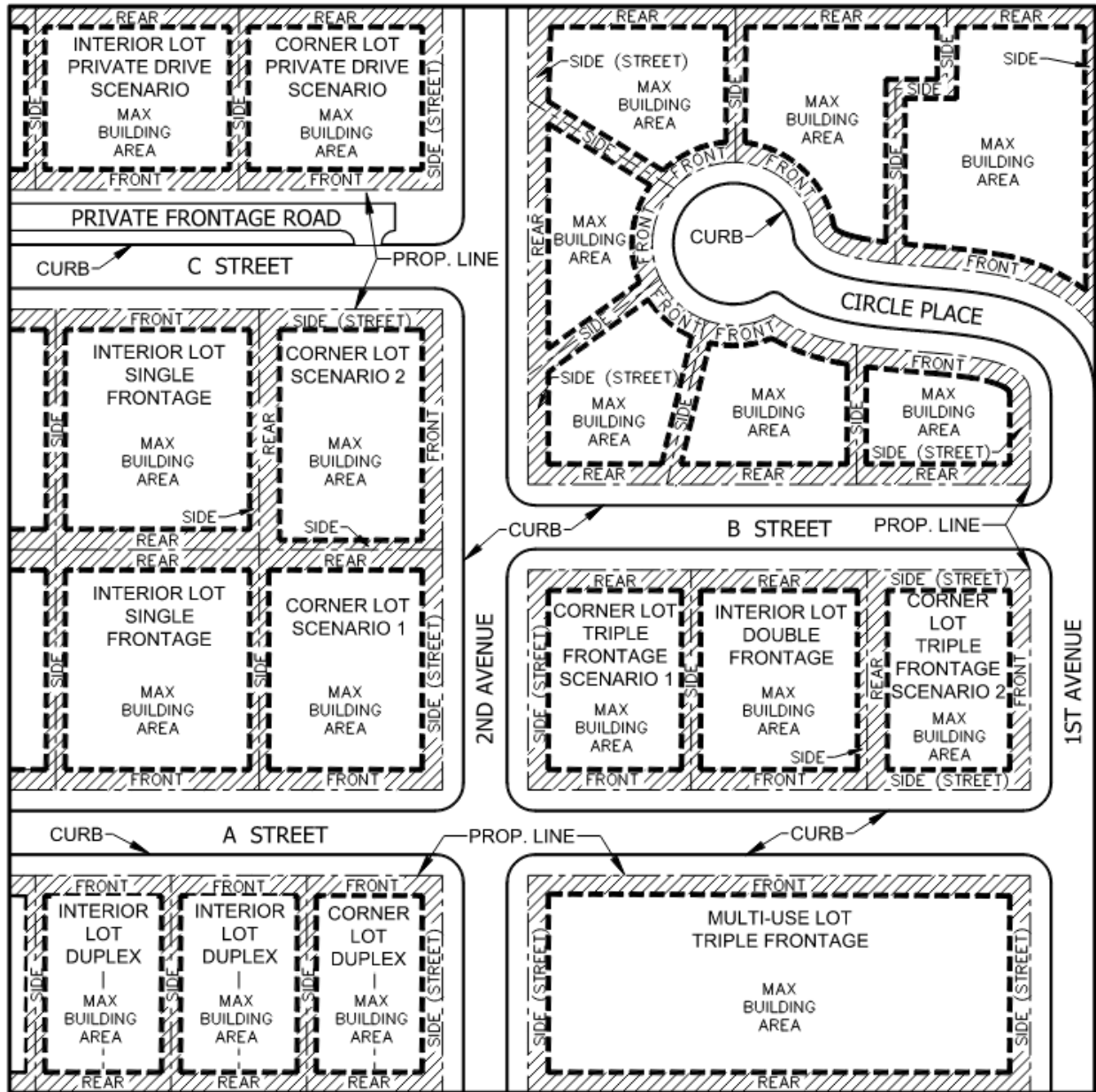
### **2-14 K**

### **2-15 L**

1. Landscaped Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, groundcover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily living landscape.
  - (a) Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site, or common development.
  - (b) Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.
2. Loading Area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.
3. Long Range Transportation Plan: Transportation Planning Document that discusses how Columbus will grow over the next two decades and identified transportation strategies to enable a more resilient and economically vibrant future.
4. Lot: A parcel of real property with a separate and distinct number or other designation shown on a plat, record or survey, parcel map, or subdivision map recorded in the office of the Platte County Register of Deeds. When a lot is used together with one or more contiguous lots in a common development, all of the lots used, including any lots used for off-street parking shall be considered a single lot for purposes of these Zoning Regulations. A lot shall have a minimum frontage of 20 feet, except as provided in an approved Planned Unit Development and/or Creative Subdivision. See Figure 2-15.
  - (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.

# CHAPTER 1, ARTICLE 2: DEFINITIONS

**Figure 2-15: Lot Definitions**



## CHAPTER 1, ARTICLE 2: 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.
7. Rear Lot Line: The lot line which is opposite and most distant from the front lot line.
  - (a) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street or private access easement is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
8. Lot Width: The horizontal distance between the side lot lines, measured at the two points of intersection between the front yard setback line and the side lot lines.

### **2-16 M**

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

## CHAPTER 1, ARTICLE 2: DEFINITIONS

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.

## CHAPTER 1, ARTICLE 2: DEFINITIONS

### **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

## CHAPTER 1, ARTICLE 2: DEFINITIONS

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. Private Street: Privately owned and maintained access to a lot or parcel and shall have a public easement for utility and fire access.

9-11. 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

## CHAPTER 1, ARTICLE 2: DEFINITIONS

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

## CHAPTER 1, ARTICLE 2: DEFINITIONS

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.

## CHAPTER 1, ARTICLE 3: USE TYPES

### **3 ARTICLE THREE: USE TYPES**

#### **3-1 Purpose**

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

#### **3-2 Determinations**

- a. Classification of Uses: In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Building Official of the City of Columbus shall have the authority to determine the appropriate use type. A determination of the Building Official may be appealed to the Board of Adjustment. In making such determinations, the Building Official and the Board of Adjustment shall consider the operational and physical characteristics of the use in question and shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.
- b. Records: The Building Official shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

#### **3-3 Agricultural Use Types**

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

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

## CHAPTER 1, ARTICLE 3: USE TYPES

### **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.

## CHAPTER 1, ARTICLE 3: USE TYPES

### **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.

## CHAPTER 1, ARTICLE 3: USE TYPES

- 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.

## CHAPTER 1, ARTICLE 3: USE TYPES

- 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.

## CHAPTER 1, ARTICLE 3: USE TYPES

- b. **Automotive and Equipment Services:** Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:
1. **Automotive Rental and Sales:** Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
  2. **Auto Services:** Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
  3. **Body Repair:** Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
  4. **Equipment Rental and Sales:** Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
  5. **Equipment Repair Services:** Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.
  6. **Vehicle Storage:** Long-term storage of operating or non-operating vehicles. Typical uses include storage of private parking towaways or impound yards but exclude dismantling or salvage.
- c. **Bed and Breakfast:** A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always owned and operated by the resident owner or resident manager of the structure, include no more than eight (8) units, and accommodate each guest or visitor for no more than seven (7) consecutive days during any one (1) month.
- Exception: Short term rental of residential property in compliance with LB57 approved by the Governor on March 7, 2019. See Note #1, Table 4-3 (Bed & Breakfast)

## CHAPTER 1, ARTICLE 3: USE TYPES

- d. Business Support Services: Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.
- e. Business or Trade Schools: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
- f. Campground: Facilities providing camping or parking areas and incidental services for recreational use for travelers in recreational vehicles or tents for 30 consecutive days or less. No permanent features, such as skirting, permanent hookup, etc., are allowed.
- g. Cocktail Lounge: A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant.
- h. Commercial Recreation: Private businesses or organizations, which may or may not be commercial in nature, primarily engaged in the provision of sports, entertainment, or recreation for participants and/or spectators. Typical uses include sports and recreation facilities, driving ranges, theaters, private dance halls, or private skating facilities.
- i. Communications Services: Establishments primarily engaged in the provision of broadcasting and other services necessary to relay information, accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, or film, broadcasting and sound recording facilities.
- 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.

## CHAPTER 1, ARTICLE 3: USE TYPES

- 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.

## CHAPTER 1, ARTICLE 3: USE TYPES

- 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.

## CHAPTER 1, ARTICLE 3: USE TYPES

- 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.

## CHAPTER 1, ARTICLE 3: USE TYPES

- c. Light Industry: Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops, and publishing houses.
- d. General Industry: Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.
- e. Heavy Industry: Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials; except for those uses defined as Agricultural Industries.
- f. Recycling Collection: Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
- g. Recycling Processing: Any site which is used for the processing of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
- h. Resource Extraction: A use involving on-site extraction of surface or subsurface mineral products or natural resources, including the removal of dirt, but excluding the grading of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, and mining.
- 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.

## CHAPTER 1, ARTICLE 3: USE TYPES

### **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.

## CHAPTER 1, ARTICLE 3: USE TYPES

- 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.

# CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

## **4 ARTICLE FOUR: ZONING DISTRICT REGULATIONS**

### **4-1 Purpose**

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

### **4-2 Establishment of Districts**

The following base districts and overlay districts are hereby established. Table 4-2 displays the purposes of these districts.

**Table 4-1: Base Districts**

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

## CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

### **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 4-3 and Table 4-4. Table 4-3 presents the uses permitted in each zoning district. Table 4-4 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 4-3.

### **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.

## CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

### **4-7 Interpretation of District Boundaries**

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

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

### **4-8 Vacation of Streets and Alleys**

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

## CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

**Table 4-2: 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 <u>District</u>	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 <u>District</u>	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 <u>District</u>	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 <u>District</u>	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 <u>District</u>	This district recognizes that non-traditional residential development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home, tiny home and similar developments within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.

## CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

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 <u>District</u>	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 <u>District</u>	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 <u>District</u>	This district provides for a variety of commercial, office, <u>high density residential</u> , and service uses and is adapted to Columbus' largest commercial districts outside of Downtown. Uses and developments in the B-2 District may develop substantial traffic, creating potential land use conflict with adjacent residential neighborhoods. This district is most appropriate along arterials or in areas that can be well buffered from residential districts.
ML/C-1	Light Industrial District	This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.
MH	General Industrial District	This district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.

## CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

**Table 4-3: 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
<b>Agricultural Uses</b>														
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	
<b>Residential Uses</b>														
Single-Family	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														

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

**Table 4-3: 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
<b>Civic Uses</b>														
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	

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

**Table 4-3: 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
<b>Civic Uses</b>														
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	
<p>S/P* - P* is hereby defined as permitted if in compliance with <u>Neb. Rev. Stat. § 43-2616</u>. <u>Neb. Rev. Stat. § 43-2616</u> provides that any family child care home licensed by the Department of Health and Human Services pursuant to <u>Neb. Rev. Stat. § 71-1911</u> or by the City or County pursuant to <u>Neb. Rev. Stat. § 71-1914(2)</u> may be established and operated in any residential zone within the exercised zoning jurisdiction.</p>														

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

**Table 4-3: 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
<b>Office Uses</b>														
General Offices					S		P	P	P	P	P	P	P	
Medical Offices							P	S	P	P	P	P		
<b>Commercial Uses</b>														
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

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

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			
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.														

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

**Table 4-3: 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
<b>Commercial Uses</b>														
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			

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

**Table 4-3: 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
<b>Parking Uses</b>														
Off-Street Parking			*S	*S	*S		S	S	S	P	P	P	P	Article 9
Parking Structure							S			P	P	P		

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

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

**Table 4-3: 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
<b>Industrial Uses</b>														
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	
<b>Transportation Uses</b>														
Aviation	P												P	
Railroad Facilities										S	S	P	P	
Truck Terminal												P		
Transportation Terminal	S									P	P	P	P	

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

**Table 4-3: 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
<b>Miscellaneous Uses</b>														
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.**

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

**Table 4-4: Site Development Regulations**

Regulator	AG	RR	R-1	R-2	R-3
Minimum Lot Area (square feet)	10 Acres	1 acre	<del>5,500</del>	<del>4,840 / 7,480 (5)</del>	<del>5,500</del>
Minimum Lot Width (feet)	300	100	<del>54</del>	<del>44 (2)</del>	<del>50 (2)</del>
Minimum Site Area per Housing Unit (square feet)	10 acres	1 acre	<del>5,500</del>	<del>4,840 (Single Family) 3,740 (Two Family)</del>	<del>1,500 (3)</del>
<b>Minimum Yards (feet)</b>					
Front Yard	50	50	<del>20</del>	<del>20</del>	<del>20</del>
<u>Front Yard to Building Line</u>	=	=	<u>15</u>	<u>15</u>	<u>15</u>
<u>Front Yard to Garage Line</u>	=	=	<u>20</u>	<u>20</u>	<u>20</u>
Street Side Yard	25	25	<del>20</del> <u>15</u>	<del>20</del> <u>15</u>	<del>20</del> <u>15</u>
Interior Side Yard	25	25	7	7 <u>(Note 1)</u>	7 <u>(Note 42)</u>
Rear Yard	35	35	<del>25</del> <u>15</u>	<del>25</del> <u>15</u>	<del>20</del> <u>15</u>
Maximum Height (feet)	100	36	36 <u>(Note 42,3,6)</u>	36 <u>(Note 42,3,6)</u>	36 <u>(Note 42,3,6)</u>
Maximum Building Coverage	NA	NA	<del>40</del> <u>50</u> %	<del>40</del> <u>50</u> % <del>(7)</del>	50%
Maximum Impervious Coverage	NA	NA	<del>50</del> <u>55</u> %	<del>55</del> <u>65</u> % <del>(8)</del>	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 minimum, subject to approval of a Special Use Permit by the City Council, with the recommendation of the Planning Commission.

**Note 42:** 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.

## CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

**Note 63:** 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.~~

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

**Table 4-4: Site Development Regulations**

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

**Note 14:** Stormwater treatment facilities may be included in Common Open Space provided required recreation space is still provided and water quality volumes for 2-year storm events and provisions for 100-year storm events are met. These facilities must be located a minimum of 10 feet from any public right-of-way. Common Open Space must be owned, maintained, and inspected by the developer or home owners' association.

## CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

**Table 4-4: Site Development Regulations**

Regulator	O*	LC*	UC*	B-1	B-2*
<b>Minimum Lot Area (square feet)</b>	5,000	5,000	5,000	NONE	5,500
<b>Minimum Lot Width (feet)</b>	50	50	50	NONE	50
<b>Site Area per Housing Unit (square feet)</b>	2,000 ( <a href="#">Note 5</a> )	2,000 ( <a href="#">Note 5</a> )	2,000 ( <a href="#">Note 5</a> )	500	<del>2,000</del> <u>1,500</u> ( <a href="#">Note 5</a> )
<b>Minimum Yards (feet)</b>					
<b>Front Yard</b>	20	20	15	0	10
<b>Street Side Yard</b>	20	20	10	0	10
<b>Interior Side Yard</b>	10	10	10	0	0
<b>Rear Yard</b>	20	20	20	0	20
<b>Maximum Height (feet)</b>	48	36	36	NO LIMIT	60
<b>Maximum Building Coverage</b>	50%	50%	50%	100%	70%
<b>Maximum Impervious Coverage</b> <a href="#">(Note 6)</a>	70%	70%	80%	100%	90%
<b>Floor Area Ratio</b>	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 35:** 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 56:** Storm water treatment water quality volumes and detention volumes must be met within the development, as part of a regional system, or other City program.

## CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

**Table 4-4: Site Development Regulations**

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

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### 5 ARTICLE FIVE: OVERLAY DISTRICTS

#### 5-1 General Purpose

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

The Overlay Districts are designed to achieve the following objectives:

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

#### **PUD: PLANNED UNIT DEVELOPMENT DISTRICT**

#### 5-2 Purpose

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

#### 5-3 Permitted Uses

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;

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

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

### **5-7 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**

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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### **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 5 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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### **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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### **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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### **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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### **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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### **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.
    3. 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:
      4. 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.
      5. Require that uses vulnerable to floods, including public facilities that service such uses, be provided with flood protection at the time of initial construction.
      6. Reduce financial burdens from flood damage borne by the community, its governmental units, its residents, and its businesses by preventing excessive and unsafe development in areas subject to flooding.
      7. Assure that eligibility is maintained for property owners in the community to purchase flood insurance from the National Flood Insurance Program.
  - c. 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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### 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 Article 3 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 Article 4 and Article 5.
- 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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

- 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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

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.

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.
5. Any other such information as reasonably may be required by the City Engineer shall be provided.
6. 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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

- (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).

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### 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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### 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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

- (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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

(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 [Elevation and Floodproofing Requirements 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 of two openings having a net total area of not less than one (1) square inch for every one (1) square foot of enclosed space,
  - (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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

- (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,
    - (5) 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

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

- (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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### (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;

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

- (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.
- (c) 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
- (d) 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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### **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.

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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

*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."

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

*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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### **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.

# CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

## 6 ARTICLE SIX: SUPPLEMENTAL USE REGULATIONS

### **6-1 Purpose**

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

### **6-2 Supplemental Use Regulations: Agricultural Uses**

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

- a. Horticulture and Crop Production: Retail Sales: Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the AG District, subject to the following requirements:
  1. Garden Centers: A 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 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:

~~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;~~

The minimum width for any townhouse lot sold individually shall be ~~25-20 feet,~~ ~~except within an approved creative subdivision;~~

1. Coverage percentages are computed for the site of the entire townhouse common development.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

- 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 4-4: 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 4-4: 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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

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. Permitting: A set down permit with fee as set by Resolution is required for each mobile home.
10. Anchoring: Each manufactured home shall be equipped with tie down anchors as approved by the Building Official.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

### **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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

### 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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

- (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;

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

- (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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

### **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.
8. 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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

### **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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

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~~ Building Official or his/her designee, 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. LOCATION:

- (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. RECIRCULATION POOLS:

- (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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

### 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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

### 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:

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

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.

# CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

## 7 ARTICLE SEVEN: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

### 7-1 Purpose

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

### 7-2 Setback Adjustments

- a. Lots Adjoining Alleys: In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. However, no residential structure may be nearer than ten feet to the near side of the alley.
- b. Exceptions to Openness of Required Yards: Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.
  1. Window sills, belt courses, cornices, eaves, flues and chimneys (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 fifteen** 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)~~
  - ~~4.3.~~ 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.
  - ~~5.4.~~ 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.
  - ~~6.5.~~ 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.
  - ~~7.6.~~ 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

## CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

20 feet in height at the peak. No residential accessory buildings permitted on NTR Park or Subdivision lots.

~~8.7.~~ 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; excluding garages, refer to Table 4-4: Site Development Regulations.

(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, trucks, trailers, or other obstructions shall be built or placed above a maximum height of 30-inches above the established curb grade or radii 20 feet or 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 sight of drivers and/or pedestrians approaching the intersection as shown 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.

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

**Figure 7-2(a): Vision Clearance Zone**

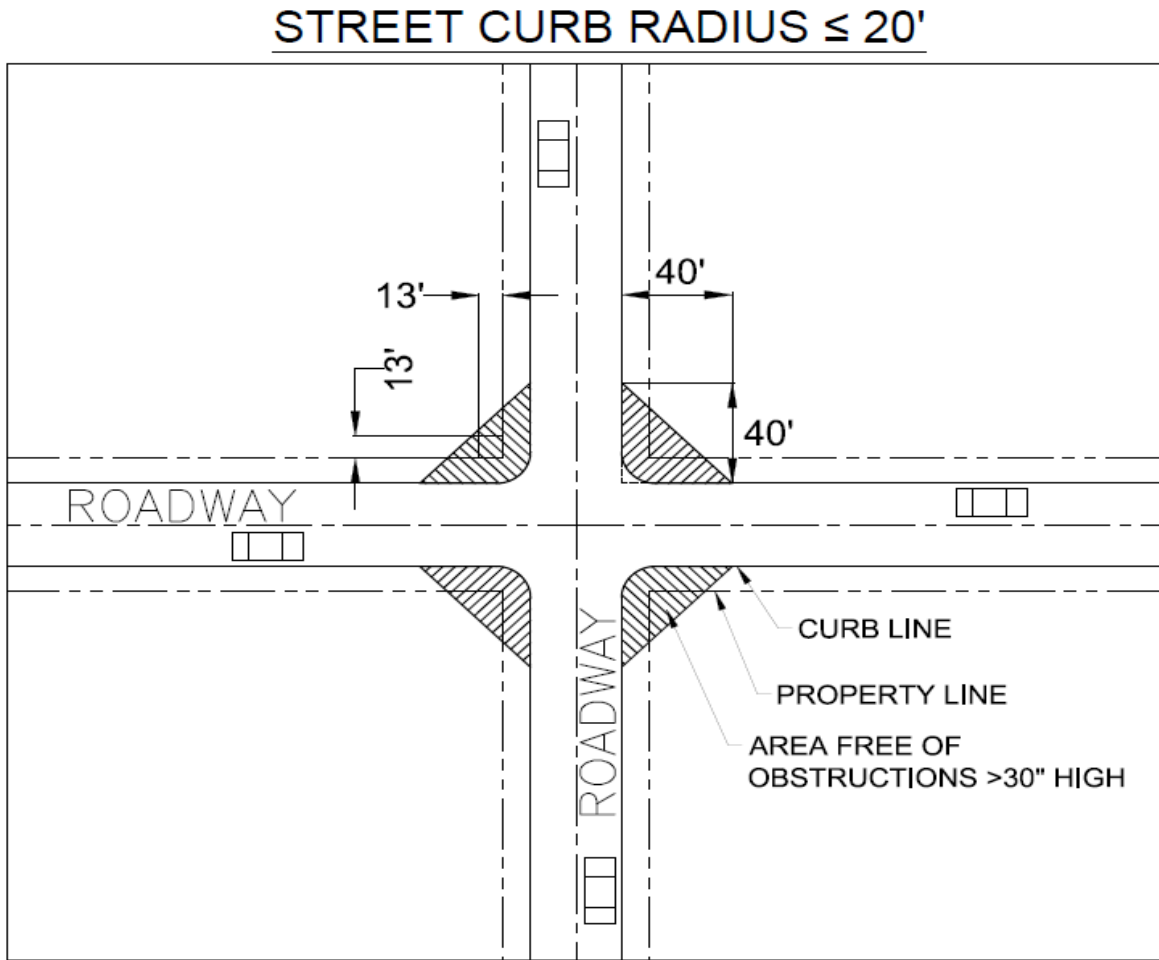
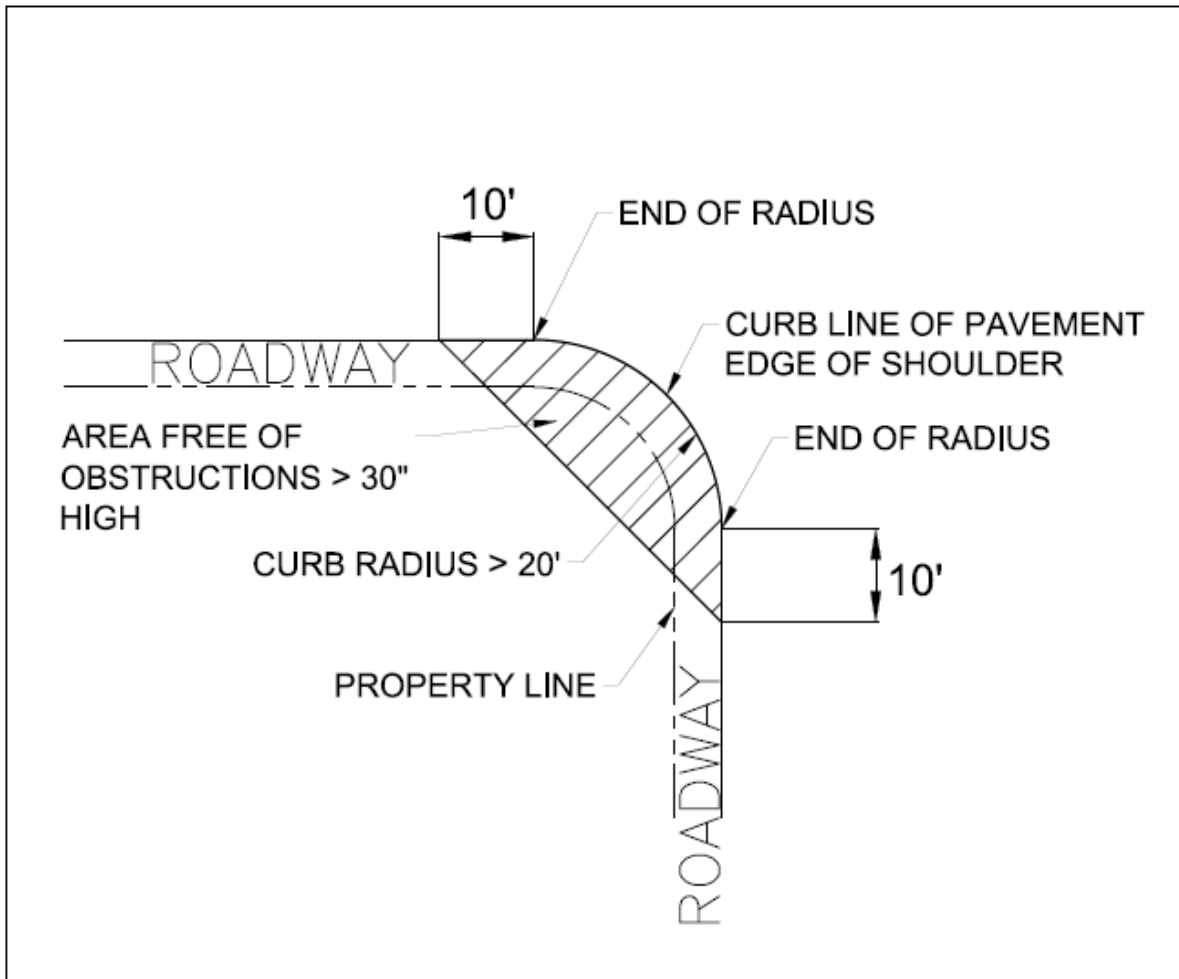


Figure 7-2(b): Vision Clearance Zone

STREET CURB RADIUS > 20'



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

## CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

### **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 4-4: 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.

## CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

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~~ **15** 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.

## CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

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 10<sup>th</sup> Street and 15<sup>th</sup> Street and 21<sup>st</sup> Avenue and 32<sup>nd</sup> 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 Building Standards are the regulating document for development within the downtown of Columbus. The Downtown Building Standards recognize 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.

## CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

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.

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

**TABLE 8-1: Required Landscape Depth**

<b>Zoning District</b>	<b>Depth of Landscaping Adjacent to Street Property Line</b>
AG	35 feet
RR	50 feet
R-1	<del>20</del> <u>15</u> feet
R-2	<del>20</del> <u>15</u> feet
R-3*	<del>20</del> <u>15</u> 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

\* For residential uses only.

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.

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

## **8-4 Bufferyard Provisions**

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

- a. The bufferyard dimensions set forth in Table 8-2 apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley.
- b. When a street separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard set forth in Table 8-2.
- c. Each required bufferyard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

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)**

<b>More Intensive District</b>	<b>Less Intensive District</b>						
		AG*	RR	R-1	R-2	R-3*	RMH
O, LC, UC**	10	10	10	10	10	10	10
B-2**	30	30	20	20	20	20	20
ML/C-1	30	30	30	30	30	30	30
MH	50	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.

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

- 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.

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

**8-8 Performance Standards in the B-2 and ML/C-1 Zoning Districts**

a. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts

Table 8-3 displays the maximum permitted sound levels that may be generated by uses in the LC, UC, B-2 or ML/C-1 zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI 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**

<b>Originating Zoning District</b>	<b>Time</b>	<b>Maximum One Hour Leq* (dbA)</b>
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.

Lighting Performance Standards

1. Area lighting shall be conducted so that the light source is directed away from areas in residential use or shall be controlled so that candlepower per 1,000 lamp lumens does not numerically exceed 50 lamp lumens (5%) above the vertical angle of 78 degrees above nadir; or emit more than 500 foot-lamberts per unit projected surface area of the luminaire above a 78-degree vertical angle.
2. Luminous element signs shall not exceed 300 foot-lamberts. Luminous building fronts shall not exceed 100 foot-lamberts in average surface luminance. Flood lighted signs shall not exceed 75 foot-lamberts in average surface luminance. Exposed lamp signs and luminous tube signs shall not exceed 400 foot-lamberts in average surface luminance.
3. Illumination resulting from outdoor lighting shall be conducted so that direct or indirect illumination does not exceed 0.5 horizontal foot candles at a boundary line with an adjacent residential zoning district.

## CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

### 9 ARTICLE NINE: OFF-STREET PARKING

#### **9-1 Purpose**

The Off-Street Parking Regulations require that developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

#### **9-2 General Applications**

- a. Applicability: Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing buildings; or for enlargements of existing structures.
- b. Exemptions: Any use within the B-1 Central Business District is exempt from the off-street parking requirements provided by Section 9-3. Any off-street parking facility constructed in the B-1 District after the effective date of this Ordinance must comply with the design standards set forth in this Article.

#### **9-3 Schedule of Off-Street Parking Requirements**

Parking facilities for each use shall be provided in accord with the minimum requirements set forth in Table 9-1.

- a. Computation
  1. When a computation of required parking results in a fraction of .5 or greater, the requirement should be rounded up to the next whole number.
  2. Unless otherwise indicated, parking requirements are based on gross floor area. Gross floor areas for the purpose of this calculation exclude any interior space used for the parking or loading of vehicles.
  3. When parking requirements are computed on the basis of capacity, capacity shall be determined by the building code in effect for the City of Columbus at the time the use is established.

## CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

**TABLE 9-1: Off-Street Parking Requirements**

<b>Agricultural Use Types</b>	
Horticulture	1 space per 1,000 square feet of sales area.
Crop Production	No requirement.
Animal Production	No requirement.
Commercial Feedlots	No requirement.
<b>Residential Use Types</b>	
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, <del>1.5 spaces</del> per 1 bedroom dwelling units <u>or studios, and</u> <del>, and</del> 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.

## CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

**TABLE 9-1: Off-Street Parking Requirements**

<b>Civic Use Types</b>	
Administration	1 space per 500 square feet.
Cemetery	No requirement.
Clubs	1 space per 4-person capacity.
Convalescent Services	1 space per 4 beds.
Cultural Services	1 space per 1,000 square feet.
Day Care Services	1 space per 5-person capacity + 1 space per employee of largest shift.
Group Care Facility	1 space per 4-person capacity + 1 space per employee of largest shift.
Group Home	1 space per 4-person capacity + 1 space per employee of largest shift.
Guidance Services	1 space per 300 square feet.
Health Care	1 space per 300 square feet + 1 space per employee of largest shift.
Maintenance Facilities	See Schedule A.
Parks and Recreation	No requirement.
Postal Facilities	See Schedule A.
Primary Education	1 space per employee of largest shift + 10 stalls for visitors.
Public Assembly	1 space per 4-person capacity.
Religious Assembly	1 space per 4-person capacity in largest assembly area.
Safety Services	1 space per employee of maximum shift + 1 stall per 1,000 square feet.
Secondary Education	1 space per employee of maximum shift + 1 space for each 4 11th and 12th grade student.
Utilities	1 space per employee of maximum shift.

## CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

**TABLE 9-1: Off-Street Parking Requirements**

<b>Commercial Use Types</b>	
Agricultural Sales/Service	See Schedule A.
Auto Rental and Sales	See Schedule A.
Auto Service	Three times service capacity.
Body Repair	Four spaces per repair stall.
Business Support Services	1 space per 500 square feet.
Campground	1 space per camping unit.
Cocktail Lounge	1 space per 200 square feet.
Commercial Recreation	1 space per 4-person capacity.
Communications Services	1 space per 500 square feet.
Construction Sales	See Schedule A.
Consumer Services	1 space per 300 square feet.
Convenience Storage	1 space per 10 storage units.
Equipment Sales/ Service	See Schedule A.
Food Sales	1 space per 300 square feet.
General Retail Services	1 space per 500 square feet.
Liquor Sales	1 space per 300 square feet.
Lodging	1 space per unit.
Personal Improvement	1 space per 500 square feet.
Personal Services	1 space per 500 square feet.
Pet Services	1 space per 500 square feet.
Restaurants (Drive-in)	1 space per 50 square feet of customer service area.
Restaurants (General)	Greater of 1 space per 4-person capacity or 1 space per 50 square feet in dining area.
Stables/ Kennels	1 space per employee + 1 stall per 5,000 square feet of site area.
Surplus Sales	See Schedule A.
Veterinary Services	1 space per 500 square feet.

## CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

**TABLE 9-1: Off-Street Parking Requirements**

<b>Office Use Types</b>	
General Offices	1 space per 500 square feet.
<b>Miscellaneous Use Types</b>	
Broadcasting Tower	No requirement.
Non-Putrescible Landfill	No requirement.
All Landfills	No requirement.
<b>Industrial Use Types</b>	
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.

<b>SCHEDULE A</b>	
<b>This schedule sets forth minimum off street parking requirements for uses with elements that have different functions and operating characteristics.</b>	
Function of Element	Requirement
Office or Administration	1 space per 400 square feet
Indoor Sales, Display or Service Area	1 space per 500 square feet
Outdoor Sales, Display or Service Area	1 space per 2,000 square feet
Equipment, Servicing, or Manufacturing	1 space per 1,000 square feet
Indoor or Outdoor Storage or Warehousing	1 space per 5,000 square feet

## CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

### **9-4 Parking Facility Location**

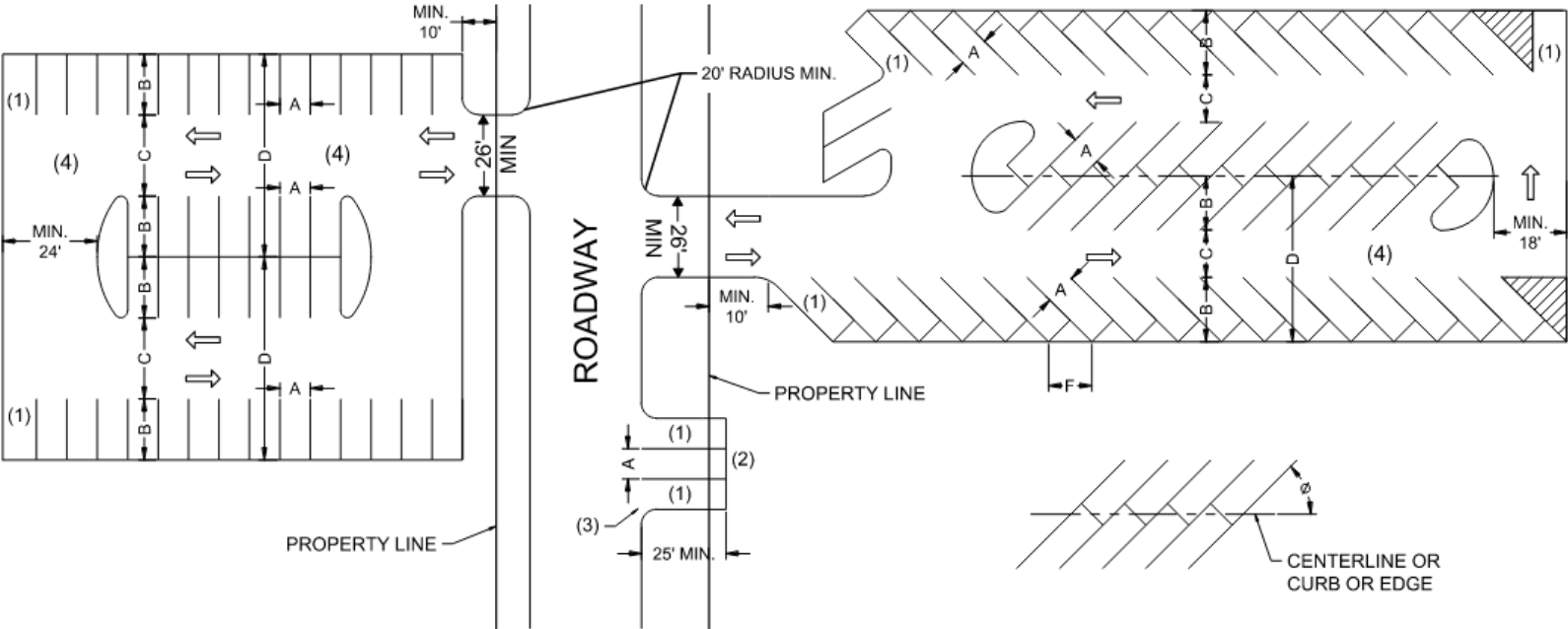
- a. Residential Parking
  1. Off-street parking for residential uses shall be located on the same lot or site as the use.
  2. Off-street parking areas for multi-family or group residential uses shall be at least ten (10) feet from any main building.
- b. Non-Residential Parking
  1. Off-street parking 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.

**CHAPTER 1, ARTICLE 9: OFF-STREET PARKING**

**FIGURE 9-5 (a): Off-Street Parking Standards**



ANGLE (°)	STALL WIDTH (A)	STALL DEPTH (B)	AISLE WIDTH (C)	TYPICAL MODULE (D)
45°	9.0'	18.0'	13.0'	52.0'
60°	9.0'	19.0'	17.0'	55.0'
90°	9.0'	18.0'	24.0'	60.0'

- (1) FOR PERPENDICULAR (90°) PARKING, STALL 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

## CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

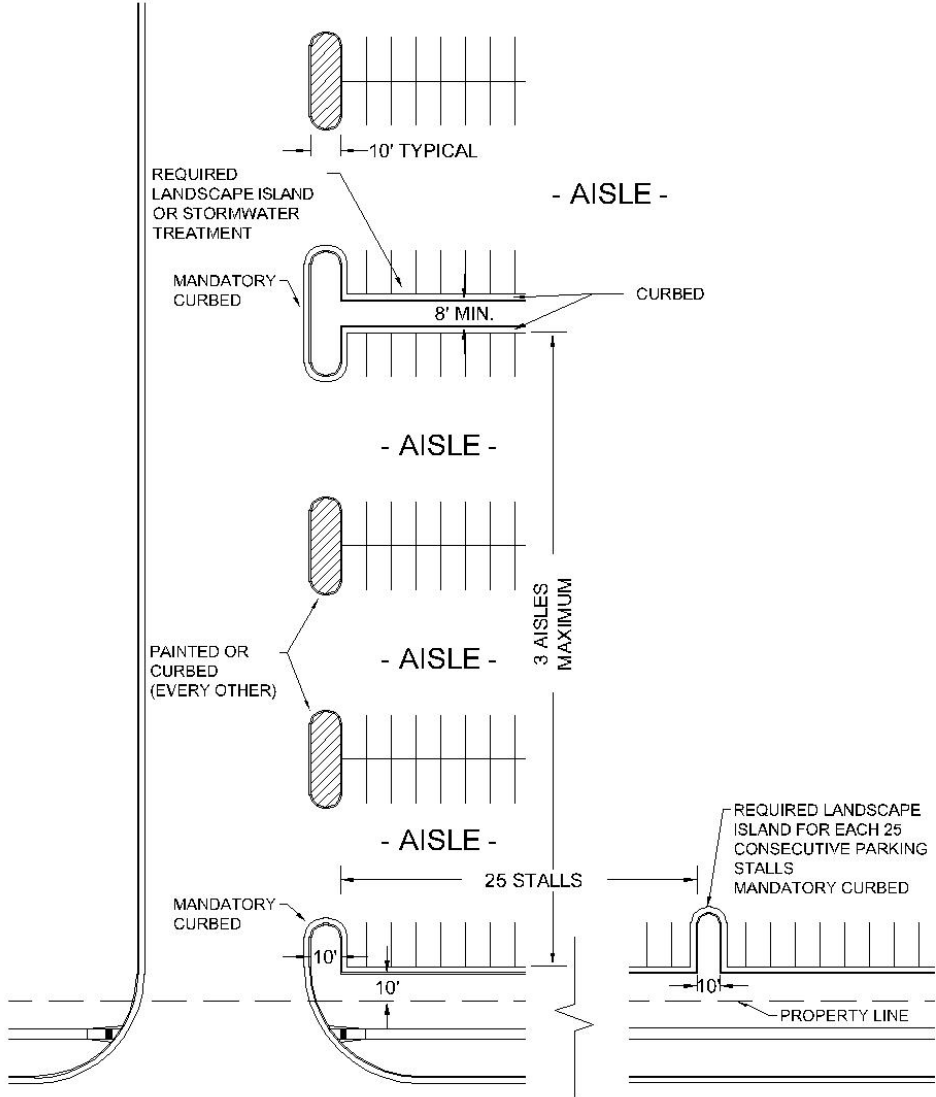
- a. Dimensions: Parking stalls and aisles shall be provided in accordance with the design standards provided in Figure 9-5(a) and Figure 9-5(b).
- b. Pavement and Drainage: Off-street parking facilities shall be designed and built to the stormwater management program requirements. Parking lots shall 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(b). 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 or adequate types and coverage of landscaping, rock cover may be allowed as an alternative to turf groundcover or understory landscaping. Internal parking lot islands shall not be paved.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

FIGURE 9-5 (b): Parking Lot Internal Island



## CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

- 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 positive gravity flow drain or pumping system to the storm sewer system or stormwater treatment facility. The collection point in the loading dock must include a sand and oil separator.

## CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

### **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 yard setback

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### **10 ARTICLE TEN: SIGN REGULATIONS**

#### **10-1 Purpose and Intent**

It is the purpose and intent of Article 10 to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. The sign regulations in this Chapter are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics, traffic and pedestrian safety. In order to preserve and promote the City of Columbus as a desirable community in which to live visit, work, and play and do business, a pleasing, visually attractive and safe environment is of foremost importance. Further, it continues to be the purpose of Article 10 to promote optimum conditions for serving sign owners' needs and respecting their rights to identification while balancing the aesthetic and safety interests of the community. The regulation of signs within the City of Columbus and its zoning jurisdiction is necessary and in the public interest, and these regulations have been prepared with the intent of enhancing the visual environment of the City and promoting its continued well-being, and are intended more specifically to:

- a. Provide for the registration of permanent sign installers, construction and design standards for permanent signs, and permit requirement for permanent signs and applicable temporary signs.
- b. Accommodate the rights of individuals to freedom of speech, promote equity among businesses and other typical sign users, and enable the fair and consistent enforcement of sign standards;
- c. Recognize the legitimate signage needs of businesses and other interests to communicate messages provide identification, and enable wayfinding throughout the City for tourists and residents;
- d. Ensure that signage contributes to the maintenance of an aesthetically pleasing visual environment by exercising reasonable regulations over type, size, number, appearance, and location;
- e. Protect property values by minimizing the possible adverse effects of signs on nearby public and private property;
- f. Promote public safety and general welfare by ensuring that signs are properly constructed and maintained to protect the general public from property damage and personal injury;
- 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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### **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 is attached.
  4. **Background Panel:** An area distinctively painted, textured, or constructed as a background for the sign copy or a distinctive background area which is used to

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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 Figure 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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

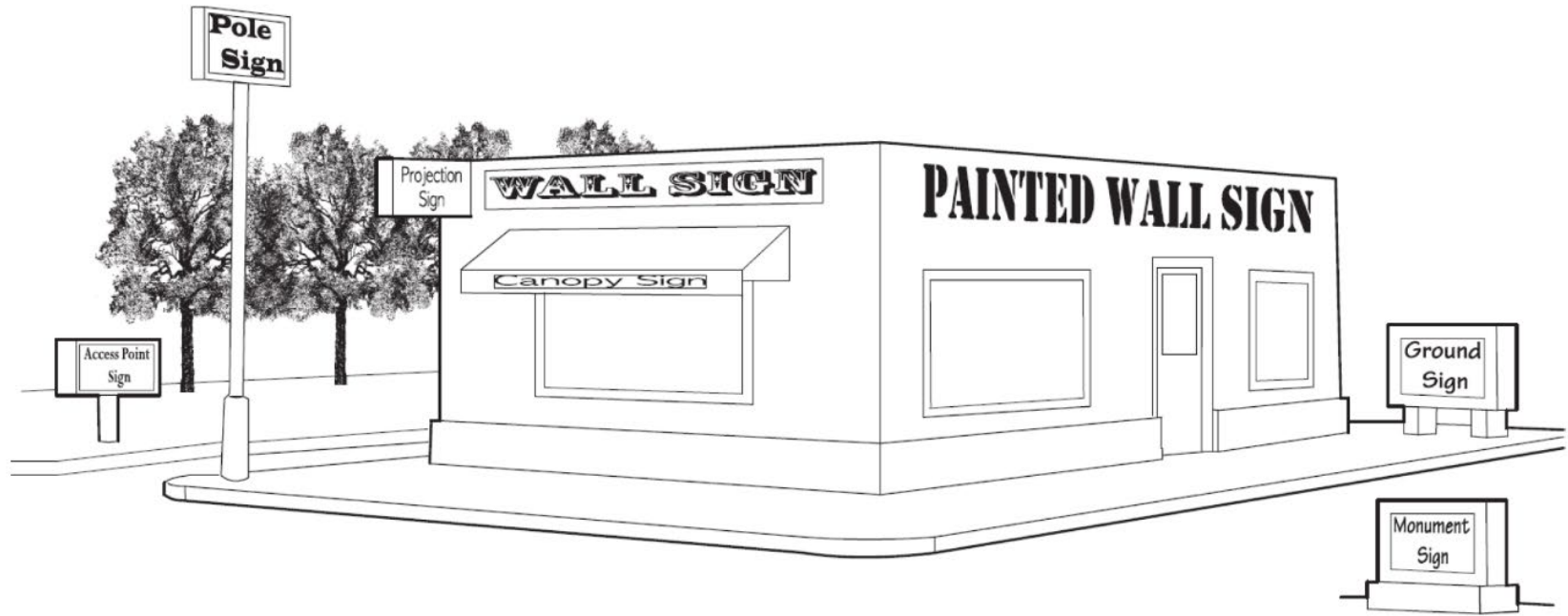
38. Painted Wall Sign: A sign painted directly onto the exterior wall of a building containing a logo, business name, or advertisement. May also be referred to as a Mural-Advertising.
39. Permanent Sign. A sign constructed of durable materials, attached to the ground or a building in a manner provided 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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

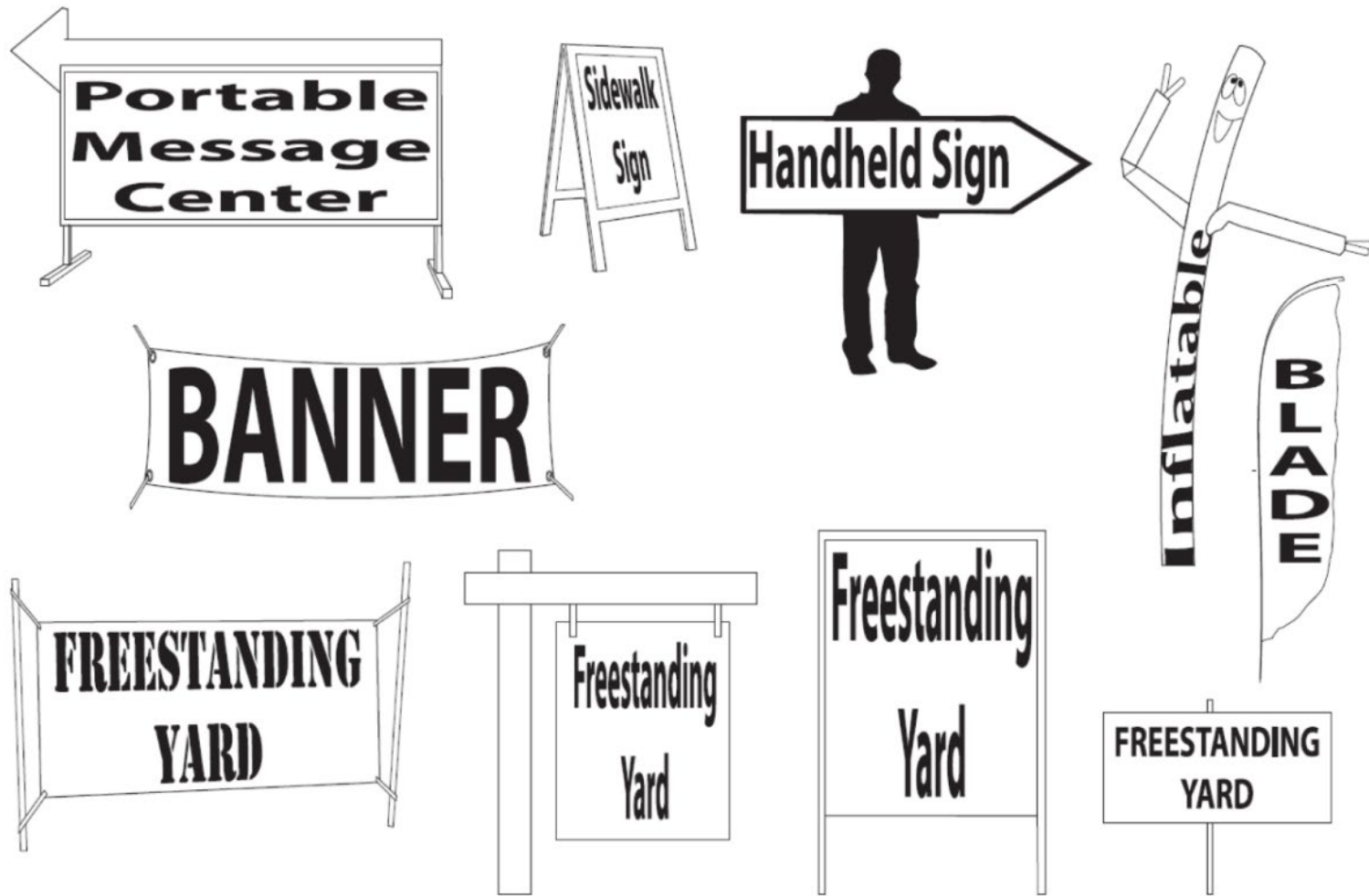
**CHAPTER 1, ARTICLE 10: SIGN REGULATIONS**

**Figure 10-3 (a): Permanent Signs Example**



CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

Figure 10-3 (b): Temporary Signs Example



## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### **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

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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 ( $\frac{1}{5}$ ) 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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

**CHAPTER 1, ARTICLE 10: SIGN REGULATIONS**

- 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**

<b>Any Dimension (in)</b>	<b>Area (in<sup>2</sup>)</b>	<b>Minimum Thickness of Glass (in)</b>	<b>Type of Glass</b>
30	500	1/8	Plain, plate, or wired
45	700	3/16	Plain, plate, or wired
144	3600	1/4	Plain, plate, or wired
Over 144	Over 3600	1/4	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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

(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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### **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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### **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 10-6(a). 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.

**CHAPTER 1, ARTICLE 10: SIGN REGULATIONS**

**Table 10–2: Permitted Permanent Sign Budget by District**

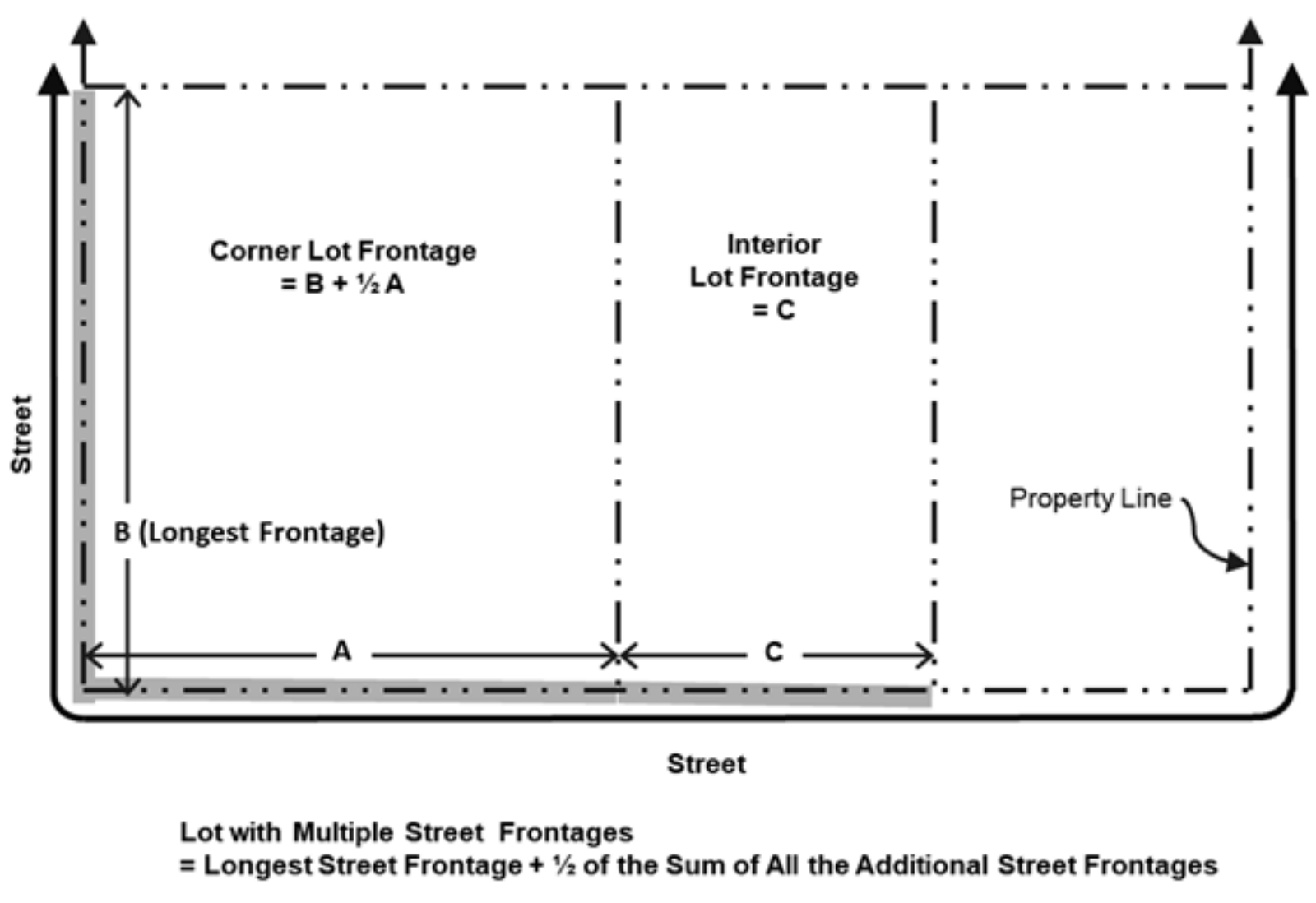
	Zoning Districts								
	AG	RR	R1, R2	R3, NTR	O, LC	UC	Downtown Business District	B1, B2	ML/C-1, MH
<b>Multiplier for Calculated Permitted Sign Budget</b>	0.5	1	1	1	0.5	0.75	1.5	1.5	2
<b>Allowable Minimum Permitted Sign Budget (sq. ft.)</b>	4 RU, 100 NRU	4 RU, 25 NRU	4 RU, 25 NRU	150	200	400	250	400	400
<b>Maximum Permitted Sign Budget (sq. ft.)</b>	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.

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

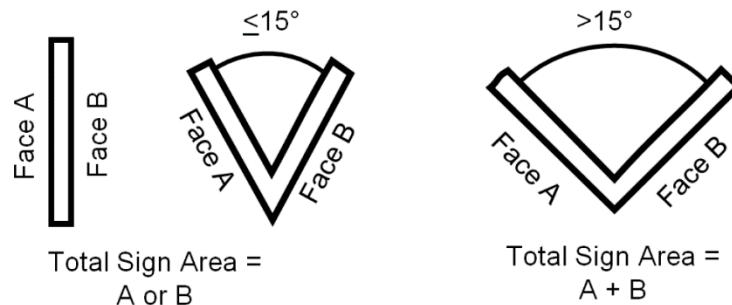
Figure 10-6 (a): Lot Frontage Determination



## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

- 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 10-6(b), below, for a graphic representation.

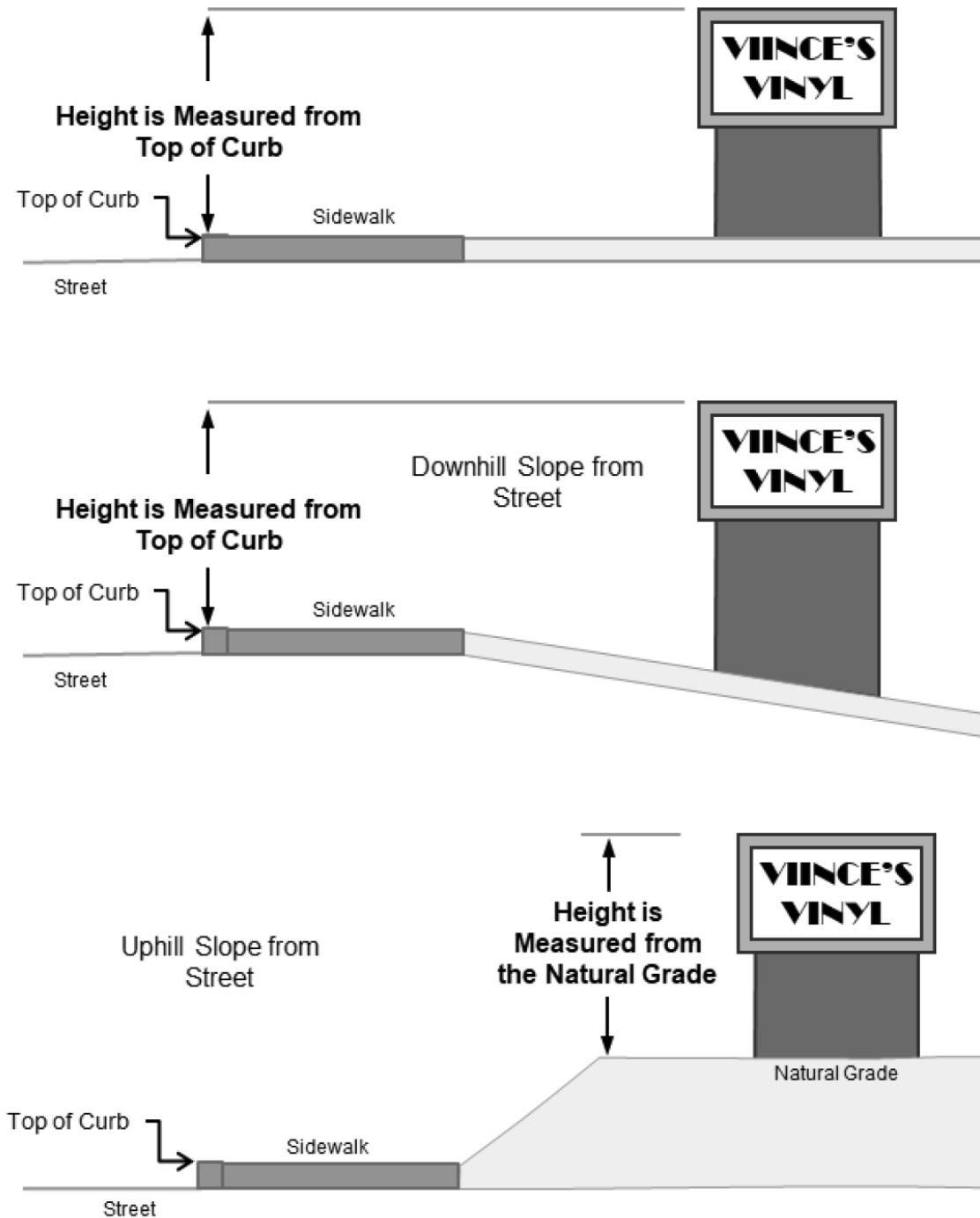
**Figure 10-6 (b): Formulas for Determining Sign Area for Signs with Two or More Faces**



- 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(c) for Measurement of Sign Height graphic.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

**Figure 10-6 (c): 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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### 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
<b>Detached Signs</b>												
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)
<b>Attached Signs</b>												
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
<b>Other Regulated Signs</b>												
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	<u>N/SP*</u>	<u>N/SP*</u>	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.

SP = Special Use Permit; can only be obtained by education and religious uses

\* Electronic Information Sign requires issuance of a Special Use Permit pursuant of Section 12-3

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### 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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### 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 <i>(All Detached Signs, Except Where Noted)</i>	Zoning Districts								
	AG	RR, R-1, R-2	R-3, NTR	O	LC, UC	DBD	B-1	B-2	MLC-1, MH
<b># Permitted Per Premise</b>	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
<b>Separation of Signage Per Linear Foot of Premise Street Frontage</b>	NA	NA	1 per 150	NA	1 per 300	NA	1 per 200	1 per 300	1 per 300
<b>Maximum Sign Area per Sign (sq. ft.)</b>	32	32	32	100	150	100	150	200	200
<b>Maximum Height (ft.) Above Natural Grade</b>									
<b>Ground</b>	15	6	6	15	15	15	15	15	15
<b>Monument</b>	15	6	6	15	25	15	25	<del>45</del> 25	25
<b>Pole</b>	N	N	N	30	45	30	N	45	45
<b>Front Yard Setback (ft.)</b>	25	5	2	2	2	0	-	2	2
<b>Side Yard Setback (ft.)</b>	10	10	2	2	2	0	-	2	2

NA - Not Applicable

N - Not Permitted

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

- 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
<b>Maximum Size of Attached Sign (square feet)</b>	100	32	50	150	150	300	300	300
<b>Maximum % of Street Façade</b>	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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

- (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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

- 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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

**CHAPTER 1, ARTICLE 10: SIGN REGULATIONS**

**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
<b>Banner</b>	Yes*	P	P	P	P	P	P	P	P	P
<b>Blade</b>	No	P	N	N	P	P	P	P	P	P
<b>Flag</b>	No	P	P	P	P	P	P	P	P	P
<b>Freestanding Yard</b>	Yes*	P	P	P	P	P	P	P	P	P
<b>Handheld</b>	No	N	N	N	N	P	P	P	P	P
<b>Inflatable/ Air-Activated</b>	No	N	N	N	N	P	P	P	P	P
<b>Portable Message Center</b>	Yes	P	N	N	N	P	P	P	P	P
<b>Sidewalk</b>	Yes	N	N	N	N	N	N	P	N	N
<b>Window</b>	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

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### 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.

**CHAPTER 1, ARTICLE 10: SIGN REGULATIONS**

- 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**

<b>Street Frontage (feet)</b>	<b>Number Permitted</b>	<b>Total Sign Area of Premise (square feet)</b>	<b>Maximum Height (feet)</b>
<b>Less than 75</b>	2	16	6
<b>75-300</b>	3	36	8
<b>Greater than 300</b>	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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

- 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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

- 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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### **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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

- 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.

# CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

## 11 ARTICLE ELEVEN: NONCONFORMING DEVELOPMENT

### 11-1 Purpose

Article Eleven shall be known as the Nonconforming Development Regulations. The purposes of these regulations are:

- (a) To allow for reasonable use of legally created lots of record which do not meet current minimum requirements for their respective zoning districts;
- (b) To provide for reasonable use of legally constructed structures which do not meet current site development regulations for their respective zoning districts;
- (c) To allow for the reasonable continuation of legally established uses which do not meet current use regulations for their respective zoning districts;
- (d) To limit the continuation and provide for the gradual replacement of nonconforming uses.

### 11-2 Regulations Additive

Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

### 11-3 Nonconforming Lots

#### a. Pre-Existing Lots of Record

Nonconforming lots of record existing at the time of the adoption of this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by the 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;

## CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

- (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.

## CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

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.

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

### **12 ARTICLE TWELVE: ADMINISTRATION AND PROCEDURES**

#### **12-1 Purpose**

The Administration and Procedures Provisions establish the methods for implementation of the 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;

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

- (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.

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

### 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 Office 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. A complete submission must be provided 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.

## **CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES**

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.

**CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES**

**TABLE 12-1: Criteria for Site Plan Review and Special Use Permits**

CRITERIA		APPLICATION TO	
Land Use Compatibility		Site Plan Review	Special Use Permit
<b>Development Density</b>	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
<b>Height and Scale</b>			
<b>Height and Bulk</b>	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
<b>Setbacks</b>	Development should respect pre-existing setbacks in surrounding areas. Variations should be justified by site or operating characteristics.	X	X
<b>Building Coverage</b>	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X

**CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES**

**TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS**

<b>CRITERIA</b>		<b>APPLICATION TO</b>	
		<b>Site Plan Review</b>	<b>Special Use Permit</b>
<b>Site Development</b>			
<b>Frontage</b>	Project frontage along a street should be similar to lot width.	X	X
<b>Parking and Internal Circulation</b>	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
<b>Landscaping</b>	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
<b>Building Design</b>	Architectural design and building materials should be compatible with surrounding areas or highly visible locations.		X
<b>Operating Characteristics</b>			
<b>Traffic Capacity</b>	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
<b>Land Use Compatibility</b>			
<b>External Traffic Effects</b>	Project design should direct non-residential traffic away from residential areas.	X	X
<b>Operating Hours</b>	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X

**CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES**

**TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS**

CRITERIA		APPLICATION TO	
Operating Characteristics		Site Plan Review	Special Use Permit
<b>Outside Storage</b>	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
<b>Public Facilities</b>			
<b>Sanitary Waste Disposal</b>	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
<b>Storm Water Management</b>	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
<b>Utilities</b>	Project must be served by utilities if the property is located within 300 ft of said utility.	X	X
<b>Comprehensive Plan</b>	Projects shall be consistent with the comprehensive development plan of Columbus.		X

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

### 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

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

- (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-Non-Approval~~ of Special Use Permit; Waiting Period

In the event that a Special Use ~~p~~Permit as provided in this Article is not approved by the City Council, no new request shall be made for the same or a substantially similar Special Use Permit within six (6) months of said ~~denial-non-approval~~ thereof or six (6) months from said failure to pass the same.

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

### **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. Rezoning may be initiated by a property owner or authorized agent; the Planning Commission; or the City Council.

#### c. Rezoning Application Requirements

An application for a rezoning may be filed with the Community Development Office. Any such application will not be deemed submitted until all of the stated information is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications will not be placed on the Planning Commission Agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development 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. A complete submission must be provided prior to the staff recommendation that the permit application is to be acted on by 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 12-2 Site Plan Review Procedure.
6. The current zoning and the requested zoning.
7. Be signed by the property owner or the property owner's duly authorized agent.

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

### d. Amendment Process

1. The Planning Commission, following ten days notice as required by 12-4 Amendment Procedure, 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 place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed on or near such premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be the duty of the applicant to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the applicant to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed, it shall be the duty of the applicant to promptly post a new sign for the remainder of the ten-day period.
2. **Notice of Publication:** In the case of text amendments and rezonings, at least ten days before the date of hearing the City Clerk shall have published in a daily newspaper having a general circulation in the City of Columbus a Notice of the time, place and subject matter of such hearing.

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

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-Non-Approval~~ of Proposed Amendment; Waiting Period

In the event that a proposed amendment or change as provided in this Article is not approved 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-non-approval~~ thereof or six (6) months from said failure to pass the same.

### **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.

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

### **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.

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

### 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.

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

### **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

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

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.

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

- (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.

## **CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES**

### **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

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

### **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 participants. 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 time, as set by resolution of the City Council, for DRT project review and meetings with project representatives.

Applications will be due seven (7) days 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

- c. **“Application”** means all necessary and appropriate documentation that an Applicant submits in order to receive a Special Use Permit for Wireless Telecommunications Facilities.
- d. **“Antenna”** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.
- e. **“Certificate of Compliance”** means the certification from the City or the City’s consultant that confirms the project was constructed and is in compliance with the conditions of the permit.
- f. **“Collocation”** means the use of an existing Tower or structure to support Antennae for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a co-location as long as the new tower is no taller than the old tower and that the old tower is removed in a reasonable short time frame after the new tower is constructed.
- g. **“Commercial Impracticability”** or **“Commercially Impracticable”** means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be “commercially impracticable” and shall not render an act or the terms of an agreement “commercially impracticable”.
- h. **“Completed Application”** means an Application that contains all information and/or data necessary to enable an informed decision to be made with respect to an Application.
- i. **“Council”** or **“City Council”** means the City Council of the City of Columbus, Nebraska.
- j. **“Distributed Antenna System or DAS”** means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.
- k. **“Eligibility Facility”** means a facility as defined in FCC 14-153.
- l. **“Eligible Facility Permit”** means the official zoning permit approved and issued by the Community Development Director ~~or his or her~~ for designee 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

- 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

- 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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

### **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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

- 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

- 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;

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

- 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

- 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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

- 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

### 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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

- 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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

- 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

### **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~~ required for a new tower or facility shall be \$8,500, and for an eligible facility is \$5,000, 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

### **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~~ does not approve 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~~ non-approval 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~~ does not approve the Eligible Facility Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such ~~denial~~ non-approval 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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

### **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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

### 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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

### **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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

### **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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

- 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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

### **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.

**CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES  
SITING ORDINANCE**

**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

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

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

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

“**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 106<sup>th</sup> 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

### 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) 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

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, or his or her designee, 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)~~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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

- 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

### **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

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

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.

## CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

### **14 ARTICLE FOURTEEN: SEXUALLY ORIENTED BUSINESS**

#### **14-1 Purpose and Intent**

It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the city's jurisdiction. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

#### **14-2 Definitions**

As used in this section, the following terms shall have the meanings indicated:

- 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

## CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

- 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.

## CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

- 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.

## CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

- 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.

## CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

### **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.

## CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

- 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.

## CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

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.

## CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

### 15 ARTICLE FIFTEEN: PERMITS TO OCCUPY THE RIGHT-OF-WAY

#### 15-1 Definitions

For purposes of this Article, the definitions of this Section shall apply.

- a. **“Applicant”** means any person submitting an application for a permit under this Article.
- b. **“Facilities”** means pipes, conduits, wires, cables, towers, switches, amplifiers, transformers, fiber optic lines, antennae, poles, ducts, conductors, lines, mains, vaults, appliances, attachments, equipment, structures, manholes, fixtures, appurtenances, and such other objects, devices, or components.
- c. **“Franchise agreement”** means a franchise agreement, consent agreement, or similar agreement pursuant to which the City has granted a person the right to place facilities in its right-of-way.
- d. **“Right-of-way (ROW)”** means the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility, or similar property, but not including a freeway as defined in Neb. Rev. Stat. Section 39-1302, the National System of Interstate and Defense Highways, or a private easement.
- e. **“Technically feasible”** means that by virtue of engineering or, if applicable, spectrum usage, the proposed placement, design, or site location of a facility can be implemented without a reduction in functionality.

#### 15-2 Purpose; Scope; Exceptions

- a. *Purpose.* This Article provides principles and procedures for the placement, construction, operation, maintenance, modification, repair, and removal of facilities in the rights-of-way. These principles and procedures are intended to protect the integrity of the City’s rights-of-way and infrastructure and to promote the safe and orderly use of the rights-of-way among all right-of-way users. To achieve these purposes, it is necessary to require permits for all right-of-way uses, except as prohibited by law, and to establish uniform and nondiscriminatory rules which govern such permits.
- b. *Scope.* This Article shall apply to all facilities located in the City’s rights-of-way, subject to the limitations in this subsection (B), the exceptions provided in subsection (C) below, and preemption by applicable state or federal law. Any person in good-standing under a current, unexpired franchise agreement may continue to use the City’s rights-of-way pursuant to the terms of such franchise agreement, unless otherwise prohibited by law, until the franchise agreement expires or is terminated. This Article shall not apply to the following right-of-way uses which are governed elsewhere as noted:
  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.

## CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

- 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.

## CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

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.

## CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

- d. *Final Review; Issuance; Denial.* Unless tolled the City will review and process the application no later than 90 days after receiving it. The City may extend the 90-day application processing deadline for a period of 10 business days if the City notifies the applicant in advance before the day on which approval or denial is originally due. The City will notify the applicant in writing whether its application has been approved or denied. If the application is denied, the City shall document the basis for denial, including any specific provisions of this Article or other applicable law on which the denial was based. The applicant may cure the deficiencies identified by the City and resubmit the application within 30 days without paying an additional application fee.
- e. *Term and Renewal.* The term of each permit to occupy the right-of-way issued under this Article shall be set forth in the permit. The applicant may apply to renew a permit issued hereunder for an equivalent duration and the City shall renew the permit for such period provided the applicant demonstrates compliance with the criteria set forth in in this Section. Applications for permit renewal may be submitted no earlier than 180 days prior to the expiration of the then current permit and no later than 90 days prior to the expiration of the then current permit. Notwithstanding the foregoing, permit renewals involving Section 13-44 of the 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.

## CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY 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.

## CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

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.

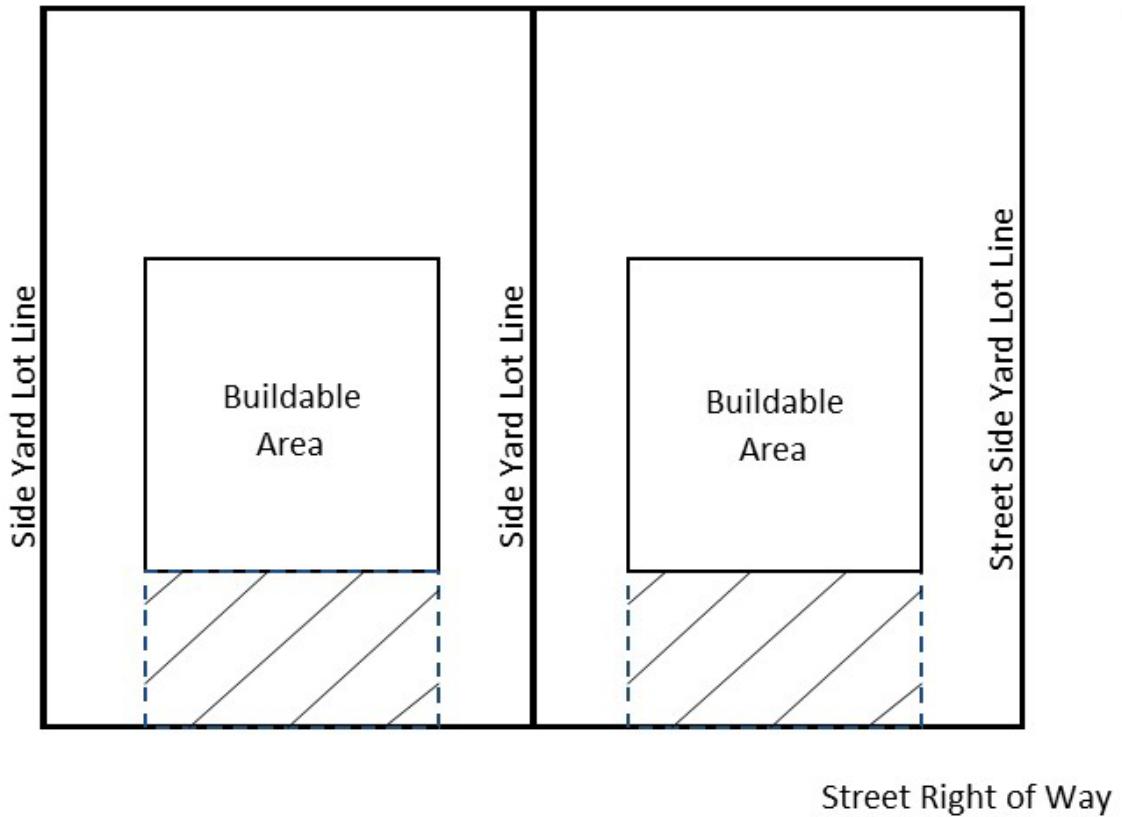
- a. *Undergrounded Facilities.* When facilities are proposed in areas where other similar facilities are currently located underground, said facilities shall be placed underground to the extent technically feasible.
- b. *Existing Aesthetics.* To the extent technically feasible, all ground-mounted facilities shall reasonably match the appearance of existing adjacent developments and infrastructure to promote a uniform appearance.

## CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

- 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.

## CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

**Figure 15-5: Street Right of Way**



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.

## CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

### **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, ARTICLE 1: GENERAL PROVISIONS

### **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 (CLDO), 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.

## CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

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 or the public storm sewer system.
  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 which includes the Long Range Transportation Plan, the Columbus Land Development Ordinance, the Official Zoning Map, and the City of Columbus's Capital or General Fund Budget.

## CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

### **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.

## CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

- 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.

## CHAPTER 2, ARTICLE 2: DEFINITIONS

### 2 ARTICLE TWO: DEFINITIONS

#### 2-1 Purpose

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

#### 2-2 Definitions of Terms

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

#### 2-3 A.

1. Administrative Official: 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; no additional street right-of-way or other public easement 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. Best Management Practices (BMP). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters of storm water conveyance systems. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal and drainage from raw materials storage.
- 4-3. 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.

## CHAPTER 2, ARTICLE 2: DEFINITIONS

### 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 back of curblines to back of curblines. On streets without curbs, the cartway is measured between the outside edges of the established road surface.
2. Centerline Offset: The gap between the centerline of roads intersecting a common road from the same or opposite sides.
3. Channel: The bed or banks of a natural stream or drainage way, which convey the constant or intermittent flow of water, including storm run-off.
4. Common Area: An area within a development that is not individually owned or dedicated for public use, but is designed and designated for common or cooperative use within a development.
5. Comprehensive Plan: The Comprehensive Development Plan and Long Range Transportation Plan of the City of Columbus.
6. Concept Plan: A preliminary presentation, including any necessary documentation, of a proposed subdivision and/or future development plan, providing adequate information for the purpose of discussion or classification.
7. Conventional Subdivision: A subdivision, which literally meets all nominal standards of the 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. Disturbed Area: Area of the land's surface disturbed by any work or activity upon the property by means including, but not limited to, grading, excavating, stockpiling soil, fill or other materials, clearing, vegetation removal, removal or deposit of any rock, soil or other materials or other activities which expose soil. Disturbed Area does not include the tillage of land that is zoned for and intent is for agricultural use.

## CHAPTER 2, ARTICLE 2: DEFINITIONS

~~5-7.~~ 5-7. Divided Street: A street whose moving lanes in opposite directions is separated by a physical barrier such as a median.

~~6-8.~~ 6-8. Drainage: The removal of surface or stormwater from land by drains, grading, or other means.

~~7-9.~~ 7-9. 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 street~~ 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, ~~private street~~, or private drive line.

## CHAPTER 2, ARTICLE 2: DEFINITIONS

### **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; no additional public right-of-way or easement; 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.
5. Municipal Separate Storm Sewer System (MS4): Publicly owned facilities which storm water is collected and/or conveyed including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, pipe storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage ditches/channels, reservoirs and other drainage structures.

### **2-16 N.**

1. National Fire Protection Agency (NFPA)
2. Nebraska Department of Environment and Energy (NDEE): State agency formerly known as the Nebraska Department of Quality and includes some former divisions of the Nebraska Department of Health and Human Services.
3. Notice of Intent (NOI): Associated with the Nebraska Department of Environment and Energy, Construction Storm Water Permit.
- 2.4. National Pollutant Discharge Elimination System (NPDES): A permit issued by the Environmental Protection Agency or the Nebraska Department of Environment and Energy as authority delegated pursuant to 33 USC, section 1342(b) that authorizes the discharge of pollutants to waters of the state.

### **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.

## CHAPTER 2, ARTICLE 2: DEFINITIONS

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, including proposed public infrastructure and streets, stormwater treatment and detention system, and internal site layout and building -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. Final plat must be consistent with the preliminary plat.
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.**

### **2-20 R.**

1. Right-of-way: A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission infrastructure, communication infrastructure, gas pipelines, water mains, sanitary mains, or storm sewer mains.

### **2-21 S.**

1. Sanitary Sewer: A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility. In developing areas, sanitary sewers normally include interceptor, outfall, and lateral sewers.
  - (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.

## CHAPTER 2, ARTICLE 2: DEFINITIONS

5. Storm Water Treatment Facility (STF). Permanent best management practices put in place to provide control and treatment of stormwater runoff after construction for land development is complete. These facilities are physical in nature and sometimes referred to as structural BMPs.
6. Street: A right-of-way, dedicated to public use, which provides a primary means of access to an abutting lot or parcel and to the street hierarchy system.
7. 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
8. Storm Water Management Plan (SWMP): City approved documentation supporting analysis, design, maintenance and inspection of storm water treatment facilities.
9. Storm Water Pollution Prevention Plan (SWPPP): A document which narrates the best management practices and activities to be implemented by a person during the construction activities, which identifies sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems and/or receiving waters.
- ~~8-10.~~ 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.

### 2-22 T.

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 within all adjacent properties and rights-of-way, as well as the changes in elevation, using a 50-foot grid to achieve 1-foot contours throughout.

### 2-23 U-Z.

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

### **3 ARTICLE THREE: PROCEDURES AND ADMINISTRATION**

#### **3-1 Purpose**

The purpose of this Article is to establish procedures for subdivision applications and for review and action on applications by the City Administration, Planning Commission and the City Council. The procedures are designed to assure adequate review and consideration of subdivision applications, while providing for an orderly and expeditious approval process. The Article provides procedures for the approval of three types of subdivisions: Administrative Subdivisions, Minor Subdivisions, and Major Subdivisions.

#### **3-2 Administrative Subdivisions**

##### a. Scope

The Administrative Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:

1. The subdivision adjusts the lot lines of no more than four (4) existing lots within the City limits or no more than four (4) lots in the Extra Territorial Jurisdiction which are not adjacent to City limits without creating additional or eliminating any lots.
2. The subdivision is served by existing utilities and does not require the creation or extension of streets, utilities or public improvements and no new dedication of public rights of way or easements is involved.
3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the zoning ordinance as evidenced by a site plan prepared by a licensed surveyor.
4. No part of the parcel, tract or lot has been the subject of a previous Administrative Subdivision or Minor Subdivision approval. Once an administrative or minor subdivision has been approved, neither the original nor the resulting parcel(s), tract(s), or lot(s) are eligible for a future administrative or minor subdivision.

##### b. Application and Approval Procedure

An application for an Administrative Subdivision may be approved under the following procedure:

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

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

- (a) Subdivision requested naming is subject to the approval of the Administrative Official. Ideally Subdivision naming would be consistent with the adjacent subdivision names. Subdivision names shall not be duplicated, or similar, and must be appropriate. Subdivision names, or similar naming, which are not contiguous cannot be used.
  - (b) Following submission, the Administrative Official shall review each application according to the following criteria within fourteen (14) working days:
  - (c) Compliance with the conditions contained in Section 3-2 above.
  - (d) Consistency with the Comprehensive Development Plan of the City of Columbus.
  - (e) Potential adverse environmental effects or effects on neighboring properties.
2. 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.
  3. 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.
  4. The Administrative Official shall keep a complete and accurate record of all administrative subdivision approvals.
  5. 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.

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

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.
  - (a) Subdivision requested naming is subject to the approval of the Administrative Official. Ideally Subdivision naming would be consistent with the adjacent subdivision names. Subdivision names shall not be duplicated, or similar, and must be appropriate. Subdivision names, or similar naming, which are not contiguous cannot be used.
- 1.2. 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.
- 2.3. 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.

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

~~3-4.~~ 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.

4-5. The Administrative Official shall keep a complete and accurate record of all Minor Subdivision approvals.

5-6. 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, subject to the suggestion of the Administrative Official, the applicant shall meet with the Development Review Team (DRT) regarding general requirements and issues relating to the proposed subdivision.

DRT members will reserve time, as set by resolution of the City Council, for DRT project review and meetings with project representatives.

Applications will be due seven (7) days 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 **in the region**, 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.

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

3. Within ten working days following the pre-application meeting, pending time needed for any action plan inquires or confirmations, 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.
  - 4.5. Major revisions made to the concept plan may require an additional DRT meeting as determined by the Administrative Official.
- d. Preliminary Plat Application
1. Application Requirements

After the DRT meeting, 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 aAgenda. ~~A note, as required by State Statute, this includes the time needed to advertise for a public hearing. Thus, in order to keep the process on schedule, the applicant is strongly encouraged to include of the complete submittals at the time of the initial application.~~
  2. Draft Development Agreement

The preliminary plat application shall include a draft of a Development Agreement on a form provided by the Administrative Official following a format established by the Engineering Department. The Development Agreement, among other things, generally establishes the responsibilities of City and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; the maximum amount of bonded indebtedness to be incurred if public improvements are financed through an Improvement District as provided in State Law and other matters as identified by the Administrative Official for said development. Applicants shall request the draft development agreement a minimum of 7 days prior to submittal deadline. This request must follow the DRT meeting.

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

### 3. Preliminary Plat Review Procedure

(a) After submission of a complete application for a preliminary plat, the Administrative Official and staff shall review the application. 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~~ all utilities known or on the Digger's Hotline submittal along with any responses which may affect the plat.

~~(a)~~(b) Subdivision requested naming is subject to the approval of the Administrative Official. Ideally Subdivision naming would be consistent with the adjacent subdivision names. Subdivision names shall not be duplicated, or similar, and must be appropriate. Subdivision names, or similar naming, which are not contiguous cannot be used.

(c) 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 ~~43~~ 14 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 as determined by the Administrative Official.

~~(b)~~(d) If the Applicant elects to not proceed with the Preliminary Plat after the public notice has been sent in for publishing, the Applicant must provide a written request to the Administrative Official, requesting a delay and provide a date for the next Planning Commission meeting they wish to place it on the agenda. The placement on the agenda will be subject to the approval of the Administrative Official.

~~(e)~~(e) The Administrative Official shall submit a written recommendation for action to the Planning Commission.

### 4. Planning Commission and City Council Action

(a) The Planning Commission, following at least ten calendar 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

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

Commission may recommend approval, conditional approval, non-approval with no recommendation, 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.

### e. Final Plat Application Process

#### 1. Application Requirements

Except for a Concurrent Plat Approval Procedure, 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

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

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 ~~a~~Agenda. A note, as required by State Statute, this includes the time needed to advertise for a public hearing. Thus, in order to keep the process on schedule, the applicant is strongly encouraged to include of the complete submittals at the time of the initial application. 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's ready for signature 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~~ 14 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) If the Applicant elects to not proceed with the Preliminary Plat after the public notice has been sent in for publishing, the Applicant must provide a written request to the Administrative Official, requesting a delay and provide a date for the next Planning Commission meeting they wish to place it on the

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

agenda. The placement on the agenda will be subject to the approval of the Administrative Official.

~~(b)~~(d) 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 Development Agreement. Developer signature of the Final Deed of Dedication must be obtained and submitted 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, conditional approval, non-approval with no recommendation, 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 calendar days published notice must be given, on the inclusion of the addition within the

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

corporate limits. Following such public hearing, the Planning Commission shall take action to recommend approval, non-approval, or denial thereof to the City Council.

- (c) The City Council, following at least ten calendar 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 calendar days published notice has been given, on the inclusion of the addition within the corporate limits. Following such public hearing, the City Council shall take final action by way of resolution.
- (d) The City Council is further empowered to grant waivers of a section of the Subdivision Chapter after a waiver request has received a recommendation from the Planning Commission.

### f. Filing the Final Plat

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.

**CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION**

**TABLE 3-1: Application Requirements**

Submittal Requirements:

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
<b>PLAT INFORMATION</b>				
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.	<del>X</del>	X	X	<del>X</del>
<u>Aerial boundary map with adjacent features.</u>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
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

**CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION**

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
<b>PLAT INFORMATION</b>				
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, <u>lot bearings</u> , <u>setback lines</u> , and lot areas in square feet; <del>lot bearings.</del>	X	X	X	X
Remaining property parcel layout of roadways and lots, upon request if applicable.		X	X	
Existing and proposed easements or land reserved for or dedicated to public use; existing and proposed ROW and trails	X	X	X	X
<b>ENVIRONMENTAL INFORMATION</b>				
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	

**CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION**

**TABLE 3-1: APPLICATION REQUIREMENTS**

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
<b>IMPROVEMENTS AND CONSTRUCTION INFORMATION</b>				
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	
<u>Table 3-2 STF identification with completed information</u>			<del>X</del>	
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

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

TABLE 3-1: APPLICATION REQUIREMENTS

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
<b>GRADING AND DRAINAGE PLAN</b> (separate plan sheet) <u><b>Submittal of a copy of the preliminary plat or design plans without the additional items below is not acceptable and will be considered an incomplete submission.</b></u>				
<u>Site plan topographic survey adequate to provide one-foot contours in city approved vertical datum (no assumed datum). Spot elevations on critical features.</u>		X	X	
<u>Proposed finish elevations of streets</u>			X	
<u>Proposed finish elevations of ditches/swales</u>		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 <u>area key map and</u> calculations including from off-site area traveling through the proposed system		X	X	
Stormwater treatment post-construction facility including elevations and special construction details. <u>Includes Table 3-2 STF identifier on the drainage plan complete with data</u>		X	X	
Floodplain or floodway from latest Flood Insurance Rate Maps (FIRM)		X	X	

**CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION**

**TABLE 3-1: APPLICATION REQUIREMENTS**

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
<b>PLAT INFORMATION</b>				
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	
<b>SUBMITTAL</b>				
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	

CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

**Table 3-2: Storm Water Treatment Facility Identifier**

<i><u>STF Type</u></i>	<i><u>STF Location (Lat/Long)</u></i>	<i><u>Drainage Area (Acres)</u></i>	<i><u>Design WQCV (cf) or Q<sub>w0</sub> (cfs)</u></i>	<i><u>WQCV (cf) or Q<sub>w0</sub> (cfs) Provided</u></i>

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

### **4 ARTICLE FOUR: CIRCULATION SYSTEM DESIGN**

#### **4-1 Purpose**

The purpose of this Article is to assure the development of functional and safe circulation patterns within new subdivisions, in order to encourage economical and effective movement of motor vehicles, bicycles, and pedestrians; provide access for public safety vehicles; and encourage the development of circulation systems that enhance the quality of life within new and existing neighborhoods in the City of Columbus and its planning jurisdiction.

#### **4-2 General Standards**

The design of circulation systems should conform to the following general standards and requirements:

##### a. Roadway System Design

1. The road system shall be designed to permit safe and orderly movement of traffic, to meet but not exceed needs of the present and future served population; to be simple and logical; to respect natural features, topography, and landscape; and to present an attractive streetscape.
2. The system shall conform with the City's Comprehensive Plan, Long Range Transportation Plan, and State of Nebraska Board of Classification and Standards. For streets not shown on the Comprehensive Plan and Long-Range Transportation Plan the arrangement of **public** streets shall provide for the logical extension of existing **public** streets, proposed **public** 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 **public** streets to subsequent, later developments **as determined by the Administrative Official and City Engineer**.

##### 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.

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

5. Bikeways or recreational trails shall be required only if specifically indicated by the Comprehensive Plan, Long Range Transportation Plan, or ~~Trail~~ Master Trail 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**

1. Characteristics of the Hierarchy
  - (a) Streets shall be classified according to a street hierarchy with design tailored to function with existing and proposed traffic or turning movements.
  - (b) Each street roadway shall be classified and designed to meet appropriate standards.
  - (c) The categories, functions, and projected traffic loads of the street hierarchy are set forth in Table 4-1.
2. Cartway Width
  - (a) Cartway width for each street classification is determined by parking and curbing requirements based on form or intensity of adjacent development.
  - (b) To promote economic development of streets, minimum cartway widths ~~should~~ generally shall be used. Minimum cartway widths are set forth in Table 4-2.
3. Curbs, Gutters, and Shoulders
  - (a) Curbing shall be required for the purposes of safety, drainage, and protection of the pavement edge, as set forth in Table 4-3.
  - (b) 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:
    - (1) Rural: Rural Residential or predominately agricultural land.
    - (2) Urban: Residential land use; or adjacent land uses which include commercial, office, industrial, or civic use types.
  - (c) Where curbing is not required, edge definition, shouldering, and stabilization shall be provided.
  - (d) 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.

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

- (e) All curbs shall provide ramps for accessibility by handicapped people consistent with the requirements of the Americans with Disabilities Act.
- (1) Curb construction shall follow standards established by the City of Columbus.
- ~~(2)~~ 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 street back of curb is 40 feet including any radii or wings. Radii or wings matching into the public street must remain within the property as projected.
- ~~(2)(3)~~ Curb cuts may be ground smooth to a two-inch drop curb in commercial areas with lots less than 4,500 square feet in total size. Maximum throat width is 30 feet with a maximum curb cut length with two 20-foot radii measured along the street back of curb is 70 feet. Radii returns matching into the public street must remain within the developed property as projected.
- ~~(4)~~ 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. Grinding is not accepted. Maximum throat width is 40 feet. The maximum curb cut length as measured along the street back of curb with two 20-foot radii is 80 feet and 30-foot radii is 100 feet. Radii returns matching into the public street must remain within the development property as projected. is 50 feet (throat width) plus the length of radii or wings on each side.
- ~~(3)(5)~~ Curb cuts 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. Grinding is not accepted. Maximum throat width is 50 feet. The maximum curb cut length as measured along the street back of curb with two 20-foot radii is 90 feet up to a maximum of 50-foot radii is 150 feet. Radii returns matching into the public street must remain within the development property as projected.

### 4. Sidewalks

- (a) Sidewalk requirements are determined by road classification and intensity of development, as set forth in Table 4-3.
- (b) 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.
- (c) In conventional residential and commercial development, shall be placed generally parallel to streets within right-of-way located 4-foot from the property line. 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.
- (d) 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.
- (e) 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

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

pedestrian network within and between subdivisions and districts of the City of Columbus and its jurisdiction.

- (f) Sidewalks shall provide a clear **paved** 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.
- (g) 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 **in residential and five inches thick in commercial and industrial** 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.
- (h) All sidewalks, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

### 5. Bikeways and Recreational Trail

- (a) Bikeways and recreational trails shall be required in subdivisions **only** when specified as part of the comprehensive development plan or master trail plan.
- (b) All off-street recreational trails shall be ~~o~~**a minimum o**f 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 **American's with Disability Act ramps or other preapproved rare occurrence. 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.
- (c) Recreational trails may satisfy part of the requirements of this ordinance for sidewalks or open space.
- (d) Trails shall provide a clear path free of any obstructions a minimum of one foot on both sides.
- (e) All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets.
- (f) All trails, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

### 6. Right-of-Way

- (a) 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.
- (b) Any right-of-way that continues an existing street shall be no less than that of existing street.
- (c) The requirements for right-of-ways for functional categories of roads is set forth in Table 4-3.
- (d) Dedications: Dedications of right-of-way for collector, sub collector, community, or arterial streets shall be made consistent with the comprehensive development plan.

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

### 7. Street Design Standards

#### (a) Pavement

- (1) All streets shall be paved to current standards utilized in the City of Columbus except:
  - a. Local streets in rural intensity residential subdivisions. In these settings, streets may utilize an an travel aggregate 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.
  - b. Courts or Plaza not within the corporate limits or being annexed as part of the development, which may utilize a minimum thickness of six-inch concrete aggregate or crushed rock surfacing, provided that such courts or lanes remain in private or private cooperative ownership.
- (2) Street pavement thickness shall relate to the role of the street in the hierarchy, sub-grade conditions, and pavement type.

#### (b) Continuity of Arterial or Collector Streets

- (1) No subdivision shall prevent the extension of arterial or collector streets through and beyond the subdivision. Private Streets cannot emulate a public street or prevent the logical extension of public streets or those planned in the Comprehensive Plan. The subdivider may plan and design collector streets not designated in the Comprehensive Development Plan subject to the approval of the City Council.

#### (c) Arterial Street Construction Alternate

- (1) 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.

#### (d) Cul-de-sacs and Street Bulb-Outs

- (1) 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 ~~d~~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.
- (2) Street bulb-outs may be utilized on Local streets if approved by the City Engineer.

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

### (e) Street Intersections

- (1) 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.
- (2) In most cases, no more than two streets should intersect at a single intersection.
- (3) Local street intersections with major arterials should be avoided.
- (4) 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~~ **street** 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.
- (5) 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.
- (6) Intersections and driveways shall not be within 200-feet of all types of Arterial roadways, major roundabouts, or signalized intersections. Driveway requests closer than 200 feet in residential area may be requested and are subject to the City Engineer's review and approval.

### (f) Block Size

- (1) The length, widths, and shapes of blocks shall be suited to the proposed area land use and design of the proposed subdivision and area properties. Blocks within residential areas should generally not exceed 1200 feet in length, unless necessitated by exceptional topography or other demonstrable (non-financial) constraints.

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

### 8. Street Names

- (a) 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)

### 9. Adjacency to Arterials and Railroads

- (a) Where the subdivision is adjacent to or contains a street designated as a major or minor 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 or commercial property and separation of through and local traffic as determined by the City Engineer.
- (b) Where the subdivision is adjacent to or contains a railroad right-of-way or limited access highway or arterial, 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.

### 10. Prohibited Practices

- (a) The following design practices shall be prohibited:
- (1) Privately-owned reserve strips controlling access to streets, sidewalks, trails, utilities or similar.
  - ~~(1)~~(2) Private Streets emulating public streets and allowing continuation of local, collector or arterial existing roadways or those planned in the Comprehensive Plan.
  - ~~(2)~~(3) Half-or reduced standard width streets.
  - ~~(3)~~(4) Public alleys, except in a B1 zoning district.

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

### **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 subject to approval of the City Engineer.
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 by the Developer 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.

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

### 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. Relocation of existing above ground power lines with above ground power lines which are needed for development is subject to pre-approval of the Administrative Official.

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

**TABLE 4-1: Street Hierarchy**

Residential Street Type	Function	Guideline Maximum ADT
<b>Private Street or Frontage Road (Private)</b>	Street providing private or controlled access <del>to no more than twelve housing units m.</del> Must meet State Fire Marshall turnaround requirements for emergency vehicles and NFPA standards. <u>Private streets may not emulate public streets or prevent the logical extension of existing public roadways or those planned in the Comprehensive Plan.</u>	120-150
<b>Local</b>	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed.	250-1,000
<b>Collector</b>	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
<b>Minor and Other Arterials</b>	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
<b>Major Arterial</b>	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+

**CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN**

**TABLE 4-2: Cartway Width**

<b>Street Type</b>	<b>Moving Lanes</b>	<b>Parking Restrictions</b>	<b>Total Width Measured back of curb to back of curb</b>	<b>Maximum Grade</b>
<b>Private Street or Frontage Road (Private)</b>	Two 12-foot	None, but must meet NFPA standards	24 feet	10%
<b>Local</b>	Two 12-foot	None	33 feet	10%
<b>Collector</b>	Two 12-foot through lanes	May be limited, must meet NFPA standards	33 feet	10%
<b>Minor and Other Arterials</b>	Each through lane 12-foot and/or Two 12-foot with one 14-foot center lane	No parking	41 feet	7%
<b>Major Arterials</b>	Three or more 12-foot	No parking	Minimum 41 feet	Meet design guidelines

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

### 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**

<b>Street Type</b>	<b>Curb / Shoulder</b>	<b>Sidewalk</b>	<b>Sidewalk Setback</b>	<b>Total ROW</b>
<b>Private Street or Frontage Road (Private)</b>	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)
<b>Local - Rural</b>	Minimum 6-foot turf	May Not be Required	NA	60 or 66 feet*
<b>Local - Urban</b>	Curb	Both sides	4 feet or 2 feet in cul-de-sacs	60 or 80 feet*
<b>Collector</b>	Curb	Required both sides	4 feet	60 or 80 feet
<b>Minor or Other Arterial</b>	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.

## CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

### **5 ARTICLE FIVE: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE**

#### **5-1 Purpose**

The purpose of this Article is to assure that all subdivisions developed in the City of Columbus and its jurisdiction are adequately furnished with necessary public services. These services include adequate water, waste management, and storm water drainage utilities; and park and open space resources.

#### **5-2 Water**

##### a. Connection

1. All installations shall be properly connected to an approved and functioning community water system and in accordance with any and all design and construction manuals.
2. Where City water is accessible within 300 feet of the final plat, the subdivider shall connect to the system and provide adequate lines and stubs to each lot. When City water is not accessible within 300 feet of the final plat, the subdivider shall make provision for a water supply 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.

## CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

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 half of an acre, if restricted by the Nebraska Department of Environment ~~or~~ and 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.

## CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

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 post-construction storm water management and treatment facility and detention system in accordance with the Storm Water Management Plan and City Code Chapters 53 and 54. This system shall be discussed at the pre-application DRT 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.

## CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

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, Storm Water Management Plan, Drainage Manual, 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 pre-development burdened with surface waters should have the effects ameliorated as much as possible.
  - 4.5. Peak flow rates out of the subdivision or development shall not exceed pre-development rates. Detention system must be provided within the development, as part of a regional system, or other city program. The detention system must be located a minimum of 10 feet from any public right-of-way.
  - 5.6. Design shall use the best available technology to minimize off-site runoff, encourage natural filtration, simulate natural drainage, and minimize discharge of pollutants.
  - 6.7. No surface or point source water may be channeled into a sanitary sewer system.
  - 7.8. Where possible, a subdivision's drainage system shall coordinate with that of surrounding properties or streets.
  - 8.9. The pre-application information should include drainage impacts and shall be discussed with the DRT members. Building Official and members of the Planning Commission.
  10. Post-construction stormwater treatment and detention system within the development must remain to be owned by the Developer, home owners association or similar association or district. They cannot be sold in part of whole to individual property owners in residential or commercial districts. The Environmental Protection Agency and the Nebraska Department of Environment and Energy require privately owned and operated systems to be inspected and maintained in accordance with a Maintenance Agreement as made part of the Development Agreement. Publicly owned and operated systems have the same inspection and maintenance requirements. Storm sewer design shall be in accordance with the City's Stormwater Drainage Manual
- b. Construction Stormwater Pollution Prevention Plan and Notice of Intent
- 9.1. In accordance with the Environmental Protection Agency, Nebraska Department of Environment and Energy (NDEE) and City Code Chapters 53 and 54, and the Storm Water Management Plan (SWPPP), prior to disturbance of one acre, the Developer must obtain a NDEE Construction Runoff NOI which includes a Stormwater Pollution Prevention Plan and

## CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

provide a copy to the City Engineering Department. The SWPPP must be developed and signed by a certified official.

- 40-2. Individual residential or commercial developments which are at or over one acre and which the developer is maintaining their NOI do not have to submit their own NOI or SWPPP. However, if the development NOI is terminated, a NOI must be obtained through the NDEE.
3. Individual residential or commercial developments which are under one acre need to complete an Individual Lot Plan as part of the Building Permit process. If under one acre, you do not need a NDEE NOI unless due to the potential or actual contamination of waters of US, unless one is requested by the City Engineer.
4. The SWPPP Best Management Practice (BMP) must include perimeter stormwater protection by constructing a silt fence or other BMP that is applicable for the topography and situation, such as, waddles on side slopes. The use of earthen berms as a perimeter BMP is not acceptable usage. Additional BMPs shall be provided as designed and shown on the SWPPP including, but not limited to, inlet protection, wet land protection, track out pad(s), concrete wash out (if applicable) and signage.
5. Developer must notify the City Engineering Department, Project Manager, a minimum of 72 hours in advance of the following:
  - (a) Preconstruction conference location and time upon which the NOI, SWPPP, and contact information for the certified inspector shall be provided and discussed. The City Project Manager, and/or City Construction Observer, or another City designee, will attend the meeting.
  - (b) Upon final construction of the initial BMPs for an inspection and approval to proceed with the earthwork or construction phase.
6. BMPs and development must be inspected in accordance with the SWPPP by certified officials, keep SWPPP records and documents updated, and be available to report to the City or NDEE upon any inspection.
- 44-7. The Developer and Post-Construction owner or association must provide storm water treatment facility and detention inspections and maintenance in accordance with the Maintenance Agreement and Development Agreement for system on the development. Any required maintenance work must be completed within the required work timeline.

### **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.

## CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

### b-c. 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. Backlot utility or drainage easements a minimum of 10 feet in width, or wider for that required to carry the design and larger storm events as determined in the drainage calculations, shall be provided and shown on the plat.

### e-d. 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

1. 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.
2. Such fee shall be determined by the City Engineer based on most recent, similar construction type.
3. If an agreement or impact fee is required, details shall be included in the Development Agreement.

## CHAPTER 2, ARTICLE 6: IMPROVEMENT PROCEDURES

### **6 ARTICLE SIX: IMPROVEMENT PROCEDURES**

#### **6-1 Purpose**

The purpose of this Article is to ensure the proper installation and maintenance of required streets, utilities, and other improvements. The agreement for improvements shall be structured to provide adequate assurances to the City while not adding unnecessary costs to the developer.

#### **6-2 Application**

- a. This article applies to subdivisions which require the installation of streets, utilities, or other public improvements by the developer.
- b. As a condition of the final approval of the plat and prior to its recording with the Platte County Register of Deeds, the City Council shall require and accept the following:
  1. The furnishing of a performance bond, letter of credit, cash escrow, or other guarantee in a form acceptable to the City, in an amount not to exceed 120% of the estimated cost of the improvement installation.
  2. A specification of the time allowed for the installation of improvements. This period may be extended by the City Council.
  3. The performance guarantee 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, a minimum of 72 hours, 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, SWPPP inspector, 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 within 7 calendar days of the meeting.

#### **6-4 Notification of Completion and Acceptance by City**

- a. Notification
  1. 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.

## CHAPTER 2, ARTICLE 6: IMPROVEMENT PROCEDURES

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. The 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.



## **The Columbus Land Development Ordinance for the City of Columbus**

**TABLE OF CONTENTS**  
**COLUMBUS LAND DEVELOPMENT ORDINANCE**

CHAPTER 1: ZONING	9
1 ARTICLE ONE	9
GENERAL PROVISIONS	9
1-1 Title	9
1-2 Jurisdiction	9
1-3 Purpose	9
1-4 Consistency with Comprehensive Development Plan and Long-Range Transportation Plan	9
1-5 Conflicting Provisions	10
1-6 Relief from Other Provisions	10
1-7 Severability of Provisions	10
2 ARTICLE TWO	11
DEFINITIONS	11
2-1 Purpose	11
2-2 General Construction of Language	11
2-3 Definitions of Terms	11
2-4 A	12
2-5 B	12
2-6 C	13
2-7 D	14
2-8 E	14
2-9 F	15
2-10 G	15
2-11 H	15
2-12 I	16
2-13 J	16
2-14 K	16
2-15 L	16
2-16 M	18
2-17 N	19
2-18 O	20
2-19 P	20
2-20 Q	21
2-21 R	21
2-22 S	21
2-23 T	22
2-24 U	22
2-25 V	23
2-26 W	23
2-27 X	23
2-28 Y	23
2-29 Z	23
3 ARTICLE THREE	24
USE TYPES	24
3-1 Purpose	24
3-2 Determinations	24
3-3 Agricultural Use Types	24
3-4 Residential Use Types	25
3-5 Office Use Types	25
3-6 Civic Use Types	26
3-7 Commercial Use Types	28
3-8 Parking Use Types	33
3-9 Industrial Use Types	33

3-10	Transportation Use Types .....	35
3-11	Miscellaneous Type Uses.....	35
4	ARTICLE FOUR .....	37
	ZONING DISTRICT REGULATIONS .....	37
4-1	Purpose .....	37
4-2	Establishment of Districts .....	37
4-3	Application of Districts .....	38
4-4	Hierarchy .....	38
4-5	Development Regulations.....	38
4-6	Zoning Map .....	38
4-7	Interpretation of District Boundaries.....	39
4-8	Vacation of Streets and Alleys .....	39
5	ARTICLE FIVE .....	55
	OVERLAY DISTRICTS .....	55
5-1	General Purpose .....	55
5-2	Purpose .....	55
5-3	Permitted Uses.....	55
5-4	Site Development Regulations.....	55
5-5	Access to Public Streets.....	55
5-6	Application Process.....	55
5-7	Adoption of District.....	56
5-8	Amendment Procedure.....	56
5-9	Building Permits .....	56
5-10	Termination of PUD District .....	57
5-11	Purpose .....	57
5-12	Permitted Uses.....	57
5-13	Site Development Regulations.....	57
5-14	Access to Public Streets.....	58
5-15	Application Process.....	58
5-16	Adoption of District.....	58
5-17	Amendment Procedure.....	59
5-18	Building Permits .....	59
5-19	Termination of CCD District .....	59
5-20	Purpose .....	59
5-21	Procedure for Adoption.....	59
5-22	Adoption of District.....	60
5-23	Building Permits .....	60
5-24	Purpose .....	60
5-25	Procedure for Adoption.....	61
5-26	Adoption of District .....	61
5-27	Building Permits .....	61
5-28	Statutory Authorization, Finding of Fact and Purposes.....	62
5-29	General Provisions.....	63
5-30	Establishment of Zoning Districts.....	64
5-31	Floodplain Management Administration .....	64
5-32	Standards for Floodplain Development .....	71
5-33	Nonconforming Use.....	77
5-34	Amendments.....	78
5-35	Definitions .....	78
5-36 to 5-39	Reserved for Future Use .....	82
5-40	A: Agricultural Overlay District .....	82
5-41	Purpose .....	82
5-42	Application of District.....	82
5-43	Permitted Uses.....	82
5-44	Pre-Existing Zoning.....	82
5-45	Adoption of District.....	83

6	ARTICLE SIX	84
	SUPPLEMENTAL USE REGULATIONS	84
6-1	Purpose	84
6-2	Supplemental Use Regulations: Agricultural Uses	84
6-3	Supplemental Use Regulations: Residential Uses	84
6-4	Supplemental Use Regulations: Civic Uses	87
6-5	Supplemental Use Regulations: Commercial Uses	87
6-6	Supplemental Use Regulations: Industrial Uses	89
6-7	Supplemental Use Regulations: Home-Based Businesses	91
6-8	Supplemental Use Regulations: Accessory Uses	93
6-9	Supplemental Use Regulations: Outdoor Storage	94
6-10	Supplemental Use Regulations: Swimming Pools	94
6-11	Supplemental Use Regulations: Mailboxes	97
6-12	Supplemental Use Regulations: Cargo Containers and Portable Storage Containers	97
7	ARTICLE SEVEN	99
	SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS	99
7-1	Purpose	99
7-2	Setback Adjustments	99
7-3	Height Exceptions	103
7-4	Allowable Adjustments to Site Development Regulations for Creative Subdivisions	103
7-5	Fence Regulations	104
7-6	Downtown Building Standards	105
7-7	Appeals	106
8	ARTICLE EIGHT	107
	LANDSCAPING, SCREENING, AND PERFORMANCE STANDARDS	107
8-1	Purpose	107
8-2	Applicability	107
8-3	Landscaping Requirements	107
8-4	Bufferyard Provisions	109
8-5	Screening Standards	109
8-6	General Provisions	110
8-7	Grade Elevation at Residential Building Setback	110
8-8	Performance Standards in the B-2 and ML/C-1 Zoning Districts	111
9	ARTICLE NINE	112
	OFF-STREET PARKING	112
9-1	Purpose	112
9-2	General Applications	112
9-3	Schedule of Off-Street Parking Requirements	112
9-4	Parking Facility Location	117
9-5	Off-Street Parking Design Standards	117
9-6	Off-Street Loading	121
9-7	Parking for Personal and Recreational Vehicles	122
10	ARTICLE TEN	123
	SIGN REGULATIONS	123
10-1	Purpose and Intent	123
10-2	Applicability, Interpretation, Serviceability, and Non-Commercial Speech Substitution	124
10-3	Definition of Terms	124
10-4	General Sign Regulations	133
10-5	Prohibited and Exempt Signs	140
10-6	Method of Measurement for Regulations	141
10-7	Permitted Permanent Sign Type by Zoning District	146
10-8	Illumination/Lighting Sign Elements	147
10-9	Sign Type Supplemental Regulations: Permanent Signs	148
10-10	Master Sign Plan; Permanent Signs	152
10-11	Permitted Temporary Sign Type By Zoning District	154
10-13	Outdoor Advertising Signs	159

10-14	Outdoor Advertising Signs; Regulations for New Installations .....	161
10-15	Additional Regulations for the Downtown Business District .....	161
11	ARTICLE ELEVEN .....	163
	<b>NONCONFORMING DEVELOPMENT .....</b>	<b>163</b>
11-1	Purpose .....	163
11-2	Regulations Additive.....	163
11-3	Nonconforming Lots .....	163
11-4	Nonconforming Structures .....	163
11-5	Nonconforming Uses .....	164
12	ARTICLE TWELVE .....	166
	<b>ADMINISTRATION AND PROCEDURES .....</b>	<b>166</b>
12-1	Purpose .....	166
12-2	Site Plan Review Procedure .....	166
12-3	Special Use Permit Procedure.....	168
12-4	Amendment Procedure.....	175
12-5	Extension of the Extra-Territorial Jurisdiction .....	177
12-6	Building Permits and Certificates of Occupancy .....	178
12-7	Schedule of Fees, Charges and Expenses .....	179
12-8	Board of Adjustment.....	180
12-9	Powers and Duties of the Board of Adjustment .....	181
12-10	Appeals from the Board of Adjustment.....	183
12-11	Duties of Building Official, Board of Adjustment, City Council, and Courts on Matters of Appeal 183	
12-12	Severability Clause.....	183
12-13	Complaints Regarding Violations .....	183
12-14	Penalties for Violation.....	183
12-15	Development Review Team (DRT) .....	184
13	ARTICLE THIRTEEN .....	185
	<b>PART A - WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE .....</b>	<b>185</b>
13-1	Purpose and Legislative Intent.....	185
13-2	Title.....	185
13-3	Severability .....	185
13-4	Definitions .....	185
13-5	Overall Policy and Desired Goals for Eligible Facility and Special Use Permits for Wireless Telecommunications Facilities .....	189
13-6	Eligible Facility Permit or Special Use Permit for Wireless Telecommunications Facilities Required; Exceptions.....	189
13-7	Exclusions.....	190
13-8	Eligible Facility Permit and Special Use Permit Application and Other Requirements .....	190
13-9	Location of Wireless Telecommunications Facilities.....	197
13-10	Shared Use of Wireless Telecommunications Facilities and Other Structures .....	198
13-11	Height of Telecommunications Towers .....	198
13-12	Visibility of Wireless Telecommunications Facilities .....	199
13-13	Security of Wireless Telecommunications Facilities .....	199
13-14	Signage.....	199
13-15	Lot Size and Setbacks.....	199
13-16	Retention of Expert Assistance and Reimbursement by Applicant.....	200
13-17	Public Hearing and Notification Requirements .....	200
13-18	Action on an Application for a Special Use Permit for Wireless Telecommunications Facilities 201	
13-19	Action on an Application for an Eligible Facility Permit for Wireless Telecommunications Facilities .....	201
13-20	Extent and Parameters of Eligible Facility Permit and Special Use Permit for Wireless Telecommunications Facilities. ....	201
13-21	Application Fee .....	202
13-22	Small Cell / DAS Facilities .....	202

13-23	Performance Security.....	202
13-24	Reservation of Authority to Inspect Wireless Telecommunications Facilities.....	202
13-25	Liability Insurance.....	203
13-26	Indemnification.....	204
13-27	Fines.....	204
13-28	Default and/or Revocation.....	205
13-29	Removal of Wireless Telecommunications Facilities.....	205
13-30	Relief.....	206
13-31	Periodic Regulatory Review by the City.....	207
13-32	Adherence to State and/or Federal Rules and Regulations.....	207
13-33	Adherence to International Building Code.....	207
13-34	Conflict with Other Laws.....	207
13-35	Effective Date.....	207
13-36	Authority.....	208
13-37 to 13-39	Reserved for Future Use.....	208
<b>PART B - SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY</b> .....		<b>209</b>
13-40	Title.....	209
13-41	Severability.....	209
13-42	Definitions.....	209
13-43	Purpose and Scope.....	212
13-44	Permits to Occupy the Right-of-Way.....	213
13-45	Rates.....	216
13-46	Aesthetic and Design Standards.....	216
13-47	Independent Technical and Legal Review.....	217
13-48	Relief.....	217
14	<b>ARTICLE FOURTEEN</b> .....	<b>218</b>
<b>SEXUALLY ORIENTED BUSINESS</b> .....		<b>218</b>
14-1	Purpose and Intent.....	218
14-2	Definitions.....	218
14-3	Classification.....	222
14-4	Location of Sexually Oriented Businesses.....	222
14-5	Appeals, Exemption from Location Restrictions.....	223
14-6	Signs for Sexually Oriented Businesses.....	224
15	<b>ARTICLE FIFTEEN</b> .....	<b>225</b>
<b>PERMITS TO OCCUPY THE RIGHT-OF-WAY</b> .....		<b>225</b>
15-1	Definitions.....	225
15-2	Purpose; Scope; Exceptions.....	225
15-3	Permits.....	226
15-4	Fees and Taxes.....	230
15-5	Aesthetic and Design Standards.....	230
15-6	Independent Technical and Legal Reviews.....	233
15-7	Relief.....	233
<b>CHAPTER 2: SUBDIVISIONS</b> .....		<b>234</b>
1	<b>ARTICLE ONE</b> .....	<b>234</b>
<b>GENERAL PROVISIONS</b> .....		<b>234</b>
1-1	Title.....	234
1-2	Authority and Purpose.....	234
1-3	Relationship to the Comprehensive Plan.....	235
1-4	Jurisdiction and Applicability.....	236
1-5	Amendment.....	236
1-6	Fees.....	236
1-7	Enforcement.....	236
1-8	Penalties.....	236
1-9	Interpretation, Conflict, and Severability.....	237

2	ARTICLE TWO	238
	DEFINITIONS	238
2-1	Purpose	238
2-2	Definitions of Terms	238
2-3	A.	238
2-4	B.	238
2-5	C.	239
2-6	D.	239
2-7	E.	240
2-8	F.	240
2-9	G.	240
2-10	H.	240
2-11	I.	240
2-12	J.	240
2-13	K.	240
2-14	L.	240
2-15	M.	241
2-16	N.	241
2-17	O.	241
2-18	P.	241
2-19	Q.	242
2-20	R.	242
2-21	S.	243
2-22	T-Z	243
3	ARTICLE THREE	244
	PROCEDURES AND ADMINISTRATION	244
3-1	Purpose	244
3-2	Administrative Subdivisions	244
3-3	Minor Subdivisions	245
3-4	Major Subdivisions	247
4	ARTICLE FOUR	260
	CIRCULATION SYSTEM DESIGN	260
4-1	Purpose	260
4-2	General Standards	260
4-3	Street Hierarchy and Design	261
4-4	Alleys	267
4-5	Lighting and Wiring	267
4-6	Arterials	271
5	ARTICLE FIVE	272
	PUBLIC IMPROVEMENTS AND INFRASTRUCTURE	272
5-1	Purpose	272
5-2	Water	272
5-3	Sanitary Sewers	273
5-4	Storm Sewers and Storm Water Management	274
5-5	Easements	276
5-6	Dedications	277
5-7	Public Infrastructure Improvement Impact Fee	277
6	ARTICLE SIX	278
	IMPROVEMENT PROCEDURES	278
6-1	Purpose	278
6-2	Application	278
6-3	Pre-Construction Conference	278
6-4	Notification of Completion and Acceptance by City	278

# CHAPTER 1, ARTICLE 1: GENERAL PROVISIONS

## TABLE OF FIGURES

### COLUMBUS LAND DEVELOPMENT ORDINANCE

Figure 2-15: Lot Definitions .....	17
Figure 7-2 (a): Vision Clearance Zone .....	101
Figure 7-2 (b): Vision Clearance Zone .....	102
Figure 9-5 (a): Off-Street Parking Standards .....	118
Figure 9-5 (b): Parking Lot Internal Island .....	120
Figure 10-3 (a): Permanent Signs Examples .....	131
Figure 10-3 (b): Temporary Signs Example .....	132
Figure 10-6 (a): Lot Frontage Determination .....	143
Figure 10-6 (b): Formulas for Determining Sign Area for Signs with Two or More Faces .....	144
Figure 10-6 (c): Measurement of Sign Height .....	145
Figure 15-5: Street Right-of-Way .....	232

## TABLE OF TABLES

### COLUMBUS LAND DEVELOPMENT ORDINANCE

Table 4-1: Base Districts .....	37
Table 4-2: Purposes of Zoning Districts .....	40
Table 4-3: Permitted Uses by Zoning District .....	42
Table 4-4: Site Development Regulations .....	51
Table 8-1: Required Landscape Depth .....	108
Table 8-2: Bufferyard Requirements (feet) .....	109
Table 8-3: Maximum Permitted Sound Levels at Residential Boundaries .....	111
Table 9-1: Off-Street Parking Requirements .....	113
Table 10-1: Maximum Size of Exposed Glass Panel .....	137
Table 10-2: Permitted Permanent Sign Budget by District .....	142
Table 10-3: Permitted Permanent Signs by Type and Zoning District .....	146
Table 10-4: Permitted Permanent Signs by Type and Zoning District .....	147
Table 10-5: Permitted Site Development Standards for Detached Signs by Zoning Districts .....	148
Table 10-6: Permitted Site Development Standards for Attached Signs by Zoning Districts .....	149
Table 10-7: Permitted Temporary Signs by Type and Zoning District .....	155
Table 10-8: Permitted Banner Sign Number and Size by Street Frontage .....	156
Table 10-9: Permitted Freestanding Yard Sign Number and Size by Street Frontage .....	157
Table 12-1: Criteria for Site Plan Review and Special Use Permits .....	170
Table 3-1: Application Requirements .....	254
Table 3-2 Storm Water Treatment Facility Identifier .....	259
Table 4-1: Street Hierarchy .....	269
Table 4-2: Cartway Width .....	270
Table 4-3: Curb, Sidewalk, and Right-of-Way Requirements .....	271

# CHAPTER 1, ARTICLE 1: GENERAL PROVISIONS

## **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 (CLDO), 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 if such outlying area were within the corporate limits of the City of Columbus. Boundaries of the Extra-Territorial Jurisdiction established by this ordinance shall be shown on the Extra-Territorial Jurisdiction Map maintained by the City Engineer. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of and concurrent with this ordinance. The Extra-Territorial Jurisdiction may be changed from time to time following the extension of City boundaries either by annexation or by additions brought into the City pursuant to the Subdivision Code. Such changes shall be reflected on the Extra-Territorial Map. The City Clerk and Engineer shall keep a complete record of all changes to the Extra-Territorial Jurisdiction Map.

#### **1-3 Purpose**

The purposes of the 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.

## CHAPTER 1, ARTICLE 1: GENERAL PROVISIONS

### **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.

## CHAPTER 1, ARTICLE 2: DEFINITIONS

### 2 ARTICLE TWO: DEFINITIONS

#### 2-1 Purpose

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

#### 2-2 General Construction of Language

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

##### 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.

## CHAPTER 1, ARTICLE 2: DEFINITIONS

### **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. **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.
6. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
7. **Alley:** A public right of way, which is used as a secondary means of access to abutting property.
8. **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.
9. **Apartment:** A housing unit within a building designed for and suitable for occupancy by only one family.
10. **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.

## CHAPTER 1, ARTICLE 2: DEFINITIONS

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 Chief Building and Code Official 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.

## CHAPTER 1, ARTICLE 2: DEFINITIONS

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 10<sup>th</sup> Street and 15<sup>th</sup> Street and 21<sup>st</sup> Avenue and 32<sup>nd</sup> Avenue, all public rights-of-way or portions thereof located within these boundaries, and all buildings or structures abutting, adjoining, or bordering the same.
6. Dwelling Unit: A single unit providing complete independent living facilities for one or more persons; including permanent provisions for living, sleeping, eating, cooking, and sanitation. The minimal dwelling size is 400 square feet.

### **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.

## CHAPTER 1, ARTICLE 2: DEFINITIONS

### **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.

## CHAPTER 1, ARTICLE 2: DEFINITIONS

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

### 2-12 I

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

### 2-13 J

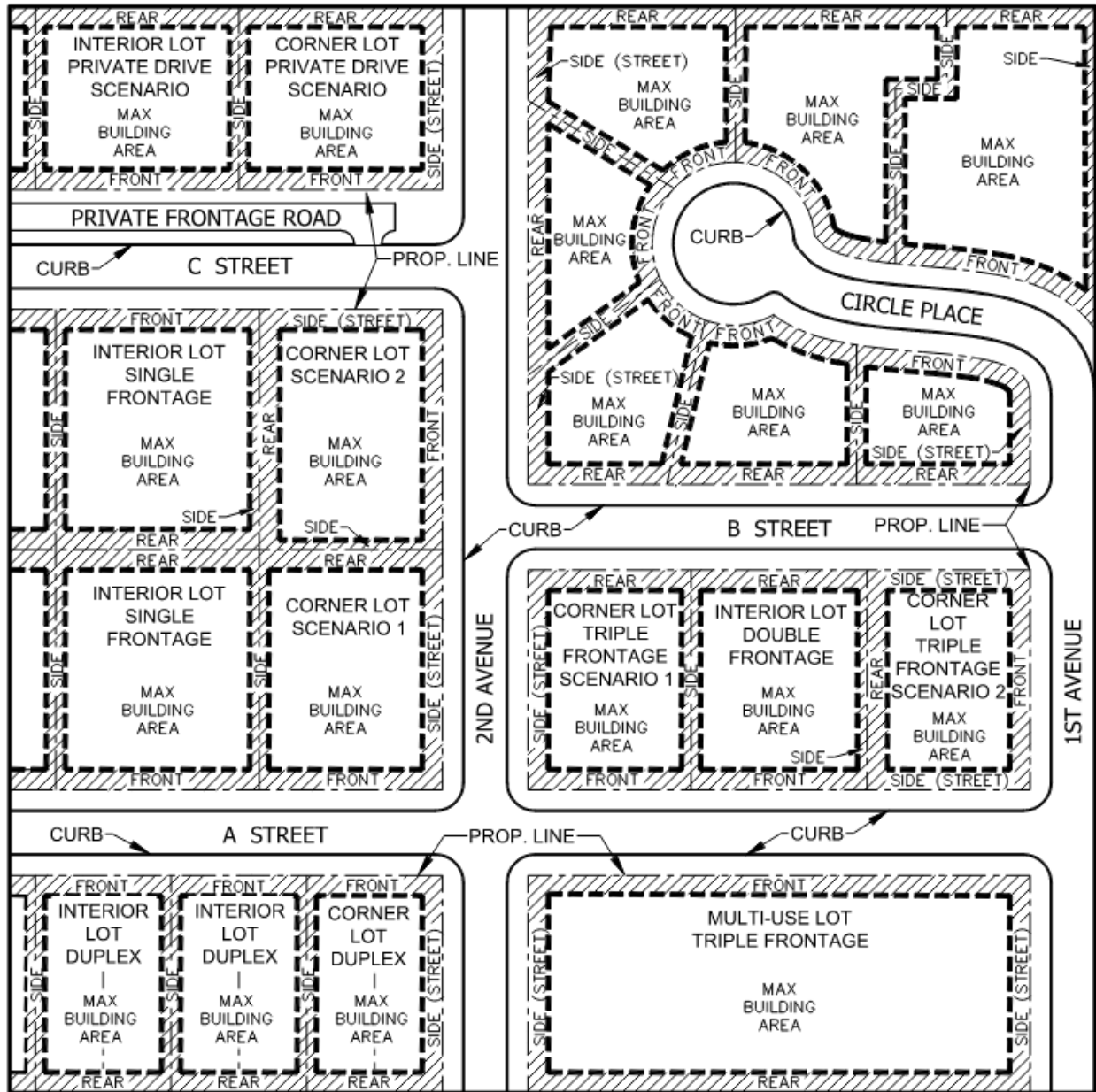
### 2-14 K

### 2-15 L

1. Landscaped Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, groundcover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily living landscape.
  - (a) Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site, or common development.
  - (b) Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.
2. Loading Area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.
3. Long Range Transportation Plan: Transportation Planning Document that discusses how Columbus will grow over the next two decades and identified transportation strategies to enable a more resilient and economically vibrant future.
4. Lot: A parcel of real property with a separate and distinct number or other designation shown on a plat, record or survey, parcel map, or subdivision map recorded in the office of the Platte County Register of Deeds. When a lot is used together with one or more contiguous lots in a common development, all of the lots used, including any lots used for off-street parking shall be considered a single lot for purposes of these Zoning Regulations. A lot shall have a minimum frontage of 20 feet, except as provided in an approved Planned Unit Development and/or Creative Subdivision. See Figure 2-15.
  - (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.

# CHAPTER 1, ARTICLE 2: DEFINITIONS

**Figure 2-15: Lot Definitions**



## CHAPTER 1, ARTICLE 2: 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.
7. Rear Lot Line: The lot line which is opposite and most distant from the front lot line.
  - (a) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street or private access easement is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
8. Lot Width: The horizontal distance between the side lot lines, measured at the two points of intersection between the front yard setback line and the side lot lines.

### **2-16 M**

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

## CHAPTER 1, ARTICLE 2: DEFINITIONS

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.

## CHAPTER 1, ARTICLE 2: DEFINITIONS

### **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

## CHAPTER 1, ARTICLE 2: DEFINITIONS

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: 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 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. Private Street: Privately owned and maintained access to a lot or parcel and shall have a public easement for utility and fire access.
11. 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

## CHAPTER 1, ARTICLE 2: DEFINITIONS

- 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

## CHAPTER 1, ARTICLE 2: DEFINITIONS

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.

## CHAPTER 1, ARTICLE 3: USE TYPES

### **3 ARTICLE THREE: USE TYPES**

#### **3-1 Purpose**

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

#### **3-2 Determinations**

- a. Classification of Uses: In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Building Official of the City of Columbus shall have the authority to determine the appropriate use type. A determination of the Building Official may be appealed to the Board of Adjustment. In making such determinations, the Building Official and the Board of Adjustment shall consider the operational and physical characteristics of the use in question and shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.
- b. Records: The Building Official shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

#### **3-3 Agricultural Use Types**

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

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

## CHAPTER 1, ARTICLE 3: USE TYPES

### **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.

## CHAPTER 1, ARTICLE 3: USE TYPES

### **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.

## CHAPTER 1, ARTICLE 3: USE TYPES

- 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.

## CHAPTER 1, ARTICLE 3: USE TYPES

- 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.

## CHAPTER 1, ARTICLE 3: USE TYPES

- b. **Automotive and Equipment Services:** Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:
1. **Automotive Rental and Sales:** Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
  2. **Auto Services:** Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
  3. **Body Repair:** Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
  4. **Equipment Rental and Sales:** Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
  5. **Equipment Repair Services:** Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.
  6. **Vehicle Storage:** Long-term storage of operating or non-operating vehicles. Typical uses include storage of private parking towaways or impound yards but exclude dismantling or salvage.
- c. **Bed and Breakfast:** A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always owned and operated by the resident owner or resident manager of the structure, include no more than eight (8) units, and accommodate each guest or visitor for no more than seven (7) consecutive days during any one (1) month.
- Exception: Short term rental of residential property in compliance with LB57 approved by the Governor on March 7, 2019. See Note #1, Table 4-3 (Bed & Breakfast)

## CHAPTER 1, ARTICLE 3: USE TYPES

- d. Business Support Services: Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.
- e. Business or Trade Schools: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
- f. Campground: Facilities providing camping or parking areas and incidental services for recreational use for travelers in recreational vehicles or tents for 30 consecutive days or less. No permanent features, such as skirting, permanent hookup, etc., are allowed.
- g. Cocktail Lounge: A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant.
- h. Commercial Recreation: Private businesses or organizations, which may or may not be commercial in nature, primarily engaged in the provision of sports, entertainment, or recreation for participants and/or spectators. Typical uses include sports and recreation facilities, driving ranges, theaters, private dance halls, or private skating facilities.
- i. Communications Services: Establishments primarily engaged in the provision of broadcasting and other services necessary to relay information, accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, or film, broadcasting and sound recording facilities.
- 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.
- 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.

## CHAPTER 1, ARTICLE 3: USE TYPES

- 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.

## CHAPTER 1, ARTICLE 3: USE TYPES

- 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.

## CHAPTER 1, ARTICLE 3: USE TYPES

- 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.

## CHAPTER 1, ARTICLE 3: USE TYPES

- c. Light Industry: Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops, and publishing houses.
- d. General Industry: Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.
- e. Heavy Industry: Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials; except for those uses defined as Agricultural Industries.
- f. Recycling Collection: Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
- g. Recycling Processing: Any site which is used for the processing of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
- h. Resource Extraction: A use involving on-site extraction of surface or subsurface mineral products or natural resources, including the removal of dirt, but excluding the grading of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, and mining.
- 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.

## CHAPTER 1, ARTICLE 3: USE TYPES

### **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.

## CHAPTER 1, ARTICLE 3: USE TYPES

- 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.

# CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

## **4 ARTICLE FOUR: ZONING DISTRICT REGULATIONS**

### **4-1 Purpose**

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

### **4-2 Establishment of Districts**

The following base districts and overlay districts are hereby established. Table 4-2 displays the purposes of these districts.

**Table 4-1: Base Districts**

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

## CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

### **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 4-3 and Table 4-4. Table 4-3 presents the uses permitted in each zoning district. Table 4-4 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 4-3.

### **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.

## CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

### **4-7 Interpretation of District Boundaries**

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

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

### **4-8 Vacation of Streets and Alleys**

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

## CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

**Table 4-2: 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 District	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 District	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 District	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 District	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 District	This district recognizes that non-traditional residential development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home, tiny home and similar developments within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.

## CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

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 District	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 District	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 District	This district provides for a variety of commercial, office, high density residential, and service uses and is adapted to Columbus' largest commercial districts outside of Downtown. Uses and developments in the B-2 District may develop substantial traffic, creating potential land use conflict with adjacent residential neighborhoods. This district is most appropriate along arterials or in areas that can be well buffered from residential districts.
ML/C-1	Light Industrial District	This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.
MH	General Industrial District	This district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.

## CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

**Table 4-3: 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
<b>Agricultural Uses</b>														
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	
<b>Residential Uses</b>														
Single-Family	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														

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

**Table 4-3: 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
<b>Civic Uses</b>														
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	

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

**Table 4-3: 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
<b>Civic Uses</b>														
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	
<p>S/P* - P* is hereby defined as permitted if in compliance with <u>Neb. Rev. Stat. § 43-2616</u>. <u>Neb. Rev. Stat. § 43-2616</u> provides that any family child care home licensed by the Department of Health and Human Services pursuant to <u>Neb. Rev. Stat. § 71-1911</u> or by the City or County pursuant to <u>Neb. Rev. Stat. § 71-1914(2)</u> may be established and operated in any residential zone within the exercised zoning jurisdiction.</p>														

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

**Table 4-3: 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
<b>Office Uses</b>														
General Offices					S		P	P	P	P	P	P	P	
Medical Offices							P	S	P	P	P	P		
<b>Commercial Uses</b>														
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

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

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			
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.														

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

**Table 4-3: 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
<b>Commercial Uses</b>														
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			

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

**Table 4-3: 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
<b>Parking Uses</b>														
Off-Street Parking			*S	*S	*S		S	S	S	P	P	P	P	Article 9
Parking Structure							S			P	P	P		

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

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

**Table 4-3: 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
<b>Industrial Uses</b>														
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	
<b>Transportation Uses</b>														
Aviation	P												P	
Railroad Facilities										S	S	P	P	
Truck Terminal												P		
Transportation Terminal	S									P	P	P	P	

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

**Table 4-3: 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
<b>Miscellaneous Uses</b>														
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.**

## CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

**Table 4-4: Site Development Regulations**

Regulator	AG	RR	R-1	R-2	R-3
<b>Minimum Lot Area (square feet)</b>	10 Acres	1 acre	-	-	-
<b>Minimum Lot Width (feet)</b>	300	100	-	-	-
<b>Minimum Site Area per Housing Unit (square feet)</b>	10 acres	1 acre	-	-	-
<b>Minimum Yards (feet)</b>					
<b>Front Yard</b>	50	50	-	-	-
<b>Front Yard to Building Line</b>	-	-	15	15	15
<b>Front Yard to Garage Line</b>	-	-	20	20	20
<b>Street Side Yard</b>	25	25	15	15	15
<b>Interior Side Yard</b>	25	25	7	7 (Note 1)	7 (Note 2)
<b>Rear Yard</b>	35	35	15	15	15
<b>Maximum Height (feet)</b>	100	36	36 (Note 2,3)	36 (Note 2,3)	36 (Note 2,3)
<b>Maximum Building Coverage</b>	NA	NA	50%	50%	50%
<b>Maximum Impervious Coverage</b>	NA	NA	55%	65%	65%
<b>Floor Area Ration</b>	NA	NA	NA	NA	1.00

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

**Note 2:** 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 3:** Accessory buildings cannot be over 20 feet in height to the peak.

**CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS**

**Table 4-4: Site Development Regulations**

Regulator	NTR Park	NTR Subdivision
<b>Minimum Area to be developed</b>	2 acres	2 acres
<b>Minimum Lot Area (square feet)</b>	1,000	2,000
<b>Minimum Lot Width (feet)</b>	20	24
<b>Minimum Yards (feet)</b>		
<b>Front Yard</b>	10	20
<b>Street Side Yard</b>	10	10
<b>Interior Side Yard</b>	5	5
<b>Rear Yard</b>	10	15
<b>Maximum Height (feet)</b>	14'8"	36
<b>Maximum Building Coverage</b>	50%	50%
<b>Maximum Impervious Coverage</b>	55%	65%
<b>Shared Parking</b>	1 space per lot	
<b>Minimum Common Open Space (Note 4)</b>	20%	15%

**Note 4:** Stormwater treatment facilities may be included in Common Open Space provided required recreation space is still provided and water quality volumes for 2-year storm events and provisions for 100-year storm events are met. These facilities must be located a minimum of 10 feet from any public right-of-way. Common Open Space must be owned, maintained, and inspected by the developer or home owners' association

## CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

**Table 4-4: Site Development Regulations**

Regulator	O*	LC*	UC*	B-1	B-2*
<b>Minimum Lot Area (square feet)</b>	5,000	5,000	5,000	NONE	5,500
<b>Minimum Lot Width (feet)</b>	50	50	50	NONE	50
<b>Site Area per Housing Unit (square feet)</b>	2,000 (Note 5)	2,000 (Note 5)	2,000 (Note 5)	500	1,500 (Note 5)
<b>Minimum Yards (feet)</b>					
<b>Front Yard</b>	20	20	15	0	10
<b>Street Side Yard</b>	20	20	10	0	10
<b>Interior Side Yard</b>	10	10	10	0	0
<b>Rear Yard</b>	20	20	20	0	20
<b>Maximum Height (feet)</b>	48	36	36	NO LIMIT	60
<b>Maximum Building Coverage</b>	50%	50%	50%	100%	70%
<b>Maximum Impervious Coverage (Note 6)</b>	70%	70%	80%	100%	90%
<b>Floor Area Ratio</b>	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 5:** 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 6:** Storm water treatment water quality volumes and detention volumes must be met within the development, as part of a regional system, or other City program.

## CHAPTER 1, ARTICLE 4: ZONING DISTRICT REGULATIONS

**Table 4-4: Site Development Regulations**

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

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### 5 ARTICLE FIVE: OVERLAY DISTRICTS

#### 5-1 General Purpose

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

The Overlay Districts are designed to achieve the following objectives:

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

#### **PUD: PLANNED UNIT DEVELOPMENT DISTRICT**

#### 5-2 Purpose

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

#### 5-3 Permitted Uses

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;

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

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

### **5-7 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**

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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### **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 5 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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### **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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### **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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### **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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### **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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### **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.
    3. 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:
      4. 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.
      5. Require that uses vulnerable to floods, including public facilities that service such uses, be provided with flood protection at the time of initial construction.
      6. Reduce financial burdens from flood damage borne by the community, its governmental units, its residents, and its businesses by preventing excessive and unsafe development in areas subject to flooding.
      7. Assure that eligibility is maintained for property owners in the community to purchase flood insurance from the National Flood Insurance Program.
  - c. 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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### 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 Article 3 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 Article 4 and Article 5.
- 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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

- 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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

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.

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.
5. Any other such information as reasonably may be required by the City Engineer shall be provided.
6. 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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

- (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).

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### 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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### 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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

- (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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

(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 Elevation and Floodproofing Requirements.

### 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 of two openings having a net total area of not less than one (1) square inch for every one (1) square foot of enclosed space,
- (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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

- (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,
    - (5) 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

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

- (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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### (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;

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

- (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.
- (c) 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
- (d) 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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### **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.

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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

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."

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

*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.

## CHAPTER 1, ARTICLE 5: OVERLAY DISTRICTS

### **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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

### 6 ARTICLE SIX: SUPPLEMENTAL USE REGULATIONS

#### **6-1 Purpose**

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

#### **6-2 Supplemental Use Regulations: Agricultural Uses**

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

- a. Horticulture and Crop Production: Retail Sales: Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the AG District, subject to the following requirements:
  1. Garden Centers: A 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 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:

The minimum width for any townhouse lot sold individually shall be 20 feet.

  1. Coverage percentages are computed for the site of the entire townhouse common development.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

- 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 4-4: 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 4-4: 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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

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. Permitting: A set down permit with fee as set by Resolution is required for each mobile home.
10. Anchoring: Each manufactured home shall be equipped with tie down anchors as approved by the Building Official.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

### **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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

### 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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

- (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;

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

- (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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

### **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.
8. 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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

### **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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

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 Building Official or his/her designee, 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. LOCATION:

- (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. RECIRCULATION POOLS:

- (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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

### 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.

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

### 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:

## CHAPTER 1, ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

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.

## CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

### 7 ARTICLE SEVEN: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

#### 7-1 Purpose

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

#### 7-2 Setback Adjustments

- a. Lots Adjoining Alleys: In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. However, no residential structure may be nearer than ten feet to the near side of the alley.
- b. Exceptions to Openness of Required Yards: Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.
  1. Window sills, belt courses, cornices, eaves, flues and chimneys (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 fifteen feet from any street property line.
  3. 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.
  4. 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.
  5. 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.
  6. 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.

## CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7. 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; excluding garages, refer to Table 4-4: Site Development Regulations.
    - (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, trucks, trailers, 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 sight 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.

CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

**Figure 7-2(a): Vision Clearance Zone**

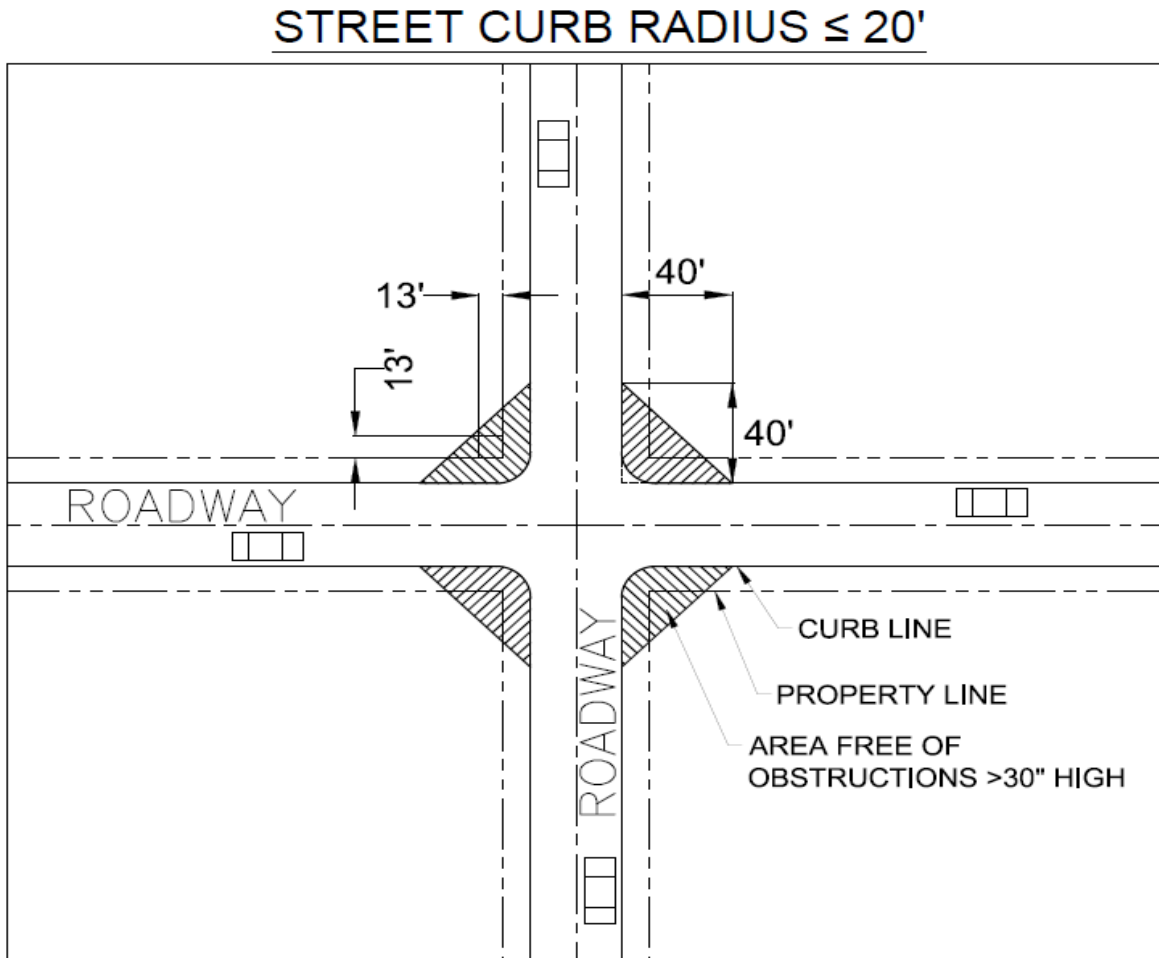
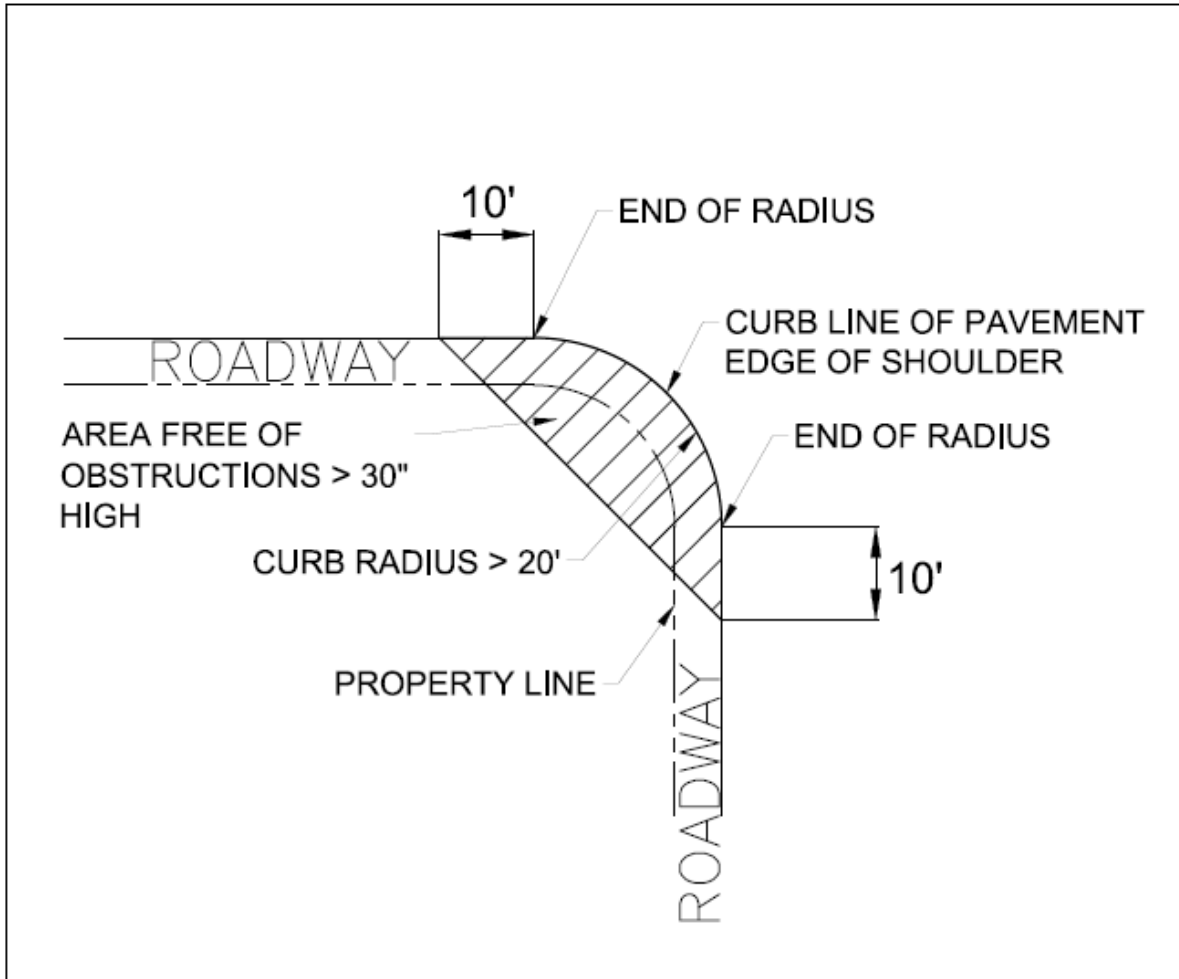


Figure 7-2(b): Vision Clearance Zone

STREET CURB RADIUS > 20'



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

## CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

### **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 4-4: 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.

## CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

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 15 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.

## CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

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 10<sup>th</sup> Street and 15<sup>th</sup> Street and 21<sup>st</sup> Avenue and 32<sup>nd</sup> 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 Building Standards are the regulating document for development within the downtown of Columbus. The Downtown Building Standards recognize 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.

## CHAPTER 1, ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

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.

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

**TABLE 8-1: Required Landscape Depth**

<b>Zoning District</b>	<b>Depth of Landscaping Adjacent to Street Property Line</b>
AG	35 feet
RR	50 feet
R-1	15 feet
R-2	15 feet
R-3*	15 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

\* For residential uses only. 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.

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

## **8-4 Bufferyard Provisions**

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

- a. The bufferyard dimensions set forth in Table 8-2 apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley.
- b. When a street separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard set forth in Table 8-2.
- c. Each required bufferyard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

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)**

<b>More Intensive District</b>	<b>Less Intensive District</b>						
		AG*	RR	R-1	R-2	R-3*	RMH
O, LC, UC**	10	10	10	10	10	10	10
B-2**	30	30	20	20	20	20	20
ML/C-1	30	30	30	30	30	30	30
MH	50	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.

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

- 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.

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

**8-8 Performance Standards in the B-2 and ML/C-1 Zoning Districts**

a. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts

Table 8-3 displays the maximum permitted sound levels that may be generated by uses in the LC, UC, B-2 or ML/C-1 zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI 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**

<b>Originating Zoning District</b>	<b>Time</b>	<b>Maximum One Hour Leq* (dbA)</b>
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.		

Lighting Performance Standards

1. Area lighting shall be conducted so that the light source is directed away from areas in residential use or shall be controlled so that candlepower per 1,000 lamp lumens does not numerically exceed 50 lamp lumens (5%) above the vertical angle of 78 degrees above nadir; or emit more than 500 foot-lamberts per unit projected surface area of the luminaire above a 78-degree vertical angle.
2. Luminous element signs shall not exceed 300 foot-lamberts. Luminous building fronts shall not exceed 100 foot-lamberts in average surface luminance. Flood lighted signs shall not exceed 75 foot-lamberts in average surface luminance. Exposed lamp signs and luminous tube signs shall not exceed 400 foot-lamberts in average surface luminance.
3. Illumination resulting from outdoor lighting shall be conducted so that direct or indirect illumination does not exceed 0.5 horizontal foot candles at a boundary line with an adjacent residential zoning district.

## CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

### 9 ARTICLE NINE: OFF-STREET PARKING

#### **9-1 Purpose**

The Off-Street Parking Regulations require that developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

#### **9-2 General Applications**

- a. Applicability: Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing buildings; or for enlargements of existing structures.
- b. Exemptions: Any use within the B-1 Central Business District is exempt from the off-street parking requirements provided by Section 9-3. Any off-street parking facility constructed in the B-1 District after the effective date of this Ordinance must comply with the design standards set forth in this Article.

#### **9-3 Schedule of Off-Street Parking Requirements**

Parking facilities for each use shall be provided in accord with the minimum requirements set forth in Table 9-1.

- a. Computation
  1. When a computation of required parking results in a fraction of .5 or greater, the requirement should be rounded up to the next whole number.
  2. Unless otherwise indicated, parking requirements are based on gross floor area. Gross floor areas for the purpose of this calculation exclude any interior space used for the parking or loading of vehicles.
  3. When parking requirements are computed on the basis of capacity, capacity shall be determined by the building code in effect for the City of Columbus at the time the use is established.

## CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

**TABLE 9-1: Off-Street Parking Requirements**

<b>Agricultural Use Types</b>	
Horticulture	1 space per 1,000 square feet of sales area.
Crop Production	No requirement.
Animal Production	No requirement.
Commercial Feedlots	No requirement.
<b>Residential Use Types</b>	
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 space per 1 bedroom dwelling units or studios, 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.

## CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

**TABLE 9-1: Off-Street Parking Requirements**

<b>Civic Use Types</b>	
Administration	1 space per 500 square feet.
Cemetery	No requirement.
Clubs	1 space per 4-person capacity.
Convalescent Services	1 space per 4 beds.
Cultural Services	1 space per 1,000 square feet.
Day Care Services	1 space per 5-person capacity + 1 space per employee of largest shift.
Group Care Facility	1 space per 4-person capacity + 1 space per employee of largest shift.
Group Home	1 space per 4-person capacity + 1 space per employee of largest shift.
Guidance Services	1 space per 300 square feet.
Health Care	1 space per 300 square feet + 1 space per employee of largest shift.
Maintenance Facilities	See Schedule A.
Parks and Recreation	No requirement.
Postal Facilities	See Schedule A.
Primary Education	1 space per employee of largest shift + 10 stalls for visitors.
Public Assembly	1 space per 4-person capacity.
Religious Assembly	1 space per 4-person capacity in largest assembly area.
Safety Services	1 space per employee of maximum shift + 1 stall per 1,000 square feet.
Secondary Education	1 space per employee of maximum shift + 1 space for each 4 11th and 12th grade student.
Utilities	1 space per employee of maximum shift.

## CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

**TABLE 9-1: Off-Street Parking Requirements**

<b>Commercial Use Types</b>	
Agricultural Sales/Service	See Schedule A.
Auto Rental and Sales	See Schedule A.
Auto Service	Three times service capacity.
Body Repair	Four spaces per repair stall.
Business Support Services	1 space per 500 square feet.
Campground	1 space per camping unit.
Cocktail Lounge	1 space per 200 square feet.
Commercial Recreation	1 space per 4-person capacity.
Communications Services	1 space per 500 square feet.
Construction Sales	See Schedule A.
Consumer Services	1 space per 300 square feet.
Convenience Storage	1 space per 10 storage units.
Equipment Sales/ Service	See Schedule A.
Food Sales	1 space per 300 square feet.
General Retail Services	1 space per 500 square feet.
Liquor Sales	1 space per 300 square feet.
Lodging	1 space per unit.
Personal Improvement	1 space per 500 square feet.
Personal Services	1 space per 500 square feet.
Pet Services	1 space per 500 square feet.
Restaurants (Drive-in)	1 space per 50 square feet of customer service area.
Restaurants (General)	Greater of 1 space per 4-person capacity or 1 space per 50 square feet in dining area.
Stables/ Kennels	1 space per employee + 1 stall per 5,000 square feet of site area.
Surplus Sales	See Schedule A.
Veterinary Services	1 space per 500 square feet.

## CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

**TABLE 9-1: Off-Street Parking Requirements**

<b>Office Use Types</b>	
General Offices	1 space per 500 square feet.
<b>Miscellaneous Use Types</b>	
Broadcasting Tower	No requirement.
Non-Putrescible Landfill	No requirement.
All Landfills	No requirement.
<b>Industrial Use Types</b>	
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.

<b>SCHEDULE A</b>	
<b>This schedule sets forth minimum off street parking requirements for uses with elements that have different functions and operating characteristics.</b>	
Function of Element	Requirement
Office or Administration	1 space per 400 square feet
Indoor Sales, Display or Service Area	1 space per 500 square feet
Outdoor Sales, Display or Service Area	1 space per 2,000 square feet
Equipment, Servicing, or Manufacturing	1 space per 1,000 square feet
Indoor or Outdoor Storage or Warehousing	1 space per 5,000 square feet

## CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

### **9-4 Parking Facility Location**

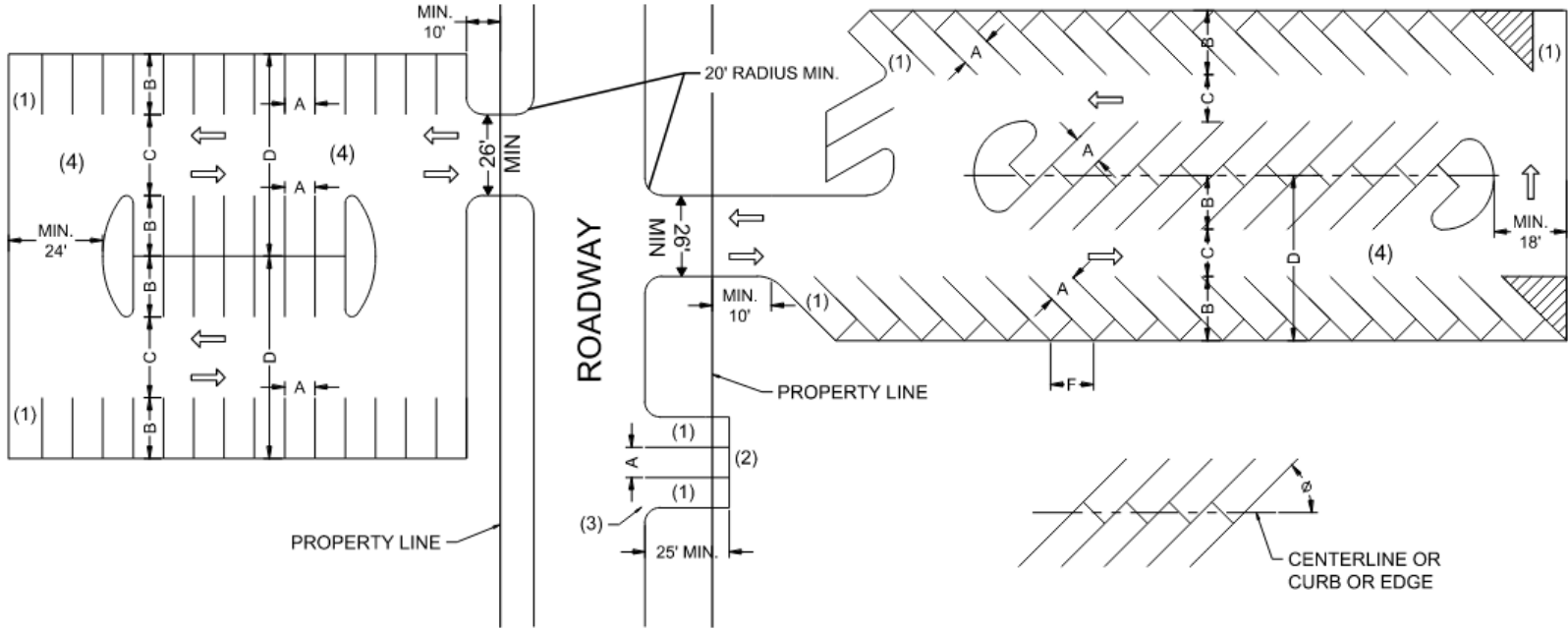
- a. Residential Parking
  1. Off-street parking for residential uses shall be located on the same lot or site as the use.
  2. Off-street parking areas for multi-family or group residential uses shall be at least ten (10) feet from any main building.
- b. Non-Residential Parking
  1. Off-street parking 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.

**CHAPTER 1, ARTICLE 9: OFF-STREET PARKING**

**FIGURE 9-5 (a): Off-Street Parking Standards**



ANGLE (°)	STALL WIDTH (A)	STALL DEPTH (B)	AISLE WIDTH (C)	TYPICAL MODULE (D)
45°	9.0'	18.0'	13.0'	52.0'
60°	9.0'	19.0'	17.0'	55.0'
90°	9.0'	18.0'	24.0'	60.0'

- (1) FOR PERPENDICULAR (90°) PARKING, STALL 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

## CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

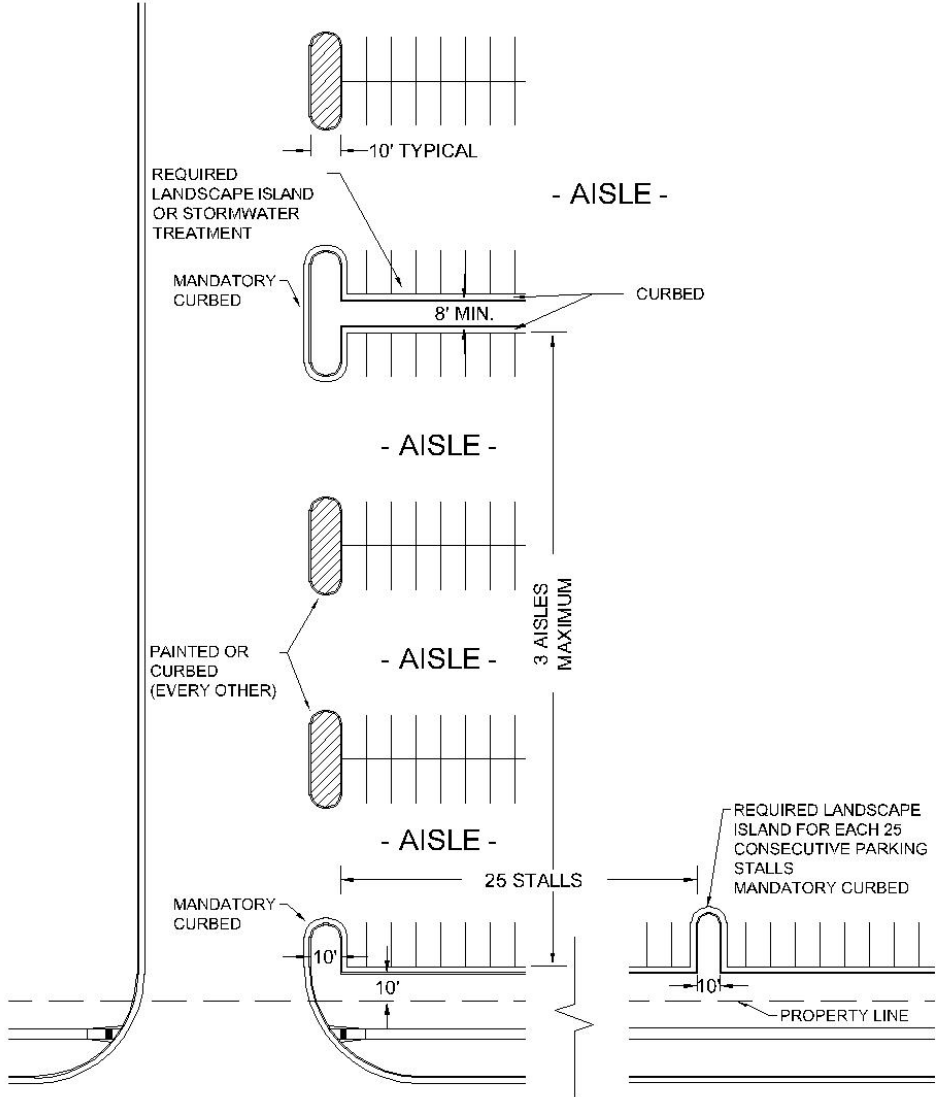
- a. Dimensions: Parking stalls and aisles shall be provided in accordance with the design standards provided in Figure 9-5(a) and Figure 9-5(b).
- b. Pavement and Drainage: Off-street parking facilities shall be designed and built to the stormwater management program requirements. Parking lots shall 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(b). 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 or adequate types and coverage of landscaping, rock cover may be allowed as an alternative to turf groundcover or understory landscaping. Internal parking lot islands shall not be paved.

CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

FIGURE 9-5 (b): Parking Lot Internal Island



## CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

- 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 positive gravity flow drain or pumping system to the storm sewer system or stormwater treatment facility. The collection point in the loading dock must include a sand and oil separator.

## CHAPTER 1, ARTICLE 9: OFF-STREET PARKING

### **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 yard setback

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### **10 ARTICLE TEN: SIGN REGULATIONS**

#### **10-1 Purpose and Intent**

It is the purpose and intent of Article 10 to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. The sign regulations in this Chapter are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics, traffic and pedestrian safety. In order to preserve and promote the City of Columbus as a desirable community in which to live visit, work, and play and do business, a pleasing, visually attractive and safe environment is of foremost importance. Further, it continues to be the purpose of Article 10 to promote optimum conditions for serving sign owners' needs and respecting their rights to identification while balancing the aesthetic and safety interests of the community. The regulation of signs within the City of Columbus and its zoning jurisdiction is necessary and in the public interest, and these regulations have been prepared with the intent of enhancing the visual environment of the City and promoting its continued well-being, and are intended more specifically to:

- a. Provide for the registration of permanent sign installers, construction and design standards for permanent signs, and permit requirement for permanent signs and applicable temporary signs.
- b. Accommodate the rights of individuals to freedom of speech, promote equity among businesses and other typical sign users, and enable the fair and consistent enforcement of sign standards;
- c. Recognize the legitimate signage needs of businesses and other interests to communicate messages provide identification, and enable wayfinding throughout the City for tourists and residents;
- d. Ensure that signage contributes to the maintenance of an aesthetically pleasing visual environment by exercising reasonable regulations over type, size, number, appearance, and location;
- e. Protect property values by minimizing the possible adverse effects of signs on nearby public and private property;
- f. Promote public safety and general welfare by ensuring that signs are properly constructed and maintained to protect the general public from property damage and personal injury;
- 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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### **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 is attached.
  4. **Background Panel:** An area distinctively painted, textured, or constructed as a background for the sign copy or a distinctive background area which is used to

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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 Figure 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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

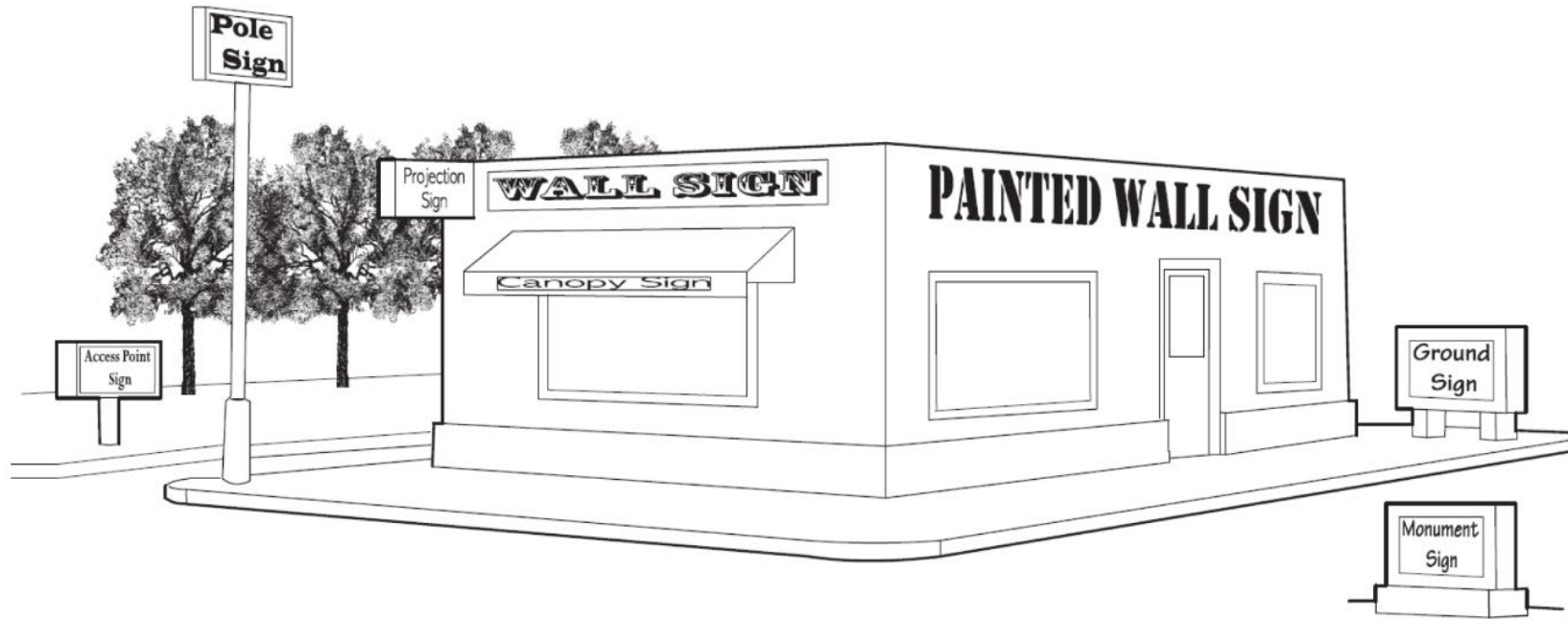
38. Painted Wall Sign: A sign painted directly onto the exterior wall of a building containing a logo, business name, or advertisement. May also be referred to as a Mural-Advertising.
39. Permanent Sign. A sign constructed of durable materials, attached to the ground or a building in a manner provided 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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

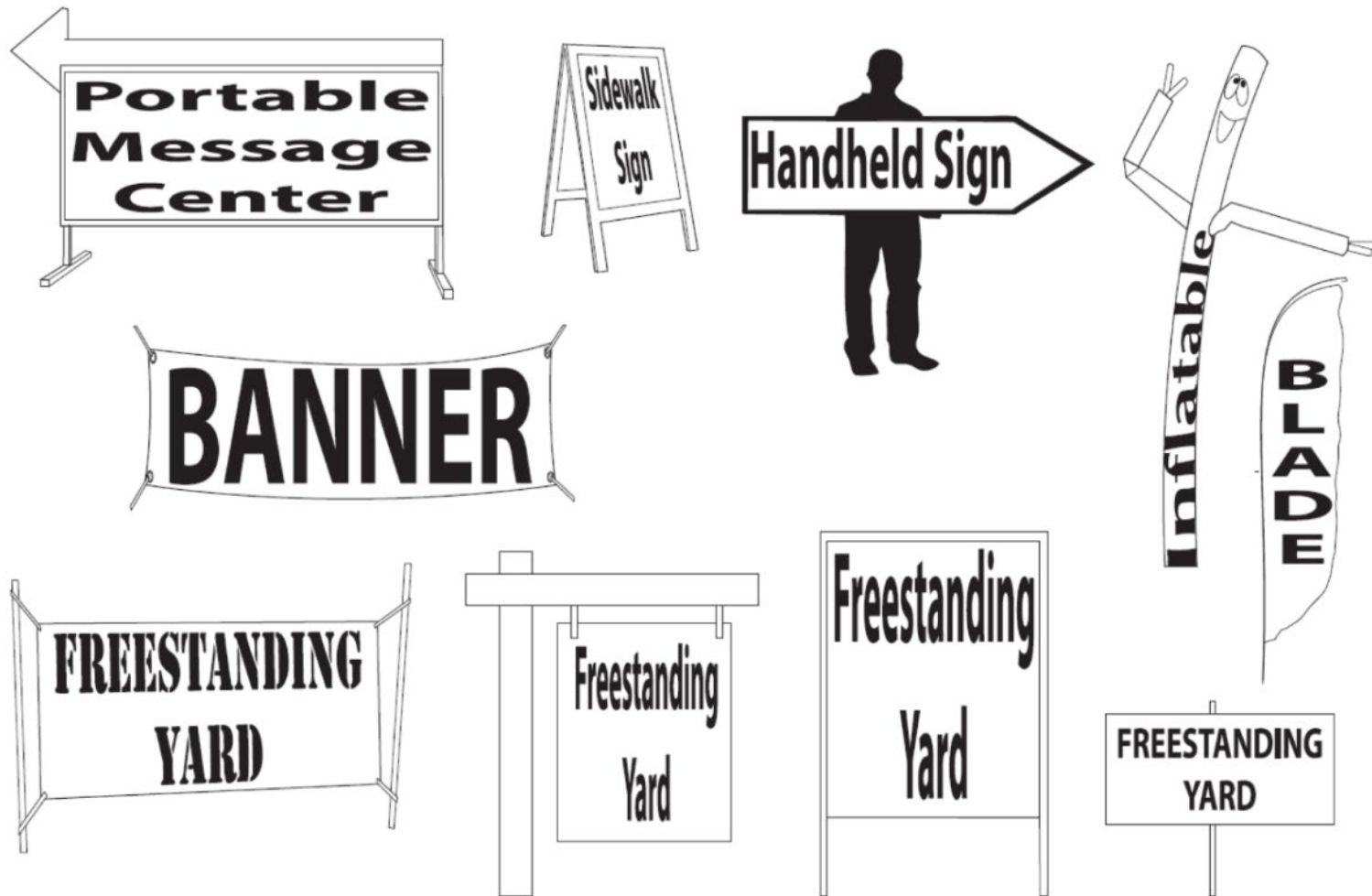
## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

**Figure 10-3 (a): Permanent Signs Example**



CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

Figure 10-3 (b): Temporary Signs Example



## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### **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

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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 or fasteners.

### Exceptions:

- (a) The working strength of chains, cables, guys, or steel rods shall not exceed one-fifth ( $\frac{1}{5}$ ) of the ultimate strength of such chains, cables, guys, or steel.
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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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 (in)	Area (in <sup>2</sup> )	Minimum Thickness of Glass (in)	Type of Glass
30	500	1/8	Plain, plate, or wired
45	700	3/16	Plain, plate, or wired
144	3600	1/4	Plain, plate, or wired
Over 144	Over 3600	1/4	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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

(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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### **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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### **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 10-6(a). 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.

**CHAPTER 1, ARTICLE 10: SIGN REGULATIONS**

**Table 10–2: Permitted Permanent Sign Budget by District**

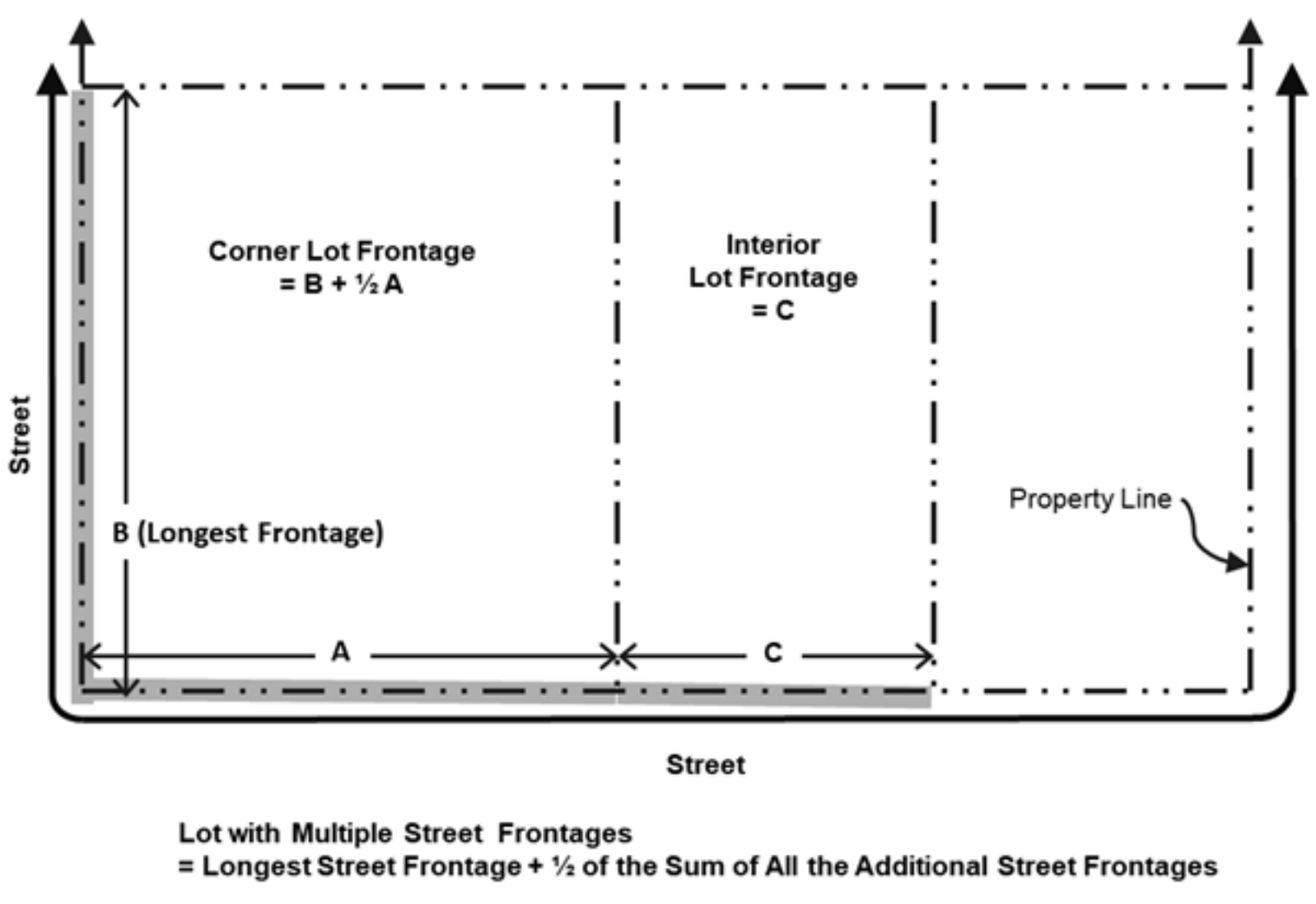
	Zoning Districts								
	AG	RR	R1, R2	R3, NTR	O, LC	UC	Downtown Business District	B1, B2	ML/C-1, MH
<b>Multiplier for Calculated Permitted Sign Budget</b>	0.5	1	1	1	0.5	0.75	1.5	1.5	2
<b>Allowable Minimum Permitted Sign Budget (sq. ft.)</b>	4 RU, 100 NRU	4 RU, 25 NRU	4 RU, 25 NRU	150	200	400	250	400	400
<b>Maximum Permitted Sign Budget (sq. ft.)</b>	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.

CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

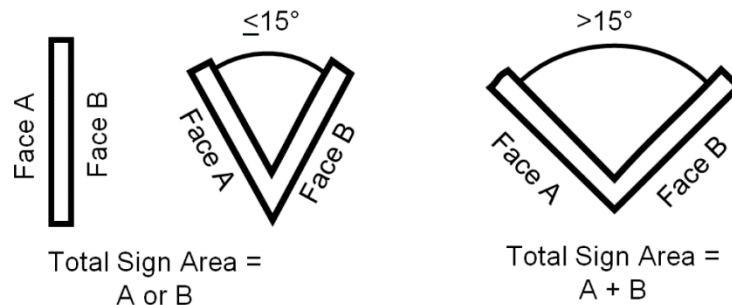
Figure 10-6 (a): Lot Frontage Determination



## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

- 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 10-6(b), below, for a graphic representation.

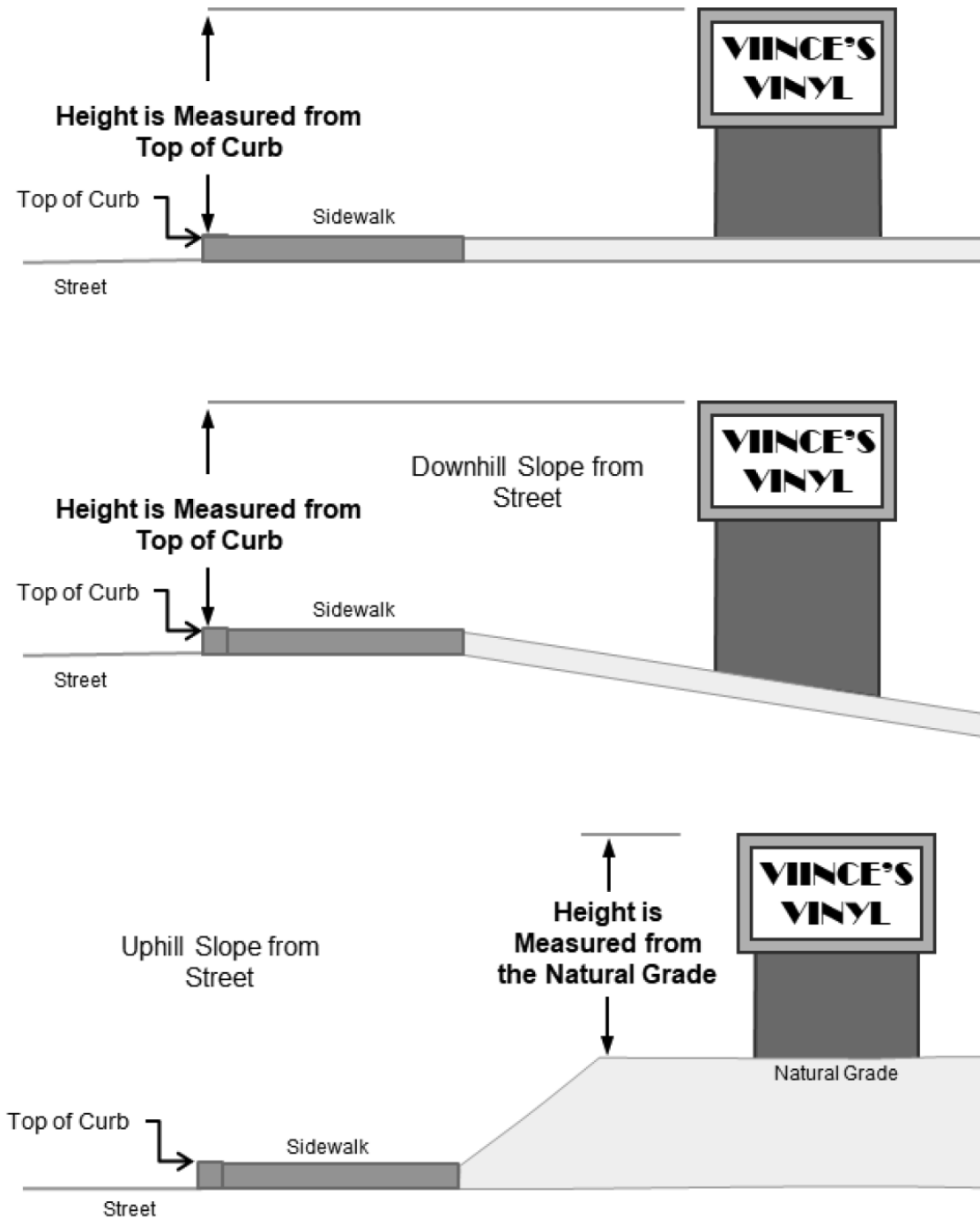
**Figure 10-6 (b): Formulas for Determining Sign Area for Signs with Two or More Faces**



- 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(c) for Measurement of Sign Height graphic.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

**Figure 10-6 (c): 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.

**CHAPTER 1, ARTICLE 10: SIGN REGULATIONS**

**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
<b>Detached Signs</b>												
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)
<b>Attached Signs</b>												
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
<b>Other Regulated Signs</b>												
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/SP*	N/SP*	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

SP = Special Use Permit; can only be obtained by education and religious uses

\* Electronic Information Sign requires issuance of a Special Use Permit pursuant of Section 12-3

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### 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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### 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 <i>(All Detached Signs, Except Where Noted)</i>	Zoning Districts								
	AG	RR, R-1, R-2	R-3, NTR	O	LC, UC	DBD	B-1	B-2	MLC-1, MH
<b># Permitted Per Premise</b>	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
<b>Separation of Signage Per Linear Foot of Premise Street Frontage</b>	NA	NA	1 per 150	NA	1 per 300	NA	1 per 200	1 per 300	1 per 300
<b>Maximum Sign Area per Sign (sq. ft.)</b>	32	32	32	100	150	100	150	200	200
<b>Maximum Height (ft.) Above Natural Grade</b>									
<b>Ground</b>	15	6	6	15	15	15	15	15	15
<b>Monument</b>	15	6	6	15	25	15	25	25	25
<b>Pole</b>	N	N	N	30	45	30	N	45	45
<b>Front Yard Setback (ft.)</b>	25	5	2	2	2	0	-	2	2
<b>Side Yard Setback (ft.)</b>	10	10	2	2	2	0	-	2	2

NA - Not Applicable

N - Not Permitted

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

- 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
<b>Maximum Size of Attached Sign (square feet)</b>	100	32	50	150	150	300	300	300
<b>Maximum % of Street Façade</b>	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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

- (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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

- 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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

**CHAPTER 1, ARTICLE 10: SIGN REGULATIONS**

**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
<b>Banner</b>	Yes*	P	P	P	P	P	P	P	P	P
<b>Blade</b>	No	P	N	N	P	P	P	P	P	P
<b>Flag</b>	No	P	P	P	P	P	P	P	P	P
<b>Freestanding Yard</b>	Yes*	P	P	P	P	P	P	P	P	P
<b>Handheld</b>	No	N	N	N	N	P	P	P	P	P
<b>Inflatable/ Air-Activated</b>	No	N	N	N	N	P	P	P	P	P
<b>Portable Message Center</b>	Yes	P	N	N	N	P	P	P	P	P
<b>Sidewalk</b>	Yes	N	N	N	N	N	N	P	N	N
<b>Window</b>	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

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### 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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

- 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)
<b>Less than 75</b>	2	16	6
<b>75-300</b>	3	36	8
<b>Greater than 300</b>	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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

- 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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

- 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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### **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.

## CHAPTER 1, ARTICLE 10: SIGN REGULATIONS

### 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.

# CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

## 11 ARTICLE ELEVEN: NONCONFORMING DEVELOPMENT

### 11-1 Purpose

Article Eleven shall be known as the Nonconforming Development Regulations. The purposes of these regulations are:

- (a) To allow for reasonable use of legally created lots of record which do not meet current minimum requirements for their respective zoning districts;
- (b) To provide for reasonable use of legally constructed structures which do not meet current site development regulations for their respective zoning districts;
- (c) To allow for the reasonable continuation of legally established uses which do not meet current use regulations for their respective zoning districts;
- (d) To limit the continuation and provide for the gradual replacement of nonconforming uses.

### 11-2 Regulations Additive

Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

### 11-3 Nonconforming Lots

#### a. Pre-Existing Lots of Record

Nonconforming lots of record existing at the time of the adoption of this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by the 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;

## CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

- (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.

## CHAPTER 1, ARTICLE 11: NONCONFORMING DEVELOPMENT

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.

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

### **12 ARTICLE TWELVE: ADMINISTRATION AND PROCEDURES**

#### **12-1 Purpose**

The Administration and Procedures Provisions establish the methods for implementation of the 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;

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

- (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.

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

### 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 Office 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. A complete submission must be provided 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.

## **CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES**

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.

**CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES**

**TABLE 12-1: Criteria for Site Plan Review and Special Use Permits**

CRITERIA		APPLICATION TO	
Land Use Compatibility		Site Plan Review	Special Use Permit
<b>Development Density</b>	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
<b>Height and Scale</b>			
<b>Height and Bulk</b>	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
<b>Setbacks</b>	Development should respect pre-existing setbacks in surrounding areas. Variations should be justified by site or operating characteristics.	X	X
<b>Building Coverage</b>	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X

**CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES**

**TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS**

<b>CRITERIA</b>		<b>APPLICATION TO</b>	
		<b>Site Plan Review</b>	<b>Special Use Permit</b>
<b>Site Development</b>			
<b>Frontage</b>	Project frontage along a street should be similar to lot width.	X	X
<b>Parking and Internal Circulation</b>	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
<b>Landscaping</b>	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
<b>Building Design</b>	Architectural design and building materials should be compatible with surrounding areas or highly visible locations.		X
<b>Operating Characteristics</b>			
<b>Traffic Capacity</b>	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
<b>Land Use Compatibility</b>			
<b>External Traffic Effects</b>	Project design should direct non-residential traffic away from residential areas.	X	X
<b>Operating Hours</b>	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X

**CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES**

**TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS**

<b>CRITERIA</b>		<b>APPLICATION TO</b>	
		<b>Site Plan Review</b>	<b>Special Use Permit</b>
<b>Operating Characteristics</b>			
<b>Outside Storage</b>	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
<b>Public Facilities</b>			
<b>Sanitary Waste Disposal</b>	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
<b>Storm Water Management</b>	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
<b>Utilities</b>	Project must be served by utilities if the property is located within 300 ft of said utility.	X	X
<b>Comprehensive Plan</b>	Projects shall be consistent with the comprehensive development plan of Columbus.		X

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

### 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

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

- (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. Non-Approval of Special Use Permit; Waiting Period

In the event that a Special Use Permit as provided in this Article is not approved by the City Council, no new request shall be made for the same or a substantially similar Special Use Permit within six (6) months of said non-approval thereof or six (6) months from said failure to pass the same.

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

### **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. Rezoning may be initiated by a property owner or authorized agent; the Planning Commission; or the City Council.

#### c. Rezoning Application Requirements

An application for a rezoning may be filed with the Community Development Office. Any such application will not be deemed submitted until all of the stated information is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications will not be placed on the Planning Commission Agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development 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. A complete submission must be provided prior to the staff recommendation that the permit application is to be acted on by 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 12-2 Site Plan Review Procedure.
6. The current zoning and the requested zoning.
7. Be signed by the property owner or the property owner's duly authorized agent.

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

### d. Amendment Process

1. The Planning Commission, following ten days notice as required by 12-4 Amendment Procedure, 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 place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed on or near such premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be the duty of the applicant to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the applicant to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed, it shall be the duty of the applicant to promptly post a new sign for the remainder of the ten-day period.
2. **Notice of Publication:** In the case of text amendments and rezonings, at least ten days before the date of hearing the City Clerk shall have published in a daily newspaper having a general circulation in the City of Columbus a Notice of the time, place and subject matter of such hearing.

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

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. Non-Approval of Proposed Amendment; Waiting Period

In the event that a proposed amendment or change as provided in this Article is not approved 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 non-approval thereof or six (6) months from said failure to pass the same.

### **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.

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

### **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.

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

### 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.

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

### **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

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

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.

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

- (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.

## **CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES**

### **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

## CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

### **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 participants. 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 time, as set by resolution of the City Council, for DRT project review and meetings with project representatives.

Applications will be due seven (7) days 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

- 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 or his or her designee 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

- 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

- 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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

### **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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

- 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 office pursuant to Section 12-3.
- c. The City may reject applications not meeting the requirements stated herein or which are otherwise incomplete.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

- 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;

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

- 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

- 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

- 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

### 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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

- 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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

- 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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

### **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 required for a new tower or facility is \$8,500, and for an eligible facility is \$5,000, 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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

### **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 does not approve the Special Use Permit for Wireless Telecommunications Facilities or if such an ordinance fails to pass, then the Applicant shall be notified of such non-approval 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 does not approve the Eligible Facility Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such non-approval 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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

### **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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

### 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

### **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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

### **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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

- 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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

### **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.

**CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES  
SITING ORDINANCE**

**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

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

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

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

“**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 106<sup>th</sup> 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

### **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) 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.

## **CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE**

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, or his or her designee, 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

- 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.

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

### **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

## CHAPTER 1, ARTICLE 13: WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE

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.

## CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

### **14 ARTICLE FOURTEEN: SEXUALLY ORIENTED BUSINESS**

#### **14-1 Purpose and Intent**

It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the city's jurisdiction. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

#### **14-2 Definitions**

As used in this section, the following terms shall have the meanings indicated:

- 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

## CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

- 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.

## CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

- 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.

## CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

- 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.

## CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

### **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.

## CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

- 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.

## CHAPTER 1, ARTICLE 14: SEXUALLY ORIENTED BUSINESS

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.

## CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

### 15 ARTICLE FIFTEEN: PERMITS TO OCCUPY THE RIGHT-OF-WAY

#### 15-1 Definitions

For purposes of this Article, the definitions of this Section shall apply.

- a. **“Applicant”** means any person submitting an application for a permit under this Article.
- b. **“Facilities”** means pipes, conduits, wires, cables, towers, switches, amplifiers, transformers, fiber optic lines, antennae, poles, ducts, conductors, lines, mains, vaults, appliances, attachments, equipment, structures, manholes, fixtures, appurtenances, and such other objects, devices, or components.
- c. **“Franchise agreement”** means a franchise agreement, consent agreement, or similar agreement pursuant to which the City has granted a person the right to place facilities in its right-of-way.
- d. **“Right-of-way (ROW)”** means the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility, or similar property, but not including a freeway as defined in Neb. Rev. Stat. Section 39-1302, the National System of Interstate and Defense Highways, or a private easement.
- e. **“Technically feasible”** means that by virtue of engineering or, if applicable, spectrum usage, the proposed placement, design, or site location of a facility can be implemented without a reduction in functionality.

#### 15-2 Purpose; Scope; Exceptions

- a. *Purpose.* This Article provides principles and procedures for the placement, construction, operation, maintenance, modification, repair, and removal of facilities in the rights-of-way. These principles and procedures are intended to protect the integrity of the City’s rights-of-way and infrastructure and to promote the safe and orderly use of the rights-of-way among all right-of-way users. To achieve these purposes, it is necessary to require permits for all right-of-way uses, except as prohibited by law, and to establish uniform and nondiscriminatory rules which govern such permits.
- b. *Scope.* This Article shall apply to all facilities located in the City’s rights-of-way, subject to the limitations in this subsection (B), the exceptions provided in subsection (C) below, and preemption by applicable state or federal law. Any person in good-standing under a current, unexpired franchise agreement may continue to use the City’s rights-of-way pursuant to the terms of such franchise agreement, unless otherwise prohibited by law, until the franchise agreement expires or is terminated. This Article shall not apply to the following right-of-way uses which are governed elsewhere as noted:
  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.

## CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

- 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.

## CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

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.

## CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

- d. *Final Review; Issuance; Denial.* Unless tolled the City will review and process the application no later than 90 days after receiving it. The City may extend the 90-day application processing deadline for a period of 10 business days if the City notifies the applicant in advance before the day on which approval or denial is originally due. The City will notify the applicant in writing whether its application has been approved or denied. If the application is denied, the City shall document the basis for denial, including any specific provisions of this Article or other applicable law on which the denial was based. The applicant may cure the deficiencies identified by the City and resubmit the application within 30 days without paying an additional application fee.
- e. *Term and Renewal.* The term of each permit to occupy the right-of-way issued under this Article shall be set forth in the permit. The applicant may apply to renew a permit issued hereunder for an equivalent duration and the City shall renew the permit for such period provided the applicant demonstrates compliance with the criteria set forth in in this Section. Applications for permit renewal may be submitted no earlier than 180 days prior to the expiration of the then current permit and no later than 90 days prior to the expiration of the then current permit. Notwithstanding the foregoing, permit renewals involving Section 13-44 of the 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.

## CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY 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.

## CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

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.

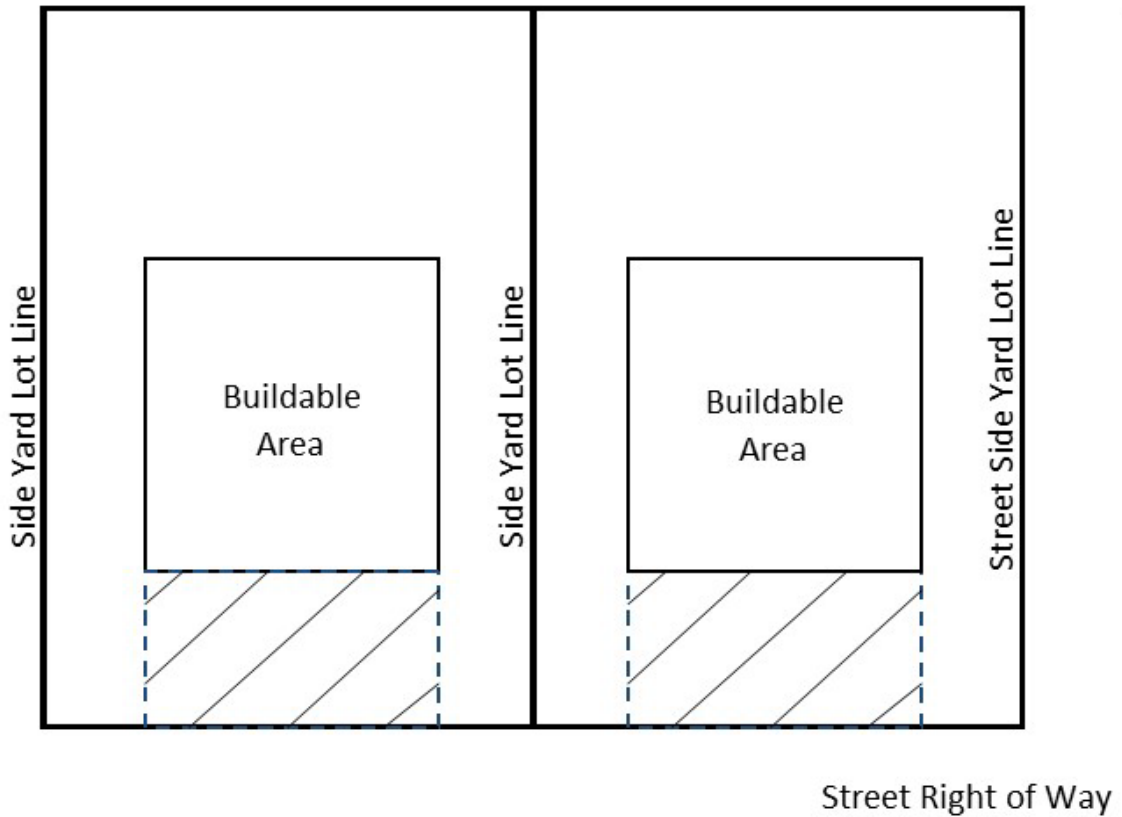
- a. *Undergrounded Facilities.* When facilities are proposed in areas where other similar facilities are currently located underground, said facilities shall be placed underground to the extent technically feasible.
- b. *Existing Aesthetics.* To the extent technically feasible, all ground-mounted facilities shall reasonably match the appearance of existing adjacent developments and infrastructure to promote a uniform appearance.

## CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

- 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.

## CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

**Figure 15-5: Street Right of Way**



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.

## CHAPTER 1, ARTICLE 15: PERMITS TO OCCUPY THE RIGHT-OF-WAY

### **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, ARTICLE 1: GENERAL PROVISIONS

### **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 (CLDO), 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.

## CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

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 or the public storm sewer system.
  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 which includes the Long Range Transportation Plan, the Columbus Land Development Ordinance, the Official Zoning Map, and the City of Columbus's Capital or General Fund Budget.

## CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

### **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.

## CHAPTER 2, ARTICLE 1: GENERAL PROVISIONS

- 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.

## CHAPTER 2, ARTICLE 2: DEFINITIONS

### **2     **ARTICLE TWO: DEFINITIONS****

#### **2-1     **Purpose****

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

#### **2-2     **Definitions of Terms****

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

#### **2-3     **A.****

1. Administrative Official: 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; no additional street right-of-way or other public easement 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. Best Management Practices (BMP). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters of storm water conveyance systems. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal and drainage from raw materials storage.
3. 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.

## CHAPTER 2, ARTICLE 2: DEFINITIONS

### 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 back of curblines to back of curblines. On streets without curbs, the cartway is measured between the outside edges of the established road surface.
2. **Centerline Offset:** The gap between the centerline of roads intersecting a common road from the same or opposite sides.
3. **Channel:** The bed or banks of a natural stream or drainage way, which convey the constant or intermittent flow of water, including storm run-off.
4. **Common Area:** An area within a development that is not individually owned or dedicated for public use, but is designed and designated for common or cooperative use within a development.
5. **Comprehensive Plan:** The Comprehensive Development Plan and Long Range Transportation Plan of the City of Columbus.
6. **Concept Plan:** A preliminary presentation, including any necessary documentation, of a proposed subdivision and/or future development plan, providing adequate information for the purpose of discussion or classification.
7. **Conventional Subdivision:** A subdivision, which literally meets all nominal standards of the 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. **Disturbed Area:** Area of the land's surface disturbed by any work or activity upon the property by means including, but not limited to, grading, excavating, stockpiling soil, fill or other materials, clearing, vegetation removal, removal or deposit of any rock, soil or other materials or other activities which expose soil. Disturbed Area does not include the tillage of land that is zoned for and intent is for agricultural use.

## CHAPTER 2, ARTICLE 2: DEFINITIONS

7. Divided Street: A street whose moving lanes in opposite directions is separated by a physical barrier such as a median.
8. Drainage: The removal of surface or stormwater from land by drains, grading, or other means.
9. Drainage System: The system through which water flows.

### **2-7 E.**

1. Easement: A right-of-way granted 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 street 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, private street, or private drive line.

## CHAPTER 2, ARTICLE 2: DEFINITIONS

### **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; no additional public right-of-way or easement; 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.
5. Municipal Separate Storm Sewer System (MS4): Publicly owned facilities which storm water is collected and/or conveyed including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, pipe storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage ditches/channels, reservoirs and other drainage structures.

### **2-16 N.**

1. National Fire Protection Agency (NFPA)
2. Nebraska Department of Environment and Energy (NDEE): State agency formerly known as the Nebraska Department of Quality and includes some former divisions of the Nebraska Department of Health and Human Services.
3. Notice of Intent (NOI): Associated with the Nebraska Department of Environment and Energy, Construction Storm Water Permit.
4. National Pollutant Discharge Elimination System (NPDES): A permit issued by the Environmental Protection Agency or the Nebraska Department of Environment and Energy as authority delegated pursuant to 33 USC, section 1342(b) that authorizes the discharge of pollutants to waters of the state.

### **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.

## CHAPTER 2, ARTICLE 2: DEFINITIONS

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, including proposed public infrastructure and streets, stormwater treatment and detention system, and internal site layout and building 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. Final plat must be consistent with the preliminary plat.
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.**

### **2-20 R.**

1. Right-of-way: A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission infrastructure, communication infrastructure, gas pipelines, water mains, sanitary mains, or storm sewer mains.

### **2-21 S.**

1. Sanitary Sewer: A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility. In developing areas, sanitary sewers normally include interceptor, outfall, and lateral sewers.
  - (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.

## CHAPTER 2, ARTICLE 2: DEFINITIONS

5. Storm Water Treatment Facility (STF). Permanent best management practices put in place to provide control and treatment of stormwater runoff after construction for land development is complete. These facilities are physical in nature and sometimes referred to as structural BMPs.
6. Street: A right-of-way, dedicated to public use, which provides a primary means of access to an abutting lot or parcel and to the street hierarchy system.
7. 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
8. Storm Water Management Plan (SWMP): City approved documentation supporting analysis, design, maintenance and inspection of storm water treatment facilities.
9. Storm Water Pollution Prevention Plan (SWPPP): A document which narrates the best management practices and activities to be implemented by a person during the construction activities, which identifies sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems and/or receiving waters.
10. 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.

### **2-22 T.**

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 within all adjacent properties and rights-of-way, as well as the changes in elevation, using a 50-foot grid to achieve 1-foot contours throughout.

### **2-23 U-Z.**

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

### **3 ARTICLE THREE: PROCEDURES AND ADMINISTRATION**

#### **3-1 Purpose**

The purpose of this Article is to establish procedures for subdivision applications and for review and action on applications by the City Administration, Planning Commission and the City Council. The procedures are designed to assure adequate review and consideration of subdivision applications, while providing for an orderly and expeditious approval process. The Article provides procedures for the approval of three types of subdivisions: Administrative Subdivisions, Minor Subdivisions, and Major Subdivisions.

#### **3-2 Administrative Subdivisions**

##### a. Scope

The Administrative Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:

1. The subdivision adjusts the lot lines of no more than four (4) existing lots within the City limits or no more than four (4) lots in the Extra Territorial Jurisdiction which are not adjacent to City limits without creating additional or eliminating any lots.
2. The subdivision is served by existing utilities and does not require the creation or extension of streets, utilities or public improvements and no new dedication of public rights of way or easements is involved.
3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the zoning ordinance as evidenced by a site plan prepared by a licensed surveyor.
4. No part of the parcel, tract or lot has been the subject of a previous Administrative Subdivision or Minor Subdivision approval. Once an administrative or minor subdivision has been approved, neither the original nor the resulting parcel(s), tract(s), or lot(s) are eligible for a future administrative or minor subdivision.

##### b. Application and Approval Procedure

An application for an Administrative Subdivision may be approved under the following procedure:

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

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

- (a) Subdivision requested naming is subject to the approval of the Administrative Official. Ideally Subdivision naming would be consistent with the adjacent subdivision names. Subdivision names shall not be duplicated, or similar, and must be appropriate. Subdivision names, or similar naming, which are not contiguous cannot be used.
  - (b) Following submission, the Administrative Official shall review each application according to the following criteria within fourteen (14) working days:
  - (c) Compliance with the conditions contained in Section 3-2 above.
  - (d) Consistency with the Comprehensive Development Plan of the City of Columbus.
  - (e) Potential adverse environmental effects or effects on neighboring properties.
2. 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.
  3. 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.
  4. The Administrative Official shall keep a complete and accurate record of all administrative subdivision approvals.
  5. 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.

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

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.
  - (a) Subdivision requested naming is subject to the approval of the Administrative Official. Ideally Subdivision naming would be consistent with the adjacent subdivision names. Subdivision names shall not be duplicated, or similar, and must be appropriate. Subdivision names, or similar naming, which are not contiguous cannot be used.
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.

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

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, subject to the suggestion of the Administrative Official, the applicant shall meet with the Development Review Team (DRT) regarding general requirements and issues relating to the proposed subdivision.

DRT members will reserve time, as set by resolution of the City Council, for DRT project review and meetings with project representatives.

Applications will be due seven (7) days 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 in the region, 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.

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

3. Within ten working days following the pre-application meeting, pending time needed for any action plan inquires or confirmations, 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.
  5. Major revisions made to the concept plan may require an additional DRT meeting as determined by the Administrative Official.
- d. Preliminary Plat Application
1. Application Requirements

After the DRT meeting, 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.

2. Draft Development Agreement

The preliminary plat application shall include a draft of a Development Agreement on a form provided by the Administrative Official following a format established by the Engineering Department. The Development Agreement, among other things, generally establishes the responsibilities of City and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; the maximum amount of bonded indebtedness to be incurred if public improvements are financed through an Improvement District as provided in State Law and other matters as identified by the Administrative Official for said development. Applicants shall request the draft development agreement a minimum of 7 days prior to submittal deadline. This request must follow the DRT meeting.

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

3. Preliminary Plat Review Procedure
  - (a) After submission of a complete application for a preliminary plat, the Administrative Official and staff shall review the application. 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 all utilities known or on the Digger's Hotline submittal along with any responses which may affect the plat.
  - (b) Subdivision requested naming is subject to the approval of the Administrative Official. Ideally Subdivision naming would be consistent with the adjacent subdivision names. Subdivision names shall not be duplicated, or similar, and must be appropriate. Subdivision names, or similar naming, which are not contiguous cannot be used.
  - (c) 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 14 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 as determined by the Administrative Official.
  - (d) If the Applicant elects to not proceed with the Preliminary Plat after the public notice has been sent in for publishing, the Applicant must provide a written request to the Administrative Official, requesting a delay and provide a date for the next Planning Commission meeting they wish to place it on the agenda. The placement on the agenda will be subject to the approval of the Administrative Official.
  - (e) The Administrative Official shall submit a written recommendation for action to the Planning Commission.
4. Planning Commission and City Council Action
  - (a) The Planning Commission, following at least ten calendar 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, non-approval with no recommendation, 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.

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

- (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.

### e. Final Plat Application Process

#### 1. Application Requirements

Except for a Concurrent Plat Approval Procedure, 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. A note, as required by State Statute, this includes the time needed to advertise for a public hearing. Thus, in order to keep the process on schedule, the applicant is strongly encouraged to include of the complete submittals at the time of the initial application. The applicant shall notify the Board of Education of each school

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

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's ready for signature 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 14 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) If the Applicant elects to not proceed with the Preliminary Plat after the public notice has been sent in for publishing, the Applicant must provide a written request to the Administrative Official, requesting a delay and provide a date for the next Planning Commission meeting they wish to place it on the agenda. The placement on the agenda will be subject to the approval of the Administrative Official.
- (d) 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

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

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 Development Agreement. Developer signature of the Final Deed of Dedication must be obtained and submitted 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, conditional approval, non-approval with no recommendation, 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 calendar 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, non-approval, or denial thereof to the City Council.
- (c) The City Council, following at least ten calendar 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 calendar 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.

## CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION

- f. 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.

**CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION**

**TABLE 3-1: Application Requirements**

Submittal Requirements:

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
<b>PLAT INFORMATION</b>				
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	X	X
Aerial boundary map with adjacent features.	X	X	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

**CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION**

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
<b>PLAT INFORMATION</b>				
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, lot bearings, setback lines, and lot areas in square feet.	X	X	X	X
Remaining property parcel layout of roadways and lots, upon request if applicable.		X	X	
Existing and proposed easements or land reserved for or dedicated to public use; existing and proposed ROW and trails	X	X	X	X
<b>ENVIRONMENTAL INFORMATION</b>				
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	

**CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION**

**TABLE 3-1: APPLICATION REQUIREMENTS**

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
<b>IMPROVEMENTS AND CONSTRUCTION INFORMATION</b>				
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	
Table 3-2 STF identification with completed information			X	
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

**CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION**

**TABLE 3-1: APPLICATION REQUIREMENTS**

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
<b>GRADING AND DRAINAGE PLAN</b> (separate plan sheet) <b>Submittal of a copy of the preliminary plat or design plans without the additional items below is not acceptable and will be considered an incomplete submission.</b>				
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 area key map and calculations including from off-site area traveling through the proposed system		X	X	
Stormwater treatment post-construction facility including elevations and special construction details. Includes Table 3-2 STF identifier on the drainage plan complete with data		X	X	
Floodplain or floodway from latest Flood Insurance Rate Maps (FIRM)		X	X	

**CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION**

**TABLE 3-1: APPLICATION REQUIREMENTS**

	Administrative Subdivision	Minor Subdivision	Major Subdivision	
			Preliminary	Final
<b>PLAT INFORMATION</b>				
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	
<b>SUBMITTAL</b>				
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	

**CHAPTER 2, ARTICLE 3: PROCEDURES AND ADMINISTRATION**

**Table 3-2: Storm Water Treatment Facility Identifier**

<i>STF Type</i>	<i>STF Location (Lat/Long)</i>	<i>Drainage Area (Acres)</i>	<i>Design WQCV (cf) or <math>Q_{wQ}</math> (cfs)</i>	<i>WQCV (cf) or <math>Q_{wQ}</math> (cfs) Provided</i>

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

### **4 ARTICLE FOUR: CIRCULATION SYSTEM DESIGN**

#### **4-1 Purpose**

The purpose of this Article is to assure the development of functional and safe circulation patterns within new subdivisions, in order to encourage economical and effective movement of motor vehicles, bicycles, and pedestrians; provide access for public safety vehicles; and encourage the development of circulation systems that enhance the quality of life within new and existing neighborhoods in the City of Columbus and its planning jurisdiction.

#### **4-2 General Standards**

The design of circulation systems should conform to the following general standards and requirements:

##### a. Roadway System Design

1. The road system shall be designed to permit safe and orderly movement of traffic, to meet but not exceed needs of the present and future served population; to be simple and logical; to respect natural features, topography, and landscape; and to present an attractive streetscape.
2. The system shall conform with the City's Comprehensive Plan, Long Range Transportation Plan, and State of Nebraska Board of Classification and Standards. For streets not shown on the Comprehensive Plan and Long-Range Transportation Plan the arrangement of public streets shall provide for the logical extension of existing public streets, proposed public 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 public streets to subsequent, later developments as determined by the Administrative Official and City Engineer.

##### 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.

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

5. Bikeways or recreational trails shall be required only if specifically indicated by the Comprehensive Plan, Long Range Transportation Plan, or Master Trail 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**

1. Characteristics of the Hierarchy
  - (a) Streets shall be classified according to a street hierarchy with design tailored to function with existing and proposed traffic or turning movements.
  - (b) Each street roadway shall be classified and designed to meet appropriate standards.
  - (c) The categories, functions, and projected traffic loads of the street hierarchy are set forth in Table 4-1.
2. Cartway Width
  - (a) Cartway width for each street classification is determined by parking and curbing requirements based on form or intensity of adjacent development.
  - (b) To promote economic development of streets, minimum cartway widths shall be used. Minimum cartway widths are set forth in Table 4-2.
3. Curbs, Gutters, and Shoulders
  - (a) Curbing shall be required for the purposes of safety, drainage, and protection of the pavement edge, as set forth in Table 4-3.
  - (b) 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:
    - (1) Rural: Rural Residential or predominately agricultural land.
    - (2) Urban: Residential land use; or adjacent land uses which include commercial, office, industrial, or civic use types.
  - (c) Where curbing is not required, edge definition, shouldering, and stabilization shall be provided.
  - (d) 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.

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

- (e) All curbs shall provide ramps for accessibility by handicapped people consistent with the requirements of the Americans with Disabilities Act.
  - (1) Curb construction shall follow standards established by the City of Columbus.
  - (2) Curb cuts for driveways may be ground smooth to a two-inch drop curb in residential. Maximum curb cut length as measured along the street back of curb is 40 feet including any radii or wings. Radii or wings matching into the public street must remain within the property as projected.
  - (3) Curb cuts may be ground smooth to a two-inch drop curb in commercial areas with lots less than 4,500 square feet in total size. Maximum throat width is 30 feet with a maximum curb cut length with two 20-foot radii measured along the street back of curb is 70 feet. Radii returns matching into the public street must remain within the developed property as projected.
  - (4) Curb cuts in commercial areas with lots greater than 4,500 square feet in total size shall be sawed straight and removed to a 2-foot lug and a two-inch drop curb to total pavement thickness shall be constructed. Grinding is not accepted. Maximum throat width is 40 feet. The maximum curb cut length as measured along the street back of curb with two 20-foot radii is 80 feet and 30-foot radii is 100 feet. Radii returns matching into the public street must remain within the development property as projected.
  - (5) Curb cuts 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. Grinding is not accepted. Maximum throat width is 50 feet. The maximum curb cut length as measured along the street back of curb with two 20-foot radii is 90 feet up to a maximum of 50-foot radii is 150 feet. Radii returns matching into the public street must remain within the development property as projected.

### 4. Sidewalks

- (a) Sidewalk requirements are determined by road classification and intensity of development, as set forth in Table 4-3.
- (b) 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.
- (c) In conventional residential and commercial development, shall be placed generally parallel to streets within right-of-way located 4-foot from the property line. 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.
- (d) In the B1 zoning district, sidewalks may abut curb. Subject to the approval of the City Engineer. Sidewalk landscaping requirements must be met.
- (e) 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.

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

- (f) Sidewalks shall provide a clear paved 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.
  - (g) 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 in residential and five inches thick in commercial and industrial 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.
  - (h) All sidewalks, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.
5. Bikeways and Recreational Trail
- (a) Bikeways and recreational trails shall be required in subdivisions when specified as part of the comprehensive development plan or master trail plan.
  - (b) All off-street recreational trails shall be 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 American's with Disability Act ramps or other preapproved rare occurrence. . 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.
  - (c) Recreational trails may satisfy part of the requirements of this ordinance for sidewalks or open space.
  - (d) Trails shall provide a clear path free of any obstructions a minimum of one foot on both sides.
  - (e) All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets.
  - (f) All trails, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.
6. Right-of-Way
- (a) 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.
  - (b) Any right-of-way that continues an existing street shall be no less than that of existing street.
  - (c) The requirements for right-of-ways for functional categories of roads is set forth in Table 4-3.
  - (d) Dedications: Dedications of right-of-way for collector, sub collector, community, or arterial streets shall be made consistent with the comprehensive development plan.

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

### 7. Street Design Standards

#### (a) Pavement

- (1) All streets shall be paved to current standards utilized in the City of Columbus except:
  - a. Local streets in rural intensity residential subdivisions. In these settings, streets may utilize an aggregate 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.
  - b. Courts or Plaza not within the corporate limits or being annexed as part of the development, may utilize a minimum thickness of six-inch aggregate or crushed rock surfacing, provided that such courts or lanes remain in private or private cooperative ownership.
- (2) Street pavement thickness shall relate to the role of the street in the hierarchy, sub-grade conditions, and pavement type.

#### (b) Continuity of Arterial or Collector Streets

- (1) No subdivision shall prevent the extension of arterial or collector streets through and beyond the subdivision. Private Streets cannot emulate a public street or prevent the logical extension of public streets or those planned in the Comprehensive Plan. The subdivider may plan and design collector streets not designated in the Comprehensive Development Plan subject to the approval of the City Council.

#### (c) Arterial Street Construction Alternate

- (1) 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.

#### (d) Cul-de-sacs and Street Bulb-Outs

- (1) 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.
- (2) Street bulb-outs may be utilized on Local streets if approved by the City Engineer.

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

### (e) Street Intersections

- (1) 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.
- (2) In most cases, no more than two streets should intersect at a single intersection.
- (3) Local street intersections with major arterials should be avoided.
- (4) 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 street 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.
- (5) 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.
- (6) Intersections and driveways shall not be within 200-feet of all types of Arterial roadways, major roundabouts, or signalized intersections. Driveway requests closer than 200 feet in residential area may be requested and are subject to the City Engineer's review and approval.

### (f) Block Size

- (1) The length, widths, and shapes of blocks shall be suited to the proposed area land use and design of the proposed subdivision and area properties. Blocks within residential areas should generally not exceed 1200 feet in length, unless necessitated by exceptional topography or other demonstrable (non-financial) constraints.

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

### 8. Street Names

- (a) 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:

<b>Street Direction and Type</b>	<b>Name</b>
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)

### 9. Adjacency to Arterials and Railroads

- (a) Where the subdivision is adjacent to or contains a street designated as a major or minor 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 or commercial property and separation of through and local traffic as determined by the City Engineer.
- (b) Where the subdivision is adjacent to or contains a railroad right-of-way or limited access highway or arterial, 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.

### 10. Prohibited Practices

- (a) The following design practices shall be prohibited:
- (1) Privately-owned reserve strips controlling access to streets, sidewalks, trails, utilities or similar.
  - (2) Private Streets emulating public streets and allowing continuation of local, collector or arterial existing roadways or those planned in the Comprehensive Plan.
  - (3) Half-or reduced standard width streets.
  - (4) Public alleys, except in a B1 zoning district.

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

### **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 subject to approval of the City Engineer.
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 by the Developer 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.

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

### 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. Relocation of existing above ground power lines with above ground power lines which are needed for development is subject to pre-approval of the Administrative Official.

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

**TABLE 4-1: Street Hierarchy**

Residential Street Type	Function	Guideline Maximum ADT
<b>Private Street or Frontage Road (Private)</b>	Street providing private or controlled access must meet State Fire Marshall turnaround requirements for emergency vehicles and NFPA standards. Private streets may not emulate public streets or prevent the logical extension of existing public roadways or those planned in the Comprehensive Plan.	120-150
<b>Local</b>	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed.	250-1,000
<b>Collector</b>	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
<b>Minor and Other Arterials</b>	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
<b>Major Arterial</b>	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+

**CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN**

**TABLE 4-2: Cartway Width**

<b>Street Type</b>	<b>Moving Lanes</b>	<b>Parking Restrictions</b>	<b>Total Width Measured back of curb to back of curb</b>	<b>Maximum Grade</b>
<b>Private Street or Frontage Road (Private)</b>	Two 12-foot	None, but must meet NFPA standards	24 feet	10%
<b>Local</b>	Two 12-foot	None	33 feet	10%
<b>Collector</b>	Two 12-foot through lanes	May be limited, must meet NFPA standards	33 feet	10%
<b>Minor and Other Arterials</b>	Each through lane 12-foot and/or Two 12-foot with one 14-foot center lane	No parking	41 feet	7%
<b>Major Arterials</b>	Three or more 12-foot	No parking	Minimum 41 feet	Meet design guidelines

## CHAPTER 2, ARTICLE 4: CIRCULATION SYSTEM DESIGN

### 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**

<b>Street Type</b>	<b>Curb / Shoulder</b>	<b>Sidewalk</b>	<b>Sidewalk Setback</b>	<b>Total ROW</b>
<b>Private Street or Frontage Road (Private)</b>	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)
<b>Local - Rural</b>	Minimum 6-foot turf	May Not be Required	NA	60 or 66 feet*
<b>Local - Urban</b>	Curb	Both sides	4 feet or 2 feet in cul-de-sacs	60 or 80 feet*
<b>Collector</b>	Curb	Required both sides	4 feet	60 or 80 feet
<b>Minor or Other Arterial</b>	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.

## CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

### **5     ARTICLE FIVE: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE**

#### **5-1    Purpose**

The purpose of this Article is to assure that all subdivisions developed in the City of Columbus and its jurisdiction are adequately furnished with necessary public services. These services include adequate water, waste management, and storm water drainage utilities; and park and open space resources.

#### **5-2    Water**

##### a. Connection

1. All installations shall be properly connected to an approved and functioning community water system and in accordance with any and all design and construction manuals.
2. Where City water is accessible within 300 feet of the final plat, the subdivider shall connect to the system and provide adequate lines and stubs to each lot. When City water is not accessible within 300 feet of the final plat, the subdivider shall make provision for a water supply 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.

## CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

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 half of an acre, if restricted by the Nebraska Department of Environment and 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.

## CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

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 post-construction storm water treatment facility and detention system in accordance with the Storm Water Management Plan and City Code Chapters 53 and 54. This system shall be discussed at the pre-application DRT 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.

## CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

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, Storm Water Management Plan, Drainage Manual, 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 pre-development burdened with surface waters should have the effects ameliorated as much as possible.
  5. Peak flow rates out of the subdivision or development shall not exceed pre-development rates. Detention system must be provided within the development, as part of a regional system, or other city program. The detention system must be located a minimum of 10 feet from any public right-of-way.
  6. Design shall use the best available technology to minimize off-site runoff, encourage natural filtration, simulate natural drainage, and minimize discharge of pollutants.
  7. No surface or point source water may be channeled into a sanitary sewer system.
  8. Where possible, a subdivision's drainage system shall coordinate with that of surrounding properties or streets.
  9. The pre-application information should include drainage impacts and shall be discussed with the DRT members.
  10. Post-construction stormwater treatment and detention system within the development must remain to be owned by the Developer, home owners association or similar association or district. They cannot be sold in part of whole to individual property owners in residential or commercial districts. The Environmental Protection Agency and the Nebraska Department of Environment and Energy require privately owned and operated systems to be inspected and maintained in accordance with a Maintenance Agreement as made part of the Development Agreement. Publicly owned and operated systems have the same inspection and maintenance requirements.
- b. Construction Stormwater Pollution Prevention Plan and Notice of Intent
1. In accordance with the Environmental Protection Agency, Nebraska Department of Environment and Energy (NDEE) and City Code Chapters 53 and 54, and the Storm Water Management Plan (SWPPP), prior to disturbance of one acre, the Developer must obtain a NDEE Construction Runoff NOI which includes a Stormwater Pollution Prevention Plan and provide a copy to the City Engineering Department. The SWPPP must be developed and signed by a certified official.

## CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

2. Individual residential or commercial developments which are at or over one acre and which the developer is maintaining their NOI do not have to submit their own NOI or SWPPP. However, if the development NOI is terminated, a NOI must be obtained through the NDEE.
3. Individual residential or commercial developments which are under one acre need to complete an Individual Lot Plan as part of the Building Permit process. If under one acre, you do not need a NDEE NOI unless due to the potential or actual contamination of waters of US, unless one is requested by the City Engineer.
4. The SWPPP Best Management Practice (BMP) must include perimeter stormwater protection by constructing a silt fence or other BMP that is applicable for the topography and situation, such as, waddles on side slopes. The use of earthen berms as a perimeter BMP is not acceptable usage. Additional BMPs shall be provided as designed and shown on the SWPPP including, but not limited to, inlet protection, wet land protection, track out pad(s), concrete wash out (if applicable) and signage.
5. Developer must notify the City Engineering Department, Project Manager, a minimum of 72 hours in advance of the following:
  - (a) Preconstruction conference location and time upon which the NOI, SWPPP, and contact information for the certified inspector shall be provided and discussed. The City Project Manager, and/or City Construction Observer, or another City designee, will attend the meeting.
  - (b) Upon final construction of the initial BMPs for an inspection and approval to proceed with the earthwork or construction phase.
6. BMPs and development must be inspected in accordance with the SWPPP by certified officials, keep SWPPP records and documents updated, and be available to report to the City or NDEE upon any inspection.
7. The Developer and Post-Construction owner or association must provide storm water treatment facility and detention inspections and maintenance in accordance with the Maintenance Agreement and Development Agreement for system on the development. Any required maintenance work must be completed within the required work timeline.

### **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.

## CHAPTER 2, ARTICLE 5: PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

### c. 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. Backlot utility or drainage easements a minimum of 10 feet in width, or wider for that required to carry the design and larger storm events as determined in the drainage calculations, shall be provided and shown on the plat.

### d. 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

1. 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.
2. Such fee shall be determined by the City Engineer based on most recent, similar construction type.
3. If an agreement or impact fee is required, details shall be included in the Development Agreement.

## CHAPTER 2, ARTICLE 6: IMPROVEMENT PROCEDURES

### **6 ARTICLE SIX: IMPROVEMENT PROCEDURES**

#### **6-1 Purpose**

The purpose of this Article is to ensure the proper installation and maintenance of required streets, utilities, and other improvements. The agreement for improvements shall be structured to provide adequate assurances to the City while not adding unnecessary costs to the developer.

#### **6-2 Application**

- a. This article applies to subdivisions which require the installation of streets, utilities, or other public improvements by the developer.
- b. As a condition of the final approval of the plat and prior to its recording with the Platte County Register of Deeds, the City Council shall require and accept the following:
  1. The furnishing of a performance bond, letter of credit, cash escrow, or other guarantee in a form acceptable to the City, in an amount not to exceed 120% of the estimated cost of the improvement installation.
  2. A specification of the time allowed for the installation of improvements. This period may be extended by the City Council.
  3. The performance guarantee 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, a minimum of 72 hours, 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, SWPPP inspector, 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 within 7 calendar days of the meeting.

#### **6-4 Notification of Completion and Acceptance by City**

- a. Notification
  1. 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.

## CHAPTER 2, ARTICLE 6: IMPROVEMENT PROCEDURES

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. The 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

18. **ORDINANCES ON THIRD READING - None**
19. **CONSIDERATION OF PAYROLL AND BILLS ON FILE - Included in Consent Agenda.**
20. **UNFINISHED BUSINESS - None**
21. **ADJOURNMENT**